

redesigning *the state*

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Scotland**

*Gerry Hassan*

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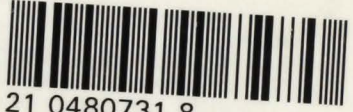
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## The Fabian Society

The Fabian Society is Britain's senior think tank. Concerned since its foundation with evolutionary political and economic reform and progressive social change, the Fabian Society has played a central role for more than a century in the development of political ideas and public policy on the left-of-centre. The Society is affiliated to the Labour Party but is editorially and organisationally independent. In recent years the Society's work on the modernisation of the Labour Party's constitution and its analysis of changing political attitudes have played a significant part in the renewal of the party's public appeal.

Today the Fabian Society seeks to help shape the agenda for the medium and long term of the new Labour Government. Analysing the key challenges facing the UK and the rest of the industrialised world in a changing society and global economy, the Society's programme aims to explore the political ideas and the policy reforms which will define the left-of-centre in the new century. Through its pamphlets, discussion papers, seminars and conferences, the Society provides an arena for open-minded public debate.

The Fabian Society is unique among think tanks in being a democratically-constituted membership organisation. Its five and a half thousand members engage in political education and argument through the Society's publications, conferences and other events, its quarterly journal *Fabian Review* and a network of local societies and meetings.

## Redesigning the State

The Fabian Society's programme on 'Redesigning the State' seeks to examine the role and form of a state appropriate to 21st century Britain. In recent years the role of the state has come under multiple challenge: its ability to tax adequately and to deliver public services efficiently has been widely doubted, while 'globalisation' has apparently raised questions of its economic competence. Public confidence in the institutions of government is in long term decline.

The Fabian Society's programme aims to reassess the purpose and critical functions of the state in a changing social and economic context. Central to this are the questions of the levels at which the state should operate, from the local to the supra-national, and to the maintenance of an appropriately funded public sphere. It hopes to contribute to the renewal of democratic legitimacy by exploring ways of improving the relationships between citizens and their governments, including constitutional reforms. And it seeks to identify how the state can improve the delivery of public services for both customers and citizens.

# The New Scotland

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This pamphlet is dedicated to home rule supporters everywhere, including those who championed the cause through many lean years and those who have not lived to see the establishment of a Parliament, including my father, Edwin Hassan (1933-1993).

## 1. The dream of Scottish home rule

These are exciting and dynamic times in Scottish politics when the dreams and aspirations of over a century of home rule campaigners are calmly becoming reality. The return of a Labour Government on May 1st 1997 with an historic 179 seat overall majority committed to legislate for a Scottish Parliament in the first year, the wipe-out of Scots Tory MPs, the publication within three months of a widely praised White Paper, and the resounding 'Yes, Yes' referendum vote, have all contributed to the most favourable imaginable circumstances for the passing of a Scotland Bill through the Houses of Parliament.

The ghosts and pains of the 1974-79 devolution debates - that Labour could not deliver devolution, the House of Commons or Lords would never agree to radical constitutional reform, that the Scottish home rule parties could never work together because of their divisions, or that after the 1979 referendum, the Scots would never have the self-confidence to vote for change - have one by one been slain or put to rest.

This fast changing Scottish political environment throws up new questions for all the political parties. What policy issues can a Parliament address, and how will it change the politics, culture and organisation of the parties and civil society? New relationships will begin to evolve between the Scottish and British Parliaments, and between the Scottish political parties and (with the exception of the SNP), their British counterparts, which will reveal tensions and strains. In many respects, these will be most pronounced in the Labour Party, as it is the dominant party north of the border and in Government at the UK level. In what ways will the 'New Labour' agenda impact on Scottish Labour and the Scottish political system? And what influence will the 'new politics' agenda have with its avowed aim of avoiding a 'Westminster of the North' ?<sup>1</sup>

Finally, Labour's constitutional reforms have rightly prioritised the implementation of devolution to Scotland and Wales and securing a peace settlement in Northern Ireland, but do not yet sit within a coherent framework that points the way towards a new territorial settlement for the United Kingdom. Labour's current stance - to implement radical, but piecemeal reform, while maintaining the politics of Westminster sovereignty and the unitary state - is not sustainable. Instead, we need to think out a new practical politics of decentralisation which maps onto the realities of the United Kingdom. This has to engage with issues such as the different demands for decentralism and inventing a new credo for the politics of the limited centre. Such challenges can be addressed, through radicalism and innovation by the Labour Government, and in so doing reshape the United Kingdom in a way that endures long after Tony Blair's Premiership passes into history.

The main arguments of 'The New Scotland' are:

- Scottish politics have been profoundly changed since 1979 and this is the product of both short-term (Thatcherism) and long-term factors (decline of Empire).
- The influence of a Scottish centre-left home rule consensus has been so persuasive that it has largely ignored the need to develop a radical programme for a Scottish Parliament.
- For the Scottish Parliament to succeed, it will have to break with much of what passes for conventional wisdom on the Scottish left.
- It will have to develop new models of service provision and be an enabling, empowering agency which breaks with the past practices of British Government and Scottish local government.
- The Scottish Parliament has to relate to the economic, social and cultural changes in the last twenty years from Scotland's changing industrial base to its more open social structure. Centralist and statist solutions which were relevant to the Scottish Assembly in 1979 are no longer applicable.
- It must work within the grain of the wider environment of limited government, low taxation and wider personal choice, rather than turn back the clock on everything that has happened since 1979 - as some on the Scottish left hope.
- The limits of the 'new politics' thesis have to be acknowledged, based as it is on support for a more consensual kind of politics.
- The nature of the Scottish consensus has to be put under more detailed scrutiny, along with the lack of diversity in much of Scottish public life and civil society.
- The establishment of a Scottish Parliament will mean that the main political parties will have to turn their attention to economic and social issues. This will force the Scottish left to develop policies which break with its conservative agenda of the Scottish status quo.

One of the main arguments running through 'The New Scotland' is that many of the most fundamental challenges will be faced by the Scottish Labour Party, given its historic dominance in Scotland and its governing role at a British level. The main challenges outlined include:

- Scottish voting patterns for the new Parliament are shifting from the traditional asymmetrical system of Labour dominance to a two party competitive contest between Labour and SNP. This will throw up new

challenges to Scottish Labour and require a very different kind of politics.

- Scottish Labour has to develop an autonomous strategy by borrowing skills and resources from the British Labour Party and developing itself into an effective electoral force.
- The party has to achieve a delicate balancing act between Westminster MPs wanting to stand for a Scottish Parliament and recruiting new talent.
- While Scottish Labour has to begin developing a Scottish orientated strategy towards the Parliament, it also has to develop a British strategy for the British Parliament. This will involve a nationalist strategy at one level and a Unionist one at the other, institutionalising the previous internal settlement within Scottish Labour.
- The 'West of Scotland Labour Question' must be addressed, namely the quality of Labour representation at a local and national level in the West of Scotland.
- The 'West Lothian Question' has to be answered politically through patchwork devolution in the short-term and a federal, decentralised Britain for the future.
- Labour has rightly addressed the issue of the number of Scottish MPs at Westminster post-devolution and should also review the Barnett funding formula and post of Secretary of State for Scotland.
- Labour should establish a Commission on the Governance of the UK similar to the Jenkins Commission to look at a framework for UK Government post-devolution.



## 2. Scottish politics at the millennium

What is Scotland and what is Scottish politics? To the majority of people in the UK (i.e. the English), Scotland is an afterthought: something that is not in the forefront of their minds because it does not directly impact on their lives. The exact opposite is true for how the Scots see England because no matter what views they hold, there is no avoiding the fact that for Scots their relationship with England still defines a large part of how they see themselves and the world.

Scottish politics can be seen through two perspectives: the Scottish dominated agenda of the Scottish media and press, and the Westminster obsessed agenda, whereby Scottish politicians are often merely bit parts in major British political dramas (while many senior Scottish Labour politicians have semi-detached relationships with Scottish politics). These two perspectives influence the shape of Scottish politics and the strategies of the major political parties.

The Scottish political environment is slowly facing up to the biggest period of change and challenge it has ever witnessed: the establishment of a Scottish Parliament. This is due to a number of factors, short and long-term, with major implications for a number of the players and institutions.

Long-term changes in the position of Scotland have been affected by British economic decline. A general sense of Britishness has been profoundly weakened by the erosion of such internal supports as Protestantism, the monarchy and the loss of Empire. Contemporary Scottish nationalism has moved to fill this gap.

Short-term developments have added to these trends. The experience of Thatcherism further alienated many Scots from institutions of the British state. The post-war settlement with the welfare state and NHS were profoundly British institutions, and their retrenchment under Thatcherism exposed the fragility of British identities.

Two-thirds of Scottish people now define themselves as having a Scottish or predominantly Scottish identity against less than one in ten British or predominantly British.<sup>2</sup> Over the last 20 years, this Scottish/British cleavage has become a defining factor between the political parties, with all, bar the Conservatives, wanting to appear more Scottish than each other. This terrain begun to shift with Michael Forsyth's ill-fated attempt to rebrand the Conservatives as Scottish and more profoundly, with New Labour's British orientated strategy.

Scotland in the UK has always been a constitutional anomaly - 'a stateless nation'<sup>3</sup> or 'a decapitated national state'<sup>4</sup> - a distinct, defined nation in what is supposed to be a unitary state. However, the UK is in practice not as simple and easy to understand as a unitary or a federal state, but something

blurred and the product of typical British compromise and incremental reform. It incorporates both a high degree of centralism and parliamentary sovereignty, with agreed different institutional arrangements for its four nations.

The view of Scottish Labour has for long shaped these arrangements in terms of Scotland. In its 110 year history, Scottish Labour has alternately blown hot and cold on the home rule question, sometimes seeing it as part of the unbroken radical tradition of Scottish dissent from Gladstonian Liberalism and Keir Hardie socialism and at other times seeing it as a parochial, reactionary politics holding up socialist progress. The conflicts and dilemmas that have produced these changes will not suddenly go away or be resolved with the advent of a Parliament, but instead will be institutionalised. This is because the nature of these conflicts goes deeper than whether Scotland has a Parliament or not. They reflect the tensions and fault lines in all Scottish political parties (including the SNP), public institutions and civil society between Scottish and British strategies. For Scottish Labour, these issues are expressed in the extent to which it can follow its own agenda and the degree of autonomy it enjoys within British Labour. The relationship of Scottish and British Labour is analogous to that of Scotland in the Union: a constantly changing one, of 'managed' and 'partial autonomy'<sup>5</sup> and shared sovereignty between two clearly unequal partners.

A Scottish Parliament changes the way Scottish politics are dealt with, managed and negotiated, and alters the nature of the United Kingdom. Scottish politics remain in the UK political system, but from a more semi-detached position.

New pressures and opportunities will exist for political parties and civil society to respond differently to internal and external constraints and to Scottish and British audiences. Scottish political parties have traditionally engaged in the delicate process of 'bridge building'<sup>6</sup> representing British interests in Scotland and as advocates for Scotland at Westminster. This careful balancing act will have to change with the advent of the Parliament.

### 3. A radical agenda for a Parliament

The campaign for Scottish self-government has often looked exclusively at ways of achieving a Parliament and proving to Westminster that there was a massive wave of support in Scotland for change. It has completely failed to address how a Parliament will make a difference to the lives of most Scots by improving the economic and social conditions of the people.

#### The strength of the Scottish consensus

This failure is not just due to lack of resources and time, or even prioritising the more important need to get a Parliament first. It springs from the assumption that a Scottish Parliament will be a product of the centre-left consensus in Scotland which portrays Scotland as a radical, egalitarian, community minded society and which will thus automatically mean that a Parliament will make a difference. Richard Parry writes of this attitude: 'devolution is less a search for policy development than an expression of political identity and as such an unstable settlement.'<sup>7</sup>

The idea of an all-persuasive anti-Tory consensus has grown over eighteen years of Conservative Government to the extent that a notion of national homogeneity has developed - of Scotland as left-wing and anti-Tory and England as right-wing and Tory. This has had implications for the development of a radical, dynamic and detailed agenda for a Scottish Parliament, with the prevailing view of the Scottish consensus that because a Parliament will be the express will and living embodiment of the consensus, it is axiomatic that the Parliament will be a radical force and make a difference.

This perspective is so strong that with less than a year to the first Scottish Parliament elections, very little serious policy development and analysis about its work and role have taken place. The Scottish home rule consensus has focused for many years primarily on institutional processes and politics. Lindsay Paterson expressed concern when he asked three years ago: 'What will a Scottish Parliament actually do? ... the leaders of the Scottish consensus are ill-prepared for autonomy. They have devoted all their analytical activities to how to achieve a Scottish Parliament, and have virtually ignored what they can do when they get there.'<sup>8</sup>

This Scottish anti-Tory consensus could lead to a Scottish Parliament being established in 1999 without any of the political parties, think tanks or prominent agencies in Scottish civil society having any positive agendas or policy strategies for it, because they have been too fascinated for the last two decades of uninterrupted Tory rule with maintaining this idea of consensus. Across Scottish civil society, the orthodoxies of public intervention and collectivism are repeated as if Thatcherism never happened.

Richard Parry has posed three social policy futures for the Parliament: 'Professionally based stasis' where the Scottish professional classes use their influence to maintain their advantaged position; 'Innovative social policy' with flexibility and client-led policies; and 'conflict-ridden social policy' based on differences between expectations of a Parliament and its actual policy agenda.<sup>9</sup> This has to be seen in the context of the Scottish left's defensiveness and blanket opposition to a Thatcherite agenda post-1979, while at the same time the English left has responded to the crisis of social democracy by developing new notions of citizenship and civil society.<sup>10</sup> The Scottish left's silence in these areas does not auger well for a radical agenda for a Parliament, but rather stasis or conflict.

The administration of the Scottish status quo or disillusionment of the hopes of the Parliament can only be challenged by thinking afresh about the policy agenda and environment of the new body. That requires acknowledging the changes that Thatcherism aided and encouraged post-1979, such as limited government, low taxation, increased labour market flexibility and wider personal choice and working with these trends to develop policies on greater opportunity and tackling social inequalities.

A Scottish Parliament cannot put the clock back and has to operate within the terrain of what has been called, borrowing from Will Hutton's analysis of contemporary Britain, 'the three Scotlands': the settled, insecure and excluded Scotlands.<sup>11</sup> These social realities are similar to those found across the Western world, but there has been a tendency for the Scottish consensus to assume that Scotland was immune from such social change, or could be made so by active government. It is still the driving force behind some of the Scottish left's support for a Scottish Parliament.

A Scottish Parliament will have control over the Scottish Office expenditure of £14.523 billion - £2,830 per head.<sup>12</sup> It will control most aspects of Scottish life and is a step forward compared to the politics of 'Our Changing Democracy' - the previous Labour Government's last White Paper on Scottish devolution and the ill-fated Scotland Act 1978. It will have control over most of Scottish domestic life bar macro-economic policy and social security with 62.9% of Scottish identifiable public expenditure and 48.2% of General Government Expenditure (GGE) controlled by the Parliament.<sup>13</sup>

Although the Parliament's powers are impressive, its financial freedom is very narrow, with the right to vary or reduce income tax by 3 pence in the pound only accounting for a maximum 3% of the Parliament's income or a maximum £684 per income taxpayer per annum.<sup>14</sup> Given that it is also going to cost £40 million a year to run the Parliament and there are large one-off starting up costs of up to £100 million for designing, building and equipping the new Parliament at Holyrood as well as the additional costs of temporarily housing the Parliament at the General Assembly, the room for financial manoeuvre looks even more restricted.

## The need for a new policy agenda

Across a range of areas, creative thinking by the political parties and other agencies are urgently needed: on economic regeneration, Scotland's appalling record of health, the neglect of public housing, on the complacent superiority of much of Scottish education, and much more. Ideas have to be developed which break with British Government and Scottish local government practice, as these are the very traditions which have failed Scotland. New ways of working are needed, such as cross-departmental collaboration at a Scottish Parliament level, partnerships between local and central government, short-term task forces for specific goals, including bringing in people outside politics, such as private enterprise and community activists.

A Scottish Parliament must advocate opening up and decentralising decision-making across Scotland. It must not be, as it could be, a centralising force within Scotland, taking powers to Edinburgh from local government and other public bodies. Instead, it must have the confidence to be an enabling and empowering body setting a framework and minimum standards and allowing via open access, scrutiny and transparency, others to participate in the decision-making process.

In the area of local government this would mean introducing PR to local government for the 2002 local elections and abolishing the inequities of Labour one-party states across the West of Scotland while moving to city-wide elected provosts for the major cities: Glasgow, Edinburgh, Aberdeen and Dundee. The Parliament must at the earliest possible date pass a Freedom of Information Act which guarantees the widest public access to government. New ways of working, passing legislation, hearing evidence and consulting with interested groups must also be considered by the Parliament.

The Parliament has to be emboldened by a vision of making Scotland a better, more open society, rather than one where the great and the good or old boys networks take decisions behind closed doors.

## 4. The new politics thesis

The 'new politics' of the Parliament perspective has been associated with the home rule consensus and the Scottish Constitutional Convention and centres on two premises: that Scotland has changed dramatically since 1979 for the better, and that new structures can be put in place to give articulation to this 'new politics'.

### 'Scotland is better'

Scotland has obviously changed since 1979. There are fewer Tory voters and no Tory MPs. There has been a seismic shift towards home rule from the 1979 to 1997 referendum. The 'new politics' perspective argues that these changes mean a new home rule settlement is required, which moves on from the inequities of the 1979 proposals and reflects this new found confidence and diversity. A Scottish Parliament has to break with Westminster traditions and also tackle issues which dogged the last devolution package, such as fears of Labour one party rule and Central Belt domination by developing new ideas and processes of democracy.

Dennis Canavan, Labour MP for Falkirk West, summarised this, seeing the 1978 Act as asking: 'How much could and should be devolved, without threatening the unity of the United Kingdom?', whereas 'A Claim of Right', the starting point of the work of the Scottish Constitutional Convention had a very different premise: 'To what degree do we want to share our sovereignty with any other nation or group of nations, whether in the United Kingdom or the European Community or both?' <sup>15</sup>

The 'Scotland is better' perspective draws on cultural and social shifts, arguing that Scotland is now more confident, diverse and pluralist. It talks of 'a new renaissance' <sup>16</sup> of the arts and literature, and boldly sees a Scottish Parliament as leading to 'a New Scottish Enlightenment.' <sup>17</sup> A range of factors are produced as evidence, from the success of films like *Trainspotting* to Glasgow's rise as an arts and cultural capital. What is less touched upon is the limited nature of this change: the perilous financial base of Glasgow's rebirth and that for every *Trainspotting* there are a dozen mini *Bravehearts* - evoking a romanticised mythical past (or present).

Much of Scotland's cultural renaissance has occurred in certain strata of the Scottish middle classes in areas of arts, culture and the media who, because of their privileged position, have assumed that they can speak for Scotland and importantly, tell the story of modern day Scotland. These groups are the same people who comprise Scotland's blethering classes and the home rule consensus. What actually characterises modern day Scotland is the lack of self-confidence and diversity in much of Scottish civil society and the ill-ease and discomfort expressed towards diversity and dissent. Much of Scottish public life is shaped and distorted by Labour's one-party hold across large

swathes of the land, while on a range of subjects public life is marred by a lack of debate and silence - for example, on religion, gender, sexuality and ethnicity.

Large parts of Scotland and Scottish society do not yet have enough self-confidence and optimism in themselves to engage in processes of constructive self-criticism, and the examination of existing practices and thinking which the new devolution settlement requires if it is to be a radical development. We desperately need to shift our thinking from the defensive, oppositional politics of much of the home rule movement in the Thatcher era, to a new mode of constructive and pluralist thinking and debunking of accepted wisdom.

The forces of the 'new politics' are undoubtedly stronger than in 1979. Scotland is in some ways more diverse, particularly in relation to Glasgow and Edinburgh, but it is still overwhelmingly a conservative culture and nation, where politically, in parts of the West of Scotland, time has stood still. What many of the 'new politics' advocates miss is that the shift from 1979 to 1997 is much more a product of Scotland's conservatism - opposition to Thatcherism, reaffirming Scotland's status quo of social democracy - rather than an affirmation of radicalism.

### **The new political culture of consensus**

The 'new politics' thesis has emphasised how a Scottish Parliament will break with the traditions of Westminster and Scottish Labour local government. The two most cited examples of how this will happen are the electoral system and more women MSPs.

The electoral system for the 129 seat Parliament is made up of 73 First Past The Post (FPTP) seats and 56 Additional Member System (AMS) seats to top up the former, to ensure an overall proportional result.<sup>18</sup> This makes it unlikely that Labour could win an overall majority as it has never won a majority of the popular vote. 'New politics' supporters assert that with no party having an overall majority this will aid co-operation and dialogue rather than adversity and dogma. The example most cited is the cross-party Scottish Constitutional Convention. However, this was a consensus formed to produce a detailed plan for a Parliament, whereas a Parliament will be shaped by very different pressures of competitive electoral politics. Consensus politics will not be produced by the electoral system as any comparative analysis of electoral systems across the world would show, but the type of candidates, party programmes and most importantly, shape of public opinion.

Labour and Liberal Democrats have both affirmed their wish to ensure gender parity in candidates and MSPs. Both parties will however face fundamental obstacles as gender equality is not addressed within the electoral mechanisms of the Scotland Bill 1998.

Lord Irvine, Lord Chancellor, in a leaked Cabinet Committee Minute, opposed moves by Donald Dewar to exempt the Parliament from the Sex Discrimination Act 1975 for its first elections because 'this would allow it to be presented as an artificial and expedient response to a particular political problem.'<sup>19</sup> At the same time, gender balance proposals by the Scottish Liberal Democrat leadership for their own 56 list candidates were rejected at the 1998 Scottish Lib Dem conference on the grounds of centralism.<sup>20</sup> Labour plans to advance gender equality by the process of twinning whereby neighbouring constituencies will be paired to select one man and one woman candidate. The party hopes this will avoid it being open to legal challenge.<sup>21</sup> Let us assume that both Labour and the Liberal Democrats manage by a variety of means to increase substantially the numbers of female MSPs. It does not automatically follow from this that this will further the 'new politics'. The election of more than 100 Labour women in the 1997 election has not ended Westminster's exclusive male culture. The election of a sizeable number of Labour and Lib Dem MSPs might do little to challenge traditional male practices which are deeply embedded in Scottish politics; although there is the possibility that the establishment of a new body like a Scottish Parliament allows for a once in a generation shift in cultural values.

### **The meaning of consensus politics**

Another criticism of the 'new politics' is the nature and purpose of consensus politics. The nature of the consensus invoked is the home rule consensus: a deeply conservative, complacent, inward looking opinion which is summed up by the inertia of the phrase 'the settled will of the Scottish people'. Pivotal to this consensus is the work of the Scottish Constitutional Convention and 'A Claim of Right' - the achievements of Scotland's political establishment excluded by the Conservatives. Consensus to these groups is synonymous with opposition to Thatcherism and support for the Scottish status quo, and while there are many positive elements to consensus in any political democracy, what Scotland needs is more diversity, debate and radical change, rather than complacency and closure.

### **The reality of Scottish civil society**

Scotland is a small country with limited resources and skills in most areas from intellectual activity to politics, culture and sport. The forces of Scottish civil society, whether they be think-tanks, the voluntary sector or other institutions, do not have the financial or infrastructure supports to develop major research departments or projects, and nor do the political parties.

There is no Scottish equivalent of the Fabian Society, IPPR or DEMOS. Two centre-left think tanks do exist: the Centre for Scottish Public Policy, formerly the John Wheatley Centre, and the Scottish Council Foundation, but both have scarce resources and personnel. Many Scottish analyses of social trends and policies have to use UK data and figures because no equivalent Scottish



figures exist with obvious pitfalls. The Scottish Parliament and Scottish Office will be able to address the later, and are already assessing the resources and data needed for the new devolution settlement with a new £ 2 million Scottish household survey planned, but a wider environment of fertile ideas and debate will require a much more profound shift in Scottish civil society.

This limited nature of Scottish civil society has consequences for much of Scottish public life - namely, that the long march through institutions and agencies to lobby, network, campaign and gain access and influence those in power is not very long because there are not that many agencies in civil society. This has profound implications, both conservative and liberating, in that it is not very difficult in Scotland to access those in power, or make a serious impact, and thus, within a short space of time, move from the margins of influence to the status of an 'insider'. However, the corollary of this, is that, to undertake this short journey a pre-condition for success is being or adopting the mantle of a 'conformist' who accepts and is incorporated into the prevailing consensus.

The penalty of deviating from the dominant consensus view can be absolute and it is easy for a person or agency to be branded as a 'heretic' or 'troublemaker' and cast into a position of powerlessness. And because Scottish civil society is so lacking in diversity and resources, it is near impossible in Scotland to maintain the position of an 'outsider' because the resources are not available in public life to make it a viable option. Thus, Scottish civil society is simultaneously shaped by a politics of inclusion and exclusion which maintain the current position of stasis, and which must be challenged, not supported by the new Parliament. For the Parliament to be a force for greater diversity and pluralism rather than orthodoxy and conventional wisdom requires a dynamic model of collaborative politics, tapping into and addressing new forces in Scottish civil society and going beyond the narrow institutional agenda of the Scottish home rule consensus onto an economic, social and cultural vision for the new Scotland.

## 5. How the Parliament changes Scottish politics

The establishment of a Scottish Parliament will have consequences for all political parties and the competitive nature of the party system. For a start, the advent of a Scottish Parliament breaks the conservative impasse Scottish politics have found itself in for over 20 years whereby the political parties differentiated themselves on the Union to the exclusion of economic and social issues.

Scottish Labour will now have to find a radicalism that responds to Scottish issues rather than external issues, while the Scottish Conservatives need to begin a search to discover what a new Unionism can be. The SNP will need to anchor its identity firmly to the centre-left post-devolution and look for potential allies in the Parliament; the Liberal Democrats have to break out of their ghetto as a rural protest party and become a national party, and assess the impact of their closeness to Labour in Scotland and at the UK level. There may be mutual advantages of SNP-Lib Dem co-operation in a Parliament borne out of their mutual need to articulate national agendas beyond their current rural Parliamentary bases, while both have incentives in challenging Labour's dominance of Scottish politics.

### The new electoral system and Scottish politics

Scottish Labour will find that a Parliament elected by the Additional Member System (AMS) of Proportional Representation will make it unlikely for Labour to win an overall majority, but shift the balance of power within Scottish Labour. From its formative period in the 1920s when Labour became a national party and the official opposition, Scottish Labour established its main base of support in the West of Scotland which has defined, shaped, distorted and limited the politics of Scottish Labour. The new electoral system will break the Labour homogeneity in areas like Glasgow, where Labour currently hold all ten Westminster seats on 60% of the vote. Under the new system the SNP, Conservatives and Lib Dems could all win AMS seats. Labour will pick up some AMS seats in non-traditional Labour areas such as the Highlands and Borders, and while the party will remain in absolute terms dominated by the West of Scotland, the relative balance between the West and the rest of Scotland will subtly shift.

This will continue a process begun in the 1980s of Labour winning support in middle class areas like the Glasgow suburbs and Edinburgh, and becoming less reliant on its traditional working class vote in the West of Scotland. A situation which will be reflected by the move of Scottish Labour Headquarters, Keir Hardie House, from Glasgow to Edinburgh.

Labour's dominance from 1959 has been based electorally on the slow decline of the Scottish Conservatives, first as an urban force in the West of Scotland, then, across all urban Scotland, while, the SNP's emergence as the

principal opposition has been matched by a historic failure to breakthrough against Labour even in the most propitious conditions.

Religious identity and voting has acted as a cross-class cleavage to differing degrees in Scottish politics at different times. The Conservatives gained significant support from the Protestant working class until the 1950s and 1960s around issues such as Unionism, Empire and Britishness, while the Labour Party had a near monopoly hold on the Catholic working class and middle class until very recently.

The intersecting of class and religion in Scottish voting has provided a powerful barrier against third parties making significant inroads in popular support. The SNP vote in October 1974 was 20% lower amongst Catholics compared to Church of Scotland voters<sup>22</sup>, whereas by 1992 the SNP vote among Catholics was only 4% below its vote with Protestants.<sup>23</sup>

Scotland's Catholic community make up a sizeable part of the electorate in the West of Scotland and Glasgow, and the SNP's lack of success until recently in winning it over has provided a powerful block on it winning Labour seats. A particular example of this was provided by the Monklands by-election in 1994 where a Labour campaign surrounded by council sleaze allegations held onto the seat by a narrow majority because Labour held 80% of the Catholic vote while the SNP won 65% of the Protestant vote.<sup>24</sup>

Despite Monklands, religious voting is becoming less commonplace in Scotland with the Protestant base of the Conservatives disappearing and the Catholic bloc of Labour support slowly eroding. This combined with economic and social change will produce a more volatile and unpredictable environment which will give the SNP greater opportunities to win wider support, but also mean that the future of Scottish politics will be all the more difficult to predict.

The Scottish Conservatives start from a low base of 17.5% of the vote in the 1997 election (a massive 28% behind Labour) and have no parliamentary representation and control no local councils. The PR system will reintroduce the Conservatives into Scottish political life.

The SNP's electoral strategy is based on the need to attract Labour voters and win Labour seats, but the reality of the SNP under the Westminster system has always been that they tend to win seats in Conservative rural areas. The SNP has only gained three Labour seats ever at a general election: Western Isles in 1970, Dundee East and East Stirlingshire in February 1974. Dundee East is the only example of the SNP winning an urban Scotland Labour seat and holding it at successive elections until 1987.

A PR system will bring SNP representation into Labour's one party fiefdoms and allow the SNP to breakout of the impasse where to win broad support it needs to win Labour seats, but to get an initial block of support it wins Tory

seats. Both the SNP and Conservatives are penalised by the existing Westminster system and a clear majority of their MSPs will be elected by AMS regional lists.

### The politics of a governing majority

Translating the 1992 and 1997 Scottish general election results into the Scottish Parliament electoral system (see Table 1) illustrates how far Scottish politics will be transformed. Whereas in 1992, on 45.6% of the vote, Scottish Labour secured 78% of the seats at Westminster, in the new Parliament it will win 49% of the seats. The changes between the two hypothetical Scottish results also underlines that whereas at Westminster small changes in the vote can produce massive changes in seats such as the wipe-out of the Scottish Tories, under the new system, changes in representation would be more subtle and less distortive.

**Table one: Scottish Election results 1992 - 1997**

	Westminster System			Scottish Parliamentary System		
	No. of seats won			No. of notional seats won		
	1992	1997	change	1992	1997	change
Labour	49	56	+7	54	63	+9
SNP	3	6	+3	28	28	0
Con.	11	0	-11	30	22	-8
Lib Dem	9	10	+1	17	16	-1

Seven possible governing scenarios are possible in Scotland's four party system with 65 seats needed by any single party or combination of parties to achieve an overall majority of one:

- a Labour majority administration. Although unlikely, Labour won 49.9% of the Scottish vote in 1992, which would be enough to win it than 50% of the seats in the new Parliament.
- a Labour minority administration. This could be feasible on Labour's 1997 showing - where it missed an overall majority by a mere two seats.
- a Lab-Lib coalition. This would be viable in both 1992 and 1997 with 71

and 79 seats respectively.

- an SNP minority administration. On neither the 1992 or 1997 results is this a runner, with the SNP group on its best showing still trailing Labour by 26 seats.
- an SNP-Lib Dem coalition. This would again be unlikely on any figures - in 1992 such an alliance fell nine seats short of Labour.
- an SNP-Conservative agreement. On the 1992 figures, such an arrangement would have four more seats than Labour which if a Lab-Lib coalition was not possible, could stand a chance, but not until the Conservatives have proven their Scottish credentials.
- an anti-Labour front. As long as Labour falls short of an overall majority, this unlikely alliance would be able to command a majority, but seems highly improbable for the foreseeable future.

Some commentators will argue that some of these alliances seem extremely implausible. However, this makes the mistake of judging Scottish politics from its current framework, rather than imagining the new dynamics that could be unleashed by a Parliament. An SNP-Lib Dem coalition could be a viable governing bloc without an overall majority as long as it had more seats than Labour, allowing it to operate with the tacit approval of the Conservatives. And while an SNP-Conservative agreement or three party anti-Labour front is improbable at the moment as a governing coalition, it has possibilities as an issue-based alliance. In the longer term, once the Conservatives come back into Scottish politics from the wilderness, the three main opposition parties could find common ground in dismantling the local Labour state of patronage and privilege.

New alliances and understandings will emerge which seem far-fetched now. Malcolm Rifkind raised the possibilities of an anti-nationalist alliance between Conservatives, Labour and Lib Dems to resist the separatism of the SNP. This met with a favourable response from Labour with a spokesperson commenting: 'If they want to make the Parliament work we will work with them. The SNP want to destroy the Parliament in favour of independence. We will do anything we can to protect the Parliament.'<sup>25</sup> How this would work in practice is still unclear, with the likelihood of a 'grand coalition' of the Unionist parties to resist the SNP unlikely, but it does show that Labour will have to work and co-operate with the Conservatives, something it has long thrown abuse at the SNP for. It also underlines the extent of Labour hostility towards the SNP and its confusion over strategy in response to the SNP's recent rise in the opinion polls.

### **A new era of voter choice**

Numerous questions remain about the potential politics of the Parliament. Who will the Scots identify as best placed to advocate for Scotland's

interests? Opinion polls have consistently shown that there is a bias in favour of the SNP in comparison to Westminster elections of between 8% and 20%. There has also been a discernible rise in the Westminster/Scottish Parliament deviation in favour of the SNP who have seen their support rising for the past seven months (see Table 2).

The System Three poll of May 1998 which gave Scottish Parliament voting intentions showing the SNP on 41% and Labour on 36% was the highest ever opinion poll rating gained by the SNP and was their first lead over Labour in twenty one years in the summer of 1977. The April 1998 System Three poll showing Labour and SNP level confirmed the unprecedented degree of fluidity in Scottish politics with 15% of Westminster Labour voters and 23% of Tory voters switching to the SNP in the Scottish elections.<sup>26</sup>

**Table 2: Scottish voting preferences for Westminster and Scottish Parliamentary elections.**

	Westminster				
	Lab	SNP	Con	Lib	Lab lead over SNP
G.E. May 1997	46	22	18	13	+ 24
Nov. 97	51	24	12	12	+ 27
Feb. 98	50	25	11	12	+ 25
Mar. 98	46	28	14	11	+ 18
Apr. 98	48	28	12	9	+ 20
May 98	44	30	14	11	+ 14

	Scottish Parliament				
Nov. 97	48	29	13	9	+ 19
Feb. 98	44	33	9	12	+ 11
Mar. 98	39	38	12	10	+ 1
Apr. 98	40	40	8	10	0
May 98	36	41	11	10	-5

Source: System Three polls; The Herald

What the series of polls also confirm is that Scottish politics has become a two party contest between Labour and the SNP, with the SNP beginning to gain a monopoly of non-Labour votes. This is due to the long-term decline of the Conservatives and medium term decline of the Liberal Democrats. In the 1983 election, the combined Labour-SNP vote was 47%, whereas in 1997 it totalled 68% and in the May 1998 poll for the Parliament has risen to 77%.

In the same period, the Conservative vote has fallen from 28% in 1983 to 11% in 1998, and the Lib Dems from 24% to 10%. Scottish politics for the new Parliament have shifted from the asymmetrical system of Labour dominance of the last forty years to a competitive party contest between Labour and SNP.

While a large part of the SNP's gaining has been at the expense of the Conservatives and Lib Dems, the bad news for the SNP is that there is only so far that they can squeeze both parties. The SNP have probably reached the plateau of their support at 41% winning third and fourth party support and know that in such a four party system it has to win over Labour votes to become the largest party. The previous high of the SNP at a national election was 33% in the 1994 Euro-elections, a 'second-order' election the SNP traditionally poll well in and it seems likely they will poll at least this in the first Scottish Parliament elections.<sup>27</sup>

SNP coalition strategy is currently divided on the issue of a referendum on independence. Even on the most optimistic electoral scenarios for the SNP it would need the Lib Dems to achieve a governing majority and they have made it clear that they will not sanction another constitutional referendum so soon after the previous one. Some in the SNP see the issue of a referendum as negotiable, others as an article of faith, and while this has overlaps with the gradualist/fundamentalist divide in the SNP, it is also influenced by considerations of broader strategy for the Parliament.

The SNP precondition of a referendum may well prevent it winning a share of political power, irrespective of how well it does in the first Scottish Parliamentary elections, but this could be the deliberate intention of the party leadership. They are more than aware of the lack of political experience of their candidates and may wish to have a first Parliamentary term in opposition resourcing and skilling them. A more likely SNP strategy involves sitting as the largest opposition party criticising the narrow powers and impotence of the Scottish Parliament as they see it, whilst waiting for more deep seated unease to emerge with the Labour Government, and confident, that in the longer-term, trends in Scottish politics will favour the SNP.

How widespread will the practice of ticket-splitting become in a world of voter volatility? Could Labour voters in FPTP seats be more inclined to vote SNP in the AMS seats given that the SNP is the second preference of most Labour voters? Ticket splitting already exists at a number of levels, with, for example, in the Highlands Region, there being a long tradition of voting for Independents at council level, Liberal Democrat for Westminster and SNP for the European Parliament.

A May 1998 Scotland on Sunday poll gave some clues here showing a distinct difference between how voters would vote in the FPTP and AMS seats: in FPTP: Labour 42%, SNP 36%; in AMS: Labour 36%, SNP 39% (see Table 3). This showed a large degree of movement between first and

Table 3: Scottish Voting Intentions, May 1998

	Lab	SNP	Con	Lib	Lab lead over SNP
UK Parliament	47	27	16	9	+20
Scottish Parliament: FPTP	42	36	12	9	+6
Scottish Parliament: AMS	36	39	11	11	-3

Source: ICM polls; Scotland on Sunday.

second votes with 30% of Labour first votes moving to the SNP for the second vote, 20% of SNP first votes moving in the opposite direction, and 13% of Conservative first voters switching to the SNP.<sup>28</sup> This is above the differences between Westminster and Scottish Parliament voting where a significant section of the Labour vote is currently switching to the SNP.

The new political dynamics of the Parliament will allow the opportunity to develop new forms of collaboration which begin to shift and redefine the way we think about Scottish politics. However, whether the Parliament challenges the values of the Scottish consensus or supports it depends on what kind of model of collaborative politics it practises and how the Parliament sees itself in relation to other political and social forces. In likelihood, the Parliament will see its role as the defender of the Scottish status quo. It will be a challenge to those wanting a more enabling and pioneering Parliament to force open the debate about the Scottish internal settlement.



## 6. The impact of a Scottish Parliament on party organisation

The processes and dynamics of the new political environment of a Parliament will have many repercussions on all the political parties and particularly at organisational levels. The major political parties are all currently setting up mechanisms for candidate selection for the May 1999 elections. This cannot simply be a reproduction of Westminster procedures as parties have to choose two types of candidates: FPTP and AMS, while Labour is committed to the method of twinning to achieve gender equality in candidates.

All the parties are attempting to go beyond the narrow social groups of professional politicians, middle class vested interests and pressure groups from which most MPs are drawn. The SNP's six MPs have all expressed the desire to return to Scotland, leaving the question of who will represent them in Westminster, while of the Lib Dem's ten Westminster MPs only two, Jim Wallace and Donald Gorrie, have indicated a wish to stand for the new Parliament. The Scottish Conservatives, still reeling and trying to recover from the 1997 wipe-out, are considering standing only 73 FPTP candidates for the 129 seats with their 56 AMS candidates selected from the FPTP group.<sup>29</sup> This seems a public recognition of the lack of talent and quality candidates available to the Conservatives.

Table 4. Scottish Parliamentary seats on 1997 election voting

	Vote %	FPTP seats	AMS seats	Total
Lab.	45.6	56	7	63
SNP	22.1	6	22	28
Con.	17.5	0	22	22
Lib. Dem.	13.0	11	5	16

Source: John Curtice, Strathclyde University.

The Scottish Labour Party faces the most difficult balancing act of all: if too few of its Scottish MPs opt to stand for the Parliament, opponents will say it is because it is a pseudo-Parliament, but, if too many stand, it will be seen as blocking new talent and continuing the old politics. Currently 9 out of 56 MPs have made their intentions to stand for the Scottish Parliament clear. It is more a question of quality than numbers, with one senior Labour source quoted as saying: 'Most of those who have said 'Yes' so far are has-beens or

never-will bes. That's not a great start.<sup>30</sup>

The different balances between FPTP and AMS MSPs in each parliamentary grouping will have wider repercussions (see Table 4). Labour will have relatively few AMS candidates elected because it will win few top up list members. Analysing the 1997 election results onto the AMS Euro-constituencies illustrates Labour's problem here. In May 1997 Labour did so well in Scotland under FPTP winning on 46% of the vote 78% of the seats, that there is little room for it to win AMS seats. In Labour's Central Belt heartlands it will have a good chance of winning no extra AMS seats and on the 1997 voting figures Labour would not win any AMS seats in three out of the eight Euro-seats.

The electoral balances in the eight gigantic Euro seats will become familiar to political strategists over the next year. Labour start with a majority in seven out of the eight FPTP seats with entire or predominant Labour representation in four of the eight. This changes with the AMS seats to four of eight seats having Labour majorities and in most the SNP being the main opposition.

Analysis by John Curtice of current poll ratings shows the SNP becoming the lead party in three of the Euro seats: Highlands, North East Scotland and Mid Scotland and Fife. These are all outside the Central Belt, but on its current support the SNP would do well across Scotland, winning six out of the seven AMS seats in Glasgow and all of the seven in the Central Scotland seat. The SNP's repeated failure under FPTP means that even when it establishes a national lead over Labour this does not convert into constituency seats.

The SNP and Conservative groups will be made up predominantly from list members. Indeed, one interesting question at the elections will be whether the Conservatives can regain enough strength to win a single Westminster style constituency, or whether they will face the humiliation of having all their MSPs elected by the AMS system, which they opposed? The odds are at the moment that they will not win a single FPTP seat in the Scottish Parliament.

The SNP may try to develop tactical and issue-based alliances with Labour MSPs, particularly on its left-nationalist wing against a Labour Government at Westminster. However, the probable balance of the SNP group in the Scottish Parliament will work against this with most of it being drawn from the Central Belt unlike the current Westminster group which is drawn exclusively from rural parts of Scotland. This new political geography of Scotland will increase, not decrease Labour-SNP tensions with Labour MSPs from the West of Scotland seeing the influx of new SNP AMS members as intruding on their 'territory'.

### **Political parties and policy making in the new Parliament**

Party policy making will need to be addressed. The SNP has no problems

here being an exclusively Scottish party. The Scottish Conservatives and Lib Dems are separate parts of British organisations and the development of their bodies into distinct policy making bodies should not be a quantum leap. However, despite this formal reality, the shift in attitude required in particular for the Scottish Conservatives to develop a forward thinking relevant Scottish agenda when for at least two decades they have followed on the coat-tails of Thatcherism is an enormous challenge and change. It is one that currently seems beyond the depleted resources and skills of the Scottish Conservatives.

The challenge will be even greater upon Scottish Labour, in part because it is the leading party in Scotland, but also the most centralist and London run. Through the 18 years of Conservative rule, Scottish Labour activists agitated for greater autonomy and powers for the party, but little power has actually shifted from London to Scotland. The Parliament demands that a Scottish party has sovereignty over its policy-making manifesto, election of leader and deputy-leader, and candidate selection. The structures Labour has devised to put in place candidates for the Parliament show the conflicting processes with input from the Scottish and British executives, allowing the opposition parties to trumpet their Scottish credentials.

The Scottish party is thus currently caught in a conundrum. The case for Scottish Labour autonomy is right in principle, but in practice, British Labour advice and support is needed as the Scottish party does not currently have the resources or skills to develop as an autonomous party to initiate competitive election or modernisation strategies.

The first Scottish Parliament will be a mixture of politicians with different political backgrounds. A minority of them will have already been at Westminster, while the majority will not have been. The first Parliament will be a transitional Parliament with a generational divide between younger politicians shaped and focused primarily on Scottish politics and those socialised by British politics and Westminster, with the former group growing in number and influence as the Parliament establishes itself.

### **The size of the Scottish Executive and payroll vote**

A Scottish Parliament will also be shaped by the size of the Scottish Executive and payroll vote of the governing majority. Differing estimates of the size of the executive range from Donald Dewar's mini vision of six Ministers comprising the First Minister and the five Government Ministers of the current areas of Scottish Office responsibility to the SNP notion of a full blown Cabinet of 20 members.<sup>31</sup> Given that the Scotland Bill does not contain any limitation on the size of the Scottish Executive, a number in between these two extremes is likely, probably at or around ten, which will then be supplemented by junior ministers and whips to produce a payroll vote of about 20 MSPs.

Considering that the minimum governing majority in the Parliament is 65, this means that any payroll vote will comprise between just under 1/3 to over 1/4 of its number. The present Labour Government has a payroll vote of 122 out of 418 MPs in the Commons - just over a quarter; a Scottish Parliament would start off with a potential larger proportion of the governing bloc sucked into government with all the distortions this poses for legislation, backbench revolts and consultation between backbenchers and executive. What also has to be considered is the natural inclination of Parliaments over time to increase the payroll vote and to increase the control executives have over their legislatures, and a Scottish Parliament will be no exception.

With the more than certain likelihood that any governing majority will be made up of two or more parties in alliance or coalition, there could be tensions within any executive, with the junior partner in any coalition, at points, feeling the need to publicly play to an audience to emphasise their continued independence. Coalition politics could also increase the pressure on producing a large payroll vote to share out the largesse fairly between competing parties. This makes all the more persuasive a case for inclusion in Standing Orders of rules limiting the number of the Scottish Executive and payroll vote to say, ten and twenty, respectively in a 129 member Parliament, except where a two-thirds majority of a Parliament overturns this.<sup>32</sup>

Fundamental changes are needed to Parliamentary arrangements and powers to establish the Scottish Parliament as a model of contemporary practice, rather than some arcane agency like much of Westminster and local government. A Consultative Steering Group has been set up chaired by Henry McLeish, Scottish Office devolution minister, to look at parliamentary procedures and has all-party representation, as well as members from academia and the voluntary sector.<sup>33</sup>

We can start afresh with a new body, looking at what are the most realistic and accessible hours for good governance, simplifying parliamentary procedure and language, issues such as proper timetabling for debates and making it a people's parliament without ritual, honour and pomp dropping terms of address such as 'honourable member' and 'right honourable member'. Some in the Scottish Labour Party see the mark of making it a real Parliament copying Westminster traditions such as having a Queen's Speech and Honours List, but this confuses artifice for reality. ))

The powers of the Parliament must allow the legislature to hold the executive to account, via powerful Departmental Select Committees which should have the power to examine bills in draft to improve the quality of legislative drafting. A process of Green Paper, White Paper and draft bill for major legislation which could be only fast-tracked or opted-out on a two thirds majority of the Parliament. Senior Government and public appointments should be scrutinised and approved by committee, and Departmental Select Committees have a duty to report each year on the expenditure programmes

of their Departments including the increasing quangocracy to ensure 'proper accountability of the new public sector.'<sup>34</sup> Many of the above changes have been suggested by Parliamentary reformers for the House of Commons such as Peter Riddell. The adoption of such open and transparent procedures by a Scottish Parliament will aid the process of debate and reform in the Commons.

## 7. The challenge of new Labour to Scottish politics

New Labour's modernisation project has challenged many of the central assumptions of Scottish politics and its home rule consensus. Scottish politics is characterised by a conservative four party system with no party of the radical left or right. The experience of the Thatcher years underlines this point as, much to her chagrin, the Thatcherite revolution found little support in the Scottish Tories or Scottish Office ministers who she saw as having gone native.<sup>35</sup> All four parties occupy the centre ground and have been only fundamentally differentiated on constitutional issues and their view of the Union. The politics of the Parliament will demand that the political parties focus and differentiate on economic and social issues: what Tom Nairn has called the 'repoliticisation' of Scottish politics.<sup>36</sup>

Scottish Labour is simultaneously both the party of radical change: of renegotiating and modernising the Union, while being the party of the internal Scottish status quo. New Labour is seen by some in the Scottish political classes as English dominated and orientated.

Scottish and British Labour have never had an easy relationship. It has never been a relationship of equals. At crucial moments in Scottish politics, 1974 and 1996, British Labour has imposed on Scottish Labour what was the right devolution policy in opposition to the Scottish party. In 1974, the British Labour leadership imposed a pro-devolution policy on the Scottish party dumping a formal anti-devolution stance of 16 years; in 1996, the Blair leadership imposed a two question referendum on a Scottish Parliament on the Scottish party overturning a 17 year policy. If the Scottish party had been able in these circumstances to practise the degree of autonomy it now demands, we would not be sitting in the fortuitous position we now do.

Scottish Labour has previously engaged in a delicate balancing act between its Unionist and nationalist perspectives. The politics of the Parliament will require a new balancing act in which Scottish Labour adopts a Scottish approach, while Labour in Scotland champions a British strategy for the UK Parliament. The success or not of this multi-level territorial approach will depend on the emerging relationship and settlement between the two Parliaments, and whether it allows Scottish Labour to develop a distinctly Scottish strategy to the exclusion of British issues in relation to the Parliament. An example of how this could work in practice can be provided by British Labour's ability to be able to work at a European level, remaining British first and foremost, while developing a distinct European agenda, a distant second.

### Labour's antipathy towards the SNP

A fundamental problem for Scottish Labour is its constantly changing attitude towards the SNP. A large section of Labour feel nothing but antipathy for the

SNP who do not correspond to the simple class politics of Labour and Tories. At the same time, Labour have also recognised at times the need to form alliances with the SNP as happened in the 1997 referendum.

After the decisive 'Yes, Yes' result, Labour felt it had got too close to the SNP and had to open up 'clear tartan water'. This was the rationale behind the bitter attacks on the SNP by the party leadership at the 1998 Scottish Labour conference with George Robertson, Defence Secretary calling them 'snake oil peddlers' and Donald Dewar labelling them 'wreckers' and 'dishonest.'<sup>37</sup> One month later, shocked by the SNP drawing level with Labour in the polls, this approach was hurriedly reversed with a Labour strategist admitting they had 'blundered last month by launching bad-tempered attacks on the SNP.' One Labour source promised: 'From now on, it's positive, positive, positive.'

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What the above illustrates is the profound sense of confusion that the existence and popularity of the SNP leaves Scottish Labour in. The intemperate language used to attack the SNP shows a complete lack of awareness of how most Scots view the SNP - as a party that promotes and represents Scottish interests. More than half of all Scots have consistently over the last twenty years believed that the SNP were good for Scotland<sup>39</sup> and have seen it as a defender of Scottish interests and the kind of attacks Labour has indulged in are ineffective and will rebound on it.

A more realistic approach is to present the positive record of Labour achievement in office matched with a radical vision for the future. As Gordon Brown said recently: 'The debate in Scotland is going to come back to the issues that matter to the people of Scotland, that is education, jobs, health, new business and how we can create opportunities for the future.'<sup>40</sup> It is on this territory that Labour has to sell what it has done in its first year and its plans for Scotland, versus the unrealisable politics of the SNP. Talking about economic and social issues is vital if we are to move Scotland from the politics of the status quo; continuing the Scots obsession with constitutional change which the SNP would perpetuate would negate the chances for real change in the peoples' lives. In this sense the SNP are the inheritors of the old Labour tradition and the Scottish consensus which has to be challenged. Most Scots see the SNP as a centre-left social democratic party, but for Labour to successfully attack them, it has to discard the old agenda of Scottish Labour.

A radical and challenging Scottish Labour politics seems far away at the moment. Donald Dewar may have the advice of the new Scottish Labour Director of Communications and a third special adviser, as well as the support of Gordon Brown, but the party does not currently have a vision and strategy for the future.

This requires fundamental change. Many senior Scottish Labour politicians see themselves, and are seen by Scots, as British politicians rather than Scots

setting a British agenda. This reduces the room for a creative Labour politics and leaves Labour's Scottish heartlands open to attack from the SNP. Any Scottish Labour strategy has to come from the Scottish party, respond to Scottish circumstances, and have the right to be different from British Labour.

A pivotal part of Scottish Labour's renewal will be the learning curve it will undergo when at some point in the future it does not control the Scottish Parliament. The Scottish Labour Party has become more and more the political establishment in Scotland and unused to losing elections. During the 1980s it had the relative safety of winning elections in Scotland while English Labour continued losing them. Thus, it was able to blame its lack of power on the perfidy and treachery of 'the English' and the lack of political acumen in English Labour. This built up into a politics of splendid isolation and aided a certain kind of Scottish Labour chauvinism and smugness.

It will be a complete shock to Scottish Labour to find that one day it is not running the Scottish Parliament - a body it will tend to see paternalistically as 'its Parliament'. As its electoral hegemony has increased in Scotland, so it has acted in a more angry and ugly manner to challengers and particularly to the rise of the SNP which does not auger well for the moment when it finds an anti-Labour majority running the Parliament. What this will be is a defining moment for the new Scotland and Scottish Labour, where it will not be able to blame its predicament on others, but will have to begin a painful and long overdue process of renewal and modernisation. This will be a point where Scottish Labour grows up.



## 8. The West of Scotland Labour question

Scottish Labour is the dominant party in Scotland and has been since 1959. How it sees itself reflects and influences how Scotland sees itself. The Scottish party's doctrine and ethos, to use Drucker's phrase,<sup>41</sup> are distinct from the British party's and have allowed it to look two ways at the same time: to talk a left politics, while practising a politics of caution and inertia.

A central part of the Scottish Labour coalition and its power base as the principal party of the political establishment and champion of the Scottish status quo is the West of Scotland Labour Question. This is a much more important political issue than the arcane West Lothian Question, which unlike Tam Dalyell's dilemma, can be answered and addressed: namely, the shameful record and quality of many of Labour's representatives at a local and parliamentary level in the West of Scotland.

Labour councillors who predominate in the area are generally male and middle aged with a network of similar friends who support each other and maintain collective power and influence.<sup>42</sup> The Labour one-party local states of the West represent a politics of a past Scotland of hierarchies and certainties unmotivated by such concerns as ideas of participation and consultation, quality services, consumer rights and equal opportunities. Once upon a time this Labour machine politics delivered in the West of Scotland, but now it exists for itself. Labour's problems in the West are also evident by recent controversies surrounding a number of MPs.

Labour's problems at a local government and national level have been aided by its uncontested control of the West of Scotland - where it has 31 out of 32 MPs and 11 out of 12 local authorities. Its dominance of local government increased throughout the 1980s, and this has aided Labour's problems when combined with two other factors. First, there was no widespread infusion of new left 'local socialism' by Labour councils beyond brief experiments in Edinburgh and Stirling. This meant that the traditional Labour centre-right model of the local council in both politics and services has remained relatively intact. Second, for a variety of reasons in the 1980s, most notably the reduction of local government to an administrative arm of central government, many talented and able Labour councillors withdrew from local politics, leaving an even less representative and imaginative group of Labour councillors to manage councils in increasingly difficult circumstances.

The revitalisation and modernisation of local government is an immense challenge. The introduction of proportional representation for local councils would be a bold and radical move, but it would only be a start. Andrew Adonis, in a recent survey, states that PR would not dismantle entirely the one party local state, but would reduce the number of councils where one party has overall control to thirteen, with Labour control nearly halving from twenty to eleven.

No electoral system can be devised which would wrestle control of Glasgow from Labour when it gains 61.5% of the vote, but it is surely wrong that it gains 93% of the city's representation in the 1995 elections in return. A proportional representation would mean the 39% of Glasgow voters who did not vote Labour could enjoy more than 7% representation, and this would then be reflected in the culture and dynamics of city politics. Adonis puts it:

'The most typical result of electoral reform would be an increase in pluralism and scrutiny within the council chamber rather than changes in outright control of local authorities. This point deserves to be emphasised, for it runs counter to the simplistic notion that PR will at a stroke convert Scotland from entrenched local Labour majorities to a nation of hung councils.'<sup>43</sup>

Wider changes are needed within the culture of local government to attract a broader range of people into the service of their communities. This is particularly relevant when the Scottish Parliament will attract some of the brightest and most ambitious local politicians. The committee structure of councils needs to give way to a system of Cabinet administration, while councillors' expenses (widely discredited) need to be replaced by a system of proper remuneration. Beyond this local decision making needs to be opened up to a variety of means such as citizens juries and local referenda which involve people more.

Scottish Labour has to address the West of Scotland problem by more than selection procedures at a local and parliamentary level, important though they are. The selection processes established for approving Scottish Labour parliamentary candidates aroused fears of a New Labour rout of old Labour, but from an equal opportunities point of view have the prospect of opening the party up to new talent and discriminating against the old boys networks which have dominated the party for so long. The party has now rightly decided to introduce a similar set of procedures for establishing a panel for local government candidates in 1999.

However, Labour will need to address the state of its Scottish Labour grass roots if it is to fundamentally tackle problems. Labour membership in Scotland has increased dramatically under Blair's leadership from 19,321 to 30,371, but this has not challenged or changed the closed world of many local parties. The Labour Party has recognised this with its Heartlands Project which targets Labour seats won throughout 18 years of opposition and uses the same skills that were used on marginal seats in the 1997 election. The aim is to revitalise these seats, increase membership and activities, and feed into local Labour politics: 'The Heartlands Project is directly relevant to the drive against corruption and cliquism in Labour town halls.'<sup>44</sup>

A new Labour politics is needed which sees CLPs as places of social, networking and political activities, and which recognises the political realities of a society in which local Labour Parties do not hold a monopoly on political activities, but have to compete with a world of pressure and

interest groups. CLPs have to become centres of discussion and debate, campaigns, fundraising, socialising and networking with other agencies, allowing members to opt-in to whatever activities they are interested in.

## 9. What becomes of the British Parliament?

The British Parliament will still have significant powers over much of Scottish life and influence the politics of Scotland and its Parliament through legislation, public spending and taxation. One of the most interesting issues will be the changing role of Scottish MPs at Westminster, post-devolution. With their numbers rightly cut from approximately 72 to 57 and excluded from any legislative role on a swathe of Scottish issues, what status and influence will they have? What kind of calibre of person post-1999 will be attracted to the long, gruelling road to Westminster?

The new Scottish political system emerging will be one where Scottish and British representatives sit for the same constituencies, are responsible for different areas of responsibilities, and could easily represent the same political party and be arguing different policy positions. It is not impossible to imagine Labour MPs sitting for the constituency of Linlithgow at Holyrood and Westminster, and one arguing for increased public spending, and the other, for a tax cutting strategy to win the next election at a British level.

The relationship between the fledgling Scottish Parliament and the British Government will be crucial to this. The annual public spending round negotiations between the two will reveal the tensions between the two executives and whether a relationship of mutual interdependence is possible between levels of government in the UK. Keating has argued: 'there is a trade-off between autonomy and access. The more autonomy Scotland has the less access it has to the UK decision making.'<sup>45</sup>

In the formative years of the Parliament, with a Labour Government in London with a self-interest to make things work, some of these tensions will not initially become apparent, but because of this the initiative should be seized now. The Barnett formula should be reviewed and an up-to-date needs assessment introduced to produce fiscal arrangements based on transparency, as well as a review of the role and maintenance of the Secretary of State.

Pressures have already emerged about higher public expenditure in Scotland than the rest of the UK in the context of devolution and the debate around London regional government. Identifiable public expenditure in Scotland is 19% higher than the rest of the UK at £4,614 per head versus £3,889; taking into account other forms of public expenditure Scottish General Government Expenditure (GGE) is still 15% higher with £6,010 per head against a UK average of £5,210 per head.<sup>46</sup>

The Barnett formula does not only apply to Scottish public spending, but Wales and England as well with a separate formula for Northern Ireland. There has to be a new degree of transparency in public expenditure across the UK. The last Treasury needs assessment was undertaken in 1976-77 and found a 16% difference between Scottish and English needs.<sup>47</sup> The old

Barnett formula of 1978 and Portillo's recalibration in 1991 was an internal mechanism within UK Government, and this has already caused major disputes. Any new financial arrangements will be at the level of inter-Governmental arrangements and must be able to stand the test of greater public debate and scrutiny.

## The West Lothian Question

It is in this context that the so-called West Lothian Question (WLQ) should be seen. Named after Tam Dalyell's constant probing of devolution in the 1970s, it has been a concern of Westminster politicians since Scottish home rule first became a major issue in the 1880s. It must be addressed in the context of the changing role of Scottish MPs at Westminster and the changing nature of the British Parliament as it devolves power to new institutions. The WLQ is a problem not just for Scottish MPs in the intermediate, but for all Westminster MPs from England, Scotland, Wales and Northern Ireland as they cope with their changing role and diminishing powers in a Parliament that will be less central to everyone's lives.

There have been many possible solutions to the WLQ floated over the years: reducing Scots Westminster representation to zero, reducing the number to parity with the rest of the UK or with a further devolution discount, in/out arrangements for Scots MPs barring them from voting on English, Welsh or Northern Irish legislation, and federalism.<sup>48</sup> The Kilbrandon Commission proposed cutting Scottish Westminster representation to parity<sup>49</sup>, the same solution now adopted by the Government.

However, none of the solutions tackle the issue and the basic inequities of the haphazard nature of the British constitution. As the Constitution Unit report on Scottish devolution argued: 'The problem with the West Lothian question is not that it has no answer, but that none is remotely feasible in practice.'<sup>50</sup> The WLQ is actually a political, more than a constitutional problem, and Labour's difficulties in addressing it have been caused by its ideological over-reliance on the ballast of Scottish Labour, particularly in lean periods such as the 1980s.

The Scottish Labour group has become proportionately larger when Labour is in opposition and holding less Southern English marginals, making up an all-time high of 22% of the PLP in 1987, but this portion falls when Labour wins power, as to do so it has to win English seats - with the Scottish group currently making up only 14% of the PLP. For these reasons, Scottish Labour has only put British Labour over the top twice - in 1964 and February 1974, when Scottish Labour's dominance meant that inconclusive English results produced Labour Governments of very short duration. The political realities of the WLQ are that the English have had to endure Labour Governments they did not vote in for a total of 2.5 years, whereas the Scots have had Conservative Governments they did not vote in for 27 out of the last 39

years: an imbalance of nearly ten to one.<sup>51</sup>

It is the distortive FPTP electoral system which produces such a predominantly Labour bloc for Scotland and has at points rewarded the Conservatives in England: proportional representation will reduce the visibility and seeming injustice of Scots MPs voting at Westminster on non-Scottish issues, and could allow for in/out arrangements on English matters as the chances of a Conservative majority in England would be reduced.

## The English Question

Labour's proposals also raise questions in relation to England. Can the United Kingdom survive as a coherent entity when Scotland, Wales and Northern Ireland have their own national assemblies and Parliaments? Is it possible that the London regional authority could be the beginning of a new era of English regional decentralism or is it only a new layer of local government?

The Labour leadership are well aware of the potential explosive nature of the English question. The immediate response in this Parliament could be something like an English Grand Committee, but that would be a stop gap solution and could be counterproductive in acting as a catalyst to disgruntled English nationalists on both the Labour and Tory sides.

The medium term answer beyond one Parliament is patchwork decentralisation to English regions that want it along with proportional representation at a British level to institutionalise the new settlement, followed by in the long run, a federal or overall decentralising framework. Labour's approach has similarities to the Spanish model which began with Statutes of Autonomy for Catalonia and the Basque Country backed by popular referendums in 1979 which were followed by the 1982 harmonisation laws (LOAPA) which led to the creation of seventeen autonomous provinces.<sup>52</sup>

## 10. Conclusions: from the old to the new Britain

Labour's current constitutional reforms have begun the process of redefining the politics of the the United Kingdom. Its first year in office has seen four referendums: in September 1997 on Scottish and Welsh devolution, and in May 1998 on a London Mayor and assembly and the Irish peace settlement. This is a time of new openings and movement - and uncertainty about the longer term implications.

These reforms are rightly seen as the start of a process rather than a finished package, and if this is so, the constitutional politics that are emerging will be by definition unclear and open to interpretation for the first few years. Labour's current proposals, particularly in relation to Scotland, are a carefully calculated political compromise between the pressures for Scottish self-government which have grown particularly since 1979, and the need for a 'limited politics' agenda to win the voters of Middle England. By arguing that the governance of the UK is fundamentally unaffected by Scottish devolution Labour has attempted to maintain the concept of Westminster sovereignty while simultaneously bringing a new territorial politics into being. The same argument is made in the claim that there are no constitutional implications in European Monetary Union (EMU). Such an approach attempts to be different things to different groups: radical in the context of Scotland, but maintaining the status quo at the British level.

This is a politics developed for short-term expediency, and it will not do as a long-term constitutional arrangement. In spite of Westminster's attempts to retain power and supremacy, the establishment of three additional Parliaments and Assemblies in the UK will inevitably create a new and fluid political situation. This is already clear in the Northern Irish peace process, which has territorial implications for the whole of the UK. The establishment of bodies such as the inter-governmental Council of the British Isles will require new political and geographical relationships and structures to be built not only in terms of 'North-South' but also of 'East-West' - between the constituent parts of the British Isles.

The politics of Westminster sovereignty are already beginning to weaken. They will decline further under Labour's proposals, as power passes not only downwards to these new bodies but upwards to the various institutions of the European Union and across to increasingly interventionist courts, empowered by incorporation of the European Convention on Human Rights. This new territorial politics has to be carefully managed through the transitional period of asymmetrical devolution to Scotland, Wales and Northern Ireland. The way in which Scottish home rule changes England is still open, but it is certainly true that the English question has to be dealt with separately, and that a new United Kingdom cannot arise without a new England.

severely imbalanced, where Scotland, Wales and Northern Ireland all have different, but substantial degrees of devolution, and England has none. In Lord Rees-Mogg's words: 'We cannot have a situation indefinitely in which the English are run by the United Kingdom Parliament and everyone else is run by their own Parliament.'<sup>53</sup> In the long term this is not sustainable settlement. As Robert Alexander comments:

'There are powerful arguments that to be workable a system needs to be symmetrical, otherwise those with more power will be resented by those with less, while at the same time being tempted to claim yet more autonomy for themselves as an admittedly "special case."<sup>54</sup>

Therefore, while Labour's asymmetrical devolution policies are undoubtedly the right response for the country's present needs, vision and thinking are needed to make sure they succeed in the longer term. The key here is to recognise that the UK has never, despite all the protestation, been a unitary state, but a union state with many distinct and detailed local arrangements. It has never had administrative standardisation on the French model.<sup>55</sup> The need for overall national symmetry does not preclude diversity in governing arrangements at different levels. Indeed Labour's own traditions of decentralism and local initiative can help to provide a road map from the 'Old Britain' to the more diverse 'New Britain' now emerging.

For the Labour Government to articulate the potential of this 'New Britain' it has to find the right balance between short-term politics and long-term vision, and at the moment there are tensions between the two. Labour's constitutional reforms are being sold as a series of piecemeal responses to different sectional and territorial demands without recourse to a bigger picture or a sense of vision. Labour needs to have an idea of the kind of Britain that will emerge from this radical programme of democratisation and 'do some thinking about how the new settlement is to be underpinned from the centre.'<sup>56</sup>

To undertake this, the Labour leadership need to clear up ambiguities in their understanding of the United Kingdom - between a unitary and union politics. In its first year of office, the Labour Government has shifted between the two concepts, regularly invoking a clear and unambiguous sense of a unitary politics in its central control of communications, while in its understanding of popular culture and its rhetoric of a 'New Britain' clearly invoking a union politics. A Labour Government with a long-term vision needs to distance itself from the unitary politics of Westminster centralism and celebrate the idea of a union politics of difference and diversity.

The means to achieve this is a constitutional inquiry - a Commission on the Governance of the United Kingdom. Headed by a senior constitutional thinker, this would be a larger version of the Jenkins Commission on electoral reform, with the remit to address the broader governance of the UK after devolution. Such a Commission would explore and propose coherent



rules and principles for the governance of the UK as a whole. Crucially, this would need to include a framework for English regional devolution, either of a rolling kind or of systematic reform. In examining the powers to be retained by the UK Parliament, the Commission would be required to assess the feasibility of a federal settlement and written constitution. The Commission would help to create a wider public debate on the longer term issues of constitutional reform.

The timeframe for this Commission should be at least two years: if established after the Scottish and Welsh Bills received Royal Assent, it could report back before the next election. This would mean that not only would Labour have delivered on devolution to Scotland and Wales, but would be able to offer the voters proposals for setting its reforms in a coherent vision for a new kind of United Kingdom.

If the chances of the Labour Government agreeing to such a body seem remote at the moment, one must ask why. The answer is surely that, despite the amount of political ground New Labour has covered to distance itself from Old Labour, elements of the latter remain. On the long term vision of constitutional reform the party is still essentially conservative. It would be a shame if Labour only began to address the bigger picture when problems begin to emerge with its ad hoc reforms, whether these are disagreements over the Barnett formula, competition over inward investment or European funds, or conflicts on the English question. It would surely be better for Labour if it acted before these or other problems arose.

The Scottish Parliament will play a leading part in the remaking of a new, modern United Kingdom. The Labour Government has in its first year shown a commitment and drive on a range of constitutional issues which have thrown off the constitutional gridlock of the Thatcher years. However, to make these changes far-reaching, and to use them to energise a new concept of politics in the British nations, Labour needs to combine its undoubted short-term skills with long-term vision. This requires it to make tough choices about the nature of, and an overall constitutional framework for, the United Kingdom. The opportunity Labour now has before it is an historic and unprecedented one for British radicals.

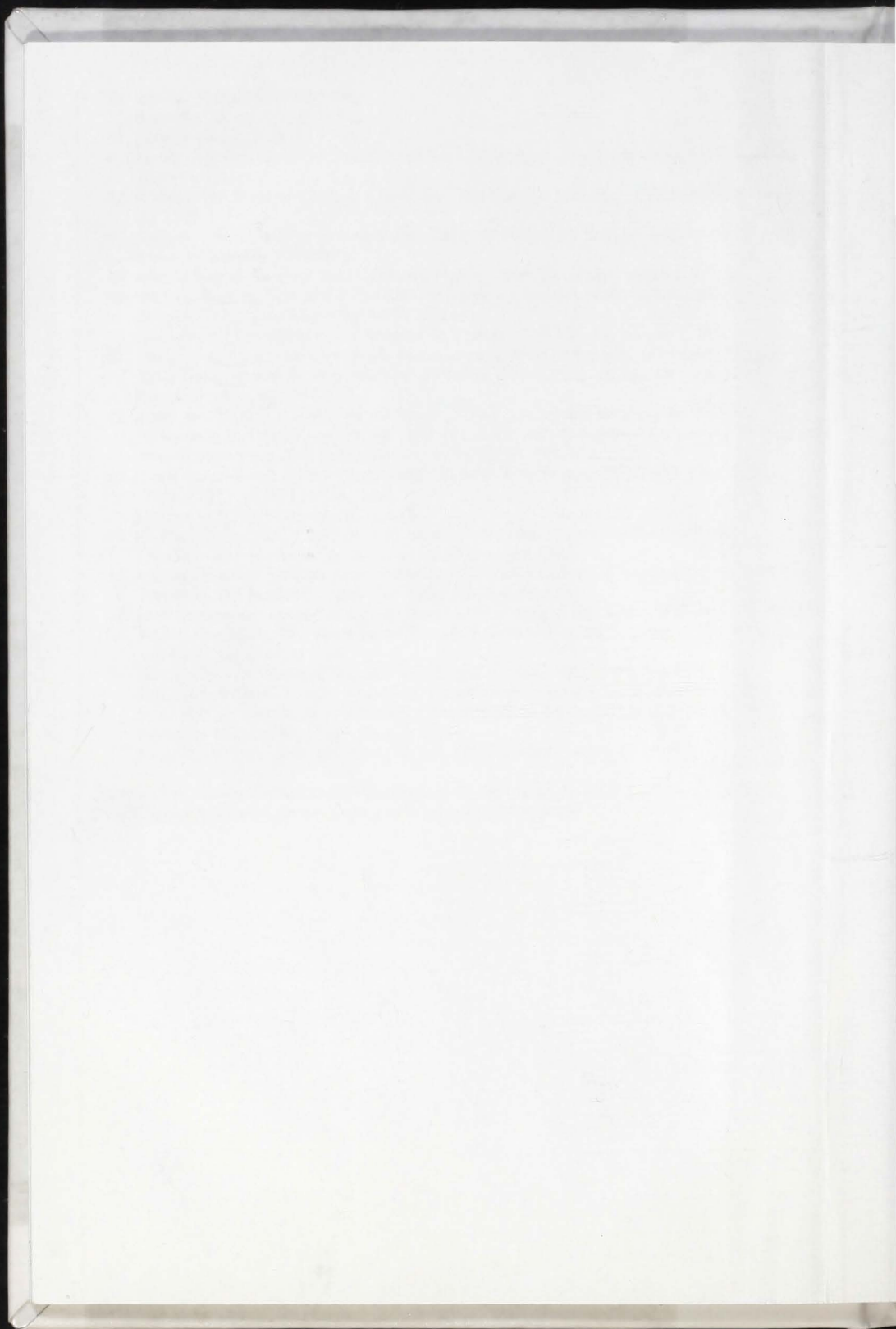
## Notes

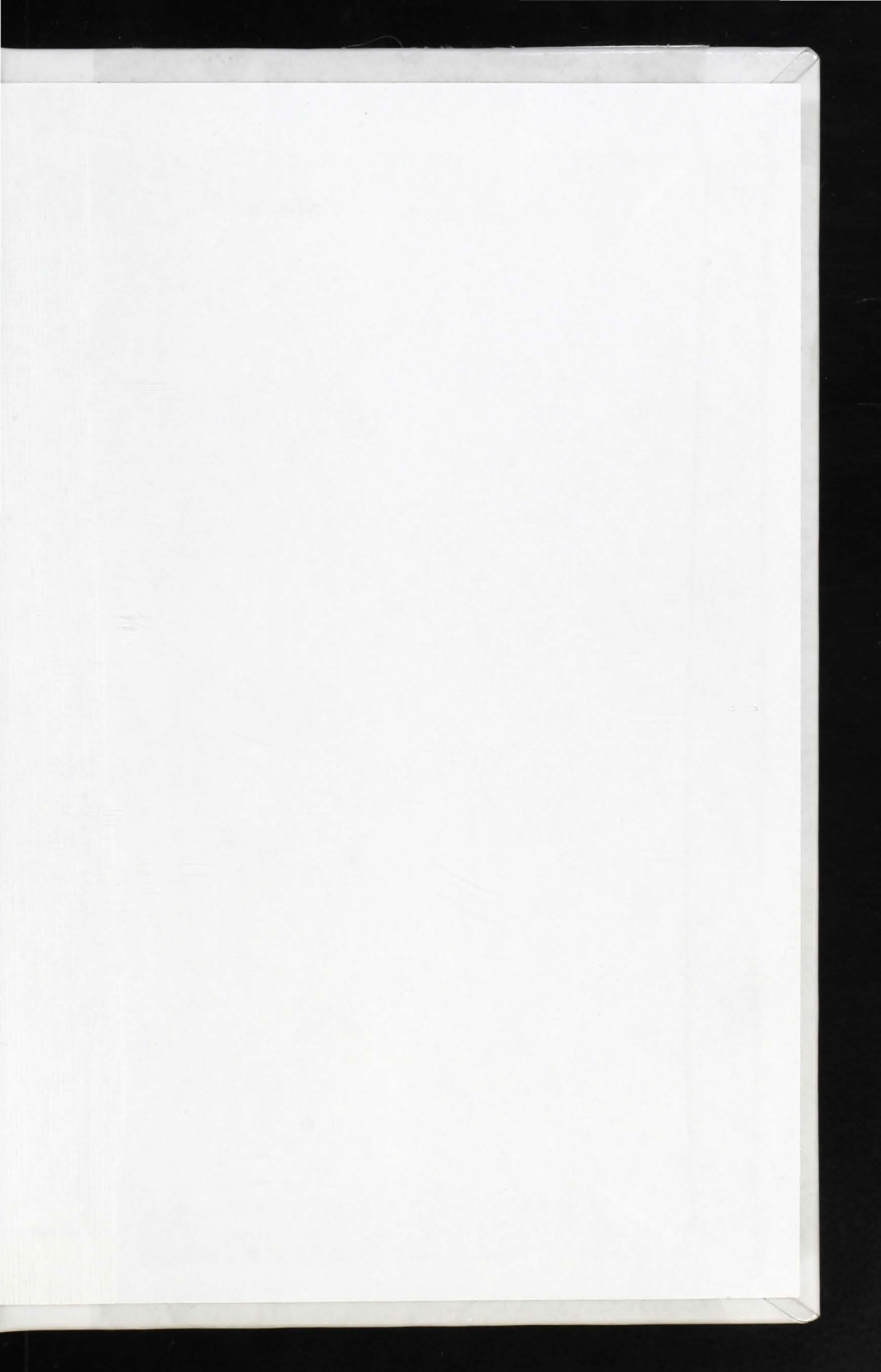
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## The New Scotland

These are exciting and dynamic times in Scottish politics, when the dreams and aspirations of over a century of home rule campaigners are becoming a reality. The fast-changing Scottish political environment throws up new questions for all the political parties - but particularly for Labour.

In this pamphlet Gerry Hassan argues that the long-standing consensus on the Scottish centre-left on the need for devolution has meant that the development of a programme for what the Scottish Parliament will actually *do* has been largely ignored. He argues that to make the Parliament succeed the Labour party in Scotland must break with the old Scottish Labour tradition and embrace a more open, pluralistic and radical politics. Not only the 'West Lothian Question' but the 'West of Scotland Labour Question' must be addressed. Under challenge from the SNP, Labour must develop an autonomous Scottish strategy.

The author argues that the Scottish Parliament promises to be a first step to a long-term reshaping of the United Kingdom. But this will require the Government to adopt a radical and innovative approach to the remaining questions raised by its constitutional reform proposals - notably on the government of England. He suggests that the government should set up a Commission on the Governance of the United Kingdom to examine the long-term framework for the constitution of the UK.

Gerry Hassan is a writer and political organiser, most recently of the Centre for Scottish Public Policy conference 'The New Scotland', sponsored by the Fabian Society. He is also organiser of the Scottish Nexus group.

This pamphlet is part of the Fabian Society's 'Redesigning the State' programme, which seeks to examine the role and form of a state appropriate to the 21st century Britain. Previous publications include *Information Age Government* by Liam Byrne.

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