
Ever looser Union: The future of the UK

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WITH JUST OVER A YEAR until the ballot boxes are opened and the votes counted, what is most striking from any comparative perspective is the equanimity with which the prospect of the referendum on Scottish independence is currently viewed by the overwhelming majority of the British political class. To be sure, a relatively small coterie of civil servants – assisted by sympathetic academics – continue to produce dossiers outlining the case as they see it for the continuing Union. Or more correctly, perhaps, the enormous risks they believe would accompany a move from home rule to full independence. But their contents receive only cursory and fleeting attention in a London media that appears to have largely relegated consideration of the referendum to their Scottish outlets – be they the Scottish editions of the ‘national’ newspapers, or television’s ‘regional’ programming and opt-outs. It is as if the territorial integrity of the state – including, *inter alia*, the fate of a quarter of its land mass, almost all of its oil, and the only base capable of servicing its so-called independent nuclear deterrent – is considered to be a matter of only limited, sectional interest! They may even be right in this calculation. Television executives cite an apparent lack of audience interest south of the border as a reason for the paucity of serious ‘national’ coverage of the independence issue.

All this tells us a great deal. About the parochialism and lack of intellectual ambition of a metropolitan media, who appear more comfortable covering the latest ephemeral tittle tattle from the Westminster village than dealing with an event of genuine world-historical importance. About the extent to which, in practice, the recognition of the popular sovereignty of the nations of the Celtic fringe now trumps the British constitutional dogma – the ‘crown-in-parliament’ and all that – that we continue to teach our students.

It also tells us something very important about the self-understanding of those who populate the institutions of the central state and the vast majority of that state’s non-Scottish inhabitants.

Consider for a moment the contrast between the relative equanimity with which the prospect of Scottish independence (not just the referendum itself, but even an affirmative vote) is viewed in London, and the neuralgic reaction in Ottawa or Madrid, say, at the prospect of a sovereign Quebec or Catalonia. Unless I am very much mistaken, the view in the Canadian and Spanish capitals is that those states could no longer be meaningfully regarded as ‘Canada’ or ‘Spain’ if territories were to secede from them. Territorial integrity is itself integral to the self-understanding and self-identification of the state. In

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This conference was part of a series, ‘Wales, the United Kingdom and Europe’, held in partnership with the Learned Society of Wales. A summary report of the conference may be downloaded via www.britac.ac.uk/policy/Public_Policy_Publications.cfm



London, and in the English heartlands of the state more generally, even if there might be some confusion about what the continuing state should be called – ‘Little Britain’ is one tongue in cheek suggestion – there would seem to be little prospect of the kind of existential crisis that secession would almost certainly precipitate in Spain and Canada. The state’s core identity would remain intact. In this sense, the pervasive tendency in the rest of the world to use England as a synonym for Britain or the UK, while clearly the source of annoyance to the state’s Scottish, Welsh and Northern Irish inhabitants, speaks to a deeper truth.

Another reason for the equanimity with which the prospect of the independence referendum is currently viewed may well, of course, be the opinion polls that consistently show the ‘No’ side commanding a comfortable lead. But even if this lead is maintained and the pro-independence forces are defeated on the 18 September 2014, polls and survey research also suggest that the direction of travel for the UK is set fair in the direction of ‘Ever looser Union’. Not only because of

attitudes in Scotland, but because of attitudes in Wales and England also.

Scotland

While the referendum will pose the choice facing the Scottish electorate as one between independence and the status quo, the surrounding political campaigning poses the choice in different terms: between independence and further self-government. This was presaged in a carefully worded statement in Edinburgh in February 2012 by Prime Minister David Cameron, who strongly implied that a ‘No’ vote would lead to further devolution. The Unionist political parties have all established various internal processes aimed at formulating their own enhanced schemes. Indeed, it appears that there are moves afoot behind the scenes to try to agree a joint-unionist alternative offer to be announced before the referendum. To the extent that a positive case is being put forward for the Union, it is for a Union in which the already powerful devolved Scottish parliament enjoys more autonomy and control over Scottish life.

The reasons for this become apparent on perusal of the polling evidence. Opponents of independence do not tire of pointing out (quite correctly) that there is no evidence that there has ever been more than minority support for such an outcome among the Scottish electorate. But even if they are more reticent of admitting it in public, they are also well aware that the constitutional status quo also enjoys only limited support. Rather, survey after survey demonstrates that the overwhelming majority of Scots wish to see their devolved parliament enjoy substantially more powers. Indeed, it appears that only in the case of foreign and defence policy competences do we find a majority of Scots believing that competence should remain at the Westminster level (Table 1). If these sentiments are not somehow assuaged then unionists are in danger of winning the battle but losing the war.

Table 1. *Scotland: Which level of Government should have most influence over the following policy areas, 2012 (%)*

	Scottish	UK
Health	66	26
Schools	62	14
Welfare benefits	62	25
Taxation	57	37
Defence and Foreign affairs	31	63

Source: Scottish Social Attitudes.

Herein lies the rub. Viewed in retrospect, the Unionists’ most recent attempt to redraw the Scottish settlement – via the Calman Commission and the subsequent 2012 Scotland Act – was poorly judged. It produced a financial package that appears to have been designed to force the Scottish authorities into taking politically contentious decisions, while at the same time granting them little or nothing by the way of additional, genuinely usable policy autonomy. So while the Scottish parliament will now have

no option other than to take decisions on tax rates in Scotland – in itself, an entirely sensible development – it has not been entrusted with the ability to vary any changes between tax bands. This is hardly the kind of arrangement that one would associate with a genuine attempt at empowerment. This impression is confirmed when it is also recalled that, beyond the financial aspects of the settlement, the headline ‘extra powers’ granted to Edinburgh were over air guns and speed limits: important in their way, no doubt, but small beer in constitutional terms.

Will the Unionists do better this time? They surely have the incentive to do so. This is hardly the time for niggardly attitudes. But they also face genuine dilemmas, especially if as seems to be the case, they are determined to maintain cross-party unity while doing so. Not least because devolving significant elements of Welfare appears anathema to Labour, even while it rails against the various reforms and cuts being introduced by the Conservative-

The British Academy and the Royal Society of Edinburgh have been holding a series of focused events to look deeper into the issues that will affect Scotland and the United Kingdom following the 2014 referendum on Scottish independence.

On 17 April 2013, a British Academy Forum considered ‘Taxation and Spending after the Scottish Referendum’.

On 24 July 2013, a British Academy Forum considered ‘Currency, Banking and Financial Services after the Scottish Referendum’.

Reports of these two discussions may be downloaded via www.britac.ac.uk/policy/Public_Policy_Publications.cfm

Liberal Democrat UK coalition government. Moreover, even if they can agree and enact a more generous dispensation, it appears almost certain that it will fail to match the aspirations of the Scottish electorate. Assuming Scotland stays in the Union, its relationship with the central state will be looser than has been the case until now, and that there will remain substantial pressure for yet further devolution of power.

Wales

Given the relative lack of interest even at the prospect of Scottish independence, it is no surprise that developments in Wales enjoy even less prominence in the London media. Yet between 1999 and 2011, at least, it was Wales that provided much the most dramatic changes in both public attitudes and institutional architecture across the post-devolution UK.

From very unpromising beginnings, characterised by weak public support and a constitutional design that proved to be utterly inadequate, the National Assembly for Wales has rapidly gained both popular legitimacy and additional powers. This culminated in a very one-sided referendum campaign in March 2011 fought on the issue of additional powers. A referendum that saw an easy victory for the pro-devolution camp, with their opponents reduced to a small, rather chaotic rump.

Yet passing that milestone appears to have done nothing to quieten the clamour for further devolution. Rather, the Silk Commission, established by the UK government in October 2011, has already recommended the devolution of tax powers to Wales, in terms that are analogous to – but more generous than – those recommended to Scotland by the Calman Commission. The UK government's (delayed) response is now expected in early Autumn 2013, but the mood-music from the Liberal Democrat side of the coalition, at least, has been very positive.

Meanwhile the Commission itself has turned its attention to the second part of its mandate, and is considering the Welsh devolution dispensation more broadly. The Welsh Government has taken the opportunity to call for further, substantial changes. These involve, in part, correcting the continuing inadequacies of the Welsh dispensation, by moving from a 'conferred powers' (as envisaged for Scotland in the 1978 Scotland Act) to a 'reserved powers' (as eventually implemented by the 1998 Scotland Act) model of devolution. But in addition, Cardiff has called for the devolution of policing and – as a longer-term objective – criminal justice as a whole. As can be seen from the opinion poll evidence in Table 2, both these developments apparently enjoy strong support among the Welsh electorate at large.

Other ideas put forward to the Commission include the establishment of a separate legal jurisdiction for Wales, and (by the Conservative opposition in the National Assembly, no less) the devolution of broadcasting. While there is no direct evidence of public attitudes on these latter possibilities, it is nonetheless clear that, among both the Welsh political class and the population at large, the appetite for the further devolution of power is far from

sated. Even if the country's parlous economic condition means that there is far less appetite in Wales than in Scotland for devolving Welfare functions, it is nonetheless clear that the country's future relationship with the UK state will be characterised by greater autonomy and self-government. In other words, a looser Union.

Table 2. *Wales: Which level of Government should have most influence over the following policy areas, 2013 (%)*.

	Welsh	UK
Health	63	23
Schools	62	16
Police	60	23
Defence and Foreign affairs	12	75
Policy about Law & order	58	28

Source: YouGov, February 2013.

England

Until recently the perception had been that the English viewed the devolution process across the rest of the UK with what might be termed benign indifference. Broadly speaking they were relaxed about developments elsewhere in the state, so long as they continued to be governed by the familiar institutions of Westminster and Whitehall. This prevailing wisdom has been challenged by research carried out by a team from Cardiff and Edinburgh Universities and the Institute for Public Policy Research (IPPR), under the banner of the 'Future of England Survey' (Table 3).

Whatever the situation that pertained in the early years of devolution, it appears support in England for the territorial status quo has now fallen dramatically to no more than 1 in 4 of the population. In the context of a widespread perception that it is unfairly treated following devolution (what we have termed 'devoanxiety'), it appears that a majority wish to see England explicitly and positively recognised by the governmental system, rather than the present situation of being a kind of residual category left over as a result of devolution elsewhere. There is, however, no consensus as to what form such recognition should take.

Not only that, but it appears that English national identity is being politicised. The more exclusively English a person's sense of national identity, or the more strongly the English element of a joint or 'nested' Anglo-British identity is stressed, the more likely a person is to feel that England is unfairly treated by the current arrangements, and the more strongly they want to see a positive recognition of England *qua* England by the political system.

English dissatisfaction with the internal territorial constitution of the UK is also, it transpires, closely related to dissatisfaction with the state's external relationship with the European Union. Thus, even if Eurosceptic rhetoric posits 'Europe' as a threat to British values and traditions, it is in fact those who feel most exclusively English that are more hostile to the UK's membership of the EU. Indeed, counterintuitive though it may be to

many, given Eurosceptic rhetoric that posits Europe as a threat to British values and traditions, the most exclusively British a person’s sense of national identity the more pro-European they tend to be.

The overall picture emerging strongly from the latest research is therefore of significant English discontent with both of the political unions of which their country is a part: with the United Kingdom as well as with the European Union. All of which suggest not only that pressure will continue to mount for an attempt, at least, to develop a looser relationship between the UK and the EU (as already promised by David Cameron), but also that pressure to redraw relationships within the UK in ways that grant the various national units more autonomy will emanate not only from Scotland and Wales, but increasingly from England too.

All of which poses a profound challenge of political and constitutional imagination. Can the institutions of the UK state actually adapt in ways that would give expression to the apparent public desire for ‘Ever looser Union’? Thus far the devolution process, while leading to radical if not revolutionary changes at the periphery, has left those

central institutions almost entirely unchanged. So, for example, even the UK government’s territorial offices for Scotland and Wales have survived, even if it is hard to fathom how this could possibly be justified now those nations have their own law-making parliaments and powerful governments. But a further, more generous package of devolution to Scotland, in particular, would surely require major reforms at the centre – up to and including a written constitution – in order to ensure the proper functioning of what would then be a highly decentralised state.

In their way, however, England and English sentiments provide an even more profound challenge to the state. If the current fusion of UK and English functions in UK-level institutions is somehow brought to an end – which is, after all, what an increasing proportion of the English population seem to want – then institutionally speaking, everything would change. Indeed, while our attention will naturally focus on Scotland over the coming year, English discontent with both of the Unions of which England forms a part may well ultimately prove a greater threat to the state than nationalist sentiment north of the border.

Table 3. *England: Constitutional attitudes by national identity (Moreno scale), 2012 (%)*.

	All	English not British	More English than British	Equally English and British	More British than English	British not English
<i>‘Devoanxiety’</i>						
Scotland gets more than fair share of public spending	51	64	62	50	46	41
Scottish Parliament to pay for services from own taxes (strongly agree)	81(49)	85(76)	90(58)	82(45)	78(43)	64(33)
Scottish MPs no longer to vote on English laws (strongly agree)	81(55)	91(77)	88(62)	82(52)	81(52)	71(37)
Don’t trust UK Government to work in English interest	62	72	62	60	55	62
<i>Constitutional preferences for England</i>						
Status quo	22	10	17	25	37	29
‘English votes on English laws’	33	39	38	32	33	25
English Parliament	18	25	25	16	7	16
England independent inside the EU	7	5	6	6	8	8
England independent outside EU	8	13	7	8	7	7
Don’t know	12	9	7	13	8	15
<i>Vote in Referendum on EU membership</i>						
Remain	33	17	28	33	45	49
Leave	50	72	58	48	37	35
Wouldn’t vote	5	3	3	6	5	3
Don’t know	12	8	10	13	13	13

Source: Future of England Survey 2012.