

## INTRODUCTION

# Back to the Future: Exploring Twenty Years of Scotland's Journey, Stories and Politics

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The Scottish Parliament marked its twentieth anniversary in 2019 – its first elections took place on 6 May 1999, its first session on 12 May 1999, and the formal transfer of powers from Westminster to Scotland on 1 July 1999.

Several timeframes led up to this: a more-than-a-century-long campaign for Scottish home rule which dated back to Gladstonian home rule and Keir Hardie's Independent Labour Party in the 1880s; the more recent post-war attempt to progress constitutional change and self-government which accelerated after the SNP began to become a serious electoral force from the late 1960s onwards; and finally, the shorter period which encapsulated Labour's preparation for office pre-1997, followed by the relatively smooth last phase of 1997–99 legislating and preparing for a Scottish Parliament. These three phases are all interlinked and overlap, and are part of a bigger picture of negotiating Scotland's place in relation to the Union, and its autonomy, distinctiveness and voice.

Twenty years in historical terms is a relatively short period of time but in terms of politics and political development it is a sizeable period where many of the events now seem part of contemporary history and can often only be described in such a way. This introduction addresses the wider context of the past 20 years, the key ideas and drivers, what devolution was in the beginning of this period, what it aimed to do, and how it – and the Scottish Parliament – are portrayed two decades on. It addresses what became the stories of devolution, the contours of public life, who had voice and who did

not, and concludes by surveying where we are now and where we might head in the future.

### Twenty years ago

Pre-Scottish Parliament, there was much expectation around the impact that the new institution and the politics around it would be able to achieve. There was hope of an oft-cited but vague ‘new politics’ that would produce better democracy and governance leading to better decisions, policy and outcomes (Brown, 2000; for a counter view see Mitchell, 2000). Underpinning this was a critique of Westminster and its adversarial practices, and its increasing disconnect to majority Scottish public opinion.

Before the onset of the new institution, a home rule consensus emerged – based on the importance of democratic accountability – believing that a Scottish Parliament could do better than Westminster, and thus have a beneficial effect on our politics. Subsequently, the prevailing view has become that people overhyped their hopes and expectations, aided by that consensus and a ‘devolution industry’ – a view put forward by the BBC Scotland’s Andrew Kerr, ‘Maybe expectations were too high in 1997 and 1999, when the current Parliament first met’ (BBC Scotland, 8 September 2017).

However, the actual evidence of those high expectations shows they were not as unconditional as often portrayed. Take Yes–Yes voters in the 1997 devolution referendum for example. They recorded huge majorities – believing a Parliament would improve social welfare (71 per cent), education (89 per cent), the NHS (82 per cent), and the economy (86 per cent). Yet, the numbers believing change in each of these would be ‘a lot’ was in each case a minority, namely social welfare (19 per cent), education (39 per cent), the NHS (36 per cent), and the economy (36 per cent) (Denver et al., 2000: 200). And in every one of these cases the percentage believing that positive change would be ‘a little’ was a larger group of voters than those saying ‘a lot’.

Therefore, even within the home rule consensus there was a degree of qualification which was often written up as the ‘high expectations’ thesis. Politics, even at the point of 1997–9, was

always more conditional than the impression that some of the commentary gave. It is also true that even in this period several more thoughtful voices talked of ‘an expectations gap’ and the limited powers of the Parliament over whole acres of public life and resources. But these were in a clear minority and were crowded out in the general sense of anticipation which arose at the prospect of a Scottish Parliament.

Those heady days of 20 years ago were characterised by all sorts of omissions. First, even the detailed plans for the Parliament in the Scottish Constitutional Convention, and post-1999, in the work of bodies such as the Consultative Steering Group (CSG), did not look at the political party and governmental terrain of politics. Thus, party dynamics, the role of the executive in relation to the legislature, and issues such as government patronage and the role of the payroll vote, were left unexplored pre-devolution.

There were complacencies about the prospect of a ‘new politics’ – one where a PR-elected Parliament with a powerful committee system would somehow see a more equitable sharing of power within the institution, as well as between Parliament and people. There was an investment in the belief that a politics of presence – a body which more accurately reflected Scotland not just by party, but gender, ethnicity and other identities – and one with more accessible processes would produce automatically a more modern politics and democracy.

Scotland’s Parliament has turned out a more complex, nuanced story than these and other pre-devolution expectations. In one important respect, while Scotland gained from the setting up of the Scottish Parliament it also felt a loss – namely that of a ‘fantasyland Parliament’ of pre-1999. This was a mythical, idealised institution that would be a place of participation, boldness, and a rich array of voices that would do ‘good’ things. This was a projection as well as a mobilising story, and the arrival of a real Parliament made up of real politicians ended this fiction. Moreover, in the early years when elements of the media went after the new body some people undoubtedly felt in quiet reflection that loss – as much as the undoubted gain.

This book is an attempt to chart the development, work and activities of the Scottish Parliament over its first 20 years. It does so

by looking at the institution itself, the key agencies connected to it, other political institutions, and the wider political environment, including the main parties. It draws together a wide range of perspectives from academics, to specialists, practitioners and journalists, as well as elected and former politicians, ex-civil servants and participants active over the course of the two decades.

### **The expectations agenda**

Over 20 years' span Scotland has changed dramatically in numerous ways – as an economy and society, culturally and politically. Not all of this change is due to the activities and existence of the Scottish Parliament: some of the change is in areas outwith the remit of the Parliament, some beyond politics, and some would have happened with or without a Parliament (see McCrone, 1992; 2017).

Scotland has changed politically in public attitudes in relation to how people see devolution in comparison to Westminster. When asked who has the most influence over the way Scotland is run, a distinct pattern can be discerned. From a 2 per cent lead of the Scottish Executive over the UK Government in 1999 (41 per cent/39 per cent), this dramatically changed into a 53 per cent UK lead the following year (66 per cent/13 per cent). Subsequent years showed consistent UK majorities narrowing to a 21 per cent UK lead in 2007 – when the Executive was renamed the Scottish Government – with the two only reaching parity in 2011. In 2016 the Scottish Government established a lead of 42 per cent to 41 per cent compared to the UK Government, and in 2017 this expanded to 43 per cent to 41 per cent: the first time it had ever been ahead for two consecutive years and, since 1999, at all (Scottish Social Attitudes Survey, 2017; 2018).

When asked who they trusted to best look after Scotland's long-term interests – a different picture emerged. In 1999, 81 per cent said the Scottish Parliament; 73 per cent in 2015; falling back to 65 per cent in 2016 and 61 per cent in 2017; with 32 per cent saying Westminster in 1999 and 23 per cent in 2015, 25 per cent in 2016 and then 20 per cent in 2017 (Scottish Social Attitudes Survey, 2017; 2018).

A broader set of trends occurred in Scotland with which the

Parliament had a relationship, but which were more often than not independent of it, as Scotland became a more diverse, cosmopolitan, multicultural society and a place more at ease with itself on issues such as gender, sexuality, ethnicity and multiple identities than in the past. There has been a complex relationship between these two developments, but it has not been a determinist one. To put it simply, the story of Scotland over the last 20 years has not been just about the Parliament, or the Scottish Parliament and Westminster, or even politics.

Yet this Scotland has, as a political community, become more autonomous and distinctive within the UK. This can be seen in how Scotland increasingly sees itself, talks and thinks – or to be accurate – how parts of Scotland do all of these things, a sentiment and mindset I have described as ‘independence of the Scottish mind’ (Hassan, 2014b). This semi-independence has a twin track: the increasingly homegrown nature of politics in Scotland and the more Londoncentric focus of a large section of the UK political classes and their hinterland.

### **‘Scotland’s velvet revolution’**

Questions inevitably arise about who, and what, aided the origins of the modern Scotland we now live in. Is all or most of it the result of Thatcherism and deindustrialisation, or are there other trends around? Scotland has been through dramatic economic and social change over the last 40 years or so; historian Tom Devine summarised these as being the equivalent of ‘Scotland’s velvet revolution’ – a set of profound socio-economic changes which were far reaching and had lasting impact, throwing up widespread dislocation and the loss of familiar anchor points of meaning and identity for large parts of the population (Craig and Devine, 2005).

This transformation is often presented in the shorthand of ‘Thatcherism’ and what her government and ideology did to Scotland (Torrance, 2009; Stewart, 2009). But the story is much more layered and involved an economy and society which has dramatically altered and become service-led, less male-dominated, and more feminised (Gibb et al., 2018). This has been in Devine’s account, a revolution without a defined and clear leadership, and

if this is true it raises numerous questions about who have been our guides and interpreters for these changes in the past and, who can be for the future transformations that will come? The Scottish Parliament might be the answer for some and for its elected politicians, but we live in an age where many have doubts about the political class, and it would be naïve to imagine they could do all the heavy lifting themselves.

### Devolution and the role of the Scottish Parliament

Devolution is defined by the *Oxford English Dictionary* as ‘the transfer or delegation of power to a lower level, especially by central government to local or regional administration’ (*Oxford English Dictionary*, 2019); and constitutional expert Vernon Bogdanor describes it as:

... the most radical constitutional change this country has seen since the Great Reform Act of 1832. This is because it seeks to reconcile two seemingly conflicting principles, the sovereignty or supremacy of Parliament and the grant of self-government in domestic affairs to Scotland, Wales and Northern Ireland. (Bogdanor, 1999: 1)

Given the context and backstory of Scottish devolution it is no surprise that there are a variety of interpretations (Mitchell, 2009). In writing this introduction I asked more than fifty figures from different backgrounds and public life their thoughts on devolution and whether the Parliament had been a success or not. For example, academic Richard Rose of Strathclyde University describes it as ‘A Rorschach ink blot that people can interpret as they wish.’ The writer David Torrance observes that:

Devolution was many things. For some (like Donald Dewar) it was a sincere attempt to reorganise the constitutional status quo; for others (such as Robin Cook) it was a necessary evil to mitigate upper case Nationalism; and for some more (i.e. Alex Salmond) it was a means to an end.

The commentator Iain Macwhirter states that devolution ‘was the civic project of restoring the Scottish Parliament, and was a great

success. Since 1999, the Scottish Parliament has established itself as the key democratic institution at the centre of Scottish public life.'

The columnist Joyce McMillan believes that:

Some Nationalists tend to view it as a trick, and it is true that 'power devolved is power retained', as we are currently being reminded. But within limits, the Scottish Government has been able to run Scottish domestic policy along different lines from the rest of the UK.

The former civil servant, now academic at Nuffield College, Oxford, Jim Gallagher takes the view that devolution has answered two principles:

Representative: just by being there, they provide a political focus for Scotland, whether within the UK or under independence. And utilitarian: at the least to match Scottish public policies to Scottish preferences.

Arthur Aughey of Ulster University takes a more detached and long-term view:

From a philosophically radical angle, devolution is a 'new beginning', meaning either a rebirth of Scotland's tradition of self-government (interrupted in 1707), a confirmation of its distinctively assumed Radical, Communal (or whatever) traditions and culture; or, to use an Irish expression (a reluctant acceptance by SNP) the 'freedom to achieve freedom'.

Kirstein Rummery of Stirling University thinks that devolution was ultimately about identity:

Devolution is . . . a project designed to create a sense of political identity at the substate level – in this case, to support a Scottish political identity, separate to, but not replacing, a UK political identity.

Historian Richard Finlay of Strathclyde University takes a similar view:

I think devolution has been primarily an anti-independence device which acts as a sort of surrogate for full-blown statehood. It has many of the trappings of independent statehood, but not the depth.

Nigel Smith, who chaired the Yes–Yes pro-devolution campaign in the 1997 referendum, makes the point that Scottish devolution had British roots too: ‘Britain created devolution enclaves, allowing the centre to roll on largely as before’ but this British dimension was never fully addressed – ‘It is clear now that devolution was more a response to Scottish nationalism than to the centralism of Britain.’

There were more critical voices – even when talking about the idea of devolution. Alex Bell, formerly Head of Policy in Alex Salmond’s government assesses that it was: ‘Not what it was claimed. We didn’t come up with divergent policies to the UK or with “Scottish solutions to Scottish problems”, to quote Donald Dewar.’ The journalist Peter Geoghegan observes that ‘it’s hard to see how devolution can be said to have solved the issue it was in many ways designed to fix.’ More fundamentally, Gerry Mooney of the Open University states:

Devolution for me is a neoliberal project: it was integral to the New Labour project of ‘modernising’ the UK constitution . . . Both New Labour and the SNP, constitutional issues aside, have a shared vision of what I would call a ‘tartan third way’ approach . . .

Alan Cochrane of the *Daily Telegraph* offers a pithy overview, questioning the intent of Labour advocates:

Whatever its technical definition devolution is the system of government dreamed up principally by Labour bigwigs to see off the Nationalists . . . The former [Labour’s bigwigs] would stay in London to run the ‘empire’ whilst the party’s also-rans – councillors and trades union officials etc. – could run bits of Scottish policy.

With all of these different interpretations, and hence expectations, people have different gauges to judge whether devolution and the Parliament has been a success. In many comments and judgements made, there was a distinct strand of soft disappointment with the actions and record of the Parliament so far, often said with a whiff of sadness and regret, even wanting to be proved wrong.

A starting point is that devolution delivered a working Scottish Parliament and in the words of Paul Cairney: ‘In those terms, devo-



lution was a success as soon as it happened and everything else is just detail' (2011: 258).

Joyce McMillan has no doubts about having a positive assessment:

I would say that compared with the predictions of doom and chaos that were common among large and small-c conservative types at the time, the Scottish Parliament has been an outstanding success, and has moved rapidly to fill an obvious gap in Scotland's previous governing structures.

Kevin Pringle, former SNP staffer and now at Charlotte Street Partners, was positive in his assessment: 'It has been a success in changing the governance of Scotland from the lobbying culture of the old Scottish Office to one that is genuinely about the business of governing.'

John McTernan who worked for Henry McLeish and Tony Blair in government has a more qualified judgement:

It has been partially successful. It has delivered decisions made closer to communities. But it has failed to generate innovation through divergence and experimentation. Instead it has generally led to policies exemplified by spending more on 'free stuff' . . .

Similarly, Michael Keating of Aberdeen University gives a conditional thumbs-up: 'It has been a success if we are comparing it with what went before. It has legitimised the state in Scotland . . .' The writer James Robertson also assessed devolution in comparison with what came before: 'I cannot imagine what moribund political condition Scotland would be in if still a part of the UK yet without its own Parliament, and all that has flowed from its existence.'

Robin McAlpine, director of Common Weal, the pro-independence group, thinks much of its success comes from what it has deliberately not done: the road not travelled: 'Most of the biggest achievements have been about things not done – the privatisations that didn't happen, the outsourcing that didn't happen, the tuition fees not imposed, the care for the elderly not marketised.'

For some its very existence was a statement and gave people a connection. Sue Lyons, an Inverness-based mental health development worker put it:

I also think the sense that the Scottish Parliament is 'ours'. The MSPs are not in some ivory tower but living amongst us, taking our trains, driving our roads, we can go and see them, we can hold them to account and we can see how they put people at the centre of developing policies . . .

This was a common thread expressed by many; Kerri Friel, an anti-poverty activist based in Glenrothes said of the Parliament: 'Its very existence is a light in the dark.' Kathleen Caskie, a third-sector manager, saw the Parliament's creation as shifting power: 'Scotland has changed for the better in the last 20 years because it no longer feels that we are far away from the centre of everything.' But not all saw the Parliament's expression of identity as an unbridled positive, with Jim Gallagher stating that: 'Holyrood has proved better at being than doing.'

Angela Haggerty, journalist and political commentator, assessed its impact in relation to the independence question:

. . . from a unionist perspective, I'd say devolution has failed. If anything it has sped up the rate of collapse . . . From a Scottish nationalist perspective, it couldn't really have gone any better up until this point. Scotland remains on the brink of an entirely possible Yes for independence vote . . .

Anna Fowlie, chief executive of SCVO, took a nuanced approach: 'What interests me is that it hasn't "trickled down" . . . devolution to local councils and then to communities . . . Actual power still rests with the wealthy, with men and with big, global business.' Cathy McCulloch, co-director of the Children's Parliament observed, 'Short-termism is a stifling factor in the push for progress – education being an example of limited vision and action.' Dave Watson, former head of policy and public affairs at UNISON Scotland, emphasised its failure at substantive reform: 'The failure has been the emphasis on process rather than substantive action that challenges the power structures in our society.'

Not surprisingly Alan Cochrane was more critical – judging that the Parliament's success had been to create its own bubble:

In terms of breeding an 'industry' – a parliament, politicians, staff, researchers, etc., etc., perhaps it has. Not forgetting a media industry

where we have an extremely critical press, some might say overly so, and an almost supine national broadcaster in BBC Scotland . . .

Others were also critical but from a very different political perspective. Author Carol Craig stated: 'The Scottish Parliament has been disappointing . . . a middle-class parliament for a middle-class electorate' and felt overall its actions had been 'tame' and had not brought about 'much-needed change in inequality and poverty.' Gerry Mooney was even more disappointed at the Parliament's record: 'The key to this answer is asking: a success for whom? It has been successful for the rich, the powerful and other vested interests in Scotland.'

Gehan Macleod, co-founder of the pioneering Galgael in Govan, Glasgow, articulated dissatisfaction at the state of the nation: 'Heightened levels of uncertainty and a state of perpetual anxiety have become the norm for many Scots, raising the question of better or worse for *whom*?'

Others saw the Scottish Parliament's refusal to go in the same direction as Westminster as cause for cheer. Alastair McIntosh, writer and theologian, put it:

Living in Govan, I see all around the crippling effects of austerity, the shifting of the burden of the feckless avarice of the rich onto the poor. But it feels so good that this has not been caused by our own Parliament, and that Holyrood has taken what steps are within its power to mitigate some of austerity's impacts.

Kerri Friel stated:

Community activists seek to make changes where we see inequality, injustice – many of the people we talk with in our communities are affected by child poverty, disability, in-work poverty, food-bank usage, homelessness, the list goes on – BUT – these are all the result of Westminster.

Kathleen Caskie stated: 'we now have a Government which talks about care-experienced young people unashamedly using the word "love".' Innocent Jakisa, a disability and poverty activist living in Scotstoun, Glasgow, mentioned: 'The introduction of the smoking

ban on 26th March 2006, it means that our children will grow up healthy in a smoke-free public places environment.’ Sue Lyons reflected on her family’s experience, saying, ‘I think the biggest change in policy decisions, certainly for myself and my family has been removing university tuition fees. This has led to four of us achieving degrees in the last five years.’

Writer Alan Bissett noted a different climate being created north of the border: ‘While we’re hardly immune to racism, Scotland hasn’t quite been infected by the resurgent xenophobia and chauvinism that seems to be sweeping the Western world.’ Broadcaster Stuart Cosgrove saw the Parliament as tapping into, and facilitating, a wider shift in the nation:

One thing I’m most impressed by is a clearer focus on futures. Prior to the existence of the parliament there was an understandable focus on post-industrial decline and its long-term impacts.

This brings us to the official stories of devolution. We have, first, already mentioned the ‘new politics’ thesis which had much currency pre-Parliament, but less after the Parliament came into existence. Second, related to this, was the Parliament as the creation and expression of civil society, and in many accounts, ‘civic Scotland’. Third, has been a thread evident in the above comments of the Parliament as giving voice and institutional form to a sense of being and identity, providing an expression of what could be seen as a political home with many feeling they were connected to the institution and could call it ‘ours’. Fourth, is the disappointment some feel with the track record of the Parliament, which comes in many gradations, from the lament that it hasn’t lived up to its prior billing, to a judgement by parts of the left that it hasn’t significantly shifted power (except to itself) or tried to transform Scotland.

Finally, is the story of the Parliament as the champion of social justice and social democratic values. This has been centred on the belief that Scotland is becoming a fairer, more equal country, and that whatever the compromises and diversions Scotland is inexorably moving in the right direction. This is the terrain Labour naturally thought was its own home turf, but which came increasingly

under challenge from the SNP to the point that they have claimed it as their own (Maxwell, 2009).

What unites Labour and SNP in their respective periods of dominance is that neither has thought it necessary to offer a detailed interpretation of what social justice is and how to achieve it. Both have tended to define it as an unproblematic concept (when there are actually numerous different interpretations), and have tended to take as a given that it is a good, that their actions contribute to its advancement, and that even more, that their respective party animates in its essence the cause of social justice (on different interpretations of social justice see Atkinson, 1982). The mantle of this perspective seems to have passed without disruption from Labour to the SNP as the dominant party of the centre-left.

### **The record of the Scottish Parliament**

The Scottish Parliament is a political space, debating chamber, legislature and place for holding government and power to account – as well as speaking for Scotland. Yet, as well as being a living political institution, its track record over the last 20 years has been active in terms of legislation, with 284 Acts passed between 1999 and January 2019: 62 in 1999–2003, 66 in 2003–7, 53 in 2007–11, 79 in 2011–16, 24 in 2016–January 2019 (SPICe, 2019).

A key determinant has been the relationship between the Scottish Parliament and Scottish Government. How the two have interacted has changed over the period, from the early days of both bodies, with different attitudes and behaviours marking Labour–Lib Dem and then SNP administrations, and the experience of coalition, followed by minority, then majority, and back to minority government. Parliamentary debates and votes have been defined, as elsewhere, by codes and cultures of party discipline, and occasions when the Parliament has effectively held ministers to account have been rare. The committee system, much vaunted in the early days, has succeeded in throwing the light of scrutiny on aspects of public life previously unexamined, but in more recent years has become less effective in holding government and public agencies to account, limited by the ties of party loyalty.

As important has been the accumulation of power at the centre

by the Scottish Government, which has been in part an inevitable trend of devolution and the creation of a new institution and the inherent tendency of new bodies to seek to justify their position and importance to increase their status and reach. Related to this has been the mindsets of, first, Labour in office (with the Lib Dems) and then the SNP – and the length of time each has been in power, with the latter by the next Scottish Parliament elections in 2021 having been in power for fourteen consecutive years.

Reinforcing this trend has been the attitude of central government and the political forces running them. Thus, one example of how the SNP see government is the Scottish Government White Paper on independence, ‘Scotland’s Future’. This expressed satisfaction with the way the Parliament was working, and promised more of the same under independence:

Scotland already has a modern, accessible parliament, elected on a proportional representation system. It will remain the parliament of an independent Scotland. The Scottish Parliament has set an example within the UK on how a modern legislature should operate. In line with its founding principles of power sharing, accountability, access and participation, and equal opportunity, the Parliament has successfully put into practice the principles on which it was founded: the petitions system makes the Parliament accessible and improves accountability; the legislative process gives civil society and individuals significant opportunities to participate before and during the formal Parliamentary process . . . (Scottish Government, 2013: 355)

Connected to this was the vision of the state presented in the White Paper which was a continuation of the patronage state – reaching out and including various interest groups, experts and parts of civil society in a time-honoured and established way.

Another dimension in play is the relationship between Scottish devolved institutions and Westminster and Whitehall. The UK institutions have had a key role in the evolution of devolution – from the Scotland Act 1998 setting up the Parliament to the subsequent Scotland Acts of 2012 and 2016. As critically, Westminster has responsibility over significant areas of Scottish public life from macroeconomic powers, taxation, welfare, defence and foreign

affairs, and even after the 2012 and 2016 Acts resulted in the devolution of elements of taxation and welfare powers, the majority of these areas still remain with Westminster.

When the Scottish Parliament was established in 1999 there was a continuity of the party in power on both sides of the border, with Labour and the Lib Dems establishing the first devolved administration while Labour was in office in the UK. This still involved significant intra-party Labour tensions, but these were often masked or kept private. This changed when the SNP won in 2007 and then again when the Conservative–Lib Dem coalition was established in the aftermath of the 2010 UK election.

Now in retrospect we can see that the early period of Labour being in office in Scotland and the UK was a historic missed opportunity shaped by the party's innate constitutional conservatism (Keating and Jones, 1985). For devolution to work in a UK context it had to be devised not just as a Scottish-and-Welsh-only project (leaving aside the special circumstances of Northern Ireland) but had to involve reforming the political centre of the UK and creating formal arrangements between the centre and the new devolved bodies which would entail sharing power.

Instead, what the UK Government devised was a Joint Ministerial Council (JMC) which brings together the devolved administrations and the UK Government. This has plenary meetings of ministers and civil servants, and numerous technical and specialist sub-groups. While the latter have sometimes worked well, the former rely on the goodwill of the UK Government to listen to the devolved bodies; this slowly began to erode and then, with Brexit, to evaporate.

The fallout from Brexit led to a whole series of clashes between the Scottish and UK governments which ultimately saw UK law officers take the former to the UK Supreme Court over the remit of the European Union (Legal Continuity) Scotland Bill. The verdict was one which gave something to both sides, in that the judges said the bill 'as a whole' was within Holyrood's competence, but that MSPs had acted outwith their powers in relation to one section (BBC News, 13 December 2018). Moreover, the UK was widely perceived as acting in an insensitive way towards Scottish concerns over what happened to powers coming back to the UK from

Brussels over Brexit – with widespread concerns of a Westminster ‘power grab’ which went way beyond the SNP.

There was a discernable feeling that Westminster and Whitehall never fully grasped or understood devolution, and instead saw it as a one-off event and a box ticked, rather than something which had to evolve. Fundamentally, the UK centre saw Scottish devolution as not directly impacting on itself, but about something ‘other’ and ultimately, far away. Thus, the British state at its core did not reform or democratise, or embrace far-reaching constitutional change which codified the reforms Labour initiated; neither did it advance towards some kind of quasi-federalism, or address in any way the English dimension (left to wilt after the failed 2004 North of England regional referendum) (see, on England and Britain: Weight, 2002).

In many respects the UK political centre went backward after devolution. Under New Labour it came to represent a compromise between the forces of turbo-capitalism and the City to fund increased public spending, in so doing becoming advocates for light-touch regulation, privatisation and outsourcing (Shaw, 2007). And once the 2014 referendum result was called, the very next day David Cameron declared: ‘We have heard the voice of Scotland – and now the millions of voices of England must also be heard. The question of English votes for English laws – the so-called West Lothian question – requires a decisive answer.’ (BBC News, 19 September 2014). This did not go down well in Scotland, with the leader of the No campaign Alistair Darling, along with Gordon Brown and others, feeling betrayed.

The European dimension in relation to Scotland has now become inexorably framed around Brexit, the nature of UK withdrawal, and how Scotland’s voice is represented and respected in this process. The Scottish Government has published two White Papers on Brexit and sought to get the UK Government to develop a withdrawal which takes on board Scottish interests (Scottish Government, 2016; 2018). This could have encompassed a ‘soft’ and differentiated Brexit – with the latter adapting the terms of exit to Scottish, Welsh and Northern Irish concerns. But any chance of this ended when Theresa May called the 2017 UK election and lost her Commons parliamentary majority, restricting her political room for manoeuvre.



All of this was a far cry from early days of devolution and the hopes of a 'Europe of the regions' in which devolved and regional governments and politicians were viewed as having an important say in the European political project. The nature of Brexit threw up numerous difficult questions for Scotland and the prospects of self-government in the future. These include the nature of the British state and statecraft after Brexit, the inexorable rightward drift of UK politics and the influence of an intransigent, uncompromising version of Euroscepticism, and the problems which a 'hard' Brexit might raise for a new independence offer in the near future. These and other difficult issues related to Brexit look likely to dominate many Scottish political discussions for many years to come.

### **The human dimension of politics**

Politics is about people and the human dimension of the last 20 years is fundamental to understanding the scale of change, the impact of the Parliament, and the role of politicians and public. 129 MSPs were elected in 1999 – 15 of them with Westminster 'dual mandates' – and the vast majority of the rest elected for the first time to national elected office. This, at one stroke, more than doubled the national political class of the country (MPs, MSPs, MEPs) – and over the course of 20 years saw the sum total of 305 individuals elected as MSPs.

The role of politicians in Scotland's Parliament with the differentiation between the 73 First Past the Post (FPTP) and 56 regional list MSPs, affected a sea change in how politics was done. There was, as well as a new institution, a new way of electing a significant number of them that dramatically changed the overall composition of the Parliament – making all parties parliamentary minorities until 2011 – and presenting a very different public face from the one people had come to associate with Westminster.

The newly elected politicians acted and spoke in ways which broke new ground. They were present in Scotland for their working week, unlike Westminster MSPs, accessible and available to answer questions, and to ask questions of others. This was a culture shock for Westminster politicians who, particularly in Labour, felt aggrieved at all the public and media attention the new

body and politicians got when it was set up (not all of which was positive).

As well as the above, it is important to reflect on one's own small role in this story. I have a track record over the arc of the past 20 years of contributing to and analysing the Scottish Parliament and wider politics. Pre-Scottish Parliament in 1999 I produced a bestselling guide to the Parliament and the new political environment; subsequently the same year, once the Parliament was up and running, I produced a policy and ideas prospectus of what it could do to advance a centre-left reform agenda (Hassan, 1999; Hassan and Warhurst, 1999).

Following on from this came an analysis of the frenetic first year of the Parliament, then studies of the Scottish Labour Party and modern SNP, along with a comprehensive account of Scottish Labour's decline and the demise of 'Labour Scotland' (Hassan and Warhurst, 2000; Hassan, 2004; Hassan, 2009; Hassan and Shaw, 2012). After this came an assessment of the SNP's ten years in office and an overview of how Scottish society and wider politics had shifted over the course of 20 years of devolution (Hassan and Barrow, 2017; 2019).

Over the course of the 20 years I was both an active participant in numerous discussions, projects and policies, and an analyst and observer, aware that the first was informing and influencing the second and vice versa. Giving just a few select examples of the former will aid me in making a number of points about the wider political environment. First, in the early years of the Parliament, under the Jack McConnell administration, I mapped the use of Sewel motions – which the Parliament was using to pass numerous issues including some controversial areas back to Westminster (Hassan, 2002). I charted the number and type of motions, analysed it and assessed the political consequences, namely the Scottish Parliament – after the Clause 28 episode – avoiding legislating on various ethical and sexual issues which could cause controversy. My intervention subsequently became a political news story and the practice declined.

Second, under the first Salmond administration I developed the idea of a commission on public service reform driven by a number of factors including the increasing constraints on public spending. This became the Campbell Christie 'Commission on the Future

Delivery of Public Services which I presented to the First Minister, his advisers and civil servants, and then wrote its original remit and terms of reference which was agreed by the Cabinet (Christie, 2011).

Third, in the independence referendum I identified and named ‘the missing Scotland’ and ‘missing million’ – the near to one million Scots (989,540) who had not voted for a generation but who would have done so 25 years previously. I defined it, and the Electoral Commission quantified it, ran focus groups in Glasgow and Dundee with Ipsos MORI in association with the Electoral Reform Society Scotland, and commissioned a study examining it (Hassan, 2014a; Sullivan, 2014). This became one of the defining concepts of the referendum to both the Yes and No camps and a political idea they both thought was one of the keys to the result.

What wider lessons do I surmise from the above and numerous other activities? First, there is a positive aspect to the above. This is that it is possible to engage with government and related institutions at the highest level and affect change. It is possible to bring new ideas, thinking and innovation into the system and for this to facilitate change and have an impact on public policy, government and consequentially individual lives.

Second, there is the oft-overlooked issue of ‘mind the gap’ in public life: something which is inherent in small-sized nations and polities the world over. This centres on the relative ease of access and influence it is possible to have, and how this can have the potential downside of co-opting and incorporating individuals and groups – thus as a consequence becoming a part of the insider class. Some people of course want to be co-opted, but by doing so as well as gaining they lose a degree of independence and therefore, potentially, of value. Hence, there is an insider/outsider status which has to be recognised and balanced as much as it can in public affairs and public policy.

This raises challenges for how Scotland and other similar-sized nations can combine access and transparency with the nurturing of spaces and resources which can encourage new or challenging ideas and innovation. As critical in all of this is referencing back to the notion of the ‘missing Scotland’ – who is included and who is not included in such processes and conversations?

Scotland fails badly at this in a number of respects, including one of the most basic: voting levels with turnout for Scottish Parliament elections never exceeding the 58.2 per cent achieved in 1999 and falling to a low of 49.4 per cent in 2003, subsequently rising post-referendum to 55.6 per cent in 2016. Most of Scotland is absent from detailed engagement with the system, and the biggest engager with Scottish Government consultations is the Scottish Government itself in what is a semi-circular process (see Cairney et al., 2009; Halpin et al., 2010).

Even more, as well as noting the voices and interests of those who are engaged with government, it is as equally important to be aware of the silences and gaps in public life. In every aspect of politics, government and society, the silences say as much as who is speaking and who has voice. Scotland, in the not-so-distant past, was defined by numerous taboos and subjects that were not meant to be raised in public or polite society. This has dramatically changed across a range of areas – religion, sexuality, gender, ethnicity, sectarianism and more – but it does not mean new taboos have not emerged around which new silences and orthodoxies exist.

The extent of Scotland's progressive values and how we live up to these at a time when we are across a range of indicators (wealth, income, health) as divided as we have ever been, would be one such issue (see on the evidence Pryce and Le Zhang, 2018). We have to at least be aware of this manifestation of who is included and excluded, and be open to critique and ideas for how change can come about which addresses the power and privilege imbalances which mar too much of our society to this day.

### **Scotland's future after devolution**

Making sense of the past 20 years is important for several reasons. An obvious one is to understand the journey we have been on and to assess how we have changed or not changed in our politics and as a society. But there are also lessons to be examined to aid us to be more effective in the present, and to make the right choices that will inform our collective future.

One definite strand of the previous two decades in relation to devolution has been that of 'continuity Scotland'. Despite the

establishment of a Scottish Parliament and Executive-turned-Government, along with significant shifts in society and politics, there has been a degree of continuity. There have been within institutional Scotland attempts to minimise disruption and maintain the existing array of relationships and power balances. This has been aided by the policy and political conservatism of Labour, Lib Dems and the SNP in office, and can also be identified in the version of independence the Nationalists put before the electorate in 2014.

The role of the Scottish Government has come centre stage in public life but this has the consequence of placing popular expectations directly on its shoulders. The Scottish Parliament has, as a political community and actual institution, created a place for itself in civic life and the public sphere, and this is a space and stage where exchange, discussion and decisions can occur, be engaged with and scrutinised. There is where political statecraft can be articulated and observed, but this has a vital added dimension of scenography – a term associated in theatre with the Czech artist Josef Svoboda and in the UK with German-born set designer Ralph Koltai – which means the creation of the stage space (McKinney and Butterworth, 2009). This has been dramatically enhanced by the establishment and evolution of the Parliament, with more attention needing to be paid to its ecology and the differing political and social actors present (and not present).

Relevant to this are the politics of centralisation, standardising public boards and bodies, and the long-term atrophying of local government. These trends, and 20 years of devolution's forward march gaining more powers, has raised questions of where the ideas, policies and innovation come from to inform public life. The semi-autonomy of the public sphere in Scotland is also marked by its fragility in places and by the absence of think tanks, research agencies and resources devoted to policy and practice.

There are only two conventional think tanks, Reform Scotland and IPPR Scotland, whereas hybrid bodies such as the 'do tank' Common Weal are funded by donation, and the policy-practice interface – of examining actual delivery and outcomes – is still massively under-examined, despite the best intentions of bodies such as What Works Scotland at Glasgow University. Added to

this, a number of the agencies of civil society have either experienced retreat, such as the trade union movement and churches, or become increasingly reliant on government for funding: the STUC and SCVO being prime examples.

However, a counter to the above has been that of an increasingly divergent Scotland from the rest of the UK. This often stresses the cumulative achievement of social democratic Scotland giving form to a set of policy achievements such as the abolition of student tuition fees, free care for the elderly and the abolition of prescription charges, which stress the universalist credentials of the social contract between government and citizen here, as opposed to the more selective approach by successive UK governments.

A more pessimistic interpretation of this viewpoint emphasises that Scotland has embarked on policy divergence primarily because it has actively chosen to not embrace the 'choice' and marketisation of public services pursued in England – in the NHS, academies and free schools in education – and instead maintained a more producer-orientated vision of public services (see Sime, 2017). This is even, to many of its supporters, a defensive social democracy – holding the ground against the encroachment of what is often portrayed as a Blairite New Labour-inspired agenda which has had little traction in Scotland. A critical aspect mostly missing from an advocacy of this approach has been the distributional consequences, which has aided those further up the income scale.

However, the above two accounts (continuity, divergence) do not fully reflect the scale of change which has occurred in recent decades in Scottish society and politics – which could be framed as a second great disruption where power, authority and voice have become much more conditional and contested. The scale of change that Tom Devine invoked, talking of a 'velvet revolution' from the early 1980s onward, has continued in scale and degree in the last decade.

This dramatic change has seen many of the once-dominant institutions of the country experience crisis, challenge and even collapse. There was the implosion of the Royal Bank of Scotland (RBS), the administration and then liquidation of Glasgow Rangers FC, and the sequential moral crises of the Catholic Church and Church of Scotland. Other once-powerful institutions such as the BBC and

CBI Scotland equally, in less dramatic manner, have found their once-pivotal places of influence in society now openly challenged and up for question.

This turbulence came against the long-term backdrop of a society where the traditional idea of Scottish society, of authority, order and hierarchy imposing a moral code of conduct, explicitly under the Kirk, and then more implicitly, with the heyday of the dominance of Scottish Labour, was falling away. This was a society slowly learning to loosen up, to embrace more individualism and diversity, and to do so while trying to retain its collectivist values.

This brought into the open tensions between the role of the state as a guardian and freedom of speech and civil liberties seen in the Children and Young People (Scotland) Act 2014 and Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012; the 'Named Person' scheme in the former was struck down by the Supreme Court in 2016, while the later was repealed in 2018. Some critics presented this as the Scottish penchant for a 'nanny state': one over-the-top account claiming that 'Scotland the Brave has become Scotland the Brave New World' of Aldous Huxley vintage (O'Neill, 2015). A more reasonable critique would use such cases to look at how moral authority asserted itself in public life in an age of increasing secularism and individualisation and gauge how these competing forces could be best balanced.

The conventional SNP argument has been to portray independence as the inevitable expression of a society and politics increasingly autonomous, confident and distinctive from the rest of the UK. This is an evolutionary argument for self-government: that Scotland is inexorably and in a myriad of ways, both big and small, becoming more and more independent. It is a powerful argument reducing the risk and rupture of change, but it also carries a downside of minimising change and not reflecting the age of disruption we are living in across the West.

Hence, in the historic 2014 debate and vote the SNP offered a future vision of Scotland based upon a bright, shiny offer of an optimistic modernity. This said that if we have the levers, power and ambition we can achieve fundamental change in relation to economic growth and social divisions. All that is required is the collective human willpower, leadership and mobilisation of

resources which independence can bring about. But underneath these assumptions sat an irrevocable faith in the power of modernity, technocratic change and experts, which was at odds with the political and intellectual mood across the West.

Not only is such a mindset rather similar to that of the uphill positive years of Scottish Labour at its peak in the 1960s and 1970s, it also evokes the overreach and self-belief of New Labour post-1997 that it represented the future. Both of these eventually exhausted themselves and imploded.

More is at play than this. This SNP prospectus sat at ill-ease with another pro-independence interpretation of Scotland which was evident and energised in the 2014 campaign. This Scotland was that of the self-organising, self-starting, grass-roots organisations which emerged in the run-up to the vote: bodies such as Women for Independence, the cultural National Collective and Radical Independence Campaign – which I termed ‘the third Scotland’ to denote its separation from the old and new emergent establishments (Hassan, 2014a). The notion of independence implicit in such initiatives was very different: one which was diverse, with new forms of organisation and leadership, with a generational and gender dimension. In the period up to the 2014 vote, these two competing visions sat in collaboration and co-existence, burying their disagreements and tensions, but ultimately, they have little in common beyond the principle of independence.

We should not be surprised by any of the above – as such tensions and fissures can be found in similar form across the developed world. Mainstream politics is increasingly in retreat – there is the widespread march of populists and xenophobes; everywhere insurgents are challenging insiders; and the allure and promise of modernity on the left and right has been hollowed out and increasingly questioned.

This raises the question of what kind of future Scotland, politically and socially, will emerge over the next two decades? Much of the future cannot be identified or predicted but some of our future is already here and present. Scotland’s increasing political autonomy will continue and either embrace formal independence or a new set of arrangements in the Union in which our political voice and interests are respected. How this manifests itself in terms



of these isles is not just about what happens north of the border but how the right-wing drift of British (and English) politics over the last four decades plays itself out.

One inevitable future is that the Scots will outgrow the idea and practice of devolution: a political compromise and halfway house which was based upon the supremacy of the Westminster system and a state which does not treat its people as informed citizens who are equal partners with government. Scotland will embrace a future after devolution.

It will also embrace a future which is not about a version of self-government or independence exclusively focused on politicians and the Scottish Parliament. That would be a minimal version of change which would replace Westminster with a mini-Westminster of the North which found it impossible to share power with other parts of the country.

That future Scotland will not belong to one political party or tradition and will be emboldened by more than constitutional change and political processes – such as the date and timing of another independence referendum. All of these factors matter but they have to be informed by a wider social compact and tapestry which amounts to remaking the social contract between government and people. And that future will, as all futures do, draw from the best of our own past, our own idealism and radicalism and questioning of power, and invoke a culture of self-determination which informs a living politics of self-government.

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