Competing Arguments on Devolution: An Analysis of Devolution Discourse over the Years

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Résumé *: The aim of this paper is to present a typology of the main arguments for and against parliamentary devolution that were put forward from the late 1960s to the setting up of the Scottish Parliament and the Welsh Assembly in 1999. This typology is based on a wide-ranging study of texts on devolution taken from the 1966 to 1999 period. I will mainly be focussing on arguments in defence of and against the creation of a Scottish assembly or parliament. My first conclusion is that most arguments can be grouped under a few big headings. My second conclusion is that for each pro-devolution argument, there is a corresponding anti-devolution argument. The pro- and anti-devolution arguments will therefore be examined dialectically. I will first consider the arguments surrounding the divisive debate on whether devolution will save the Union or break it. I will then move on to the debate on whether devolution will mean better government and more democracy, or whether it will be a threat to democracy in Britain. I will conclude on two remaining anti-devolution arguments which were already being put forward in the 1966-1999 period, but which have become centre stage since 1999: the argument of the economic consequences of devolution, and that of its unfairness to England.*

Introduction[1]

The aim of this paper is to present a typology of the main arguments for and against parliamentary devolution that were put forward from the late 1960s to the setting up of the Scottish Parliament and the Welsh National Assembly in 1999. I will mainly be focussing on the Scottish case: on arguments in defence of and against the creation of a Scottish assembly or parliament.[2] My first conclusion after analysing pro-devolution and anti-devolution discourse over the years is that most arguments can be grouped under a few big headings. There are two main pro-devolution arguments: the argument that devolution will not only save the Union from break-up, but actually reinforce it by containing Scottish nationalism, and the argument that devolution offers better government by modernising the apparatus

[1] I would like to acknowledge that a large proportion of the quotes which will be referred to in this paper come from texts compiled by Lindsay Paterson in his book entitled *A Diverse Assembly. The Debate on a Scottish Parliament*, Edinburgh, Edinburgh University Press, 1998.

[2] Of course, the choice in words has significance. Until the 1990s the word "parliament" was never used in relation with schemes for devolution to Scotland; only the word "assembly" was used, as well as the word "convention", once, in the 1970 report by the Scottish Constitutional Committee chaired by Alec Douglas-Home. The word "parliament" started being used in the 1990s when what was planned was the creation of a Scottish parliament with wide, legislative powers. Note that the word "assembly" was still used in the 1990s but tended to be used by devolution sceptics.

of government in Britain and by making the UK a more democratic state. As for the main anti-devolution arguments, they can be grouped under four headings. The first is that devolution is a bad, frustrating, compromise solution, that will lead either to the break-up of Britain, or at the very least to unending conflict between London and Edinburgh. The second type of anti-devolution argument is economic: it's the argument that devolution will be bad for the Scottish economy, because costly to the Scottish taxpayer, or because it will lead to a renegotiation of the financial arrangements within Britain, which could only be detrimental to Scotland. A third argument is that devolution will "reduce Scottish influence where it matters – at the House of Commons and in Cabinet",[3] as well as in the European Union. And finally, the case that devolution is unfair to England, both financially and politically, has always been made, but it is currently gaining weight and being shrilly made by the Conservative Party.

This paper will examine each of these arguments (or rather clusters of arguments), and establish when they were most popular and who has put them forward. But rather than list these arguments starting with the pro-devolution ones and finishing with the anti-devolution ones, I have chosen in this paper to examine them dialectically. This is because my second main conclusion after analysing discourse on devolution is that for each pro-devolution argument, there is a corresponding anti-devolution argument.

I. Will devolution save the Union or break the Union?

One of the major, most divisive debates surrounding devolution is a debate on the very essence of devolution: is it by definition Unionist (as it is a way of recognising institutionally Scotland's national identity within the framework of the UK), or is it a nationalist solution that will inevitably lead to the break-up of Britain?

One of the most often heard pro-devolution arguments is that parliamentary devolution will save the British state from implosion. Remember that Britain is a union-state which is made up of different nations, and therefore that its existence depends on the willingness of the nations that make it up to keep on forming part of the same state. The argument that devolution is a way of keeping the United Kingdom together is an old one. In 1921, Ulster only accepted "home rule", by which was meant the creation of a separate Northern Irish Parliament in Belfast, because "at the time it represented the only practical method of retaining the Ulster connection with Britain."[4]

Most of the time, those who say that devolution will save the Union also believe that it will strengthen it by containing Scottish separatism. It is therefore

[3] Allan Stewart, Conservative MP, in a pamphlet published in 1987. Extracts in *A Diverse Assembly*, pp.155-159.
[4] Edward Heath in his "Declaration of Perth": speech on 18 May 1968 to the annual Scottish Conservative Party conference.

easy to understand that this pro-devolution argument has mainly been put forward by the major British parties,[5] Labour and the Conservatives, at times when they have felt threatened by the rise in Scottish (or Welsh) nationalism. When I speak of the rise in Scottish nationalism, I am referring on the one hand to rising support for the Scottish National Party (SNP), and on the other hand to the strengthening in Scotland of the feeling of Scottishness, of Scottish national identity. In what way have these two phenomena impacted on the devolution debate? Concerning the SNP's electoral progress, the party's key victory at the Hamilton by-election of 1967 was one of the main reasons behind the Conservatives' commitment to the creation of a Scottish assembly after Edward Heath's "Declaration of Perth", in May 1968. Heath was mainly motivated by a belief that something had to be done to contain Scottish nationalism, and that the best answer to the SNP's electoral progress was devolution. Similarly, the Labour government reacted to the SNP's victory in Hamilton by appointing a Royal Commission on the Constitution, headed by Lord Crowther, which was to look at the option of devolution. When the Commission finally reported in 1973, it came out in support of the creation of a Scottish assembly. But Labour was only officially committed to devolution after the February 1974 General Election, which it won with a tiny majority of four seats,[6] while the SNP won seven seats (six more than at the previous election) and Plaid Cymru won two (two more than at the previous election). So Labour was led to supporting devolution not by the ideological arguments developed in the report of the Royal Commission on the Constitution, but by the electoral threat posed by the SNP and Plaid Cymru, a threat which was confirmed a few months later at the October 1974 General Election, when Labour's majority was even tinier and the SNP and Plaid Cymru won a record number of votes and seats (11 for the SNP and 3 for Plaid Cymru). The fact that Labour's support for devolution was electorally motivated was acknowledged at the time by John P. Mackintosh, a Scottish Labour MP, academic and political commentator who wrote in 1975:

> Some have accepted the need for this kind of devolution [parliamentary devolution] out of fear that unless action is taken along these lines, the Scottish National Party will gain even more than the 30 per cent of the vote and the eleven (out of seventy-one) Scottish seats which it secured in the general election of October 1974.[7]

So in the late 1960s and early 1970s, support for devolution was first and foremost an electoral strategy; devolution was not offered as an ideological response to separatism. This is because rising support for the Scottish Nationalists was not seen as a sign of increased support for Scottish independence, but rather as a consequence of economic difficulties. In other words, SNP votes were seen as protest votes rather than votes in favour of Scottish independence.

In the mid-1990s, devolution was again seen as a way of containing Scottish nationalism and many claimed that devolution was necessary to save the Union from growing separatism. But those who believed that now tried to offer a more

[5] By "British" parties, I mean parties for which people vote throughout Britain.
[6] The Conservatives actually won more votes than Labour, but they were overtaken by Labour in terms of seats.
[7] Paper published by the Berwickshire and East Lothian Labour Party in 1975. *A Diverse Assembly*, p.83.

ideological response to what they felt to be a more ideologically-motivated support for Scottish nationalism. Indeed in the meantime, eighteen years of government by a Conservative party which had been perceived at the very best as insensitive to Scottish needs and at the very worst as anti-Scottish, had strongly reinforced Scotland's sense of identity as a separate nation to the detriment of a common feeling of Britishness. So when the SNP started winning more than 20% of Scottish votes in the 1990s again, these votes were no longer seen as mere protest votes: they were seen as reflecting the growth in Scottish nationalism, in Scottish people's desire for Scotland to be recognised as a distinctive nation. The following quotation from the 1997 White Paper on the Scottish Parliament shows rather well how supporters of devolution now believed that the UK was in danger of imploding if Scottish distinctiveness was not recognised through the creation of a separate Scottish parliament:

> The Government want a United Kingdom which everyone feels part of, can contribute to, and in whose future all have a stake. The Union will be strengthened by recognising the claims of Scotland, Wales and the regions with strong identities of their own. The Government's devolution proposals, by meeting these aspirations, will not only safeguard but also enhance the Union.[8]

Labour's 1997 General Election manifesto had stated it even more simply: with the introduction of devolution, "the Union will be strengthened and the threat of separatism removed." This mainly Labour (or rather New Labour) argument was repeatedly put forward in the second half of the 1990s.

At the same time, the Conservatives were just as repeatedly putting forward the opposite argument that devolution would lead to the break-up of Britain. This is something which opponents of devolution of all political persuasions have always believed. The argument that devolution will inevitably lead to Scottish separation is known as the "slippery slope" argument. It is a belief which is shared by one of Labour's foremost "devo-sceptics", Tam Dalyell, who famously described devolution as "a motorway without exit to an independent state".[9] In a book published in 1977 he also said that "the [Scottish] Assembly (…) would be unworkable, and the resulting frustration and sense of grievance on the part of its members would inevitably push them into demanding a still greater degree of autonomy for Scotland and, eventually, complete independence from the United Kingdom."[10] So Scotland's slide from devolution to independence was to be the long-term consequence of what were felt to be two inevitable short-term consequences of devolution: unending conflict between London and Edinburgh, and Scottish frustration with the limited powers of the Scottish assembly or parliament, especially with its lack of financial powers. Both Conservative and Labour opponents of devolution have always thought devolution to be undesirable because it would lead to "perpetual quarrels",[11] as Margaret Thatcher phrased it, between

[8] Scottish Office, *Scotland's Parliament*, 1997, p.10.
[9] *Hansard*, House of Commons, 4 March 1998, Col.1081.
[10] Dalyell, Tam, *Devolution: the End of Britain?*, Jonathan Cape, 1977. Passage included in *A Diverse Assembly*, p.105.
[11] Margaret Thatcher, *The Sunday Post*, 25 February 1979.

the British and Scottish parliaments, especially when the governments in London and Edinburgh were of different political persuasions. It was felt that financial tensions, in particular, would be inevitable: as the 1997 Scottish Conservative manifesto put it, "a Scottish parliament, having raised public expectations about what it was capable of achieving, would demand extra money from Westminster. The consequent strife would endanger Scotland's funding, 97% of which would be determined at Westminster." So the question of finance would lead to "strife", but also to frustration: whatever the devolution scheme, the main limitation to the powers of the Scottish assembly or parliament was always its financial dependence on Westminster, and as Dalyell warned Scottish people, "Financial dependence is humiliating and frustrating at the best of times; and especially for those with great expectations".[12] Some went as far as argue that the Scottish assembly or parliament would be so powerless as to be a mere "talking shop". So devolution, by giving birth to assemblies with limited powers, would by essence be frustrating and therefore lead to Scotland demanding full independence.

The belief in the theory of the "slippery slope" is linked to another belief: the belief that devolution is an unsatisfactory compromise solution. To Tam Dalyell, the Scottish assembly envisaged in the 1970s was a "half-way house" and "an uneasy hybrid which [was] unlikely to satisfy anybody".[13] Conservative MP Ian Lang shared this belief and therefore saw devolutionists as "semi-separatists." For his part, Scottish Labour MP Donald Dewar, who was one of the key architects of Scottish devolution in the 1990s, didn't subscribe to this argument, as he said at the time of the publication of the *Claim of Right for Scotland*, in 1988:

> The key question is the place of Scotland in the United Kingdom. Here, in recent times, there is evidence of a determined attempt to polarise the argument. (…) The pitch is that Scotland must pick between a full incorporating union or total independence. The suggestion is that there can be no workable middle way and that those who advocate some form of devolution are in effect impossiblists. I do not believe that this is necessarily so.[14]

In fact, Dewar believed that it was precisely because devolution was a compromise solution that it was the best solution. He saw devolution as a way of turning Scottish people's dual sense of identity into a political reality:

> I am an unashamed supporter of John P. Mackintosh's theory of dual-nationality. We are both British and Scottish, and the two are not exclusive but essentially compatible. Political statehood is not essential to 'the status of genuine nationalism'. What is needed is a political solution which recognises and buttresses the Scottish identity within the framework of the United Kingdom.[15]

[12] *A Diverse Assembly*, p.108.
[13] *A Diverse Assembly*, p.106 and p.109
[14] Lecture given at Stirling University on 21 October 1988. *A Diverse Assembly*, p.170.
[15] *A Diverse Assembly*, p.170.

We see that one of the reasons why he supported devolution was because it was intended as a compromise between centralisation of power and Scottish independence.

So one of the main debates surrounding devolution has been and still is on whether it will save the Union or on the contrary be the end of Britain, as titles of books such as Tam Dalyell's *Devolution: the End of Britain?* or Tom Nairn's *The Break-up of Britain* and *After Britain*, show.[16]

II. Will devolution mean better government and more democracy, or on the contrary will it be a threat to democracy in Britain?

Another big debate surrounding devolution is on whether it will make the UK more democratic or on the contrary be a threat to democracy in Britain. Many pro-devolution arguments are variations on the theme that devolution offers better government, either because it reduces the workload of the British Parliament, or because it makes the UK more democratic. The argument that devolution reduces Westminster's workload is an old argument that was already used in support of devolution in the 1920s. It can also be found in the 1970 report of the Scottish Constitutional Committee chaired by former Conservative Prime Minister Alec Douglas-Home, which recommended the creation of a Scottish assembly or "convention" with powers to vote on the second reading, committee and report stages of Scottish bills. The report claimed that:

> The effects of such changes would be to transfer much of the work of the Scottish Grand Committee and the Scottish Standing Committee to an elected body in Scotland, while retaining the final say with Parliament. Such arrangements would help substantially to relieve the congested Westminster time-table and free Scottish Members of Parliament from the excessive amount of work at present laid upon them.[17]

Reducing congestion at Westminster was to be good for Britain in general, because the British Parliament would delegate some of its minor responsibilities to regional parliaments and therefore spend more time on key issues, but it would also be good for Scotland: as Labour MP John Mackintosh noted in 1975, "Scotland often requires special laws and since the parliamentary time table is always crowded, many things are not done at all."[18] He illustrated this by giving the example of English divorce law, which had been reformed in 1969, while Scottish divorce law remained unreformed, causing much misery in Scotland.

Pro-devolutionists also argue that devolution will make the government of Scotland and Wales, and hence the government of the UK as a whole, more

[16] Nairn, Tom, *The Break-up of Britain. Crisis and Neo-nationalism*, Humanities Press, 1977, and *After Britain. New Labour and the Return of Scotland*, London, Granta, 2000.
[17] Scottish Constitutional Committee, *Scotland's Government*, Edinburgh: Scottish Constitutional Committee, 1970.
[18] *A Diverse Assembly*, p.84.

democratic. This is the position favoured by life-long devolutionists such as Donald Dewar, who preferred it to the more negative, defensive position that devolution would hold back Scottish nationalism: "I believe [devolution] will strengthen the Union. But I don't argue it in those terms. I argue it in terms of greater democracy, of enriching Scotland's place in the Union. I don't see it as dishing the Nationalists: I argue it in terms of a democratic imperative."[19] Like Donald Dewar, John Mackintosh believed as early as the 1970s that there were better reasons for Labour to support devolution than just the need to contain nationalism; to him, "the first of these motives [was] the old desire for democratic self-government which underlay the formation of the Labour Party; the idea that the people should, through their representatives, take the major decisions affecting their lives."[20] This "old desire for democratic self-government" was similarly described by one pro-devolution Conservative councillor in 1993 as the "deeply felt and almost passionate desire for that elusive 'bigger say in our own affairs' which in spite of a Scottish Office, Scottish Established Church, law and education seems to elude Scotland's grasp."[21]

Devolutionists believe devolution makes the UK more democratic because it disperses power away from London, where it is unduly concentrated, and thus brings power closer to people. The need to "bring power closer to people" is a recurrent theme in devolution discourse, especially in New Labour texts presenting the party's devolution scheme. In 1996, when he was yet to become Prime Minister, Tony Blair published a book in which he presented his "vision" of Britain and in which he justified the need for devolution in the following way: "There are now two significant impulses in modern democratic politics around the theory of the state. The first is to bring government closer to people. Big, centralised government is out. Devolution and decentralisation are in."[22] At a later point in the book, he added: "Devolution will not just be good for Scotland and Wales. It will be good for the whole of the UK as it brings power closer to people and is part of a wider process of decentralisation which allows the centre to concentrate on the strategic needs of the country."[23]

"Bringing power closer to people" also became a key argument in the 1990s under the influence of the European Union and its commitment to the principle of subsidiarity. This principle, which is "intended to ensure that decisions are taken

[19] Quoted by John Lloyd, *New Statesman*, 8 August 1997. Similarly, the 1997 Scottish Lib Dem manifesto claimed that the party's aim was "to establish a representative Home Rule Parliament for Scotland, and renew the United Kingdom and its democracy. (…) Home Rule for Scotland will both renew democracy in Scotland and clear the log jam to reform across the United Kingdom as a whole."
[20] *A Diverse Assembly*, p.83.
[21] Christine Richard, Conservative councillor, Edinburgh District Council, in *Scottish Affairs*, n°2 (1993), pp.121-123. Also in *A Diverse Assembly*, pp.229-231.
[22] The second is the need to develop partnerships with other states. Blair, Tony, *New Britain. My Vision of a Young Country*, London, Fourth Estate, 1996, p.259.
[23] Tony Blair, *op.cit.*, p.270. Unsurprisingly, Labour's 1997 Scottish manifesto therefore claimed that "the Scottish Parliament will be a modern legislature in tune with Scotland's needs and designed for the 21st century. Its establishment will allow the rolling back of the unelected state. It will also be empowered to give special additional protection to fundamental rights and freedoms in Scots law. In these and many more ways it will bring power closer to the people of Scotland."

as closely as possible to the citizen",[24] was established in EU law by the 1992 Maastricht Treaty. Labour subsequently subscribed to the principle that decisions should be taken at the lowest level of government possible. Labour's 1997 manifesto, for example, claimed that "[s]ubsidiarity is as sound a principle in Britain as it is in Europe."

Devolution was not just to disperse power: it was to disperse power from unelected institutions – the Scottish and Welsh Offices, as well as quangos – to new elected assemblies, which would be directly accountable to the people. In the 1975 Labour White Paper on devolution entitled *Our Changing Democracy*, one could read that:

> [S]omething more [than decentralisation] is needed – the creation of elected as well as administrative institutions distinctive to Scotland and Wales. This is what devolution means. There will be new democratic bodies, directly chosen and answerable to the Scottish and Welsh people for very wide fields of government.[25]

Labour made similar claims about the devolution scheme it supported in the 1990s. Its 1997 manifesto promised that:

> The Scottish parliament will extend democratic control over the responsibilities currently exercised administratively by the Scottish Office. (…) The Welsh assembly will provide democratic control of the existing Welsh Office functions. It will have secondary legislative powers and will be specifically empowered to reform and democratise the quango state.

The argument that devolution transfers power from unelected bodies to elected assemblies was a key argument in the 1980s and 1990s in Wales, where power was felt to be both dispersed along a dense web of quangos and in the hands of Conservative Welsh Secretaries who were of a different political persuasion from that preferred by the Welsh, who did not always represent a Welsh constituency and who were sometimes not even Welsh.

At the same time, devolution was being defended for another, related reason. Devolution was to make the UK more democratic by enabling Scottish and Welsh people to be represented by the party they actually voted for. The repeated re-election of the Conservative Party between the years 1979 and 1997 gave birth to what was termed the "democratic deficit debate" in Scotland and Wales, where the people consistently voted Labour, to the point that neither nation returned a single Conservative MP in 1997. It was therefore felt that there was a democratic gap at the heart of the British political system. One sees easily why this was mainly a Labour argument, which was put forward as early as 1975 by John Mackintosh, who argued that: "Some in the Labour Party may think it selfish of the Scots to want to be governed at the Scottish level by the kind of majority they actually elect, while the UK as a whole has bouts of Conservatism. But it is also in the

[24] According to the European Union glossary: <http://europa.eu/scadplus/glossary/subsidiarity_en.htm>
[25] White Paper, *Our Changing Democracy. Devolution to Scotland and Wales*, Cmnd.6348, London, 1975, p.4.

interest of the Party throughout the country that this should happen."[26] When Scottish Labour MP Robin Cook was converted to devolution in 1983 after opposing Labour's devolution scheme in the late 1970s, he justified such a reversal of policy by saying that devolution was now necessary to "recognise the reality of the divergence of the political pattern of the south of England from Scotland".[27] But the "democratic deficit" debate was by no means confined to Labour ranks. For instance, the Constitutional Steering Committee set up by the Campaign for a Scottish Assembly bemoaned in the *Claim of Right for Scotland* the "political arithmetic of the United Kingdom" which meant that "the Scots [were] constantly exposed to the risk of having matters of concern only to them prescribed by a government against which they [had] voted not narrowly but overwhelmingly." The following point was also made:

> It is sometimes said that Scotland cannot complain when it is governed by a Party which is in a minority in Scotland, since the same can happen to England. (…) But there is no possibility of England ever being governed by a Party which had won only a seventh of the seats and a quarter of the votes there.[28]

More generally, it was argued that the creation of a Scottish Parliament was a democratic necessity because Scottish people demanded it. The Scottish Constitutional Convention's second report stated that "[t]he first and greatest reason for creating a Scottish parliament is that the people of Scotland want and deserve democracy."[29] The 1997 Scottish Liberal Democrat manifesto similarly claimed that "[t]he plan for a Scottish Parliament, as agreed in the Scottish Constitutional Convention, reflects a consensus amongst nearly every major civic and political organisation in Scotland", and that the "Scottish Parliament scheme represent[ed] 'the settled will of the Scottish people'", as John Smith had famously said a few years earlier.

While devolutionists believed the creation of new regional assemblies would mean better government in Britain, anti-devolutionists argued the opposite case. To them, devolution would be both a threat and an impediment to British democracy. First, the creation of new assemblies within the UK would threaten the sovereignty of the British Parliament, which they saw as one of the basic tenets of British democracy. This has been one of the main Conservative anti-devolution arguments, as parliamentary sovereignty is a key element in the Conservatives' understanding of the British constitution. Ian Lang, for example, rejected the "democratic deficit argument" on the basis that it amounted to "a rejection of the sovereignty of the United Kingdom Parliament".[30] The claim that devolution is a threat to parliamentary sovereignty is not borne out in most pro-devolution texts, which insist that Westminster will remain the only sovereign parliament after devolution. Those documents underline the fact that in essence, devolution means

[26] *A Diverse Assembly*, p.86.
[27] Interview published in *Radical Scotland*, issue 4, Aug/Sept 1983, p.9.
[28] Constitutional Steering Committee, *Claim of Right for Scotland*, Edinburgh, 1988, p.3 & p.5.
[29] Scottish Constitutional Convention, *Scotland's Parliament. Scotland's Right*, Edinburgh, 1995, p.6.
[30] Ian Lang, Scottish Secretary, speech to the Conservative Party conference, 12 October 1994. Extracts in *A Diverse Assembly*, p.232.

the creation of subordinate assemblies and that one of the main differences between devolution and federalism is that in devolved systems of government, the central parliament remains sovereign, whereas in federal countries, sovereignty is shared between the different levels of government. In the 1973 report of the Royal Commission on the Constitution, this is how the concepts of separatism, federalism and devolution were defined: "There are three ways in which a Parliament could confer power on a region; it could transfer sovereignty either in all matters (separatism) or certain matters only (federalism), or it could retain sovereignty in all matters but delegate the exercise of selected powers (devolution)."[31] In constitutional theory, devolution therefore allows the Westminster Parliament to retain exclusive sovereignty over the UK, something on which Labour insisted in the years preceding the creation of the Scottish Parliament. Although the 1998 Scotland Act does not explicitly raise the issue of sovereignty, the 1997 White Paper *Scotland's Parliament* makes it clear that "the UK Parliament is and will remain sovereign."[32]

Yet other pro-devolution documents, all of them published in Scotland in the late 1980s or in the 1990s, claim that the principle of parliamentary sovereignty is an English principle irrelevant in Scotland, where the principle of popular sovereignty prevails. In both its reports, the Scottish Constitutional Convention included a copy of the following declaration, signed by all its participants during its first meeting: "We gathered as the Scottish Constitutional Convention do hereby acknowledge the sovereign right of the Scottish people to determine the form of Government best suited to their needs".[33] This declaration, the SCC insisted, set out their "conviction that sovereignty rests with the Scottish people". Similarly, in a speech given on the day of the publication of the SCC's first report, Kenyon Wright, chair of the SCC's Executive Committee, described the "Scottish understanding of sovereign power as emanating from the people, and as being, in its exercise, limited and dispersed".[34] These declarations of popular sovereignty could be seen to bolster anti-devolutionists' belief that devolution will undermine the principle of parliamentary sovereignty.

Secondly, Conservative opponents of devolution have been convinced that devolution is likely to be a hindrance to democracy by giving birth to what they see as an unnecessary layer of government. Devolution would mean "additional bureaucracy", noted Teddy Taylor, a Scottish Conservative MP, in 1978.[35] What was needed, claimed New Right Conservatives in the 1980s and 1990s, was devolution of power to individuals, not to a new level of power, as this would only reinforce Scotland's "dependency culture". Two days before the 1997 Scottish referendum, Margaret Thatcher wrote in the *Scotsman*, one of the major Scottish quality dailies, that:

[31] Royal Commission on the Constitution, *Report*, 1973.
[32] Scottish Office, *Scotland's Parliament*, 1997, p.x.
[33] Scottish Constitutional Convention, *Towards Scotland's Parliament*, Edinburgh, 1990, p.1 & *Scotland's Parliament. Scotland's Right*, Edinburgh, 1995, p.10.
[34] Scottish Constitutional Convention, *Towards Scotland's Parliament*, p.18.
[35] Teddy Taylor, *Glasgow Herald*, 19 May 1978. Extracts in *A Diverse Assembly*, pp.118-120.

> Creating a new set of politicians, with new powers and spending more money is essentially what all the airy talk about devolution is about. The true way to give the Scots more control over their future is, by contrast, to cut back what government spends and controls, leaving more freedom of choice for the people.[36]

Devolution would also be bad for Scottish democracy because it would reduce Scottish influence where it was felt to matter, i.e. in the House of Commons and in the Cabinet, as well as in Europe. This was something on which both Conservative and Labour anti-devolutionists agreed. Scottish influence in the Commons would decline because Scottish overrepresentation at Westminster would no longer be justified and thus the number of Scottish MPs would inevitably be reduced.[37] Moreover, "the role of Scottish MPs in Westminster [would] become an untenable one",[38] as they would be able to vote on English-only issues but not on Scottish-only issues (which would be devolved to the Edinburgh assembly) – a conundrum known as the "West Lothian Question". Scottish influence in the Cabinet would also be reduced as the Scottish Secretary's roles would be much more restricted; some believed the post might not even survive the introduction of devolution. Scotland's leverage in the EU could also be reduced, as the 1997 Scottish Conservative manifesto argued: "Scotland's influence in Europe would be devalued – at present Scotland has a strong voice in Europe, with Scottish Office ministers able to lead the entire United Kingdom delegation where appropriate. According to Robin Cook, following devolution, ministers in the Scottish parliament would only have 'observer status'."

III. Remaining anti-devolution arguments: key arguments since 1999

There are two remaining anti-devolution arguments to be seen, both of which have become centre stage since 1999, although they were also commonly heard before the introduction of devolution. These arguments have been used by the Conservatives first to fight the introduction of devolution, and now, both to fight separatism and to argue the need for a revision of the devolution settlement. The first argument is concerned with the economic consequences of devolution in Scotland. The Conservatives have always believed that devolution would be costly and therefore bad for the Scottish economy. Teddy Taylor warned in 1978 that "[t]he proposed assembly will cost the taxpayer a considerable additional burden."[39] In 1995-1996, Scottish Secretary Michael Forsyth railed against the extra "tartan tax" which a Scottish Parliament would be able to collect in Scotland if it used its power to vary the income tax rate by up to 3%. He claimed at the time that:

[36] Margaret Thatcher, *The Scotsman*, 9 September 1997.
[37] And indeed, note that the number of Scottish MPs was reduced from 72 to 59 in 2005.
[38] Teddy Taylor, in *A Diverse Assembly*, pp.118-119.
[39] *A Diverse Assembly*, p.118.

> This tax would put an extra £6 a week onto the average income tax bill in Scotland – and only in Scotland. (…) It is a proposal to tax people for working in Scotland. (…) This is the most selective employment tax of all: it victimises Scotland's workforce. It is a tax on Scotland's jobs. It would fuel wage demands and discourage inward investment.[40]

What's more, the Conservatives argued, devolution would inevitably lead to a reconsideration of the financial arrangements within Britain, which they believed would be to Scotland's disadvantage. As Thatcher reminded Scottish people in 1997, Scotland enjoyed higher levels of public spending per head than England:

> Public expenditure per head in Scotland is already substantially higher than in England, and this arrangement has continued unchallenged for many years. It is, though, doubtful whether it would last if the whole financial relationship were subject to fundamental re-examination on the basis of proven need. Certainly, the majority of English MPs would have little sympathy for the predicament of a Scotland that had its own assembly and its own tax-raising powers when it came to the distribution of public money.[41]

But devolution as implemented in 1999 did not alter the financial arrangements within Britain, and Scotland still enjoys higher public spending per head than England, which leads us to the second argument which has been repeatedly put forward by the Conservatives, especially in the past few years or months. It is the argument that devolution, being an asymmetrical settlement, is unfair to England, for the two reasons which we have just mentioned: because devolution has not changed the way in which Scotland is being funded, and because Scottish MPs in Westminster are still able to vote on English-only issues whereas the reverse is not true. This is how Michael Ancram, a Conservative MP, presented both sides of this argument when he spoke against the Scotland Bill in Parliament in May 1998:

> It constitutionally diminishes England, and excludes it from influencing domestic issues in parts of the United Kingdom while allowing Members from those very parts to influence similar domestic issues in England, even if they cannot do so for their own constituents. It leaves England to pay the lion's share of the bill, while not being able to call to account those who spend it. That runs counter to the principles of the Union, and produces nothing but unfairness for England.[42]

Conclusion

To conclude, I would like to reinterpret in my own way a reference which Donald Dewar made to Scottish novelist Muriel Spark in 1988. Dewar referred to what Spark called the "nevertheless" syndrome of "tough, elderly women (…) who would ceremoniously accumulate vast evidence pointing to one conclusion and then confound the logic with the triumphant use of the one word 'nevertheless' followed by a stark denial of all the facts". Dewar believed that until then, "the

[40] Michael Forsyth, Secretary of State for Scotland, lecture, 1995. Extracts in *A Diverse Assembly*, pp.245-252.
[41] Margaret Thatcher, *ibid.*
[42] Michael Ancram, Conservative MP, on the *Scotland Bill*, House of Commons Debates, 6 May 1998.

devolution argument ha[d] proceeded on the 'nevertheless' principle", by which he meant that people would accumulate vast evidence in favour of adopting devolution, but would then deny themselves the opportunity to actually have it implemented. I would like to refer to the syndrome in a different way. I have shown that most arguments concerning devolution can point to two opposite directions. The argument of the "democratic imperative", for example, has been used both in defence of and against parliamentary devolution, and the same can be said of the argument of the future of the Union. This is because the arguments which make up the devolution debate "are essentially political rather than 'scientific'", they are "matters of preference and will".[43] After years of debate on its constitutional future, Scotland had to make a choice and move beyond binary dialectics and the 'nevertheless' syndrome. It chose devolution, and recent polls suggest that despite the SNP's victory in the latest Scottish election, it would continue choosing devolution if it was asked to choose again.

[43] James Kellas : "all these 'problems' are essentially political rather than 'scientific' questions, matters of preference and will".