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AGAINST A NORMATIVE JUSTIFICATION FOR SCOTTISH SECESSION

***15 Introduction**

The Referendum on Scottish independence last month failed to establish independence as the will of the Scottish people. The lead up to this Referendum was marked by a huge amount of debate on topics related to the practical implications of independence, including currency, banking and North Sea Oil revenue. However, the most passionately made case for Scottish secession was a normative one. This was the argument from *self-determination*, and even after the Referendum this argument has continued to motivate claims that Scotland should continue to seek secession from the UK. This paper will examine the argument from self-determination as a normative justification for Scotland's secessionist bid, and will conclude that although providing an engaging rallying cry, the appeal to self-determination, in the Scottish case, is ultimately vacuous as a justification for secession.

***16 The argument from self-determination**

In the case of the bid for Scottish secession, the argument from self-determination proceeds from the fact that Scotland has a smaller population than the rest of the UK (rUK), in particular England, but must still have its votes in UK elections assimilated with those of rUK. The complaint is that Scottish voters cannot receive adequate representation within the UK electoral system and are therefore at higher risk of under-representation by the UK Government than those in rUK. The central claim of this argument is that Scotland cannot be considered 'self-determining' under the current arrangement, because votes cast in Scotland are unable to directly influence the outcome of UK elections. Thus the pro-secession publication 'The Wee Blue Book' states as a reason for secession that '85% of the population of the UK lives in England, and that means that in practice England always decides what government everyone else gets.'¹ As an argument about the process by which the UK Government is elected, the argument from self-determination would still apply even if the political party Scotland had predominantly voted for did succeed in forming a Government, because it would not have been predominantly Scottish votes which put it there. In other words, it is an argument about procedure, not necessarily about outcomes. The argument from self-determination was alluded to by the Scottish Government on the very first page of

¹ Rev Stuart Campbell, *The Wee Blue Book*, Wings over Scotland Rose Street, Edinburgh, 2014, p6, <http://indyreferendum.s3-eu-west-1.amazonaws.com/wbb/WeeBlueBookDesktopEdition.pdf> (Accessed Sept 2014)

the Scottish Government's White Paper on independence, which informs the reader that; 'if we vote Yes...Scotland's future will be in Scotland's hands.'²

Read as a vision statement, the idea of 'Scotland's future in Scotland's hands' sounds persuasive. However, this paper will demonstrate that the argument from self-determination is in fact problematic as a justification *17 for Scottish secession. The argument relies upon the presumption that Scottish voters are prevented from being self-determining by Scotland's membership of the UK, and must therefore seek Scotland's secession from the UK as a means of achieving self-determination. In order for this presumption to stand, one of two conditions must be demonstrated; either *a)* Scottish voters are necessarily *repressed* by the UK electoral system, such that the bid for secession is a necessary one of national liberation; or *b)* Scottish voters are substantively different from voters in rUK, due to some distinctly Scottish characteristic, such that they represent a meaningfully distinct people in need of their own sovereign state. This paper will argue that neither condition currently obtains, and that the recent bid for Scottish secession cannot be justified on the grounds of self-determination.

The following section of this paper will give a brief consideration of *condition a)* and will ultimately demonstrate that it is not a tenable foundation for the argument from self-determination. The paper will then proceed to a more detailed examination of *condition b)*. This is the condition upon which the most convincing arguments for secession on the grounds of self-determination have been made. However, this paper will ultimately argue that this condition cannot be demonstrated to obtain unless it is weakened to the point that it can no longer provide a justification for Scottish secession.

Against condition a)

The most coherent articulation of *condition a)* is the argument that Scotland has repeatedly failed, due to its small population, to independently influence the outcome of UK elections. The example from the 2010 General Election, in which the Conservative Party won only one seat in Scotland but still became the dominant partner of the UK's *18 coalition Government, is oft quoted in support of this position. This scenario is understood to represent a *democratic deficit*. Hence the *Wee Blue Book* states 'we believe Scotland is a country, and therefore should get the government it votes for every time – not just when it happens to

² The Scottish Government, *Scotland's Future: Your guide to an independent Scotland*, St Andrews House, Edinburgh, 2013, p i

coincide with what a much larger, neighbouring country wants.’³ However, the claim that Scotland is a *country*, rather than a region of the UK, directly begs the very question it purports to answer; *what is it about Scotland which means it cannot be understood as self-determining within the UK?*

After all, discordance between the voting choices of some regions of the UK, and the UK as a whole, is in no way an unusual scenario. Neither is it one unique to parts of Scotland. In the 2010 UK General Election, London, Wales, the North-East, the North-West and Yorkshire & Humber all returned a majority of Labour seats.⁴ These regions are nonetheless governed by a coalition Government of which the major partner is the Conservative party. By this token, they are not represented by the current Government. However, voters in all regions *are* represented in the electoral process, insofar as the UK is a democracy which furnishes every person in the UK over the age of 18 with one vote. The right to vote for citizens of the UK is not limited on the basis of their nationality (English, Scottish, Northern Irish or Welsh), gender, sexuality, race, religion or ethnicity, and the votes of all people are counted in the same way. In other words, there is no *procedural* injustice which accounts for Scotland’s, or any other regions, experience of a so-called democratic deficit. In the absence of a clear procedural repression of Scottish votes, the argument from self-determination cannot be packaged as one of necessary national liberation.

If it is to provide a justification for Scottish secession then, the argument from self-determination must still provide an answer to the **19* question of what it is about Scotland that means it cannot be understood as self-determining within the UK. In the absence of an explanatory procedural injustice, the remaining available position is to argue that Scotland is significantly and essentially *distinct* from rUK, such that regardless of its representation through UK elections, it cannot become adequately self-determining without its own independent sovereignty. According to this argument, the current perceived democratic deficit is symptomatic not of a procedural injustice towards Scotland, but of a substantive difference between Scotland and rUK, which requires Scotland to be understood as a separate nation. The remainder of this paper will examine the validity of this claim.

³ Rev Stuart Campbell, p6

⁴ BBC News, ‘Election 2010’, <http://news.bbc.co.uk/1/shared/election2010/results/region/12.stm>, 2014 (Accessed Oct 2014)

Against condition b)

Because there is no ethnic, racial or religious culture particular to Scotland, it is difficult to found the argument that there is a distinct *Scottish* culture which is being subverted through the assimilation of Scottish votes with those of a larger, opposing cultural group. In fact, even if there were an easily identifiable distinction between the Scottish population as a whole and the population of the rest of the UK as a whole, on racial, ethnic or religious grounds, it would remain a challenge to demonstrate that this difference necessitated the creation of a separate Scottish state. In a politically secular and liberal state like the UK, ethnic, racial and religious identities are understood as *private* identities, held by private citizens and to be practised in the private sphere. They are not matters for the State or the Government, and in theory that means that the Government of the UK ought to be able to represent the public rights and interests of people from a diversity of religious, ethnic and racial heritage without prejudice. Even if Scotland did represent a people distinct on any of these bases this would not, by itself, necessitate secession. *20

The argument which has been advanced as a justification for Scottish secession has therefore taken an unusual direction when compared with other secessionist movements in recent history. In the absence of any relevant distinction on racial, ethnic or religious grounds, the argument for Scottish secession has come to rely upon the assertion that people in Scotland are *politically* distinct from their counterparts in rUK. This distinction, the argument goes, is significant enough to warrant an understanding of Scotland, not as a region of the UK, but as a separate country in need of self-determination outside rUK. This argument assumes that Scotland has some political culture which is *peculiarly* Scottish, and which warrants the creation of a sovereign state within which Scotland's distinct political identity can be exercised and preserved.

Demonstrating this distinction has proven challenging for a number of reasons, however. Firstly, a look back over the last few centuries of Scotland's political and ideological history yields little evidence to support a presumption that there are any peculiarly Scottish political values which could distinguish Scotland in a meaningful way. In a paper on the subject of *Scottish Political Culture*, Lindsay Paterson points out that from the Enlightenment, and in instances as far back as the Declaration of Arbroath, Scotland's political culture has adhered to and promoted universalism. Scotland has, historically and until very recently, 'denied its own distinctiveness' in favour of advancing principles and

values applicable to all human beings, wherever in the world they may be.⁵ These principles have included the rights of citizens against the absolute sovereignty of the monarch (appealed to in the Declaration of Arbroath in 1320); the equality of all people before God (enshrined in the Reformation in the 16th century); and the aim of the Enlightenment to *21 identify a ‘universally applicable science of human beings.’⁶ Quite apart from having a historically particular political culture then, ‘Scottish political culture has asserted values that are not particular to anywhere’.⁷ Indeed, the universal values promoted by Scottish political culture are values which have been adopted and promoted through the political development and social struggles of nations across the globe. Scotland’s commitment to identifying, advancing and championing a political culture founded on values relevant to all people is in contrast with the recent nationalist efforts to assert Scotland’s particularism, and makes it difficult to claim that these efforts are founded upon anything essentially Scottish, or are necessary to preserve anything uniquely Scottish.

Without evidence of any uniquely Scottish political culture, the more recent fact of Scotland’s support for the Labour party during the 20th and 21st centuries has been appealed to as evidence of a political *divide* between Scotland and rUK. A much cited demonstration of this divide is the fact that Scotland has supported the Labour party more regularly than has rUK, but has regardless found itself under the governance of a Conservative Government at intervals throughout its recent history. As discussed above, the straightforward issue of an alleged democratic deficit is not peculiar to Scotland and is a challenge which, if it does require a solution, must surely require a UK-wide one. Scottish secession is neither necessary nor sufficient to address this challenge. However, there is a view that Scotland’s support for the Labour party, especially during periods when the majority of the UK has swung towards Conservative (as happened in 2010), is symptomatic of a divergence between Scottish political culture and that of rUK. Although not necessarily founded on any historic and distinct Scottish ideology, this divergence is thought to *22 demonstrate the more recent development of a distinctly Scottish political culture, which underpins Scotland’s desire for sovereignty through secession.

However, identifying the nature of this divergence is not an easy task. For most of the 20th century, up until the 1979 General Election, Scotland and England did not look

⁵ Lindsay Paterson, ‘The Paradox of Scottish Political Culture’, *Scottish Affairs*, Volume 23, Issue 3, Page 291-308, Available Online August 2014 <http://www.eupublishing.com/doi/abs/10.3366/scot.2014.0029> (Accessed Sept 2014), p291 - 294

⁶ Ibid.

⁷ Ibid., p292

dramatically different in their voting behaviour, with each swinging between support for the Liberal party and the Conservative party during the first quarter of the century, and then between the Labour Party and Conservative/Unionist parties from then onwards, fairly consistently with one another. Indeed, Scotland's voting behaviour during the 20th century seems to have had much more to do with circumstances pertaining to Britain as a whole, than with any essentially and uniquely Scottish value-sets. The dominant party in Scotland between 1912 and 1965 was the Scottish Unionist party, through support of which Scottish voters registered their opposition to Irish Home Rule.⁸ This party was formed by a merging of Tory and Liberal unionists and occupied a centre-right position on the political spectrum, which somewhat undermines the notion of an essentially and historically 'anti-Tory' Scotland.⁹

The apparent distinction between Scotland's political character and that of rUK (or specifically England) is not, therefore, a long-established one. In fact, it is only since the 1979 UK General Election that Scotland has repeatedly voted Labour while England, concurrently, has continued to swing between Labour and Conservative. The post '79 divergence is the most readily available and tangible evidence of the posited political distinction between Scotland and rUK, but it is not a dramatic distinction. Throughout the period of UK Conservative Government from 1979 to 1997, the Conservatives remained the second party in Scotland. It was not *23 until 1997 that the Conservative party became an irrelevance in Scotland, at which point Labour won a victory in the UK General Election and governed, with Scotland's support, for the next 13 years. The decline of the Conservative party in Scotland post '79, and its eventual annihilation in 1997, is widely held to have occurred as a result of the unpopular social and economic policies of Thatcherism, which had a profound effect on many Scottish communities. By this account, however, the resulting divergence in voting behaviour between Scotland and England was not actually due to any independently emerging, particularly Scottish culture. Rather, it was due to the divergent reactions of Scotland and England to a set of fairly revolutionary policies introduced across Britain during the 1980's. In the absence of any tangible evidence of a deep-rooted, historic distinction between Scottish political culture and that of rUK, this account offers the most likely explanation of the recent divergence in voting patterns. However, the cost of this explanation is to substitute the claim that Scotland is distinct due to some essential, and

⁸ I MacWhirter, *Road to Referendum*, Cargo Publishing, 2013, [Amazon Kindle E-book edition]

⁹ Ibid.

therefore independently emerging Scottish political culture, with the idea that Scotland is distinct due to its reaction to a single period of reform in Britain, namely Thatcherism.

The effect of this on the argument from self-determination is to weaken it considerably. If the main difference between Scotland and England has been their respective responses to Thatcherism, this difference begins to look more like something temporary and non-essential, which cannot justify the dramatic move of Scotland's total and permanent secession from the UK. However, there is a further route by which the argument from self-determination might overcome this weakness. This is to claim that Scotland has responded to the Thatcherism of the 1980's and beyond in a *predictably* different way to England, as a result of its *essential* socio-economic character. According to this argument, the prevalence of heavy industry in Scotland until the end of the 20th century meant that it was **24* always, by its very nature, more likely than England to support organised labour and socialist policy, and therefore to reject Thatcherism. The post '79 divergence, by this view, is a political manifestation of an essential *social* distinction between Scotland and rUK. By equating a reactive political divergence to a long-established difference in socio-economic character, this argument goes some way to restoring the notion of an essential and inevitable divide between Scotland and rUK.

However, seeking to frame this argument as a *nationalist* one enormously oversimplifies the social, economic and political divisions it exploits. The divisions created by Thatcher's policies are undeniable, but these are not accurately described as a Scotland-England division. Thatcherism changed the north and the south of Britain 'in strikingly different ways'¹⁰ because much of Britain's heavy industry was located not only in Scotland, but also in the North of England and Wales. These regions felt the negative impacts of the near-eradication of heavy industry, precipitated by Thatcher, very strongly. Conversely, the South of England benefitted from the growth of the finance and services sectors, and the Big Bang in the City of London.¹¹ The effect of this has been the creation of a visible 'north-south divide' in Britain, with the Conservative Party struggling to gain representation in the north, and the Labour party struggling to gain it in the south. This divide manifests in current voting patterns, but it represents the 'diverging economic experiences of the two halves of the country.'¹² By trying to claim this division as a Scottish-English one, the argument from self-

¹⁰ 'Divided Kingdom', *The Economist*, April 20th 2013, <http://www.economist.com/news/briefing/21576418-diverging-politics-labour-north-and-conservative-south-make-england-look-ever-more> (Accessed Oct 2014)

¹¹ I MacWhirter

¹² 'Divided Kingdom', *The Economist*

determination attempts to conflate a complex socio-political situation in Britain with a struggle for Scottish nationhood. The two are not synonymous, however, and the nationalist position cannot be defended *25 on this basis.

Conclusion

The argument from self-determination makes an emotive case for Scottish secession, but proponents of this argument have failed to provide a convincing answer to the question of why it is that Scotland *cannot* be understood as self-determining within the UK. Without this demonstration, the appeal to Scottish self-determination is ultimately vacuous, and cannot provide a justification for Scottish secession. The outcome of the Referendum on Scottish independence has failed to demonstrate that the people of Scotland overwhelmingly believe that Scotland should be a separate country, and on the basis of the failure of the argument from self-determination, the burden of proof that Scotland should seek this outcome for itself remains with those insisting that this is the case. As a putative solution to the challenges of democratic deficits occurring within the UK electoral system, or a socio-politically divided Britain, Scottish secession fails to address the true nature of these concerns.

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