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The Disunited Kingdom: Is the End of "Britain" Near?

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> "*Tho' much is taken, much abides; and tho'*
> *We are not now that strength which in old days*
> *Moved earth and heaven, that which we are, we are;*
> *One equal temper of heroic hearts,*
> *Made weak by time and fate, but strong in will*
> *To strive, to seek, to find, and not to yield.*"
>
> -Alfred, Lord Tennyson

INTRODUCTION

J.K. Rowling took to Twitter following the results of the Brexit referendum and asserted

that David Cameron's "legacy will be breaking up two unions."[1] Of course, one of the two

unions the *Harry Potter* author is referring to is the United Kingdom. She was not alone in

fearing that the results of Brexit would lead to the breakup of the UK; indeed, prominent

members of public society expressed similar sentiments. Calling the result "democratically

unacceptable," First Minister of Scotland Nicola Sturgeon stated that the referendum results

"was a sign of divergence between Scotland and large parts of the rest of the UK" and a second

independence referendum was "now on the table."[2] An opinion columnist for *The Guardian*

wrote that the first legacy of the EU referendum "could well be the imminent break-up of the

UK."[3] While many scholars resisted forecasting Britain's end, they were more than willing to

conclude Brexit revealed fractures in Britain—as both an idea and polity.

In their introduction to a special issue on Brexit's causes and consequences, a group of

scholars from *The British Journal of Politics and International Relations* argued that "Brexit

politics" reveals "deep schisms in the UK" between "economic nationalists and cosmopolitan

liberals."[4] Reviewing the recent events in British politics, noted Scottish historian T. M. Devine

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[1] J. K. Rowling, Twitter post, June 24, 2016, 2:49 a.m.,
https://twitter.com/jk_rowling/status/746203541929234433?lang=en

[2] BBC. "Brexit vote: Nicola Sturgeon statement in full." *BBC News: Scotland,* June 24, 2016.
https://www.bbc.com/news/uk-scotland-36620375

[3] Freedland, Jonathon. "We have woken up in a different country," *The Guardian.* June 24 2016.
https://www.theguardian.com/commentisfree/2016/jun/24/eu-referendum-britain-different-country

argues, "The omens seemed favourable for those who aspire to the establishment of a sovereign

Scottish state in the near future."[5] Even though Devine's book was published prior to the results

of the EU referendum, he predicted that a vote to leave "might automatically trigger another

referendum on Scottish independence."[6] Devine is not alone. In an article written in anticipation

of the Brexit referendum, Aileen McHarg calls a potential exit from the EU an "immediate

crisis."[7] In addition, he argues that devolution to Scotland is "more likely to be another step on

the path to independence than the 'enduring settlement' claimed by the UK Government."[8] The

notion that there exists a path to independence that Scotland is gradually progressing on is

somewhat common among scholars and public figures alike, a notion this thesis will challenge.

Finally, in his most recent edition of *The Break-up of Britain,* Tom Nairn concludes, "It is surely

unlikely the United Kingdom will survive anything like its historical form."[9] While all of these

authors hesitate to offer a specific prognosis or date of death, they do diagnose the political

situation in the UK as one in which the status quo will not be sustained for much longer. But is

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[4] Wincott, Daniel; Peterson, John; Convery, Alan. "Introduction: Studying Brexit's causes and consequences," *The British Journal of Politics and International Relations*, 2017, Vol. 19, no. 3. p. 430.

[5] Devine, T. M. *Independence or Union: Scotland's Past and Scotland's Present.* Penguin Random House, 2016. p.270.

[6] Ibid., p. 271.

[7] McHarg, Aileen. "The Future of United Kingdom's Territorial Constitution: Can the Union survive?" SSRN, 31 March 2016. http://dx.doi.org/10.2139/ssrn.2771614, p. 2.

[8] Ibid., p. 7.

[9] Nairn, Tom. *The Break-up of Britain*. Common Ground Publishing, 2015. p. xxxi.

this so? And does Brexit hasten the inevitable progression to separation that the scholars appear to be arguing will occur?

To understand the truth of the supposed schisms and whether they are devastating enough to indeed precipitate in the end of the United Kingdom, one must begin with the first referendum Rowling references: the Scottish independence referendum. On the 18th of September, Scotland voted against independence in a referendum that was described as "once in a generation" by the SNP. In politics however, the seemingly fixed descriptor of "generation" is temporally flexible as ostensibly definitive moments in national history are subject to reviewal under the right set of circumstances. The 23rd of June 2016 proved to be the right set of circumstances. The British people voted to exit the European Union, a decision that will prove to be a momentous date in the history of the United Kingdom. This referendum represented the most important decision about the future of the country in century; it also represented a electoral divergence among its constituent nations of what that future should be. A map of election results illustrates border between England and Scotland serves as a clear division between two opposing visions; a majority of English voters sought to sought to end membership in the EU while an even larger majority of Scots voted to remain. The outcome has proved to be a source of serious contention between the constituent nations. But whether outcome is indicative of a major division between the *identities* of the constitute nations and thus a break-down of British identity is another matter altogether.

Displeased with the results of the EU referendum, the ruling party in Scotland, the SNP, has renewed calls for a second independence referendum, only a few years after the matter was purportedly resolved. This is not the first time in which the affairs of Continental Europe have

influenced Scotland's relationship with the UK. The intersection of Brexit and Scottish nationalism represents a chapter in that relationship that many are eager to posit as the cause of a future break-up.

If that was not politically significant enough, the process of severing ties with the EU has revealed UK's constitutional vulnerabilities to the world. Yet it would be careless to suggest that Brexit itself will cause the breakup of the UK; indeed, doing so would ignore the many factors present prior to referendum results and during subsequent exit negotiations. Instead, it would be more accurate to argue that the UK's exit from the EU has brought to the forefront structural flaws that have failed to be adequately addressed in the past, specifically devolution and an asymmetry of power. For example, the Brexit referendum demonstrated the considerable amount of political power the English voters have on matters of national concern. Accounting for 28 million of the 33 million civilians who voted, England's population demonstrated that it wields a disproportionate impact on the affairs of the British state; thus, the referendum revealed a long-existing problem: England wields a hegemony in this political system. Divergent national goals among the constituent nations and the imbalance of power within the state account for but two of the most significant threats to continued British unity.

The concern about a unified Britain is important for several reasons. Firstly, if the UK is unable to quell nationalist tendencies in Scotland and fails to resolve structural deficiencies, its ability to wield influence on the world stage would be hampered severely. The country's secession from the world's largest supranational polity will likely hamper that influence regardless but the independence of Scotland, for example, would compound the problem further. Secondly, the process of withdrawing is an adventure in uncharted territory of modern political

history. The exit-negotiations are proving to be turbulent and fluid, with new developments occurring nearly every day and confounding political conventions. And it is within this withdrawal process that the structural problems have been revealed. The discord within Parliament, within Her Majesty's Government, and between Her Majesty's Government and the devolved administrations indicate that there is little agreement or clarity within the UK on how to navigate this exit process. Significant research and analysis can provide clarity on what the future may hold, and this thesis will attempt to do that.

The limits of this essay preclude an examination of all factors challenging a cohesive British identity and a unified UK. One of the primary factors that this thesis will be concerned with is the threat posed by Scottish nationalism to a cohesive British national identity and a unified British state within the context of the question of EU membership. The recent flirtations with further independence referenda indicate that there is an appetite for separation from the UK, while nationalist politicians are quick to point out that electoral results indicate a sizable portion of the population views themselves as distinct from their fellow Britain. It is possible, however, to overstate the possibility of Scottish independence and indeed, overstate the Scottish constituency's appetite for that independence. Scotland has long been an awkward piece in the British jigsaw puzzle. Yet history has shown the challenges presented to British unity have been overcome in the past by a notion of Britishness that is flexible enough to accommodate a distinct Scottish identity. Britain might can once again prove to be resilient to the challenges presented by its most-northern nation during this process of withdrawal. To understand if this is possible, an analysis of the strength of British national identity and its compatibility with Scottish identity

is required. But even if the cultural similarities and commonly-held national values exist, it may not be able to compensate for the political and historical reality of the union.

T.M. Devine calls the Union of England and Scotland in 1707 a "marriage of convenience founded on pragmatism, expediency, competing national patriotism and realpolitiks."[10] A declining Britain isolated from the world may no longer provide the pragmatic appeal of remaining in the union. Surely, then, as many have sought to argue, the motivation for Scotland would seek an exit would be high. Additionally, it is not entirely clear if granting devolved powers has satisfied the hunger of the north or if it is hastening the inevitable march towards independence. Many scholars and public figures alike have argued in favor of the latter but an examination of the evidence makes the inevitability of Scottish independence a less attractive conclusion.

The thread of Scottish nationalism and EU membership will be carried throughout this thesis as a means of understanding the internal divisions and constitutional flaws exposed by the UK's withdrawal from the EU. Considering this tumultuous situation, this thesis asks: does a cohesive Britishness still exist? If so, what is it and will it be able to withstand these pressures? This thesis explores (1) to what extent these divisions affect British national identity and (2) how withdrawal from the EU has revealed constitutional flaws may lead to the breakup of the UK. In order to be equipped to properly investigate these questions, this thesis will be comprised of three main parts: firstly, a historical analysis of the ability of Britishness to accommodate a distinct Scottishness; secondly, an analysis of the Scottish independence referendum of 2014 and

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[10.] Devine, T.M. *Independence or Union: Scotland's Past and Scotland's Present*. Penguin Books, 2017, p. 1.

the importance of EU membership in the independence cause; finally, an overview of the British

constitution and structural problems revealed by the withdrawal process. It will be clear

following these analyses that prognositications of Britain's death at the hands of Brexit grossly

oversimplifies a complex constitutional and political dilemma, one that long predates the fateful

date of June 23, 2016.

PART I: WHAT IS BRITISHNESS and HOW DOES SCOTTISH NATIONALISM FIT IN?

The purpose of this section is to analyze the history of Britishness and its relationship

Scottish national identity. Analyzing the history of this relationship will not simply lend greater

clarity to cause of its present state, which many people observe is tenuous, but also help to

explain the nature of Britishness itself and its capacity to overcome challenges. When the first

Act of Union was signed in 1707, England and Scotland were joined not because of common

culture or customs but because of practical concerns for the protection of the island. Perhaps

because of this absence of a preexisting cultural identity, Britishness was more amenable to the

changing circumstances of the union than it would have been, possessing a flexibility that

allowed it to suit the particular time or situation. While England dominated much of the political

system as Britain adopted the English legal customs, Scotland's identity consistently had a

presence in the larger national identity. Despite the cultural and even linguistic differences,

Scottishness was successfully integrated into Britishness. It is not until the mid-20th century that

Scottishness appears to diverge from Britishness. Upon review, however, it is neither the cultural

divisions that characterized Scotland's past relationship with England nor Scotland's supposed

Europhile identity that has motivated this divergence. It is concerns about the ineffective

governance by Whitehall and Westminster that prompted support for nationalist parties. To

suggest that Brexit and what it represents is a threat to a cohesive Britishness would be to ignore the recent history of a complex relationship between Scottishness and Britishness.

To first understand the state of British national identity and whether it is strong enough to withstand the separatist attitudes in Scotland, this essay must understand the causes and components of national identity. One of the preeminent scholars of nationalism studies is Benedict Anderson. As his magnum opus suggests, Anderson argues that nations are imagined communities. In what sense is a nation imagined? He argues: "It is imagined because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the mind of each lives the image of their communion."[11] Implicit in this definition is the requirement of a strong bond to connect these individuals who are otherwise stranger, a bond such as common historical experience, values, language, or ethnicity. Perhaps more importantly is what this community legitimizes. "[Nations] are imagined as a community because…the nation is always conceived as a deep horizontal comradeship," Anderson argues. "Ultimately it is this fraternity that makes it possible, over the past two centuries, for so many millions of people not so much to kill, as willingly die for such limited imaginings."[12] The fraternity of strangers bound together by national identity motivates violence on behalf of the nation and in defense of it. This argument reinforces the need for a strong bond: it must be strong enough to motivate its members to die for it. For the UK, that strong bond has been different

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[11] Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of National.* Revised Edition. Verso, London, 2006. p. 6.

[12] Anderson, p. 7.

characteristics throughout history ranging from a strong sense of Protestantism and anti-Catholicism to an acknowledgment of the practical and economic benefits of a British union.

In the 18th century, the nascent union found its strong national bond in reflecting what is was not: Catholic and French. Indeed, Protestantism was the foundation of Britishness during this period. It is not completely unexpected that the national identity was founded on the Protestant religion. Scotland and England had grown closer during the Reformation that preceded the Acts of Union, sharing the same Protestant Stuart dynasty.[13] In his book on Scottish society and politics, Christopher Harvie observes, "The corruption of the Catholic Church, coupled with a European diplomatic revolution which allied the great Catholic powers of Spain and France against Elizabeth's England made the Scots opt for drastic religious innovation."[14] This ensured the end of alliance between France and Scotland and foreshadowed the union of England and Scotland.[15] It was against these former allies of Scotland that Britain juxtaposed itself and found its identity. But it was not simply the "limited process of cultural integration" that resulted in a sense of Britishness; there was also "the belief that they were different from those beyond their shores, and in particular difficult from their prime enemy, the French."[16] As long as France remained a dominant power in Continental Europe, the French would remain both a source of fear and identity for the British people.

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[13] Colley, Linda. *Britons: Forging the Nation 1707-1837*. Yale University Press, 1992. p. 12.

[14] Harvie, Christopher. *Scotland & Nationalism: Scottish Society and Politics 1707-1994*. Routledge, 1997. p. 12

[15] Harvie, p. 12

[16] Colley, p. 17.

Engrained in Britain's national history was a consistent scapegoating of Catholics. The destruction of James I and his parliament, Charles I's decision to go to war, the St. Bartholomew's Day massacre, and seemingly any momentously detrimental occasion in the 16th and 17th century Britain was effectively, if sometimes erroneously, blamed on Catholics.[17] These pervasive anti-Catholic attitudes were not isolated to the Anglo-Saxon peoples, however; the Scots embraced this view of history, as well. While Scottish almanacs "celebrated difference historical myths and events…the bulk of them seem to have been just as militantly Protestant and just as anti-Catholic as their English equivalents."[18] Thus, the commonality—the unifying bond—between the English and Scottish was their shared hatred of the Catholics. France's power to spread Catholicism coincided with and in many ways gave way to the birth, development, and maintenance of a British identity. Colley writes: "To summarize then: the prospect in the first-half of the eighteenth century of Catholic monarchy being restored in Britain by force together with recurrent wars with Catholic states…ensured that the vision so many Britons cherished of their own history became fused…with their current experience."[19] Combined with the fear of the French was a belief that the British Isles were the New Israel and Britons God's Chosen People, a status which the Catholic enemies threatened.

Indeed, Britons were encouraged to believe that God "watched over them with particular concern" because they were a special people who "had a mission, a distinctive purpose."[20] This

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[17] Colley, p. 17.

[18] Ibid., p. 22.

[19] Ibid., p. 25.

belief was not isolated to any class or national group and was therefore a reliable source of cohesion among the British people. "Like all sustaining national myths, the idea that Britain was a chosen land…did not depend for its effectiveness upon its being true," argues Colley. "Large numbers of Protestant Britons believed that they were richer in every sense than other people's, particularly Catholic peoples, and particularly the French."[21] It is worth pondering that if France had not been such an existential threat to Britain, whether a galvanized Britishness that unified Scottish and English people together could have emerged or been quite as successful as it was. The mixture of strong Protestant convictions and Catholic-phobia proved to be the central, if not the sole, foundation of Britishness for the first third of the UK's history.

This is not to suggest, however, that a distinct Scottish identity failed to exist during this time. In fact, there was a deliberate effort made create a new form of Scottishness based on the appropriation of Highland customs and traditions. Tradition, which is often a narrative specifically tailored certain notion of national identity, is one vehicle for a nation to express its history. In the introduction of *The Invention of Tradition,* Eric Hobsbawm defines this vehicle of nation creation: "Invented tradition is taken to mean a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behavior by repetition, which automatically implies continuity with the past."[22] Of course, invented tradition would be vital to successfully developing an integrated

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[20] Colley, p. 20.

[21] Ibid., p. 33.

[22] Hobsbawm, Eric; Ranger, Terrance. *The Invention of Tradition*. Cambridge University Press, 2000, p. 1.

identity of a union of two different nations. Hugh Trevor-Roper argues that in the case of

Scottish national identity, the invention of tradition serves another purpose. "Today, when

Scotchmen gather together to celebrate their national identity…they wear the kilt, woven in a

tartan whose color and pattern indicates their 'clan,' and if they indulge in music, their

instrument is the bagpipe," he writes. "This apparatus…was developed long after, sometimes

long after, the Union with England against which it is, in a sense, a protest."[23] Indeed, the kilt,

the tartan, the bagpipe are not historically accurate portrayals of a Highland culture, whose

various, diverse clans lacked the uniform consistency of these displays. The embrace of

Highland culture may appear to bizarre, given the contemporaneous perception that Highlanders

were not as civilized or refined as the Scots of the Lowlands.[24] But these traditions were a

deliberate reinvention of cultural tradition, a reinvention that could be neatly packaged into an

emerging notion Britishness without sacrificing Scottish identity altogether.

The Scottish were not the only ones motivated to embrace this new cultural identity; the

British government, too, sought to maintain Highland culture as the defining feature of

Scottishness. After a string of extreme measures that decimated the Highland way of life, the

Highlanders "combined the romance of a primitive people with the charm of an endangered

species."[25] The image of the Highlander—or, at least, one carefully crafted image—was retained

in the formation the Highland military regiments. The kilt, an artificial sartorial symbol of

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[23] Trevor-Rope, Hugh. "The Invention of Tradition: The Highland Tradition of Scotland." *The Invention of Tradition*, p. 15.

[24] Ibid., p. 15.

[25] Ibid, pp. 24-25.

Highlanders, became the uniform of these regiments. This piece of clothing, which was "invented by an English Quaker industrialist, was saved from extinction by an English imperialist statesman."[26] Despite the success of their efforts to destroy the Highlander's independent way of life, the British ruling class had as much to do with the incorporation of Highlander tradition into the Scottish identity as the Scottish did.

But if the "Highland tradition" represented the mythology and historical falsehood of Scottish identity, Scotland's embrace of industrialization and empire represented the reality of a strengthened British identity. Prior to the union of England and Scotland, the tribal groups of medieval Scotland found a consolidated identity due in large part to "the centuries old struggled to defend the kingdom from English aggression."[27] This identity borne of opposition to English conquest illustrates one of the many obstacles in the way of fulling integrating England and Scotland into a unified national British identity, rather than a simply political union state of two separate nations. But the economic benefits of access to English markets and subsequently British imperial endeavors helped to overcome some of those obstacles. Despite the growing pains experienced during the infancy stages of British union, Scotland came to be "enthusiastically loyal to the British crown" near the end of the 18th-century.[28] In his article, "Three Hundred Years of the Anglo-Saxon Union," T.M. Devine argues: "Growing awareness of the material benefits of the Union were paralleled by a developing consensus among the nation's

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[26] Trevor-Rope, Hugh., pp. 25-26.

[27] Devine, T.M. "Three Hundred Years of the Anglo-Scottish Union." *Scotland and the Union 1707-2007*, p. 3

[28] Ibid., p. 6

intellectual leaders that progress and unionism were closely associated."[29] But the support

extended beyond the nation's intellectual leaders and was reflected in Scottish participation in

British military. During the Napoleonic period, Scots "were overrepresented among the officer

class in the field armies" while an additional "52,500 Scots also joined the ranks of volunteers"[30]

One can conclude from this analysis that as Britain entered the 19th-century, its identity was

comprised of less cultural aspects, such as Protestantism, and more of practical elements, such as

the benefits gained from being a participant in imperial domination.

Yet not all scholars agree with this assessment. Some argue that the industrial revolution

and imperialism of the 19th-century produced a *separatist* Scottish nationalism, rather than an

integrated British identity. According to Tom Nairn, European nationalism during this century

was a result "of the tidal wave of modernization" brought by the England-France dual revolution,

which saw "polite universalist visions of progress [turn] into means of domination."[31] Nairn's

main assertion is that capitalism's uneven development, or underdevelopment, produced

nationalism. Failing to understand Scottish nationalism through a Marxist perspective, he argues,

would be a mistake because it does not suffer from the romanticism of pro-nationalist or anti-

nationalist analyses.[32] This, of course, is a direct criticism to some of the scholars cited in this

literature review. The romanticism to which he refers is characterized by "the search for

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[29] Devine, T.M. "Three Hundred Years of the Anglo-Scottish Union," p. 8.

[30] Ibid., p. 7.

[31] Nairn, p. 76.

[32] Ibid., p. 84.

inwardness, the trust in feeling or instinct, the attitude to 'nature,'" all of which distract from the structural problems that necessarily produced nationalism.[33] Nairn's qualms with the alleged romanticism that plagues other writers' analyses is not the only relevant criticism to this thesis. He also argues against the notion of invented tradition that Hobsbawm and Trevor-Rope put forward in their respective pieces. "One thing that separated Scottish nationalism from other forms of nationalism in 19th-century Europe was that they just recently ceased being a nation," Nairn writes. "Thus, it did not need to invent a fictitious past."[34] Yet Nairn does not forgo an examination of the cultural and historical elements of Scottish nationalism altogether.

Instead, Nairn observes the difficulty of forming Scottish nationalism during the 19th-century. He writes:

> "Because the Anglophone reduction of Celtic society was so successful, the latter
> proved unable to form its own nationalist-type resistance. Because of this failure,
> many of its differentiae were appropriated by the English-speakers in the ensuing
> period. The latter plundered the Gaelic raw materials raw materials of nationality
> for their own use…Tribal barbarities became 'colourful' traditions."[35]

The domination of and subsequent repackaging of "tribal barbarities" into traditions may be a primary obstacle for the cultural aspects of new Scottish nationalism. If those declawed traditions are integrated into a wider British national identity, it would likely be difficult for Scotland to

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[33] Nairn, p. 82.

[34] Ibid., p. 84.

[35] Ibid.

disentangle its culture from Britishness. This dilemma would also pose a threat to the ability of Scottish nationalists to harken back to a distinctly Scottish history, even though current political figures effort to do so in making the case for Scottish independence.

Anthony D. Smith, another British academic, is highly critical of Nairn's understanding of nationalism. His first grievance deals with the purely economic lens through which Nairn examines the political force. "[Nairn] regards nationalism as the most ideal and subjective ideological phenomena and argues that we can only grasp the extraordinary manifestations and gyrations of this…phenomena by locating it firmly within the violent workings of the modern world economy," writes Smith.[36] His criticism is useful because of the questions it prompts. Are nationalist tendencies in Scotland motivated by the economic condition of the modern world and, more specifically, the economy of the UK? Can the Britishness of Old withstand the Scottishness of New? Whether the national identities that predate the neo-nationalism supposedly provoked by economic conditions can withstand new nationalisms is unclear. These questions must be answered by first ascribing qualities to Britishness. If, for example, Britishness was defined by Britain's imperial pursuits (or duties, as perceived by some contemporaneously) and maintained cohesively by the economic benefits of being a nation member of the Empire, then perhaps Nairn's assessment is correct. But it appears that there are other factors involved in the creation of a national identity, such as cultural and political elements.

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[36] Smith, Anthony D. *Nationalism and Modernism: A Critical Survey of Recent Theories of Nations and Nationalism.* Routledge, 1991. p. 49

Smith also challenges the notion that the creation of nationalism is a process instigated by the society's intelligentsia. "For though Nairn recognizes that ethnic communities and struggles existed well before the modern period, their role is largely passive," he writes. "The 'masses' as such play no part in the drama of nationalism."[37] Nairn downplays the impact of general populace in the creation of nationalism. Indeed, central to his argument is the belief that high society dictates the national identity by romanticizing the nation's culture, which is exemplified by the British political elite creating the Highland tradition. But Smith challenges the ability of elite romanticism to fully explain nationalism. Such an explanation assumes that national cultures are "latterday artefacts" assembled by the intelligentsia because of their idealization of folk cultures, but some nationalists, such as Nasser and Nehru, were uninterested in folk cultures. This discussion is useful to this thesis insofar that it provides possible explanations for the primary initiators of nationalism.

Adding further complexity to analyses of nationalism, Smith casts doubt on the classical understanding of nationalism, writing: "The idea that nations are real entities grounded in history and social life, that they are homogenous and united, that they represent social and political actors in the modern—all this no longer seems as true as it did thirty or even twenty years ago."[38] This notion was likely challenged by the more violent manifestations of ethnonationalist identities, such as in the Balkans. It may also speak to a larger political reality: non-state actors and supranational polities, such as the European Union or any number of international

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[37] Smith, p. 52.

[38] Smith, p. 2.

organizations and regional arrangements, are on the rise. Nation-building was thought to be achieved by "institutionalization…getting the necessary norms embodied in the appropriate institutions, so as to create good copies of the Western model of civic participant nations."[39] Despite the disagreement over the proper definition of nationalism, Nairn's observation that modern Scottish nationalism occurred after the period of European nationalism is beyond a doubt.

The 20th-century saw the death of the Empire and the birth of modern Scottish nationalism. Some may be eager to assert that the two events are causally-related. Afterall, the benefits reaped from membership in this imperial union was one of the major "conveniences" afforded by continued support of Britain; therefore, it is desirable to assert that the loss of that convenience would lead to the erosion of a unified British identity. According to Nairn, Scottish nationalism of the mid-20th and early 21st-century is an example of "new" nationalism. It was in the 1970s that modern Scottish nationalism was born, as a response to both economic and political factors. Nairn observes that the "the oil industry has collided with the country at a moment of extreme and growing debility in the tradition political apparatus," symptomatic of the gradual decline of the UK after WWII.[40] But numerous other factors both adversely and positively impacted the state of Britishness during this period of time. One of the adverse factors was the UK's perceived ineffective governance in Scottish affairs, a theme that would recur throughout the 20th century. Economic turmoil befell Scotland in the 1920s and 1930s. During

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[39] Smith, p. 3.

[40] Nairn, p. 105.

this period, many in Scotland felt that "Whitehall government was remote from, and uncomprehending of, the economic and social problems of Scotland."[41] It is at this point that the first nationalist parties in Scotland began to emerge. The National Party of Scotland was founded in 1928, and in 1934, the Scottish National Party was formed after a merger between the National Party and the right-wing Scottish Party.[42] Yet this merged party did not register any electoral success in the decades that immediately followed. This lack of success can be explained by two reasons: World War II and the development of the welfare state. The Union's inherent flexibility proved able to "accommodate Scottish distinctiveness" during the Second World War and any wartime grievances that did exist "were not translated into a general dissatisfaction with Scotland's position in the United Kingdom"[43] This should not come as a surprising phenomena given the oft-galvanizing effect wars with a perceived just cause have on the unity of a country.

Westminster parties were the beneficiaries and cause of this galvanization. In the 1940s and 50s, "Labour and Unionists dominated Scottish politics," while "the SNP and Liberals were condemned to the margins of a bi-polar political system until the 1960s."[44] The Labour government's development of the welfare state and the succeeding Conservative government's maintenance of it proved to be appealing to the people of Scotland. Cameron observes that "post-war reconstruction, nationalisation, the establishment of the National Health Service and the

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[41] Cameron, Ewan. "Chapter 8: Politics of the Union in An Age of Unionism," *Scotland and the Union: 1707-2007.* Edinburgh University Press, 2008. p. 127.

[42] Cameron, Ewan. p. 127.

[43] Ibid., p. 132.

[44] Ibid.

extension of the welfare system seemed to provide British solutions to generic problems."[45]

Scottish people expressed their support through the ballot-box. During the ten-year period of

1945 to 1955, the Unionists' Scottish vote was closer to their English vote than at any point in

the party's history.[46] But as the post-war era came to an end, hints of a shift in preference

towards the nationalist party emerged in the 1960s—an era characterized by social, economic

and cultural change in the UK.

There may appear to be compelling evidence to suggest that the 1960s and 1970s was the

origin of gradual shift away from support for the union—namely the first example of victory for

the SNP. But the SNP's electoral success should be taken with a grain of salt: its success was

sporadic at best and only noteworthy because of the lack of any prior success, rather than some

stunning dominance of Scottish politics. The SNP won its first seat in November 1967 when

Winifred Ewing took a reliably Labour seat in Western Scotland.[47] This, however, was only one

seat in Westminster. Winifed Ewing would be the only SNP MP in Parliament until the first

general election of 1974, when the party had its true breakthrough in electoral politics. The SNP

won 22 percent of the vote and gained seven seats, only to improve upon these results in the

second general election of 1974 to 30 percent and 11 seats respectively.[48] SNP's showing in

1974 was an undoubtedly impressive feat but the party would not reach those heights of electoral

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[45] Cameron, p. 132.

[46] Ibid., 133.

[47] Devine, T.M. "Chapter 9: The Challenge of Nationalism," *Scotland and the Union: 1707-2007.* Edinburgh University Press, 2008. p. 143.

[48] Devine, T.M. "Chapter 9: The Challenge of Nationalism," pp. 144-45.

success again for another four decades; therefore one should be hesitant to embrace the argument that the 1970s was a clear starting point for explaining the state of Scottish political identity today. Furthermore, as Devine argues, few Scots "even at the height of the [SNP's] electoral popularity in 1974 wished to break the Union; the aim was rather to improve it to Scottish advantage,"[49] which suggests that the Scottish identity was not becoming to distinct to the point of incompatibility but rather dissatisfaction with the central governance in London was manifesting itself in votes for the SNP.

The 1970s then can be understood as a period in which support for nationalist parties was used as leverage to gain more attention and power from Whitehall and Westminster. Shortly after the SNP won more seats in Westminster than ever in its history (at that point), the matter of devolution was brought to the forefront. No longer could the unionist parties ignore the political appeal of the nationalist party. In 1979, a referendum on a devolved Scottish legislature as held. Less then twenty years later another referendum on devolution was held, this time resulting in a majority of support for a devolved legislature. Since 2007, the SNP has held a majority in the Scottish Parliament. The evidence suggests that these events are manifestations of criticisms directed at the British political system and constitutional arrangement, rather than manifestations of a distinct Scottish identity, a distinction that is important in understanding the likelihood of a Scottish secession from the UK.

In summary, the 20th-century saw the demise of some chief "conveniences" of the British marriage. The century also saw a shift in the perceived effectiveness of Whitehall and

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[49] Devine, T.M. "Chapter 9: The Challenge of Nationalism," p. 145.

Westminster in addressing domestic concerns in Scotland. These two elements of the preceding century certainly produced discontent with the British state and Scotland's place in the union, which then reflected itself in the increased popularity of non-unionist, non-Westminster parties. But it would extreme to suggest that a notable shift in identity occurred or that Britishness, gradually deemed antiquated by the UK's decreasing role in global affairs, became incapable of accommodating a distinct Scottish identity. If Scotland was in fact marching on the path destined for independence in the last decades of the 20th-century, it was not because Scottish culture and heritage was no longer a welcomed part of Britishness; rather, it was because the central government was proving to be consistently tone-deaf in their discussion of Scottish affairs and inept at adequately addressing them. Indeed, history coupled with emerging survey data supports the notion that there is a disconnect between what a national identity can accommodate and what a state can or does. This realization is important because it dampens the temptation to simply forecast the independence of Scotland, and reveals the possibility for constitutional and structural reform to quell the anxiety expressed in the North. But would that be enough to overcome the loss of another major convenience of the UK: membership in the EU?

PART II: CALLING A REFERENDUM

At the very least, the history of the relationship between Britishness and Scottishness illustrates that complexities have existed long before June 23, 2016. But the historical analysis does not effectively describe the current state of that relationship or present motivations, even if it does explain long-term developments. This section's analysis of government positions, survey data, and electoral results will bridge the gap and help explain the degree to which Scottishness is actually separatist and thus a threat to a cohesive Britishness (rather than how Scottishness is expressed by nationalist politicians). This section's more accurate description of Scottish nationalism reveals that even Scottish nationalist leaders desire close bonds with Britishness and that attitudes towards Europe is *not* integral to Scottish identity. Indeed, Brexit does not represent as clear a division between Scotland and England as the election results suggest.

To discover the contemporary motivations for Scottish independence, there is no better place to start than *Scotland's Future*, a white paper written by the SNP Government of the Scotland. The 670-page document is a self-described guide to an independent Scotland. Written in November 2013, it describes the choice in the impending independence referendum as a "once in a generation opportunity" that will be lost if Scotland votes "No."[50] Unsurprisingly, then-Scottish First Minister and leader of the SNP Alex Salmond speaks to the long-lasting history of Scotland, calling it "an ancient nation" that has "been at the forefront of the great moral, political and economic debates of our times as humanity has searched for progress in the modern age."[51]

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[50] Scottish Government, *Scotland's Future.* APS Group Scotland, November 2013. p. i.

[51] Scottish Government, p. viii.

This positioning is unsurprising because Salmond is attempting to demonstrate that Scotland is already its own nation (and has been for a while) and simply needs to sever the constitutional ties that are keeping that distinction from becoming official. While the political rhetoric is compelling, it does not clue us into the actual grievances and motivations Scotland had for independence at the time. Nor does it illustrate the kind of country an independent Scotland would be.

The degree to which an independent Scotland would remain close with the rest of the United Kingdom is notable. In addition to sharing the same currency with Britain [52], the Scottish Government would also retain another fixture of country from which it would leave. "On independence Scotland will be a constitutional monarchy, continuing the Union of the Crowns that dates back to 1603, predating the Union of Parliament by over 100 years," states the document. "On independence in 2016, Her Majesty the Queen will be head of state."[53] The preference for a constitutional monarchy is not hidden within the mammoth document; rather it features prominently multiple times when the Scottish Government describes the structure of an independent Scotland, indicating that the Scottish Government was not shy about its intended relationship the British monarchy. It is impossible to understate the significance of this preference. Few things are most representative of a national identity than the head of state. To retain the British monarchy as an institution of politically symbolic significance is to retain an integral part of Britishness. It is possible that Scotland would prefer an arrangement similar to

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[52] Scottish Government, p. x.

[53] Ibid., p. 22.

Canada or Australia, where the British monarch is a de jure head of state with little role beyond adorning currency and indirectly officiating over official governmental procedures, although that does not seem likely given the stated desire to maintain cultural bonds with the rest of the UK. Either way, this independent Scotland would not completely tear itself from the political and cultural fabric of the UK.

In Scotland, there is little confusion over the symbolic significance of the British monarchy. There is evidence to show that Scottish people view the institution as being one of the most important aspects of British national identity. Using survey data from NatCen's 2006 *British Social Attitudes* survey, Frank Bechhofer and David McCrone of the University of Edinburgh analyzed which symbols the English and Scottish, respectively, saw as most important to British culture. For both the English and the Scottish respondents, British democracy ranked as the most important symbol.[54] The second and third ranked symbols for these two groups are more compelling. The British monarchy represents the second-most important symbol for the English and the third-most important symbol for the Scottish, with only a 6 percent difference between the two groups.[55] It is notable that the Scottish respondents— those who are more likely to support seceding from the UK—hold the monarchy in high regard because it reinforces the claim that the monarchy is considered, event by Scots, a fundamental symbol of Britishness. Simple recognition of the significance of the British monarch does not, by

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[54] Bechhofer, Frank; McCrone, David. "Imagining the nation: Symbols of national culture in England and Scotland." Sage Pub., 2012. https://doi.org/10.1177%2F1468796812469501

[55] Bechhofer, McCrone. p. 550.

any means, imply support for it. Yet it does suggest that Scottish people and politicos alike are aware that to retain the monarch as their head of state is to retain a part of British identity. Some may argue that the respondents' sense of identity—that is, if they feel more affinity for Britishness or their national identity—may explain why such a distinctly British symbol such as the monarchy would be viewed so importantly. But even among Scottish respondents who described themselves as "mainly Scottish" rather than "mainly British" or "equally British and Scottish," the monarchy still ranks as the third-most important symbol of British culture.[56] This only serves to strengthen the argument that the monarchy is an acknowledgeable British symbol, which points to the significance of the SNP government wanting to retain it as a symbol in an independent Scotland.

The retention of the British monarchy further speaks to the need of distinguishing an (largely SNP-formed) political identity and a cultural identity that is more compatible with British identity. In an article on national identity in early twenty-first century Britain, Richard Weight describes the SNP's relationship with Englishness. He writes:

> "The Scottish National Party fostered and exploited anti-Englishness from when it was founded in 1934, but it has now begun to publicly to celebrate Englishness and the bonds that our countries share. In a St George's Day article for *The Times,* former SNP Leader John Swinney wrote: 'Moving on from Britain never meant breaking the social ties that we share. From Sean Connery to Coronation Street,

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[56] Bechhofer, McCrone, p. 553.

from Robert Louis Stevenson to Shakespeare, common cultural experiences are

shared by all residences of this island."[57]

There are striking parallels between the column penned by the former SNP Leader in *The Times*

and the introduction to the Scottish Government's independence manifesto written by the then-

SNP Leader. In addition to advocating for close—almost inseparable—economic ties between

Scotland and the rest of Britain, Alex Salmond argued for the maintained closeness of their

respective cultures. "I…believe that the bonds of family, friendship, history and culture between

Scotland and other parts of the British Isles are precious," he writes. "England, Wales, and

Northern Ireland will always be our family, friends and closest neighbors."[58] Absent from

Salmond's glowing review of the cultural bonds are Swinney's explicit examples, but the

sentiment is the same: there already exists cultural ties between the constituent nations of the

United Kingdom and Scotland's separation from the British state will not or *should* not

complicate those ties. (Whether that proposition is plausible is beyond the contemplation of this

thesis.) This observation reinforces the argument that the Scottish identity that the SNP expresses

is less about presenting a people distinct from Britain and more about hugging tightly political

criticisms of an allegedly inept state structure. Indeed, an examination of the manifesto finds that

dissatisfaction with Westminster is the chief explanation for all the reasons given for separation

independence. This realization is important because discussion of Scottish independence shifts

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[57] Weight, Richard. 'Is it 'cos I is English? The contradictions of an early twenty-first century national identity', from Mark Perryman (ed.), Imagined Nation: England after Britain (Lawrence and Wishart, 2008), p. 92.

[58] Scottish Government, p. ix.

away from examining whether a 21st-century Britishness can accommodate Scottishness to a discussion of whether the British state can reform effectively and quickly enough to appease the concerns expressed by the government of its most northern nation.

One the significant concerns regarding the British state is, obviously, membership in the EU. In *Scotland's Future's* infographic summary of a hypothetical independent Scotland, the distinction of "29th member of the EU" is featured prominently. Later in the document, it states: "The Scottish Government, supported by the overwhelming majority of Members of Scottish Parliament believe that membership of the EU is in the best interest of Scotland."[59] The MSPs might have been alone in this belief, however. Around the same time of the publication of *Scotland's Future*, NatCen released their findings of the *British Social Attitudes* survey, which included responses on attitudes towards the EU. The majority of Scottish respondents were characterized as Eurosceptic, having either supported leaving the EU or staying in but reducing the EU's powers.[60] One can conclude from this that EU membership was unlikely a major concern of the Scottish people when they voted on independence.

It would be useful to juxtapose the survey results with *Scotland's Future*'s passage on EU membership to determine the accuracy of the SNP's portrayal of the EU's role in the cause for independence. In its chapter on international relations, the documents states of the EU:

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[59] Scottish Government, p. 13.

[60] Curtice, John; Montagu, Ian. "How Brexit has created a new divide in the nationalist movement," *British Social Attitudes Survey.* NatCen, 2018. p. 12.

"This independence advantage will be of greatest benefit in our relationship with the EU. This Government sees close engagement with the EU as an opportunity for Scotland, rather than the threat it seems to be for some in the UK. In 40 years of UK and Scottish membership of the EU, Scotland has not had direct representation at Europe's top table…Westminster's approach has too often been to the detriment of Scottish jobs and prosperity. Distrust and disengagement has dominated Westminster's attitude to the EU for too many years. A new threat is now emerging: the growing possibility that, if we remain part of the UK, a referendum on future British membership of the EU could see Scotland taken out of the EU against the wishes of the people of Scotland, with deeply damaging consequences for our citizens and our economy."[61]

This characterization attempts to increase the importance of independence because a failure to support the cause may lead to the loss of the coveted EU membership card. But the characterization is not fully accurate. For one, it claims that *Westminster* is distrustful of and disengaged with the EU, rather than observing more accurately that Westminster Tories have harbored those attitudes. This characterization is likely meant to represent a stark a contrast to the attitudes in Scotland but it conveniently glosses over the Euroscepticism that resides among its own civilians, as indicated by the *British Social Attitudes* survey. One can conclude from this that continued membership in the EU is not a significant motivating factor in the support for

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[61] Scottish Government, pp. 210-211.

independence among a group of people who were largely wary of the supranational polity to begin with.

Yet it is remarkable how fluid attitudes can be. After 2013, there has been a steadily increasing gap among Europhiles and Eurosceptics on the issue of Scottish independence. Both groups' appetite for independence has grown but by 2017 Scottish independence commanded the support of 56 percent of Europhiles, 16 percent more than that of Scottish Eurosceptics.[62] For a frame of reference, in 2013 support for independence among the two groups was at 30 and 29 percent, respectively, which is a neglectable difference.[63] (It is possible that the results of the Brexit referendum produced both the growth in support for independence and the disparity of support, but this proposition will be analyzed later in the thesis.) There are numerous conclusions to draw from this juxtaposition. Firstly, the EU did not play as significant a role in Scots' motivation to vote for independence as the SNP sought for it to be. Secondly, Europhile Scots were more likely than Eurosceptic Scots to vote for independence. Despite this however, general Euroscepticism has reached levels consistent with the rest of Britain, making the Europhile Scottish support for independence not all that significant in determining the likelihood of Brexit motivating Scottish independence.

For a full understanding of the 2014 referendum, the arguments of those opposed to Scottish independence must be examined, as well. There were numerous campaigns against Scottish independence, such as Better Together. The cross-party campaign has been

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[62] Curtice, John; Montagu, Ian. p. 2.

[63] Ibid., p. 1.

characterized by one scholar as being "based on the idea of getting the best out of both worlds—by enjoying the benefits of devolution as well as union with the rest of the UK."[64] While its core message about the continued unity of the British nations was positive, the campaign also relied on arguments that predicted damaging effects to Scotland if the country decided to leave. Opining on whether those tactics were indeed fear-based is another matter. Regardless, Better Together pointed out that independence would expose Scotland to financial risks, a likely recession, and the loss of EU membership.[65] To state the obvious: relying on the loss of EU membership as a reason to stay in the UK would prove to be a dramatic example of situational irony as that loss would come to be the very cause for independence but a few years later.

In addition to the arguments of Better Together, then-UK Prime Minister David Cameron's speech a few days out from the referendum is most certainly worth examining. The tone is that of near-desperation and anticipated sadness, but it includes a description of Britishness that wholly accepts Scottishness as one of its main features. "The greatest example of democracy the world has ever known, of openness, of people of different nationalities and faiths coming together as one, would be no more," he states. "It would be the end of a country that launched the Enlightenment, that abolished slavery, that drove the industrial revolution, that defeated fascism."[66] This statement describes the national diversity of the UK as one of its

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[64] Simpkins, Fiona. "Better Together and the No Campaign: from Project Fear to Grace?" *French Journal of British Studies,* 2015. https://journals.openedition.org/rfcb/418, p. 1
[65] Ibid.

[66]Dearden, Lizzie. "Scottish independence: Full text of David Cameron's 'no going back' speech. *The Independent,* September 16 2014. https://www.independent.co.uk/news/uk/scottish-independence/scottish-independence-full-text-of-david-camerons-no-going-back-speech-9735902.html

hallmark features and reviews moments in the union's shared history in which Britishness was at its strongest or most pronounced. This speech not only represents a utilization of the past to inform the political present but also an effort to illustrate the Union's flexibility in integrating the unique constituent cultural heritages into one single national identity. "We built this home together," he continues. "It's only become Great Britain because of the greatness of Scotland."[67] Just as in the preface to *Scotland's Future* written by Salmond, Cameron appealed to the pathos of his audience, namely the Scottish, in conjuring this notion of Britishness. What is of even greater value to this thesis is Cameron's proposed solutions for quelling Scottish nationalism at the time. In this same speech, he promised greater devolutionary powers to Scotland, which would include more legal competency over issues of tax, spending, and welfare services if the Scottish people voted "No." And so they did. But it is not clear that those promises are what prevented independence.

The result of the referendum on September 18, 2014 were closer than expected. The already-referenced report produced by John Curtice indicated that only 33 percent of respondents supported independence in 2014, a double-digit difference from the percentage in the referendum.[68] Approximately 45 percent of Scots voted in support of independence on 18 September 2014 with 85 percent of eligible voters turning out to vote.[69] It seemed that the matter had been settled, at least for "a generation." With Alex Salmond resigning and Westminster

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[67] Dearden, Lizzie, *The Independent*.

[68] Curtice, John; Montagu, Ian. p. 6.

[69] BBC. "Scotland Decides: Scotland Votes No." *BBC News: Scotland.*
https://www.bbc.com/news/events/scotland-decides/results

celebrating, the issue of Scottish nationalism appeared to be solved. As promised, the Cameron Government transferred greater powers to Scotland in the Scotland Act of 2016. Depending on the perspective, the Scotland Act involved substantial devolution or not enough to deem it significant. The new powers in the competency of the Scottish administration included the ability to set rates and bonds on income tax, power over some welfare and housing policies, control over various transportation and bureaucratic agencies, and control over Scotland's electoral system.[70] In addition, the UK is to recognize that "The Scottish Parliament and the Scottish Government are a permanent part of the United Kingdom's constitutional arrangements."[71] This move by Westminster conferred a greater degree of legitimacy on the devolved administration of Scotland. Perhaps it could be interpreted as a purely formal conferring, but it holds political significance: in that act, the UK is enshrining Scottish devolved as a permanent feature of its ever-fluid constitution, (despite the fact that technically Westminster is legally able to disband the devolved administrations or remove powers.)

In my introduction, I questioned whether devolution was successfully satisfying nationalist angst or simply delaying the inevitable secession of Scotland from the UK. The close chronological proximity of the implementation of the Scotland Act of 2016 and the results of the Brexit referendum make it difficult to discern if attitudes towards Scottish independence were influenced by devolution or Brexit (or a consort of factors) but it worth examining these attitudes, nonetheless. John Curtice and Ian Montagu write: "In 2015 it increased to 39%, while

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[70] "Scotland Act of 2016: Chapter 11," 23 March 2016.
http://www.legislation.gov.uk/ukpga/2016/11/pdfs/ukpga_20160011_en.pdf

[71] "Scotland Act of 2016," p. 1.

in our 2016 survey, interviewing for which took place shortly after the EU referendum, it increased yet further to 46%. Now, at 45% it remains at more or less that level."[72] The scholars acknowledge that the possibility of leaving the EU may have influenced those levels but conclude that "there appears to be no sign, on this measure at least, that support for independence has increased in wake of the EU referendum."[73] However, the questions asked of the respondents relate specifically to the degree of power the Scottish Parliament should have, without any reference to continued membership in the EU. But if we were to suppose that Curtice and Montagu are correct and the "European Question" did not have any influence on attitudes towards independence, that would be quite significant indeed: losing EU membership is enough for the SNP to call for a second independence referendum but is not be enough to increase public enthusiasm for it. Regardless of Brexit's influence (or lack thereof), the levels of support seen on the 18th of September have since plateaued after indyref1.

The evidence has illustrated that EU membership is not uniquely Scottish concern or a determining factor of their national ethos. Furthermore, it can be argued quite strongly that the question of EU membership that finally resulted in a referendum was not a product of "distrust" in all of Westminster, even if Euroscepticism across Britain was the dominant view. In exploring the seismically significant referendum of June 2016, one need not look any further than the split within the Conservative Party on the issue of Europe to explain why a referendum on EU membership was held. While the "European Question" has been a topic of national political debate, it has proved to be a central contention among the British Tories. Euroscepticism has

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[72] Curtice, John; Montagu, Ian. p. 6.

[73] Curtice, John; Montagu, Ian. p. 7.

plagued the Conservative Party for the past four decades, with a small but not insignificant portion of the Tories forcing the hand of Tories with more moderate positions on the EU. In 2015, Cameron made a referendum on EU membership apart of his party's manifesto, presumably to settle the debate within his party if it ascended to a majority in Parliament. The Conservative Party wrote: "We believe in letting the people decide: so we will hold an in-out referendum on our membership of the EU."[74] While the Conservatives were committed to a democratic decision on the question of EU membership, they described the UK's relationship with the EU as less-than-desirable. The manifesto supported the free trade, single-market, and opposed the growth of EU governance and political power.[75] It can be assumed that had the referendum resulted in continued membership and the Conservatives remained in power, a reform of the UK's relationship with the EU would have been pursued.

When the Conservatives unexpectedly won a majority of seats in the 2015 general election and Cameron became Prime Minister without needing a coalition, the referendum was secured. In his examination of the ideological legacy of Cameron, Richard Hayton observed that Cameron was aware that his time at Number 10 Downing Street was closer to its end than it beginning and thus "exuded the appearance of a man in a hurry, keen to get the referendum over with so he could focus his remaining years at the top on the wider legacy of his premiership."[76]

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[74] Conservatives. "Conservative Party Manifesto," May 2015. https://www.conservatives.com/manifesto2015 , p. 72.

[75] Ibid.

[76] Hayton, Richard. "British conservatism after the vote for Brexit: The ideological legacy of David Cameron," British Journal of Politics and International Relations, vol. 20 (1), 2018, p. 224.

Surely then, Cameron did not want his legacy to be defined by the result of the Brexit referendum, which prompts the question: why did he promise it to begin with? Hayton explains: "When he made this pledge in January 2013, Cameron was exercised by the rise in support for the UK Independence Party and the not unrelated growing restiveness among Eurosceptics on his own backbenches."[77] The benefit of promising to hold a referendum was that "relative unity was assured in the short term" because the party could, at least temporarily, coalesce around this promise.[78] The motivation, then, was two-fold: shore up support among Conservatives and prevent the defection of Tory voters to UKIP. Indeed, Cameron's accommodation with Eurosceptics led to "manifesto pledges designed to pacify it."[79] But it is unclear that the result Cameron had hoped for on the 23rd of June 2016 would have accomplished the goals for party unity. Clearly, the result and the withdrawal process that has ensued has caused the more party damage than party unity.

As previously stated, the question of Europe has proved to be a central ideological issue for the Tories long before Cameron became leader. The Brexit referendum simply represented the culmination of that central contention, whose origin can be traced to an ideological shift that took during the Thatcher premiership: "Thatcherism brought with it an exclusivist view of national sovereignty which was incompatible with the notion of ever closer union."[80] This view of national sovereignty illustrated a difference in political identity, as well. Conservative

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[77] Hayton, Richard.

[78] Ibid., p. 232.

[79] Ibid, p. 231.

[80] Ibid, p. 230.

Euroscepticism grew "as some in the party perceived greater threats to 'the forms of political identity which they have traditionally promoted [as having] been closely linked to an appeal to the sovereign British nation state." Clearly, Europe has represented a defining feature of differing notion of Conservative identity but the degree to which it defines differing notions of *national* identity is just as compelling to analyze.

The disparity in results among the constituent British nations indicate that there was a major difference in opinion on what was in the best interest of the country. But there are limits to how much can be gleaned from a referendum result. For example, it is impossible to discern the degree to which European integration is important to one's sense of national identity or whether or not closeness with Europe is compatible with the present-day incarnation of Britishness. Without examining other evidence, assertions offered are simply hypothesizing, which, as noted, many public figures and regular civilians alike are guilty of doing. Published before the EU referendum took place, John Curtice's article on Britain's Euroscepticism helps to explain the degree to question Europe plays a role in British national identity.

One of the most notable results from the *British Social Attitudes Survey* that Curtice analyzes is the response to the question: does the EU undermine Britain's cultural identity? 47 percent of respondents thought the EU does while 30 percent thought it did not.[81] Prior to the referendum, a plurality of Britain—nearly half—believed that EU was undermining Britain's cultural identity. (Surely, such a response foreshadowed the results as it appears that they would not bode well for a referendum on continued membership in the polity that was purportedly

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[81] Curtice, John. "How deeply does Britain's Euroscepticism run?" *British Social Attitudes Survey*, NatCen, (February 2016). http://www.bsa.natcen.ac.uk/media/39024/euroscepticism.pdf, p. 2.

undermined the identity of one's nation.) Of the responses to the question, Curtice observes: "It seems that many do regard being in the EU as a 'threat' to what people consider to be a distinctive British identity, including perhaps because of the limitations that membership places on the country's sovereignty."[82] This grievance about the limitations on national sovereignty mirrors the exclusivist view of sovereignty that was ushered in by the Thatcher. The wider British public—or more precisely, 47 percent of the public—perception that the EU is a threat to British cultural identity can, in part, be explained by anxiety about immigration. 57 percent of the public believed that immigration would be lower if Britain left the EU, while only 9 percent disagreed with that opinion.[83] Combined with the assumption that most people want lower levels of immigration, then "it would seem that the cultural argument of leaving the EU enjoys widespread support."[84] One can conclude then that cultural anxieties played a role in the British constituents' support for leaving the EU. But these results do not shed light on the connection between national identity and attitudes towards Europe, e.g. Scottishness and Europhilia.

It is tempting to overplay the significance of the Brexit referendum results in discerning the distinctness of Scottish identity, especially for political leaders who assume the mantel of supposedly being the mouthpiece for an entire country. But even some scholars argue that Brexit referendum result "has drawn attention to the complex and variegated quality of Britishness across the territories of the United Kingdom."[85] As was established during the discussion of

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[82] Curtice, John. "How deeply does Britain's Euroscepticism run?" p. 11.

[83] Ibid.

[84] Ibid.

Scottish attitudes towards independence, Scotland was nearly as Eurosceptic as the rest of Britain at the time of the independence referendum. And in the short time before the referendum on EU membership, Scotland remained firmly Eurosceptic. Yet their Euroscepticism was not reflected in the Brexit result. This apparent contradiction can be explained by the fact that vast majority of Eurosceptic Scots were in favor of simply reducing the EU's power, not withdrawing completely.[86] Regardless, First Minister Sturgeon seized the opportunity to represent disparity of results between Scotland and England as yet another reason Scotland needed independence: not simply were the wishes of the Scottish public not being respected by an electoral system heavily titled in England's favor, but the results were denying Scotland a part of their identity. John Curtice and Ian Montagu write: "Within hours of the announcement of the result of the EU referendum, Ms Sturgeon indicated that she felt that the circumstances had indeed changed and the possibility of holding a second independence referendum was now back 'on the table'."[87] But the First Minister's "apparent expectation that the Brexit referendum result would increase the level of support for Scotland leaving the UK has not been fulfilled."[88] There are two main reasons to believe that the First Minister misread the Scottish public in immediately calling for an independence referendum one day after the Brexit referendum and less than two years after the "once in a generation" first Scottish independence referendum.

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[85] Wincott, Daniel; Peterson, John; Convery, Alan. "Introduction: Studying Brexit's causes and consequences," *The British Journal of Politics and International Relations*, 2017, Vol. 19, no. 3. p. 430

[86] Curtice, John; Montagu, Ian. "How Brexit has created a new divide in the nationalist movement," *British Social Attitudes Survey,* NatCen , p. 12

[87] Curtice, John; Montagu, Ian. p. 3.

[88] Ibid., p. 10.

Firstly, support for independence has not increased since Brexit. In 2016 and 2017, support for independence registered at 46 and 45 percent respectively, on par with the results of the 2014 referendum on Scottish independence.[89] The reality of the UK leaving the EU was not enough to push the Scots towards support for leaving the UK. Secondly, and perhaps connected to the former reason, the election defeats of the SNP following the Brexit referendum indicate that the prospect of a second independence referendum was not appealing enough to maintain or increase voter support. While the SNP retained its position as the third-largest party in Westminster, it emerged weakened from the election, losing 21 of its 56 seats and capturing 13 percent less of the Scottish vote than it did in 2015.[90] Additionally, even though the Conservative Party lost 13 seats overall, it gained 12 seats in Scotland, improving upon its lone Scottish seat victory in 2015.[91] This electoral success is not noteworthy in terms of number of seats; 13 seats constitute less than a fourth of Scotland's total share. It is noteworthy because of the historic unpopularity of the unionist party in Scotland since the Thatcher era. Even more compelling is from what party the Conservatives took Scottish seats: all 12 of the seats they won came in districts previously held by the SNP.[92] The swing in voting share to the Conservative Party was significant as well. In all but one of the 59 Scottish constituencies, votes for Conservatives increased from 2015 and often by double digits, coinciding with nearly the exact opposite result

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[89] Ibid., p. 6.

[90] Apostolova, Vyara et al. "General Election 2017: results and analysis," *House of Commons Library.* Briefing Paper, number CPC 7979, 29 January 2019. p. 6.

[91] Apostolova, Vyara et al. p. 10.

[92] Ibid., p. 40.

for the SNP.[93] At the risk of interpreting too much from the 2017 general election, one can

conclude that leaving the EU was not enough to motivate Scottish voters to support a party

whose modus operandi is Scottish independence and not enough to dissuade them for voting for

a unionist party that has been markedly unsuccessful and unpopular in the region for several

decades.

Furthermore, situated within the context of the last few decades of elections, the 2017 UK

General Election and the sizable loss of seats for the SNP can be interpreted as a return to the

norm. In the elections from 1979 to 2010, the highest total of seats in the House of Commons

that the SNP won was 6.[94] 56 seats (won in 2015) is most certainly an aberration, an outlier of

epic proportions that can likely be explained by the 2014 independence referendum. For the

same reasons that the SNP enjoyed success in the mid-1970s, the 2015 incarnation of the party

was gifted a large section of the Commons benches because the party is a tool of leverage for the

Scottish people. If the success experienced was a reflection of increasingly negative attitudes

towards Britishness, then presumably the success would have been maintained in the subsequent

election.

Some scholars and public figures argue, however, that the European Question does serve

as a distinguishing feature for national identity. This thesis has shown that the European

Question does not serve as a clear demarcation of Scottish identity, or not a strong enough one

that would motivate support for independence. The second part of analyzing the possible

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[93] Ibid., p. 105.

[94] Audickas, Lukas; Cracknell, Richard. "UK Election Statistics: 1918-2018: 100 years of Elections," *House of Commons Library.* Briefing Paper Number CBP7529. 13 December 2018, p. 21.

divergence in national identity on Brexit is the relationship of Euroscepticism with English

national identity. While this thesis has established the Eurosceptic attitudes are uniform across

Britain, a particular brand of Euroscepticism appears engrained in the English people's sense of

identity. Scholars writing on the causes and consequences of Brexit for the *Political Quarterly*,

argue that not only are views in Scotland and England divergent but also "England's attitudes

towards the EU strongly related to feelings of national identity."[95] Citing data from a 2014

Future of England survey, the group observes: "Those with a strongly or exclusively English

sense of their own national identity were the most hostile [towards the EU]."[96] The survey cited

finds that in the year leading up to the referendum, those who identified as either more English

than British or solely English were more likely to view EU membership as a bad thing. Indeed,

39 percent of those who identified as solely English believed that EU membership was bad

compared with 34 percent of those who identified as more English than British and only 22

percent of those who identified as equally British and English.[97] On the question of what UK's

long-term policy should be with regard to EU membership, the results were similarly stark. Of

the English, Welsh, and Scottish respondents surveyed, the group that, by far, preferred to leave

the EU was those who identify as only English; the next highest group was those who identified

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[95] Henderson, A. , Jeffery, C. , Liñeira, R. , Scully, R. , Wincott, D. and Wyn Jones, R. (2016), "England, Englishness and Brexit." *The Political Quarterly*, 87: 187-199 25 May 2016, p. 194.

[96] Ibid., p. 194.

[97] Ibid., p. 196.

as more English than British.[98] Considering these attitudes, it may appear then that Brexit *does* serve as divergence between identities.

But the differentiation in responses among people who have more affinity for their national identity than their British identity is not as prevalent among Scottish respondents. The deviation among Scottish people who identify as British only, more British than Scottish, equally both, more Scottish than British, and solely Scottish is mostly within a few percentage points of each other. Somewhat counterintuitively, the only outlier was the response of those who identified as solely Scottish: 27 percent of them thought EU membership was a good thing—by far the lowest among Scots—and 23 percent of them thought EU membership was a bad thing, which was one of the highest among Scots.[99] This result means Euroscepticism is a commonality among nationalist Scots and nationalist English. Despite this one example, attitudes among Scottish respondents did not appear to be influenced by their sense of national identity. So, while the connection between English identity and a specific form of Euroscepticism—a desire to leave the EU—is clear, the same cannot be said for the connection between Scottish identity as the question of EU membership. Therefore, there is simply not enough evidence to argue that Brexit and the European Question represents a clear division between England and Scotland. If anything, it represents a litmus test of Englishness among English people.

This section of the thesis cited research that helps determine what Britishness is in its present form and the degree to which it is still unifying. For Britons, the British monarchy and

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[98] Henderson, A, et. al., p. 196

[99] Ibid.

democratic values are at the core of what it means to be British. While the SNP believed the 23 of June 2016 provided Scotland with a change of circumstances conducive to a more robust agitation for independence, none of the evidence examined leads to the conclusion that Scottishness is now distinct from Britishness. Instead, it further indicates that the British state—not British identity—is the apparatus that is incapable of accommodating Scottishness.

PART III: WITHDRAWAL PROCESS REVEALS STRUCTURAL PROBLEMS

If, as this thesis has sought to argue, that Brexit is not symbolic of a breakdown in unity of Britishness and has not provided the right set of circumstances for Scottish independence, then there must be explanation for the long-term rise in support for independence and the recent support for the SNP. The second section of this thesis demonstrated that in the mid- to late-20th century the causes of support for the SNP could be explained by a general dissatisfaction with the unionist parties and decades of governance that did not adequately address the needs of the Scottish people. But the dissatisfaction with inadequate governance by unionist parties is but the tip of the metaphorical iceberg. The deeper, underlying problem is the constitutional arrangements within the United Kingdom, which has seen major reform in the last few decades. Prior to 1997, Scotland had no formal control over its domestic policies. Now, 20 years later, the Scottish Parliament and Scottish Government are formally recognized as permanent features of the British constitution. Yet problems remain. The process of leaving the European Union has revealed several constitutional flaws and potential problems in the British political system. Of the myriad of constitutional problems that exist, this section of the thesis will examine the three that are most related to the intersection of Brexit and Scottish nationalism: the reallocation of legal competencies to devolved governments, the asymmetry of power, and the Sewel Convention as it relates to legislation on Brexit. It is important to note that these unresolved problems were not caused by the results of the referendum. Instead, it is more accurate to observe that the practical matters of disentangling from the EU has brought these issues to the forefront and is forcing the UK to address them.

In the summer of 2018, the House of Commons Committee on Constitutional Affairs and Public Administration released a noteworthy report about this very matter. In it, the committee highlighted the asymmetry of power that enables an English hegemony, the failure of Whitehall to honor devolution, and the lack of intergovernmental cooperation, all of which—the committee argues—foreshadow the failure of the British state if not soon remedied. Yet the report does not place blame at the foot of the Brexit referendum and nor will this thesis. These structural problems and constitutional flaws predate Brexit but are made unignorable by the process of leaving the EU.

In order to understand the three issues in particular, one must first understand the constitutional context that has, in part, produced these problems. In the UK, the concept of legal sovereignty attributes ultimate law-making authority to the Westminster Parliament, which is sovereign, while the devolved legislatures may only act within the parameters given to them by Westminster.[100] Additionally, devolved legislatures come in two forms. The Northern Ireland Assembly and the Scottish Parliament are examples of a "reserved powers" model in which they may legislate in all policy areas except for those that have been explicitly reserved to Westminster.[101] This is presumably the most generous form of devolution, short of home rule or full autonomy. Some of those "reserved powers" would include foreign affairs and defense. The reserved model of devolution contrasts with the "conferred powers" model, which is seen in the Welsh Assembly. This form of devolution allows for Wales to have powers "only in the policy

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[100] Anthony, Gordon. "Devolution Issues, Legislative Power, and Legal Sovereignty." *Le Droit public britannique :* État des lieux et perspectives. Paris : Société de Législation Comparée/Lextenso, 2015. p. 95.

[101] Ibid., p. 97.

areas listed in Part I of Schedule 7 to the Act of 2006."[102] In other words, Wale only has legal

competency over policies explicitly granted to its assembly. These models of devolution prove to

be important in the process of reallocation of powers from the EU back to the UK. Indeed,

Gordon observes with regard to the reallocation problem that "the matter of interpretation can be

resolved only with reference to the terms of devolution Acts themselves."[103] The devolved

administrations of Northern Ireland and Scotland would argue that all matters not related to the

foreign affairs and defense of the UK *as a whole* should be granted to them.

The committee publication addresses the constitutional concerns that have arose as a

result of Brexit and provides Her Majesty's Government with recommendations and solutions to

the most urgent problems. The committee consulted Alan Page, Professor of Public Law at the

University of Dundee, on the problem of the reallocation of EU competencies to the UK. He

argued that "the model of devolution implied by the UK Government in the drafting European

Union (Withdrawal) Bill was that the devolved institutions' powers were limited in the EU by

EU law and 'therefore, they should continue to be bound after exit day,' meaning legislative

authority on those matters would lie in Westminster."[104] But the committee acknowledged that

the UK Government's position on the reallocation of EU competencies is controversial, with

many detractors citing the Sewel Convention, which is a non-legal political convention

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[102] Anthony, Gordon. "Devolution Issues, Legislative Power, and Legal Sovereignty," p. 97.

[103] Ibid., p. 101.

[104] UK House of Commons Public Administration and Constitutional Affairs Committee. "Devolution and Exiting the EU: Reconciling Differences and Building Strong Relationships," HC 1485. 31 July 2018. p. 13.

informing the degree of powers devolved administrations possess. This disagreement on how to proceed is significant given the sheer number of competencies that need to be reassigned in a post-EU Britain. According to an assessment by the UK and devolved governments, there are 153 areas of EU law that intersect with areas of devolved competency.[105] This dilemma would necessitate the creation of a legal mechanism through which the devolved governments and the UK government can decide how to proceed. This mechanism is referred to as Common Frameworks, "where competencies over a particular matter are devolved and therefore there must be agreement about policy between Whitehall and the devolved administrations."[106] Given the amount of shared competencies that Whitehall and the devolved administrations will have, it appears that the Common Frameworks mechanism will become an important and perhaps even permanent feature of the UK constitution. At the conclusion of its analysis of the reallocation problem, the committee offers this recommendation: "The Government should seek to develop a coherent policy for the establishment, operation and monitoring of Common Frameworks, which acknowledges the need for parliamentary scrutiny of these frameworks."[107] Unlike the other constitutional problems that this thesis examines, the reallocation of competencies is a direct result of the withdrawal from the EU. The necessity of Common Frameworks would not have existed had the devolution acts not been written in the context of being a member of the EU and had the UK not voted to leave the EU. However, the disagreement over how those competencies

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[105] UK House of Commons Public Administration and Constitutional Affairs Committee, p. 31.

[106] Ibid., 33.

[107] Ibid.

are to be awarded is an example of how the legal language of the devolution acts lends itself to divergent interpretations of their meanings.

In his article on the UK constitution, Michael Keating situates Brexit in a constitutional context and summarizes this problem of reallocated competencies appropriately. "Control of competencies coming back from the EU is contested between the UK and devolved governments," Keating writes. "The lack of rules in the largely unwritten constitution means that there are no clear ways of resolving the resulting conflicts."[108] The problems of Britain's uncodified constitution rear their ugly head once more. Keating outlines three possible scenarios for the future of the British constitution: recentralization, reconfiguration, or disintegration.

It worth examining these three potential solutions and determining how likely they are to occur. Firstly, it is possible that Her Majesty's Government will take back powers currently under the purview of the EU and give none to the devolved administrations.[109] As Keating points out, it is possible that the UK Government could eventually devolve the powers in question to the national administrations but they would immediately fall under the control of Westminster and be retained until devolution were to take place. It goes without saying that the current devolved administrations would not allow this scenario to take place without a legal battle. The second possibility is reconfiguration in which Scotland and Northern Ireland remain "in the EU for at least some purposes." [110] For example, Scotland would remain in a customs union with the

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[108] Keating, Michael. "Brexit and the Territorial Constitution of the United Kingdom," *Droit et Société,* 2018, p. 54.

[109] Keating, Michael, p. 60.

[110] Ibid., p. 65.

UK and the EU's single market. But the UK Government has made clear that there will not be different withdrawal agreements for different nations. Doing so could create borders within the UK, which is why many unionist politicians are fearful of an Irish border backstop. The final possibility Keating describes is disintegration, a scenario that so many political leaders and journalists have prognosticated would occur. In this scenario, Scotland votes to secede from the UK so they maintain membership in the EU and Northern Ireland reunifies with the Republic of Ireland to avoid a hard border.[111] Although, even if the SNP was able to finagle a second independence—a highly unlikely prospect given it would require the support of the UK Government—there is no evidence to suggest that the Scottish constituents would be compelled to vote for independence simply because of a loss of membership in the EU. Therefore, the disintegration of the UK in the way Keating describes is implausible.

The second constitutional matter that threatens the unity of the British state is the asymmetry of power. The asymmetry is exemplified in the "English Question," or "West Lothian Question," which seeks to determine if England should be granted their own devolved legislature given that all of the other constituent nations of the British state have one. Some scholars argue the Brexit referendum represented the English people's desire for their government to be more localized. Joan Willet, Lecturer in Politics at the University of Exeter, and Ed Cox, Director of IPPR North, both expressed to the committee that a feeling of disempowerment at the hands of Brussels and Westminster motivated the vote for "Leave".[112] The question of devolution for England predates Brexit and has been one of the trickiest puzzles of the UK constitutional

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[111] Keating, Michael, p. 64

[112] UK House of Commons Public Administration and Constitutional Affairs Committee, p. 25.

arrangement. If England is granted a legislature and administration that is akin to that of Scotland or Northern Ireland, the country would have an incredible amount of power given its sheer size, rendering the Westminster Parliament nearly irrelevant. As one scholar notes, "Granting a similar self-government to England on Scottish lines would unbalance the entire union as the English Chief Minister would be more powerful than the Prime Minister of the United Kingdom."[113] But if England is not given any devolved powers whatsoever, Scottish, Northern Irish, and Welsh MPs will continue to vote on English matters in Westminster, while English MPs would still be unable to vote on matters of Scotland, Northern Ireland, and Wales. In this current arrangement, the UK Government acts in both England's interests and UK interests, which is obviously problematic. The democratic unfairness and the ineffective governance inherent to this arrangement necessities a solution soon but the possible avenues of resolving the issue are complicated because of how large England is. Unlike the reallocation issue, the committee publication offers little in the way of creative structural solutions, aside from representation in joint ministerial committees. The publication concludes simply, "The question of England's place in the constitution needs urgently to be addressed."[114] And indeed it does. While debate may circulate around whether Brexit shows an English appetite for more localized governance, the English Question has been a serious topic of constitutional discourse since it was Enoch Powell discussed it in a Commons debate in 1977. In other words, the question of English devolution predates Brexit and is just as old as the European Question.

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[113] Simms, Brendan. "Scotland, the British Question and the European Problem: A Churchillian Solution." *Zeitschrift Für Staats- Und Europawissenschaften (ZSE) / Journal for Comparative Government and European Policy* 12, no. 4 2014, p. 464.

[114] Ibid., p. 30.

The last constitutional matter is the question of the degree to which the devolved administrations should be consulted when Westminster is legislating on the EU withdrawal process. Some have argued that Westminster's and Whitehall's failure to fully integrate devolved administrations in the legislation and receive their consent before proceeding violates the Sewel Convention. This lack of consultation is emblematic of Whitehall's lack of respect for the devolution acts. But what is the Sewel Convention and why is it so often cited in the discourse? Gordon Anthony writes, "The fundamental purpose of the Sewel Convention is to ensure that devolution works in a manner that respects the roles of UK Parliament and devolved legislatures."[115] However, the convention's recommendation for how to indeed respect those roles is a point of contention and subject to varied interpretation. The convention is named after Lord Sewel, who commented during a parliamentary debate on the Scotland Act of 1998: "as happened in Northern Ireland earlier in the century, we would expect a convention to be established that Westminster would not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish parliament."[116] The principle does not simply apply to Scotland however; Westminster would not normally legislate on matters in any constituent nations without the consent of their respective devolved legislatures. Despite the fact this convention has no legal standing whatsoever—which is a characteristic that cannot be ignored—

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[115] Anthony, Gordon. "Devolution, Brexit, and the Sewel Convention." *Constitution Society*, 2018, p. 5. https://consoc.org.uk/wp-content/uploads/2018/04/Gordon-Anthony-Devolution-Brexit-and-the-Sewel-Convention-1.pdf

[116] Anthony, Gordon. "Devolution, Brexit, and the Sewel Convention," p. 5.

it is impossible to discuss intergovernmental relations on Brexit without analyzing the

implications of this convention on EU legislation.

The ever-thorough Committee on Public Administration and Constitutional Matters

examined the Sewel Convention, as well. It recommended that the when the UK Government "is

considering legislation that falls within a devolved competence, draft legislation should

preferably be shared far enough in advance for a devolved government to identify and work

through any issues in the legislation with the UK Government."[117] In drafting withdrawal

legislation, the UK Government did not consult the devolved governments, failing to involve

them at all until the legislation was written. It may be too cynical to suggest that the UK

Government deliberately refused to share its bill with the devolved governments or involve them

in the process. The more likely explanation is that there is no defined process for

intergovernmental legislative consultation. Thus, it is no wonder that the committee

recommended that the Houses of Parliament "should consider establishing a procedure to

acknowledge more clearly that a Bill is in an area that requires legislative consent…by a

devolved legislature" and that the UK should seek to develop inter-governmental relations

mechanisms.[118] While Brexit has not caused the need for these legislative procedures and

intergovernmental mechanisms, it has exacerbated an existing tension illustrated by the

implementation of the Sewel Convention.

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[117] UK House of Commons Committee on Public Administration and Constitutional Affairs, p.
22.

[118] Ibid., p. 23, 41.

Some argue that Brexit referendum result is symptomatic of a territorial divergence. In their article on Scotland's vote to remain in the EU, Aileen McHarg and James Mitchell argue the results of the referendum reveals cleavages that "concern not merely questions of constitutional *vision* but also differing understandings of the constitutional significance of territorial divergence itself."[119] McHarg and Mitchel wonder if Brexit should be interpreted as a reflection of different desired relationships between the UK and the EU or "a matter of constitutional reform, thereby requiring a shared process of redrawing and rebuilding the United Kingdom's multi-level constitutional architecture."[120] There is little reason that Brexit cannot be interpreted as both. Obviously, the referendum was an answer to the European question and reflected different national attitudes towards the EU, (even if those attitudes are not integral to understanding the national identities). Additionally, this thesis has merely examined three of the countless, major areas in need of reform, but it is clear from each one that the withdrawal from the EU has given the UK the opportunity, if not the provoked the dire necessity, to reform its constitution. The inherent flexibility of the constitution and its capacity for reform may prove to be the solution to these problems.

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[119] McHarg, Aileen; Mitchell, James. "Brexit and Scotland." *The British Journal of Politics and International Relations* 19, no. 3 (August 2017). p. 513.

[120] Ibid., 518.

CONCLUSION: IS THE END OF BRITAIN NEAR?

This paper sought to investigate the "threat" of Brexit to British unity by answering two main questions: (1) the extent to which Brexit affected a cohesive British national identity and (2) what constitutional problems have been revealed by the EU withdrawal process. By answering these two questions and focusing on the intersection of Brexit and Scottish nationalism—one of the plethora potential factors that could break up the UK—this paper could come closer to discerning the truth of the popular assertion that Brexit will lead to the breakup of the UK. The historical analysis of Britishness revealed that the British national identity has been quite amendable to changing situations and flexible enough to include the distinct identities of its constituent nations. At the beginnings of the union, the crux of a sense of unified national identity was Protestantism and the fear of Catholicism that was inseparable from it. Despite the different denominational traditions of Scottish and English Protestantism, the two nations were bound by their fear of both a possible Catholic monarch and the Catholic enemies south of the Channel. But as the threat of the Catholic French, in particular, waned in the 19th-century, Britishness shifted towards a celebration of the Empire. Indeed, the convenience and benefits afforded by membership of this imperial endeavor proved to be a practical incentive to remain in the union. Beginning in the early 20th-century however, a form of Scottish nationalism emerged that could not be tamed by the sources of unity that had sustained Britishness in the two centuries prior.

Growing dissatisfaction with the unionist parties in the 1960s and 1970s saw support grow for Scotland's nationalist party. The SNP during this time could be viewed as an alternative, or an outlet through which Scotland's expressed that dissatisfaction. The SNP's

temporary and marginal electoral success indicate that independence was not a conviction on the minds of the Scottish electorate. But in 2014, independence was the preferred choice for 45 percent of the Scots, an unignorable portion of the public. The "once in a generation" referendum proved to only be an answer for less than two years. First Minister Nicola Sturgeon claimed the time was ripe for another independence following the UK-wide decision to leave the EU in 2016. But the prospect of leaving the EU has not motivated an increase in support for Scottish independence, according to recent survey data. Furthermore, the SNP suffered major losses to unionist parties in the most recent general election. While Scotland voted by a clear majority to remain the EU, its levels of Eurosceptic attitudes are consistent with the rest of Britain. Considering all these observations, Brexit and the question of Europe does not represent the clear division between Scotland and England some seem eager to posit. This is not to suggest that no division exists between Scotland and England and their respective senses of identity, but rather that the division may not be stark or serious enough to irreparably splinter a cohesive British national identity. Even if there did exist a stark division between Scottishness and Englishness, history has shown that the one prime hallmark of Britishness as an identity has been its ability to stretch and morph to accommodate a distinct Scottish national identity.

But the success of cultural bonds and shared history as a source of unity does not address the problems of Britain the polity. There is a difference between what an identity can accommodate and what a state or political system can. Even if Scotland feels an affinity for the rest of the constituent nations, it may not be enough to overcome the perceived lack of respect for devolved administrations, the political asymmetry, and the mismanagement of the withdrawal process. Yet understanding that the possible motivation behind Scottish nationalism is structural

rather than cultural is important because the concerns motivating the nationalism could be addressed and remedied. And the British constitution is equipped to endure drastic reform; therefore, it is possible to change the constitutional arrangement in an agreeable way to avoid a Scottish secession. It is impossible to predict if those governing the country would reform the union successfully, if at all; thus, it is impossible to predict if the union will endure. But remaining with the status quo would be damaging. It is also clear that the perfect storm of factors explored ad nauseum by thesis and countless other papers predate Brexit: Brexit has not caused them. The withdrawal process has simply revealed the preexisting fissures and provides the unique opportunity (or perhaps necessity) to address them. Brexit will not cause the breakup of the United Kingdom. In fact, it may motivate its necessary reform.

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