Political Traditions and Scottish Devolution

by

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Abstract

This thesis seeks to develop a conception of the political traditions operating in the UK and then apply it to the development of Scottish Devolution. I argue that the concept of tradition has been under-valued and theorised in social science and that the notion of political traditions has heuristic value when applied to British politics. Discussion of a distinctive British Political Tradition has been kept to the margins in explanations of the British political system with only a few authors seeking to explore the ideational underpinnings of the institutions and process of British government and the Westminster Model. The recent work of Bevir and Rhodes has raised the profile of political traditions, however I contend that their conceptualisation is flawed and thus, heuristically limited. I argue that we can identify a dominant political tradition, the British Political Tradition, which has decisively influenced the nature and conduct of British political life over time. This tradition expresses and facilitates the ideas and interests of dominant socio-economic groups in UK society. However it has not gone uncontested. We can also identify the existence of competing political traditions which challenge aspects or the entirety of, the British Political Tradition. Although competing political traditions resonate asymmetrically, it is through the process of conflict and contestation that changes in the British political system can be explained. From this I then narrate the history of Scottish Devolution to date and offer comment on how this interactive and iterative process continues to inform outcomes since 1999. Overall I argue that the dominant political tradition continues to have a major impact on the British political system.

Contents

Introduction

On November 19th 1998 the Scottish Devolution Bill received Royal Assent. This established a Scottish Parliament at Holyrood for the first time since 1707. Devolution, alongside other changes instituted by the Labour government, marks a significant moment in the history and development of the British political system. These changes, described by Tony Blair as: "the biggest programme of change to our democracy ever proposed"(Blair 1994), have seen reform of numerous aspects of the institutions and processes of British government[1]. Of these, Scottish Devolution was undoubtedly the most radical and introduced with speed and without any significant attempt to de-radicalize the original proposal[2].

As we might expect a wide range of authors have sought to explain what on the surface appears to be a major change in the pre-existing territorial relations of the UK. In this undertaking we are inevitably drawn to an explanation that is simple and straight forward. Such a view posits that Scottish Devolution marks a break with the traditional institutions and practices associated with the Westminster Model (WM) narrative of British politics. For some authors, (see for example Pierre and Stoker 2000) this has witnessed the emergence of a new style of governance termed, Multi-Level Governance (MLG). For other authors, (Redwood 1999: Marr 2000; Hitchens 2000; Nairn 2000) Scottish Devolution is the unravelling of the unitary state and if not the end of the UK, then the beginnings of the end. In both views devolution is viewed as a rupture with the past, with the UK state entering a new and unprecedented stage of its development. Here change is emphasised, almost to the exclusion of possible continuities with the past, despite the demonstrable nature of the latter.

Other narratives point to a degree of continuity between the pre 1998 and post 1998 era (Mitchell 2002; O'Neill 2004; Jeffrey 2006). These authors stress the continued importance of Westminster and its sovereignty. Such narratives often suggest that concepts such as the Unitary State did not fully explain the actual nature of territorial relations, which involved negotiation and the recognition of a degree of distinctiveness. Instead they appeal to the idea of 'the Union State'(Rokkan and Urwin 1982). For these authors pre-existing territorial relations or aspects thereof, continue to inform the post 1998 Devolution Settlement. As such the institutions, processes and practices associated with the WM remain centrally important. However their ideational underpinnings are ignored and thus those continuities (and changes) that exist are only partially explained.

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[1] Labour's constitutional reform programme has seen reform of the House of Lords (1999); the introduction of both the Human Rights Act (1998) and the Freedom of Information Act (2000); the creation of a Supreme Court for the UK (2005); and the introduction of devolution for Scotland and Wales (1998).

[2] As compared with other reforms such as Freedom of Information, which was significantly de-radicalized and Electoral Reform for Westminster which did not occur (Marsh and Hall 2007; Marsh 2008a).

Any consideration of the development and realisation of Scottish Devolution encounters two notable trends in accounts of the British political system. Firstly, historically the majority of explanations of the British political system are characterised by reference to the WM[3]. Secondly, a sense of British exceptionalism rooted in the Whig interpretation of history pervades much of the literature. Both of these require detailed consideration when seeking to explain the nature and development of the British political system.

Narratives of Scottish Devolution are no exception. Both explanations of Scottish Devolution identified above highlight the centrality of the WM. Indeed they take it as read that the WM explained how British politics operated historically. There is no doubt that the WM has until recently, been the dominant organising perspective in British politics (Gamble 1990; Kerr and Kettell 2006) for those attempting a broader explanation of the British political system. In such explanations there has been a tendency to imply that the WM was a paradigm that should be exported around the world

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Nor can it be doubted that actors believed in that model and acted accordingly (Marsh, Richards and Smith 2001; Judge 2005). However in recent years the WM has become increasingly contested (see for example Rhodes 1997; Marsh, Richards and Smith 2001; Bevir and Rhodes 2003). Any discussion of Scottish Devolution must respond to these sustained criticisms of the WM and seek to explain if it remains, in any way relevant to British politics. Furthermore we must seek to explain how the institutions, processes and practices associated with the WM have impacted on the development of the devolution settlement.

In this thesis the WM is characterised as a narrative of the British political system that whilst widely believed and influential, was in fact a self image rather than a reality. The WM narrative never accurately described the British political system or its fundamental nature. Rather than accept this model as a reality as much political analysis has done (Norton 1984; Hanson and Walles 1990) or see it as 'the other' to now be rejected as the 'governance thesis' does (Rhodes 1997; Bevir and Rhodes 2003), I seek to identify the ideational underpinnings of the institutions, processes and discourses of that narrative through discussion of the notion of 'political traditions'. In doing so I aim to more fully explain those features of British political life and also to consider the relationship between dominant socio-economic and political elites and the ideas and institutions of the British political system. As part of this

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[3] A range of authors have noted the dominance of the WM in explanations of British politics (Gamble 1990; McAnulla 2006; Kerr and Kettell 2006).

undertaking I must consider the relationship between structure and agency; the material and the ideational; institutions and ideas; and crucially given the focus on devolution, continuity and change. A case study on Scottish Devolution provides an excellent opportunity to test this approach.

Similarly the development of new approaches such as the 'Differentiated Polity' (Rhodes 1997; Bevir and Rhodes 2008) and the 'Asymmetrical Power Model' (Marsh, Richards and Smith 2001; Marsh 2008a) has provided a fresh challenge for analysts of the British political system. Which of these new models can be incorporated into the broader span of British political development and what they can offer to analyses of contemporary political developments requires detailed consideration if we are to adequately explain change and continuity within the Britain.

Alongside the dominance of the WM, a tendency towards British exceptionalism has characterised many accounts of Britain's political development. This can be seen as a continuation of the Whig interpretation of history offered by MaCaulay (1848) and Bagehot (1867). This Whig view of the development of the British political system has become the dominant narrative of that development and one that is to be found in the majority of the major textbooks. Statements regarding aspects of British democracy such as 'the mother of all Parliaments'[4], highlight the extent to which the British political system has been seen as a beacon of best democratic practice for the world[5]. This narrative however does not offer either an accurate or a persuasive explanation of the development of the British political system. Nor does it offer an accurate description of the nature of British democracy and government. My narrative seeks to challenge the Whiggish exceptionalism and the idea that: "Britain is set apart from most countries.....(by) the slowness and gradualness of the evolutionary process by which she achieved her modernisation" (Hanson and Walles 1990).

British exceptionalism in developmental terms remains evident in many overviews of the British political system (See for example Wright 2000). However views steeped in the Whig interpretation of history fail to capture the complexity of the process of change and continuity over time. They also tend to afford the political (and socio-economic) elites a benign and benevolent role that fails to adequately identify or explain the interplay of the socio-economic and the political. The role of the political and social elites in the Whig narrative has been

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[4] This self congratulatory and un-critical term has commonly been attached to the Houses of Parliament at Westminster and will be returned to in Chapter Two.
[5] See for example the comment in the Daily Express (19-12-97), "This country's distinctive contribution to civilisation has been the development of stable institutions of representative government".

distorted or forgotten, as have their motives. Rather than being groups who were unwilling or reluctant to give up their power and influence and fearful of the idea of democracy itself, they are all too often transformed into the benevolent, interest free overseers of the gradual extension of democracy (Bagehot 1867; Norton 1984). This approach not only masks the underlying continuities in who rules Britain but also ignores the possible manufacturing and promotion of consent through the promulgation of the traditional narrative.

Nor do references to "the essential political homogeneity of the British people" (Hanson and Walles 1990: 3) accurately portray the reality of British political life historically. They are unhelpful in explaining the development of phenomena such as Scottish Devolution. Political ideas, attitudes and cultures can and do become dominant and widely accepted. However to suggest that consensus alone is the hallmark feature of British politics is to underplay the role and significance of ideational conflict and contestation over time. The actual hard-fought struggle for some semblance of democratic government based upon universal suffrage has been supplanted by a view of 'evolutionary' development[6] towards a stable and efficient political system based upon democratic elections and responsible and reasonable governance. Miliband (1982) makes a telling point in this regard, arguing that: "if democracy is defined in terms of popular participation in the determination of policy and popular control over the conduct of affairs, then the British political system is far from democratic" (1982: 1). However he goes on to note that: "the British political system does incorporate a number of democratic features which make it possible for ordinary people to make their voices heard and can compel those in power to take some account of popular concerns and expectations"(1982:1). A failure to do this may result in a governing party being removed from office at the next general election, although as Miliband asserts: "this may be of much smaller consequence for the structure of power than is alleged or believed" (1982:1).

This latter point returns us to the relationship between the structures and practices of British government and the broader economic and social strata to be found in UK society. This has been an area of analysis all too often neglected by the introductory textbooks[7] and mainstream analysis of the British political system[8]. Indeed the tendency to overlook or even ignore the importance of such groups within British politics has been amplified by the alleged

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[6] We should note here as Kerr (2001; 2003) suggests the misuse of the word 'evolutionary' and its conflagration with the idea of gradual change.

[7] A clear exception to this is *Introduction to British Politics* by J Dearlove and P Saunders (2000) which offers extensive explanation of socio-economic inequality and contains a chapter concerning 'Who really runs Britain?'.

[8] Notable exceptions to this overall trend can be found in the work of Ralph Miliband (1973; 1982; 1991) and John Scott (1991; 1992; 1997). The Asymmetrical Power Model (APM) developed by Marsh, Richards and Smith (2001) also seeks to highlight the importance of structured inequality in the allocation of power and political resources.

'decline of class' and the rise of post-modern approaches in academic circles. Contra this trend my thesis seeks to re-assert the importance of socio-economic elites historically in the framing of the institutions, processes and practices of the British political system. I also stress the continued relevance of notions concerning structured inequality and asymmetrical power relations and their continued impact upon both the institutions and process of British government, and crucially, outcomes.

In summary therefore the following problems can be identified in relation to explanations of Britain's political development over time:

- o A lack of focus on ideational factors in explaining political developments and outcomes. Ideas, in the form of political traditions have been relatively neglected until recently (Bevir and Rhodes 2003; Marsh and Hall 2007). Furthermore ideational contestation in British politics is often ignored or negated (Marsh, Richards and Smith 2001; Hay 2004) in favour of suggestions of consensus or thick descriptions of institutions and practices.
- o There is comparatively little discussion in the mainstream literature of how key ideas developed or how they came to inform institutions, processes and practices of British government over time. This can be seen in the historic dominance of the WM narrative.
- o Much of literature on British politics is atheoretical and conceptually limited. This paucity of theory is a widely recognised feature of the literature on British politics (Greenleaf 1983a; Gamble 1990; McAnulla 2006a). Consideration of meta-theoretical issues concerning the relationship between structure and agency; the material and the ideational; institutions and ideas; and continuity and change is largely absent from the mainstream literature on Britain's political development. This is also true of discussion concepts such as tradition and its influence.
- o Traditional accounts lack a developed and complex conception of continuity and change. Rather a simplistic dualism where either continuity or change are identified dominates (Marsh 2007).
- o A tendency to view Britain's political development over time as both gradual and largely peaceful, ignoring or undervaluing the role played by conflict. Those accounts that do offer a historical focus do so in a barely concealed self-congratulatory manner. There is little critical appreciation of Britain's historical development in mainstream analyses and the role played by conflict in the development of the ideas, institutions and processes of British governance.

o   Traditional accounts fail to adequately identify the relationship between dominant material interests and the ideas, institutions and practices that have developed and dominated British politics.

This thesis therefore has two fundamental purposes. Firstly in order to tackle the issues emanating from the failings of traditional accounts of British politics I seek to develop a critical conception of the political traditions operating in the UK that stresses the importance and impact of dominant and competing political traditions on outcomes in British politics. Here I aim to identify how the institutions and processes associated with the WM narrative can be better conceptualised as emanating from ideas that were both a product of and reinforcing to the structured inequality of UK society historically. These institutions and ideas then became the dominant prism through which politics and political developments were viewed. In doing so, I seek to consider change and continuity in British politics and to critically consider both the concept of tradition and the recent work of Bevir and Rhodes (2003; 2006).

Secondly I seek to demonstrate the heuristic value of this approach through a narrative of the development and realisation of Scottish Devolution. To understand devolution to Scotland a historical perspective that identifies the centrality of ideational contestation and seeks to highlight the complex process of continuity and change that culminated in the establishment of the Parliament is required. In essence I aim to consider whether Scottish Devolution represents a fundamental shift in the territorial relations of the UK. Or to put it another way does Scottish Devolution represent a rupture with the past or can substantial continuities be found amongst territorial relations post 1998 and if they do, then why? To answer these questions I seek to draw out the ideational underpinnings and drivers of the devolution project by developing a conception of the political traditions operating in the UK. I then apply this concept to both the process by which devolution developed and its realisation in the institutions and practices established in 1998.

This is no small task given the breadth of the subject matter. Consequently the thesis is essentially divided into two overall parts. The first part deals with issues concerning the idea of political traditions and their development and impact in the UK. In Chapter One I unpack and critically evaluate the literature on the British Political Tradition (BPT). These works focus explicitly on the ideational aspects of British politics through reference to the concept of political tradition. In Chapter Two I consider the recent work of Mark Bevir and Rod Rhodes (2002; 2003; 2004; 2006a; 2006b; 2006c; 2008a; 2008b). Their 'new interpretivism' (Hall 2008a) invokes discussion of tradition to explain outcomes in British politics. Whilst

Bevir and Rhodes do not directly address the issue of devolution itself, their work is gaining widespread consideration and credence linked to governance thesis, which is itself becoming a new orthodoxy. In particular the usage of the notions of competing traditions by Bevir and Rhodes has sparked renewed interest in the concept of tradition generally. Finally in Chapter Three I offer an explanation of the development of political traditions in the UK that identifies the existence of dominant and competing political traditions. I also stress the centrality of conflict and contestation in driving historical change and continuity and the idea of asymmetrical resonance of political traditions over time, explained, in part through reference to contingent events.

Having developed my approach, in the second part of this thesis I seek to apply it to the development and realisation of Scottish Devolution. In Chapter Four I turn attention to apply to the history of the issue and how contestation of central tenets of the union, was always evident yet resonated at different intensities over time, driven by contingent events. In Chapter Five I offer a detailed assessment of the two centrally significant documents in the creation of Scottish devolution, *The Scotland Act* (1998) and *Shaping Scotland's Parliament* (1998) in order to consider the interaction between dominant and competing political traditions in the UK and its influence of outcomes. Finally, in Chapter Six I offer brief consideration of four key aspects of devolution in Scotland since 1998. I do so in order to assess whether we can detect the continued influence of political traditions and also to seek to consider the impact of unintended consequences and possible future challenges to the dominant political tradition.

Of central significance to the issues discussed in this thesis is the concept of political tradition and it is to this that I will now turn through a discussion of the existing literature on the British Political Tradition.

Chapter One:
'Variations on a theme'; Political Traditions and explanations of British politics

Introduction

The British Political Tradition (BPT) is a concept that has been deployed by a diverse range of authors from various methodological and normative perspectives (Beer 1965; Birch 1964; Greenleaf 1983 2 volumes; 1987; Marsh and Tant 1989; Tant 1993; Evans 1995; 2003). The differences between their approaches will be dealt with shortly. However, what unites these authors is a desire to focus on the notion of tradition and, more narrowly, the ideas that underpin the institutions and processes of British government. In doing so, they attempt to offer a more theoretically informed view of the development of the British political system over time[9]. Despite this, such a perspective on British Politics has all too often been ignored. The majority of authors have favoured either explicitly or implicitly the Westminster Model (WM) as an explanatory framework, without considering how those institutions and processes came into being or, crucially, what ideas and views of democracy underpin them.

In this Chapter I will consider in detail the varying usages of the BPT concept to date. However, prior to this I will briefly explore the concept of political tradition itself.

Political traditions

Like the concept of tradition[10], the term 'political tradition' is often found in socio-political analysis. It appears in the title of major academic works such as Richard Hofstadter's *The American Political Tradition and the Men Who Made It* (1948) and W H Greenleaf's 3 volume opus, *The British Political Tradition* (1983 2 volumes: 1987). However, these two authors conceptualise the notion of a political tradition differently. Hofstadter, focusing on the ideas that underpinned the various political views prevalent in American politics, defines the American Political Tradition as based upon: "a shared belief in the rights of property, the philosophy of individualism, the value of competition….They (its advocates) have accepted the economic virtues of capitalist culture as necessary qualities of man" (Hofstadter 1974: xxxvii). He sees the American Political Tradition as rooted in a consensus concerning key ideas. In a sense, it could be argued that Hofstadter's view presents a monolithic approach to political tradition. Greenleaf for his part sees the BPT as involving conflict between competing sets of ideas, rather than an underlying consensus or monolith. Whilst I will deal with the work of Greenleaf in far greater depth shortly, one important conclusion follows

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[9] As we saw in the introduction the lack of theory in British politics is an increasingly identified weakness of analyses of British politics (Greenleaf 1983; McAnulla 2006a; Kerr and Kettell 2006).

[10] Appendix 1 discusses the concept of tradition itself and its relative neglect in social science.

from this brief comparison. As with tradition itself[11], the concept of a 'political tradition' is defined and utilised in various ways in political analysis.

That the concept of a political tradition is characterised in a variety of ways can be readily demonstrated by focusing briefly on its varying usage in British politics. These include:

- Most frequently, political tradition is used to refer to an ideology. Indeed the words ideology and tradition are often used interchangeably in socio-political analysis. For example, we can find much reference to the Marxist tradition or the conservative tradition in the literature concerning British politics.

- Sometimes, we find the phrase 'political tradition' used to describe a set of inter-related ideologies or interlinked 'families of ideas'. For example, we find reference to notions such as the 'radical tradition' (Bullock and Deakin 1964; Derry 1967) which span ideological positions such as liberalism and socialism in both historical and contemporary accounts. Again. in this context tradition is used interchangeably with 'ideology', denoting a relatively coherent set of political ideas. Popular textbooks such as Jones et al (2004) utilise the concept of tradition in this way. Kingdom (2003) places various ideological viewpoints within a wider framework, 'the Western tradition' which he sees developing from the break with the past to be found in the Renaissance, the Reformation and the Enlightenment (Kingdom 2003: 25-25)

- Greenleaf (1983 2 volumes: 1987) uses the concept of political tradition to refer to a defining clash between ideas that have dominated politics over time. He focuses upon the conflict between libertarianism and collectivism as constituting the BPT.

- Beer (1965) uses the concept of political tradition to refer to a political culture or set of beliefs that is widely held in society (Batters 2005).

- A number of authors use political tradition to refer to sets of ideas and practices that remain relatively constant over time. Examples of this approach can be found in the work of Birch (1964) and Marsh and Tant (1989) and work informed by this approach such as Tant (1993), Evans (1995; 2003) and Marsh, Richards and Smith (2001; 2003).

- Bevir and Rhodes (2003; 2005; 2006) use the phrase political tradition to refer to inherited webs of beliefs that actors appeal to when facing dilemmas. However their conceptualisation of tradition makes two crucial points. Firstly, they point to the existence of multiple traditions operating with

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[11] For a discussion of the various approaches to tradition see Appendix 1.

British politics. Therefore, we should discuss the notion of political traditions(s) rather than a single BPT. Secondly, they reject the notion that there is any essentialist element to traditions suggesting that actors can and do adapt traditions.

Therefore, through focusing on explanations of British politics alone we can clearly see that political tradition is used in a variety of ways, all of which may offer some explanatory value. I should however make one point clear at this time. It is my contention that, for the concept of political tradition to have true heuristic value, we need to move beyond the idea that there is a single political tradition[12]. Of course, this constitutes a major critique of much of the work on the BPT that will be dealt with shortly. As Miliband (2004) contends:

> "tradition is not a monolith. On the contrary, it always consists of a large and diverse accumulation of customary ways of thought and action. In other words, there is not in any society one tradition but many; some may be more congruent with others, some less" (Miliband 2004: 46).

I shall argue that, rather than a single political tradition, there are multiple traditions operating at any given time (Bullock and Deakin 1964; Bevir and Rhodes 2003; Marsh and Hall 2007). However, these traditions are unlikely to be of equal weight or import within the political system as the political landscape is an uneven playing field (Marsh, Richards and Smith 2003). Therefore, just as we might expect to find dominant and competing traditions in other areas of society, we may identify the existence of dominant and competing political traditions (Marsh and Hall 2007). Whilst an in-depth elucidation of the characteristics and development of these traditions will be conducted in Chapter Three, a briefer account is necessary here.

The dominant political tradition can be defined as:

> "the generally accepted customs, beliefs, discourses, practices and cultural tendencies within a nation and its political system that help to shape the manner in which a political system functions and develops" (Hall 2005: 124).

These ideas will be found in, and influence, existing institutional structures and relationships, as well as the views and behaviour of actors. The dominant tradition will be institutionally

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[12] For example whilst Hofstadter may be correct to suggest that there has been a degree of consensus between the major political groupings in the US over the underlying ideas and values upon which the US should be built these have not gone uncontested. There have been competing traditions or views at different times in American life such as the socialist tradition that existed in the 19th and early 20th centuries. A such rather than discussing a monolithic conception of the American Political Tradition we should recognise the existence of dominant and competing traditions and attempt to explain their asymmetrical resonance over time.

embedded and will reflect established political practice. Through its dominance, it will also set the parameters for, and inform, debates and discourses regarding the political system. It will also condition how actors view existing arrangements and alternatives to established practices. Norms of political behaviour will be established and passed through the tradition. Dominant traditions will resonate with those with power and influence, and the public, establishing themselves as the 'norm' for generations of politicians and public alike. The dominant tradition, in turn, will be influenced by these and may develop or become entrenched over time. Political traditions, even dominant ones, are not static or time-bound. This immediately suggests we should adopt a diachronic approach to studying political tradition, rather than the synchronic approach to be found in much of their discussion (See for example Birch 1964; Beer 1965; Greenleaf 1983 2 volumes; 1987).

Competing political traditions offer alternative views of how politics should be conducted and are often advocated by those seeking to challenge and change the nature of politics in a nation state. Competing political traditions may be advocated by those seeking power and influence from within the political system. For example, elements in the Labour Party, the Liberal Democrats and groups such as Charter 88 advocate a competing political tradition to that which has dominated British politics over time. Competing political traditions can also be advanced by those critiquing or rejecting the system as a whole (Evans 1995) or aspects thereof. They can also appeal to competing senses of national identity. Just as with dominant traditions, competing traditions are likely to have historical antecedents in the sense that their contemporary incarnation is itself part of broader historical tradition. For example, contemporary critics of the British political system, such as Charter 88 or the Electoral Reform Society (ERS) are the heirs to a tradition of dissent and demands for reform that can be traced back into the 19th century and beyond. Competing political traditions may also be partial or comprehensive critiques of the nature of politics and the political system. Charter 88 offer a wholesale critique of the British political system, whilst groups such as the Campaign for Freedom of Information or the ERS target aspects of the dominant tradition.

I have already suggested that contestation between traditions is fundamental for explaining change within, and beyond, traditions. As such, I contend that dominant and competing traditions will interact and come into conflict with each other in an interactive and iterative relationship (Marsh 2003; Marsh and Hall 2007). Through this process of contestation between dominant and competing traditions, both change and continuity will occur. Here again, I would point to the importance of the idea of a strategically selective environment that privileges certain adaptations or developments over others (Jessop 1990; Kerr 2002). It is within such an environment that traditions operate and it is through reference to conflict

within such an environment that persuasive explanations of change and continuity over time can be fully developed.

I want to make one final point about the concept of 'political tradition' which will be explored fully in Chapter Three. A political tradition forms an integral part of the wider notion of political-cultural identity developed by Preston (1997: 2004). His dichotomy between a 'great tradition' and 'little tradition(s)' offers those discussing political traditions an interesting, and potentially fruitful, avenue. The dominant political tradition could be conceptualised as the 'great tradition', in the sense that it forms the: "overarching set of ideas expressed in particular concrete institutional arrangements and carried by the distinctive patterns of the life of the elite that legitimate and order extant social patterns" (Preston 2004: 82). This opens up the linkage between the dominant political tradition and the development of a distinctive sense of national identity. In the case of Britain therefore, I explore the linkage between a putative BPT and the notion of British-ness or British national identity. Or to put it another way, we should consider the extent to which the BPT forms an integral part of the political-cultural identity of Britain.

Having recognised the diverse conceptualisation of the term 'political tradition' I will now turn my attention to critically assessing the usage of BPT concept itself. This will be the focus of the rest of this Chapter. To do this, I will employ a key distinction. Of those who use the concept, we can identify a clear divergence in approach. Some authors offer a largely positive view of tradition and/or the BPT. The key works here would be Anthony Birch's *Representative and Responsible Government* (1964), Samuel Beer's *Modern British Politics* (1965) and W H Greenleaf's three-volume work, *The British Political Tradition* (1983 2 volumes: 1987). Despite the differing emphases and conceptualisations of tradition found in these works, they all offer a view of the BPT as something that has had a benign impact upon British politics. Conversely, those authors who have appealed to the notion of a BPT more recently have done so with a more critical undertone. The key works here would be David Marsh and Tony Tant's *'There is No Alternative: Mrs Thatcher and the British Political Tradition* (1989), Tant's *British Government: The Triumph of Elitism* (1993) and Mark Evans two books, *Charter 88: A Successful Challenge to the British Political Tradition* (1995) and *Constitution Making and the Labour Party* (2003). We should also note here that the notion of a BPT forms a key component of the Asymmetrical Power Model (APM) developed by Marsh, Richards and Smith (2001; 2003).

As such I will focus firstly on those authors who have seen the BPT as having a positive impact upon British politics; in a sense the classical approaches to the concept.

The British Political Tradition

The British Political Tradition (BPT) is a concept that has been utilised by a number of authors to explain the nature of British politics and the ideas which underpin political practice in the UK. Two points should be noted here before I begin. Firstly, the Westminster Model (WM) has been the dominant prism through which the British political system has been described and analysed (McAnulla 2006). A range of explanations for this have been advanced (Gamble 1990; McAnulla 2006; Kerr and Kettell 2006), however it should be noted again that, in general terms, until recently there has been a relative lack of focus on the role of ideas (Hay 2002: 2004). Secondly the BPT concept itself is a contested one. As there is no agreed definition of what constitutes a political tradition it is possible to identify conceptual differences between those authors who advocate the existence of a distinctive BPT. What is clear is that those using the concept all do so to describe and comment upon the ideas and values that have dominated and shaped British politics over time. Indeed, it is the focus on the ideational, rather than institutional that is often seen to differentiate the BPT from the WM.

I will begin describing in detail the views of various authors before offering specific criticisms of their interpretation where appropriate. Then I will offer a range of general criticisms of the usage of the concept to date.

Classical approaches to the British Political Tradition:

Here, I identify the views of Michael Oakeshott and three key texts: W H Greenleaf's, *The British Political Tradition* (2 volumes 1983: 1987); Anthony Birch's *Representation and Responsibility* (1964); and Samuel Beer's *Modern British Politics* (1965).

Oakeshott

The BPT has often been seen as non-ideological. Such a view is advanced in the work of the conservative thinker Michael Oakeshott (1962). The origins of this view can be traced back much further to that key conservative thinker Edmund Burke (1790). Oakeshott, as I suggested earlier, was concerned with tradition in its broadest sense and believed that it offered the surest guide to political action. He believed that: "every political community…..can be said to have developed a tradition of political life" (Kenny 1999: 277). Ideologies acted only as: "simplifications of richer and more nuanced sets of practices, values and ideas designed to facilitate political argument and understanding (Kenny 1999: 278). For Oakeshott, the BPT was not a consistent doctrine or ideology. Rather, it was a set of intertwined practices, values and ideas. It was characterised by: "pragmatic handling of social

problems an aversion to the intrusions of rationalist dogma and a commitment to the rule of law which enables a flourishing of what he termed, a vital civil association" (Kenny 1999: 278). Oakeshott suggests that these values were deeply rooted in day-to-day aspects of political life and debate in Britain and can be seen particularly in the core institutions, practices and beliefs of British politics. They are then handed down from generation to generation, thus constituting a political tradition.

This characterization of the BPT, as an indigenous, distinctive set of non-ideological values, ideas and prejudices, with its attendant rejection of rationalism, has a long history within British political discourse. Indeed, we can find it powerfully expressed in Burke's _Reflections on the Revolution in France_ (1790), which I will return to in Chapter Three. It also underpins widely read works such as Norton's The _British Polity_ (1984). Three key points are notable here. Firstly, it is possible to detect what Kenny (1999: 278) refers to as a: "high minded version of a frequently uttered piece of common sense wisdom – that ideology is in fact alien to British culture and experience and has had largely harmful consequences when imported". Secondly, it is based upon appeals to a sense of political distinctiveness rooted in indigenous national characteristics. Finally, it is the non-ideological nature of the BPT that sets it apart from other political traditions, particularly those found on the European continent. Indeed, this argument underpins the claims to British exceptionalism and a superior developmental path that has been prevalent in many key works on British politics.

Birch

Anthony Birch (1964) offers a highly influential interpretation of the BPT that has found expression in some of the most widely read textbooks on British Politics[13]. Birch argues that the BPT has been shaped by certain notions regarding democracy and, in particular, debates about the nature 'representation' and 'responsibility'. These two notions have, according to Birch fundamentally shaped the practice of British politics and constitute the BPT.

Representation:

An approach to representation has developed in Britain as a result of debates conducted in the 19th century between the Whigs and the Tories and their descendants the Liberals and Conservatives. Birch (1964) identifies three meanings for the term. Firstly, he argues that it has often denoted:

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[13] See for example Bill Jones et al _Politics UK_ (2004)

"an agent or delegate, a person whose function is to protect and if possible advance the interests of an individual or group on whose behalf he is acting – irrespective of who they are, how they are chosen, or how much discretion they are allowed, their function is to look after the interests of the organisation, group or person they represent" (Birch 1964: 14).

Secondly, representation can refer to persons and assemblies who have been freely elected. These elected representatives have some obligation to advance the interests and views of electors. However, there is no constitutional imperative for this and the conventions of British politics do not compel elected representatives to act as an agent or delegate of his/her constituents. It is notable that only a small minority of MPs or political commentators have ever argued that MPs should act as delegates (Birch 1964: 227). The net result of this has been a minimal role for the electorate and a great deal of discretion for both representatives and the government once selected.

Thirdly, Birch suggests that representation is used to discuss the extent to which Parliament can be considered a microcosm of the society it claims to represent. Parliament may represent the nation in a demographic sense[14]. However, the debates of the late 18th and early 19th centuries did not see it is as essential or desirable that Parliament be a microcosm of the society it represents. Indeed, this was something that was to be avoided, a point I will return to in Chapter Three. This definition of the term representation has not been seen as necessary or desirable in the British system of government because it is contended that political actors will act responsibly[15].

In discussing representation in the UK we can again observe the importance of the thought of Edmund Burke (1790) and the Whig Tradition, in particular, the idea that Members of Parliament should be free to act according to their consciences, rather than rigidly following the wishes of their electorate has proven to be of central significance. The importance of this Burkeian approach to representation will be returned to in Chapter Three. Suffice it to say here that is has been the dominant ideational prism through which MPs have both seen and narrated their role as representatives of the people.

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[14] It should be noted here that representation in this sense is in no way perfect nor fixed. The recent decrease of Scottish seats at Westminster from 72 to 59 clearly demonstrates this.

[15] It is worth noting in passing here that in the many constitutional reforms proposed since Birch originally discussed this idea little has been done to alter this. In cases where reform proposals have been advanced that claim to make the system more representative such as the 'People's Peers' or the Wakeham Commission Report (2000), a closer inspection highlights the extent to which the result would likely to be to preserve the specialist and unrepresentative nature of politicians due to the nature of the appointments process.

Therefore, for Birch, the product of the almost continuous debates concerning representation occurring from the end of the 18th century through the 19th century was a limited liberal notion of representation (Marsh and Hall 2007) that characterised the BPT. Crucially, it is one that is counter-balanced against the need for politicians to be able govern.

Responsibility

The other key facet of the BPT identified by Birch is 'responsible government'. Birch contends that the debate concerning responsible government did not become fully realised until the 20th century[16]. From that point onwards there was a stringent debate about what constituted 'responsible government'[17]. Birch suggests that 'responsible government' has three meanings.

Firstly, responsible government has meant responsiveness to public demands and shifts in public opinions. Birch argues that the recognition of this obligation is what distinguishes democracy from dictatorial and autocratic regimes (Birch 1964: 18). Secondly, 'responsible government' means that government has a moral duty to act as the guardians of national interest and pursue policies that are 'wise', even if policies do not meet with immediate approval from the electorate. Thus, 'responsible government' is equated with strong government; initiatory and decisive government is seen as effective government. The willingness of British governments to risk unpopularity by taking decisions in the national interest is often invoked to illustrate governments acting responsibly. Finally, 'responsible government' is equated with accountability. Responsibility is used to describe: "the accountability of Ministers, or of the government as a whole, to the elected assembly" (Birch 1964: 20). Conventions such as Individual Ministerial Responsibility and Collective Ministerial Responsibility exist to ensure this, as do mechanisms within Parliament such as Prime Minister's Question Time.

In effect, the BPT equates 'responsible government', leadership and prudence. Indeed, Birch argues:

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[16] Marsh and Hall (2007: 222) suggest that debates about responsibility were implicit in those occurring about representation that had characterized the late 18th and 19th century. The same notion of responsibility was implicit in the Tory, Whig and Liberal discourses concerning representation, a point that will be dealt with in greater depth in Chapter Two.

[17] Broadly, in the UK, the Liberals stressed that responsible government would be achieved via accountability to Parliament whereas Conservatives placed their emphasis on the desirability of a strong executive that was able to govern.

"the British political tradition would clearly determine the order as first consistency, prudence and leadership, second accountability to parliament and the electorate and third, responsiveness to public opinions and public demands" (Birch 1964: 245).

This is demonstrated by the: "belief that a government should not be deterred from pursuing policies which it thinks are right by the fact that they are unpopular" (Birch 1964: 244).

Thus, for Birch, it is the ideas of representative and responsible government that form the BPT. Crucially, this tradition and its consequences are characterized by Birch in a positive light. As he famously states:

"Everyone knows that the British Constitution provides for a system of representative and responsible government. These characteristics are almost universally regarded as both desirable and important……….The concepts of representation and responsibility are indeed, invoked in almost every modern discussion of how countries ought to be governed" (Birch 1964: 13).

Three points should be made about Birch's analysis before moving on. Firstly, Birch undoubtedly focuses attention on the debates surrounding the development of the British political system and how these were fundamental in shaping much of what followed. This in itself is important, although the debates concerning the British political system and their outcome can be more persuasively characterised somewhat differently, a point I will return to in Chapter Three.

Secondly, he does not focus on the extent to which his central notions of 'representation and responsibility' have been inscribed into the institutions and processes of British government (Batters 2005; Marsh and Hall 2007). Birch leaves uncharted the important question of the relationship between institutions and ideas. This constitutes both a major omission and a significant weakness of his analysis. By not adequately explaining how the notions of representation and responsibility influenced and informed the development of the institutions and processes of British government, the reader is left with, at best, a partial account.

Finally, he offers a perspective that stresses the importance of continuity in British politics. For example, he states that: "fresh theories have not replaced the old, but have tended to take place alongside old ones as strands in the British Political Tradition" (Birch 1964: 227). Here, the emphasis on continuity and the under-theorisation of how the BPT might develop over time is problematic, a point I shall return to in greater depth later in this Chapter.

Beer

Samuel Beer's *Modern British Politics* (1965) offers another widely read analysis that also suggests the existence of a distinctive BPT. Indeed, Moran (2006: 139) states that this book: "was the most influential advanced text in the teaching of British politics for a generation". Authors including Marsh and Tant (1989) and Batters (2005) point to similarities between Beer (1965) and Birch (1964). Beer (1965) undoubtedly shares Birch's belief that ideas play a fundamental role in explaining political outcomes. Like Birch, he sees debates concerning representation, and to a lesser extent responsibility, as central to the development of the British political system and its institutions and processes.

However, we should be wary of homogenising the work of these two authors (Batters 2005). Beer's contention that there is a distinctive BPT differs from Birch's in two important respects. Firstly, Beer (1965) describes the BPT as a political culture (Marsh and Hall 2007). Indeed, he suggests that the BPT is: "a body of beliefs widely held in British society" (Beer 1965: xii). Secondly, he describes the BPT as an arena in which some tensions and conflict about moral and political questions have been and continue to be, played out (Beer 1965: xii).

Despite these important differences, Beer does afford significance to debates concerning representation, albeit as part of a broader debate about authority and the legitimate distribution of power (Batters 2005). For Beer, the ideal parliamentary representative is conceived of in liberal terms (Marsh and Tant 1989). The BPT favours politicians who were independent in the sense that their consciences and opinions defined their political actions and affiliations. As such, for Beer, the BPT defines the ideal MP as "an independent rational man" (Beer 1965: 39) and this reflects Burke's view about the proper role of the representative that so decisively shaped the debates of the late 18th and 19th centuries.

Beer is also explicitly concerned with the implications of debates concerning representation for the subsequent development of the institutions and practices of British government (Batters 2005). When discussing the proper role of government emphasised in the BPT, Beer identifies the executive as the: "central initiating, directing, energizing body" (Beer 1965: 14). Quoting L.S. Amery, he states that: "British government…is an independent body which on taking office assumes the responsibility of leading and directing Parliament and the nation in accordance with its own judgement and convictions" (Beer 1965: 96). He goes on to suggest that this forms both the theory and practice of British government to date, in that this notion: "was preserved (as) an element around which the vast powers of modern cabinet could collect" (Beer 1965: 14). He also notes the extent to which there has been consensus between

the parties of government over a range of points including: "the main contemporary practices of party government and functional representation" (Beer 1965: 387).

Thus, Beer, like Birch, identifies the centrality of notions of representation and the proper role of government as central to the BPT. Significantly, he believes that this tradition and the view of democracy that it incorporates assert that, while governments must be representative, they must also be able to govern. As with Birch (1964) whilst focusing on the centrality of debates concerning representation and responsibility in the 18th and 19th centuries is important, they can be more persuasively characterised somewhat differently, a point I will return to in Chapter Three.

The undoubted strength of Beer's approach to the BPT is that he conceptualises that tradition somewhat differently to Birch by discussing it as a political culture. This suggests that it has permeated beyond the political elite into the populace at large, who recognise its alleged benefits and this opens up consideration of how it has been inculcated and reinforced over time.

Contra Birch (1964), Beer also offers some focus onto how the central ideas of representation and responsibility influenced the institutions and processes of British government. However, his view of this process is underdeveloped and under-theorised. The implication of Beer's work is that ideas shape institutions in a uni-linear fashion. Here, there are two key points. Firstly, it can be argued that his conception of change and continuity is also underdeveloped and under- theorised, a point I will return to later. Secondly, Beer's view can be critiqued for being crudely idealist, that is to say that it gives much importance to ideas in influencing political outcomes. Contra this, I suggest that the relationship between institutions and ideas requires far greater theorisation if persuasive explanations of the development of institutions over time are to be advanced. It is on this basis that Beer's account should be criticised, rather than on his focus on ideas generally.

Greenleaf

W H Greenleaf's three volumes, _The British Political Tradition_ (1983 2 volumes; 1987), is the other defining work of the classical literature of the BPT. It should be noted here that Greenleaf's novel approach is rooted in a definition of political tradition linked to political ideology and, thus, needs to be partially differentiated from the work of Birch (1964) and Beer (1965). For Greenleaf, the BPT is characterised by a trans-ideological tension between

Libertarianism and Collectivism. Notably, Greenleaf's conceptualises this tension in terms of a dialectic between opposing forces.

Kenny (1999: 279) suggests that Greenleaf takes his initial conceptualisation of tradition from Oakeshott (1962). Greenleaf views a tradition of political activity as implying:

> "a unity in diversity: a complex amalgam of different forces and opposing choices and therefore internal tensions, which is at the same time in a continual state of flux and development but which nevertheless constitutes a recognisable whole" (Greenleaf 1983a: 13).

However, Greenleaf's focus upon the dialectical tension between libertarianism and collectivism saw him move beyond the non-ideological claims of Oakeshott in explaining key features of the BPT. This tension between opposing tendencies within British politics, signified by the rising '*the tides of collectivism*' in the late 19th century (Dicey cited in Kenny 1999: 279), can be used to explain political developments in Britain. As Greenleaf states: "the dialectic between the growing processes of collectivism and the opposing libertarian tendency is the one supreme fact of our political life as this has developed over the past century and a half" (Greenleaf 1983b: 3).

Greenleaf defines Libertarianism as an assemblage of values, whose core is the belief that there is a natural harmony in society that exists without recourse to state intervention. Its four central characteristics are:

- A stress on importance of individual & freedom from social & political supervision.
- A commitment to limiting the legitimate arena for government intervention.
- A fear of concentrations of power.
- A commitment to the security offered by rule of law.

<div align="right">Adapted from Kenny (1999)</div>

Conversely, collectivism, for Greenleaf, is an "idea of an artificial identification of human interests resulting from legislative & other political regulation" (Greenleaf 1983a: 15), usually articulated through a concern with public good and a desire to achieve common security. For Greenleaf, the BPT is: "constituted by a dialectic between two opposing tendencies, which, taken together, constitute limits within which the possibilities of politics freely range" (Greenleaf 1983a: 28).

Greenleaf's narrative suggests that the BPT had seen a shift from libertarianism towards collectivism as the extent of government intervention and public agency had increased. This was particularly the case in the 20th century as the government took on new powers as a consequence of industrialisation, urbanisation and the need to fight two world wars (Greenleaf 1983a: 78). As government grew in size and scope as a consequence of economic and social developments, political debates in Britain have been decisively shaped by the tension between the demands for individual liberty and greater government intervention (Greenleaf 1983b: xi). In this process the three main ideological traditions, Liberalism, Conservatism and Socialism, had both reacted to and been stimulated by this tension. For Greenleaf, each of these ideologies had adherents to either libertarianism or collectivism within them.

Unlike Birch (1964), Greenleaf is concerned with how the BPT has informed the institutions and processes of British government. He devotes the third volume of his study, entitled, *A Much Governed Nation* (1987) to it. Leaving aside the obvious normative connotations of this title, we should note here Greenleaf's argument. In essence, he argues that the dialectical tension between libertarianism and collectivism has impacted upon the institutions of British government. In particular, the rise of collectivism led to the development of numerous new institutions and ways in which the state intervenes in the live of citizens. On the latter point, Greenleaf makes little attempt to hide his views on this extension of state intervention when he says: "the history of the modern British polity thus reveals a continuing parade of institutional modification and invention and a tendency to apply this machinery ever more widely" (Greenleaf 1987: 3). Indeed, his references to "a positive frenzy of reform and reorganization" (Greenleaf 1983: 3), the moulding to the collectivist purpose, and/or the casting aside of traditional institutions, highlights the extent to which Greenleaf viewed the rise of collectivism as leading to over-government and the adaptation, and often abandonment, of traditional institutions and practices.

Kenny (1999) argues that Greenleaf's approach has been widely read and has inspired some influential analyses of modern British politics, such as Beer's *Britain Against Itself: Political Contradictions of Collectivism* (1982). He certainly makes an intriguing contribution to discussions about the BPT by focusing attention on the broader philosophical ideas within which British political actors have operated. More importantly, he offers the suggestion that the institutions and processes of British government have been inscribed with the ideas of the BPT. Although his conceptualisation of this process has been critiqued for offering an idealist perspective in which the institutions and processes of British government have been inspired by ideas or traditions of thought (McAnulla 2006), it is here that its major contributions lies.

His approach involving moving outward "from the intimations of traditions to the practices and institutions it inspires" (Bevir and Rhodes 2003: 21) is undoubtedly overly simplistic[18]. However, a view that accepts that there is a relationship between ideas and institutions, but conceptualises it as both interactive and iterative (Marsh 2003), can offer a great deal of heuristic value.

The majority of criticisms of Greenleaf's view of the BPT are directed at its substance. Bevir and Rhodes (2003) dispute Greenleaf's analysis in a number of ways. Firstly, they critique his view for offering an essentialist conceptualisation of the BPT that reifies traditions and ignores the possibility for change within traditions. They suggest that the components of Greenleaf's version of the BPT act: "as fixed categories, ideal types, into which he forces individual thinkers and texts" (Bevir and Rhodes 2003: 123). Relatedly, they critique him for offering an ahistorical view of British political development in which the BPT is static and unchanging over time. Thus, they believe that Greenleaf offers an account that focuses only on continuity and not change. Finally, they contend Greenleaf offers a crude idealist perspective in which the institutions and processes of British government have been simply inspired by ideas or traditions of thought (Bevir and Rhodes 2003: 23). More broadly, we might note here, as McAnulla (2006: 22) does, that: "a range of authors, sometimes dubbed sceptics, argue that ideas tend to be used as instruments or tools that politicians use to manipulate opinion and to gain power".

Kenny (1999) identifies a different flaw with Greenleaf's view. He argues:

> "The interpretation of political discourse in the nineteenth and twentieth centuries through the push-pull of libertarian and collectivist expressions gives rise to inadequate intellectual history as these categories are too starkly drawn to account for the unfolding patterns of thought which straddle and undermine this divide" (Kenny 1999: 280).

Essentially, to Kenny, Greenleaf's analytical framework oversimplifies the interaction between divergent political ideas by reducing it to the simple prioritisation of one view over another, which is unlikely to be the case. In contrast, it could be argued that it is through the process of interactive and iterative conflict between competing sets of ideas that the process of change and development, as well as entrenchment and affirmation, in the BPT and British politics can be explained.

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[18] It is highly debatable whether Bevir and Rhodes overcome this in their own work given how they conceptualise the relationship between ideas and institutions. For a greater exploration of see Chapter Two of the present study.

Two final observations on the conceptualisations of the BPT offered by the authors above are important. Firstly, despite the differences already raised between the various usages of the BPT, they are unified on one point. From Oakeshott to Greenleaf they all discuss the BPT and how it has functioned over time in a positive and sympathetic tone (Tant 1993: 90). Indeed, central to all their conceptions is a belief that the BPT has served Britain and the British well. For example, Birch (1964: 244) endorses Quinton Hogg's view that: "the British on the whole prefer to see a strong government of which they disapprove, rather than a weak government whose political structure is more complex and whose power to govern is limited". Here, he is implying that the BPT is both desirable and desired by the British populace. Thus, it is a positive force within British politics. Such a view is not too far distanced from the exceptionalist accounts of Norton (1984), Punnett (1987) and Hanson and Walles (1990), all of whom focus on Britain's distinctive, and allegedly superior, developmental path. As such, I would argue that the classical literature on the BPT may have assisted in the perpetuation of this view.

Secondly, there is insufficient theorisation of meta-theoretical issues in the work of all those adopting a positive view of the BPT. None of the authors adequately discuss or theorise the relationships between structure and agency, the material and the ideational, institutions and ideas and continuity and change. This failure to address meta-theoretical issues is, as Marsh and Stoker (1995; 2002) and Hay (2002) claim, a weakness of much literature in political analysis and it is a criticism I shall return to in more detail later in this Chapter.

Having outlined the major positive approaches to the BPT, I will now turn my attention to more critical approaches to the concept.

Critical approaches to the British Political Tradition

Here, I focus upon a range of works: Marsh and Tant's *'There is No Alternative: Mrs Thatcher and the British Political Tradition'* (1989); on Tant's *British Government: The Triumph of Elitism* (1993); and two works by Mark Evans, *Charter 88: A Successful Challenge to the British Political Tradition?* (1995) and *Constitution Making and the Labour Party* (2003)[19].

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[19] It should be noted here that the Asymmetrical Powel Model (APM) developed by Marsh, Richards and Smith (2001; 2003) also utilises the BPT as a central tenet of its overall organising perspective and the more recent work of Batters (2005) and Marsh and Hall (2007) has built upon this critical perspective.

Marsh & Tant

Marsh and Tant (1989) provide a view of the BPT that emphasises what they see as its fundamentally elitist nature. They contend that British democracy is essentially a top down version of democracy based upon elitist conceptions stressing the need for strong government and executive dominance, rather than responsive government. Indeed, they suggest that: "executive dominance…has consistently marked the British Political Tradition" (Marsh and Tant 1989: 9)

Like Birch (1964) and Beer (1965), Marsh and Tant stress the notions of 'representative and responsible' government. As regards representation, Marsh and Tant (1989: 8) suggest that debate and deliberation were viewed in the 18th and early 19th centuries as the province of the elected few. They argue that this Burkeian conception of representation has, until very recently, been fundamental in informing the views of the majority of politicians, regardless of their ideological persuasion. As such, they believe that we should view representation at Westminster as based upon ideas concerning elitism, rather than popular accountability.

Similarly, they suggest that responsible government in the UK revolves around strong government, rather than responsive government (Marsh and Tant 1989: 4). In their view, this is underpinned by a view of democracy that is "an elitist or top down view" (Marsh and Tant 1989: 4). In particular, they highlight the importance of the idea that: "the Government acts as the trustees and guardians of the nation's well being" (Marsh and Tant 1989: 8). The direct consequence of this elitism is that: "strong, decisive and centralised government is always emphasised" (Marsh and Tant 1989: 8).

There are two aspects of the BPT identified by Marsh and Tant (1989) which are important here. Firstly, they offer a perspective that, on the surface, seems to focus on history and continuity over time. They note that: "virtually all writers on the British political tradition note the extent to which continuity rather than radical change marks succeeding dominant ideologies." (Marsh and Tant 1989: 6). Secondly, they suggest that notions concerning harmony and order have proven to be essential to sustaining the BPT (Marsh and Tant 1989: 7). On the basis of these observations about the fundamental elitism of the BPT, they proceed to analysis the Thatcher governments concluding by paraphrasing the mantra of the first Thatcher administration.

In a number of ways the analysis offered by Marsh and Tant (1989) should be viewed as pioneering. Firstly, they offer us a critical, if brief, account of the development of the British political system. In this account they highlight the essentially elitist nature of British politics

in theory and practice. Importantly they also highlight the relationship between how notions of representation are conceptualised and how the role of government responsibility is then seen. Secondly, they suggest that an elitist view of democracy has been translated into institutional arrangements. Thirdly, they emphasise the importance of a historically-informed perspective for explaining contemporary developments. Finally, they suggest that we should consider how the British political system has been narrated over time by identifying broader ideas concerning harmony and order as essential features of the BPT.

However, their work is by no means definitive. Like classical accounts of the BPT, they do not sufficiently address meta-theoretical issues and I return to this issue below. However, we can also identify more specific criticisms. Firstly, their analysis is not fully realised. For example, they suggest that: "in Britain the participatory strand of democratic thought has had very little influence" (Marsh and Tant 1989: 4). They do not however, fully explore how or why this might be the case. They also offer us the possibility that the dominance of the BPT may be linked to the interests of the dominant groups in British society, but do not explore this relationship. At the same time, it can be argued that their perspective focuses too much on continuity. Certainly, Marsh and Tant (1989) privilege continuity and do not theorise or accounted for change over time. Of course, this does not mean that their perspective cannot explain change or the potential for change but rather that they have not theorised or explained how it would do so.

Tant

Tant (1993) builds upon the perspective advanced by Marsh and Tant (1989) from an explicitly radical democratic perspective. Tant rightly asserts that this elitist democracy has been presented by many authors as legitimate, distinctive, naturally British and ultimately superior to the versions of democracy and the processes which have developed in other Western democracies. In Tant's view: "the most striking feature of the British political tradition and governmental practice is its elitist nature" (Tant 1993: 4).

For Tant, the UK has, historically, had a system of government rooted in a belief in the virtue of a 'top down' or elitist system of government. He again suggests that the central notions of representation and responsibility can be more properly seen as elitist in their nature. He also suggests that this elitism can be found in the fact that, to date, only a limited number of individuals affect decision making in the British political system, but, nevertheless, this elite sees itself as acting in the national interest (Tant 1993: 5-6). Once in power the executive will, in most instances, be in a position to force through its policies and the electorate will only be

able to have an indirect say every four to five years[20] (Tant 1993: 113). Furthermore, Tant argues that MP's are under no constitutional obligation to take any notice of the views of their constituents (Tant 1993: 110) and parties do not even have to implement their manifesto commitments[21] (Tant 1993: 114). Underpinning this view is the notion that efficient and effective government can only be achieved if we trust the elite to perform decision making virtually free from public interference. Thus, Tant suggests: "government and only government was the arbiter of the national interest sustained through the tradition of strong, centralised, independent and initiatory government (1993: 6).

Crucially for Tant, debates concerning the British system of government have tended to focus upon who should govern and on what basis should their authority rest upon, rather than on how government should be conducted. Highlighting this point, he contends that: "what has never been effectively questioned is whether government, in whatever guise, has the right to make decisions independently and on behalf of the people" (Tant 1993: 90).

From this perspective, Tant then develops two further observations on the impact of the BPT. Firstly, he focuses on the extent of the secrecy endemic in the BPT. Given that the government is the sole arbiter of the national interest, the immediate consequence has been that Britain developed one of the most secretive governments in the Western world. Government maintained control over the release of information to the point where, historically, even the courts did not have the power to compel disclosure. The standard argument has been that this secrecy is essential to protect the anonymity of civil servants. It is also suggested that it is needed for efficient and responsible government. Tant (1993: 44) contends that:

> "the people's representatives (require) to have a large amount of discretion and autonomy in decision making on behalf of the people and in their ultimate interests…..In this view government is a specialised vocation; government must therefore be unfettered, free and independent, in order to make sometimes difficult decisions in the national interest".

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[20] Tant's analysis of British democracy is reminiscent of Rousseau's oft quoted observation that: " the English people believes itself to be free; it is gravely mistaken; it is free only during election of members of parliament; as soon as the members are elected, the people is enslaved; it is nothing. In the brief moment of its freedom, the English people makes such a use of that freedom that it deserves to lose it" and the subject of Lord Hailsham's 1976 Dimbleby Lecture 'Elective Dictatorship'.
[21] This is a trend that it could be argued, continues unabated. See for example New Labour's failure to honour their manifesto commitments to hold referendums on both, membership of the Single European Currency and, significantly for my narrative, electoral reform for Westminster elections. For a convincing explanation of the latter see Marsh and Hall (2007).

Focusing upon the elitism that underpins British political institutions and practices, he also explores how more radical, participatory challenges to the BPT, both historically and in recent times, have been defeated. In particular, Tant discusses the early Labour Party and the more recent Campaign for Freedom of Information (CFOI) as challenges based around more participatory views of democracy. For Tant, the implications of this elitist form of government are unequivocal. He suggests that the last two centuries have seen the thwarting of a range of movements who have attempted to initiate a more participatory version of democracy and government in the UK. In particular, he highlights the 'constitutionalization' of the Labour Party as a key example (Tant 1993: 125-191). With origins radically different to the Liberals and the Conservatives, Labour, once it became a serious contender for power quickly came to accept the logic of the BPT. In doing this, the participatory view of democracy that had inspired its initial phase was quickly replaced with adherence to an elitist, or leadership, view of democracy. Since assuming power, the Labour Party has moved: "from initially representing a threat to the British constitution it has come to be one of its major guarantors" (Tant 1993: 191).

Tant also argues that the BPT allowed more recent movements, such as the CFOI, to be easily resisted by the Conservative Governments of the 1980s who argued that Ministers were already accountable for their actions to Parliament and, consequently, the demands of CFOI were unnecessary and inappropriate (Tant 1993: 201).

Tant offers a welcome extension of the pioneering work of Marsh and Tant (1989) in a number of ways. Firstly, Tant's criticisms of the existing literature on the BPT are telling. He rightly asserts that a major weakness of the classical literature and its associated works is an overemphasis on the positive and continuous nature of British political culture in the UK, which he suggests emerge from powerful trends and continuities within British politics (Tant 1993 57-59). He rightly contends that this overt focus upon historical continuity and consensus has led to perspectives on British politics that undervalue historical change and, ultimately, prove unsatisfactory when attempting to explain political developments.

Secondly, Tant develops the critical view of the BPT by demonstrating, more fully than Marsh and Tant (1989), how the elitist conception of democracy underpins the institutions and practices of the British political system. In particular, his discussion of excessive secrecy and how this has developed and is justified is a welcome addition to the debate.

Finally, Tant focuses attention on challenges to the BPT, such as the early Labour Party and CFOI. He correctly identifies that these challenges were rooted in a more participatory

conception of democracy. This is an important addition to the discussion of the BPT in two ways. Firstly, it raises the idea that competing views of democracy can be found operating within the UK. Secondly, it focuses attention onto specific groups who might be 'winners and losers' within the BPT.

However, Tant's analysis is not without its problems. As with previous analyses, we find a lack of theorisation of meta-theoretical issues. In particular, given the tone of his critique, the lack of discussion of the material dimension of the BPT is telling. More pointedly, we should note that, despite his critique of the classical authors for overly focusing on continuity, he comes dangerously close to doing so himself. His view that the BPT has successfully thwarted all challenges and attempts at radical change suggests that it is largely unchanged over time**.** Thus, Tant emphasises historical continuity and gives little attention to change, or even the potential for change, within the BPT. Here, we should note two points. Firstly, not all change need be radical. Secondly, British democracy has not remained entirely un-adapted over time. Tant does not offer us a way of explaining less substantial changes or adaptations to the British political system through his conception of the BPT. Nor does he adequately conceptualise the relationship between continuity and change. Rather, he leaves us with a view that seems to privilege continuity over change. Whilst he is right to contend that central ideas have remained largely consistent over time, adaptations and re-narrations have occurred. This clearly begs the question why? To answer such a question we need to move beyond a simplistic dualism between continuity and change and adopted a more nuanced approach (Marsh 2007).

Despite these criticisms Tant (1993) offer much to those concerned with the ideas that have underpinned and shaped British political institutions and practice over time. In particular his identification of the essential elitism of British government leads to the conclusion that the underlying mantra of UK democracy is that 'the government knows best' (Marsh and Hall 2007).

Evans

The third example of the more critical approach to the BPT can be found in the work of Mark Evans. Evans's assessment of Charter 88 and its challenge to the British Political Tradition (1995) and his more recent *Constitution Making and the Labour Party (2003)* are both informed by the critical approach to the BPT developed and advocated by Marsh and Tant.

Evans (1995) seeks to explain how constitutional debates have developed in the UK and where Charter 88 can, and should, be located within them. This is not the place for a detailed discussion of Charter 88, but Evans makes some interesting points about the BPT. Firstly, influenced by Marsh and Tant, he argues that: "the institutions and processes of the British political system are underpinned by an elitist conception of democracy" (Evans 1995: 4). He regards this tradition as an obstacle to the implementation of Charter 88's hegemonic project and one that poses major difficulties for those challenging the dominant elitist view. Evans sees the BPT as something that has to be overcome, rather than as something that cannot be overcome. So, he sees change as possible and his work as part of the process by which a successful challenge to the BPT can be mounted. Indeed, in his conclusion he states that: "Charter 88's campaigning energies must re-focus on defeating the elitist conceptualisation of democracy, power and authority which underpins the institutions and decision making processes of the British political system" (Evans 1995: 269). He contends that Charter 88 has to: "maintain the radicalism of its demands…Only in this struggle can it forge the breakthrough from how we are governed, to how we may govern ourselves" (Evans 1995: 270). As such, Evans (1995) suggests that agency will be crucial to driving that change.

Secondly, Evans (1995) explicitly links the BPT and the WM. He states: "the Westminster model formed the basis of the British political tradition and provided the political orthodoxy of British government" (Evans 1995: 16). Evans highlights the role that Dicey's model of British politics had in generating the key ordering principles of the British political system, such that continuity, gradualness, flexibility and stability, became the 'buzz words' of the BPT. This observation is crucial to both the conceptualisation of the BPT offered in Chapter Three and the subsequent discussion of the process of Scottish Devolution in the rest of this work.

Finally, Evans (1995) also seeks to relate the BPT to the debates about constitutional reform throughout the 1970s and 1980s. The rise of Charter 88, with their hegemonic project aimed at constitutional reform is seen as an example of a more participatory view of democracy challenging the elitist British political system. Two points are relevant here for the forthcoming discussion. Firstly, challenges to the BPT to be found within debates about the UK constitution began in the 1960s and increased in their resonance in the 1970s and 1980s (Evans 1995: 19-30). Secondly, he suggests that contingent events were integral to this increased questioning of the adequacy and impact of the UK's constitutional arrangements.

Evans's later work *Constitution Making and the Labour Party* (2003) focuses on Labour Party views of constitutional reform and Labour's conversion to, and actualization, of a

constitutional reform agenda. I will deal with this theme in depth in later chapters,, here it is important to emphasise that Evans highlights the extent to which "much of the normative discussion constitutionalism and political tradition in the UK has been couched in terms of elitist versus participatory views of democracy" (Evans 2003: 16), thus ascribing a central significance to this dichotomy in explaining outcomes. He also makes three further points relevant here.

Firstly, Evans (2003) discusses the institutions and processes of British government that have been decisively shaped by the elitist view of democracy focusing on the following features:

- A majoritarian or first past the post electoral system
- Executive dominance over the legislature
- Limited access to government information
- Low levels of participation in the system of government
- Persistent inequalities of power resources
- A centralised unitary state
- A media system that is vulnerable to manipulation by the government.

(adapted from Evans 2003)

He also links the BPT to established constitutional doctrine in the UK and the three key features of the British constitution outlined by Dicey (1885), unlimited Parliamentary Sovereignty, an un-codified constitution and a Unitary State. The link between the BPT and the notions of Parliamentary Sovereignty and the Unitary State is an important one and Evan's insight will be utilised in the later chapters of this study.

Subsequently, Evans goes on to suggest that the survival of the BPT with its elitist view of democracy is: "primarily due to the historic failure of radical British political parties in the last century, such as the Liberals and the Labour Party, to successfully challenge the existing order." Again, we should note here the importance attached to agency or the failure of agents to develop successful strategies to effect change with their context.

Finally, Evans (2003) recognises the potential for change in the BPT by emphasising the intended and unintended consequences of constitutional change. His suggestion that: "institutionalization has a momentum of its own" (Evans 2003: 6), which he calls 'the dynamic of spill over' offers the possibility of developing a more sophisticated and diachronic conception of change and continuity. It also opens up the possibility for further challenges and changes to the BPT.

The work of Evans (1995; 2003) strengthens the critical approach to the BPT in a number of ways. Firstly, he stresses the link between the BPT and the WM and identifies those institutions and processes of British government that are underpinned by the BPT. He also offers us a range of buzz words associated with the BPT which are integral to debates concerning institutional and policy development.

Secondly, and of fundamental significance, he offers a more sophisticated conception of continuity and change by reference to the role of agency, the importance of contingency and the role of intended and unintended consequences. This is particularly important when attempting to explain contemporary developments and the fate of Labour's constitutional reform programme.

However, as with Marsh and Tant (1989) and Tant (1993), there are omissions in Evans' work (1995; 2003). In particular, the material dimension of the BPT is again left unexplored. In addition, a more thorough conceptualisation of continuity and change would undoubtedly extend the explanatory power of his approach.

In conclusion, the work of Marsh, Tant and Evans is a welcome, and long overdue, advance to discussion of the BPT and British politics generally. By identifying the elitist conception of democracy that has underpinned many of the institutions and processes of British politics, as well as the views of political actors, these authors have provided a more critical and persuasive analysis of the BPT than that offered in the classical literature. Moving beyond the somewhat self-congratulatory discussions to be found in the classical literature and those works influenced by it (Norton 1984; Punnett 1987), these authors have highlighted both the fundamentally elitist nature of the BPT and the existence of a competing participatory tradition in British politics, that has, through a variety of guises, periodically challenged the dominant tradition. The fact that these challenges have been successfully overcome is a defining feature of this more critical approach which stresses the historical continuity of British political institutions and practices. Thus in this view, the BPT remains largely, if not entirely, unchanged.

Reviewing the British Political Tradition perspective

As I noted earlier, the WM has been the dominant prism through which the British political system has been viewed (Kerr and Kettell 2006; McAnulla 2006a). Few scholars focus upon the ideas that have underpinned the British political system or paid much attention to the BPT

perspective. However, with the sustained criticism of the WM (Rhodes 1997; Marsh, Richards and Smith 2001; 2003) and the interpretivist challenge of Bevir and Rhodes (2003; 2004; 2006a; 2006b), the BPT is becoming more widely discussed[22]. Here, I access the utility of the concept. In particular, I consider the criticisms developed by Bevir and Rhodes (2003; 2004; 2006a; 2006b).

Inadequate Theorising of Tradition

My first substantive criticism of the literature on the BPT is, as I suggest in Appendix 1, that there is no adequate theorisation of tradition. This point bears some development in the light of the works outlined above. Tradition is treated as a 'common sense' or taken for granted concept that requires no theoretisation. With the exception of Oakeshott (1962), none of the authors discussed above offer detailed examination of what tradition is, how, and to what purpose, it is developed and inculcated. Such an undertaking would necessitate addressing meta-theoretical issues such as the relationship between structure and agency and the material and the ideational. It would also raise question regarding the relationship between institutions and ideas.

For his part, Oakeshott (1962) offers us a classic example of the conservative view of tradition rooted in a rejection of rationality and a preference for non-ideological approaches to politics. McAnulla (2007: 8) suggests that Oakeshott (and others): "were of course particularly concerned to highlight the distinction between traditions and ideologies". Oakeshott's portrayal of the BPT as an indigenous, distinctive, set of non-ideological values, ideas and prejudices is not persuasive however. Such a view leaves many questions unanswered. Whilst this is not the place to develop a sustained critic of the conservative view of tradition, three points are important here. Firstly, Hobsbawm (1983a) develops a more useful conceptualisation of tradition than Oakeshott. Secondly, Oakeshott's view of tradition does not adequately address the relationship between traditions and the material world. In particular, his view of the BPT ignores the extent to which that tradition can be, and has been, linked to the view of dominant economic, social and political elites. Thirdly, Oakeshott's conceptualisation of tradition is overly synchronic and does not adequately explain change and continuity over time.

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[22] As I already noted The British Political Tradition forms a central part of the APM developed by Marsh, Richards and Smith (2001; 2003). It is also discussed in detail by McAnulla (2006) and developed in detail by Marsh and Hall (2007) and Hall (2008b; 2008c).

The critical perspective on the BPT offered by Marsh and Tant (1989), Tant (1993) and Evans (1995; 2003) would benefit from greater theorisation of tradition, given the substance and implications of their argument regarding elitism and the British political system. Theorising tradition would allow these authors to consider the purpose for which that tradition might have been developed, how it was developed and, crucially, by whom[23].

An Idealist Viewpoint?

Those who advocate the existence and importance of a distinctive BPT are often criticised for offering an idealist perspective. Some authors would suggest that the perspective offers an over-emphasis on ideas and their role. As we saw earlier, Greenleaf (1983 2 volumes; 1987) was criticised for conceptualising British politics in terms of a constant tension between libertarianism and collectivism (McAnulla 2006a: 22). As we noted earlier McAnulla (2006a: 22) identifies the existence of 'sceptics' who contend that ideas are tools or instruments used by politicians to manipulate opinion and to maintain power. Bulpitt (1983) suggest that politicians are primarily concerned with winning elections and, consequently, projecting an image of competence and unity. In such a view, ideas become essentially devices upon which politicians draw, if and when necessary. They are important primarily in the context of pragmatism and opportunism on the part of politicians.

Hay (2002; 2004) notes the tendency of much Anglophone political science towards a "much cherished positivism" (Hay 2004: 143) which, epistemologically, leads them to undervalue ideas. Two suggestions can be made here. Firstly, the BPT offers an analysis of the development of the British political system that focuses on the importance of ideas which allows a more accurate analysis of the development of the institutions and practices of British politics over time. Indeed, the focus on ideas supports a historically-rooted approach to understanding contemporary politics. This allows us to more fully explain both change and continuity over time. It is this contention that underpins the subsequent Chapters on the development of Scottish Devolution.

Secondly, I argue that, given the 'ideational turn' in Anglophone Political Science in recent years Hay (2004) and the interest in the interpretive approach of Bevir and Rhodes (2003; 2004; 2006a; 2006b; 2008b), the BPT concept may find wider resonance in analyses of British politics.

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[23] These questions are considered in Appendix 1.

Therefore, the BPT is a perspective that explicitly addresses the failure to take the ideational seriously. Whilst it does undoubtedly require some further theorisation and development, the BPT perspective can offer great heuristic value to those interested in analysing and explaining British politics.

An Ultra-Structural-Institutionalist Perspective?

Blyth (2002: 292-293) notes that there is a long-running debate in Political Science over: "the appropriate role for ideas and institutions". Perhaps unsurprisingly then, contra the concerns regarding idealism, some have rejected the concept of the BPT as an ultra-structural and highly 'institutionalist' perspective. In particular, this criticism is aimed at those offering a critical conception of the BPT, such as Marsh and Tant (1989), who have sought more explicitly to link ideas and institutions through their work. As we saw earlier, this approach sees the BPT as inscribed in the institutions and processes of UK government and as having a causal impact on agents and outcomes. In this sense, the BPT is often seen, rather crudely, as having much in common with Historical Institutionalism[24] in that it offers an analysis that focuses on the 'bigger picture', taking ideas and trying to map and measure their influence on institutions and practices over time. Whilst this is not the place for an extended discussion of the strengths and weaknesses of historical institutionalism[25], the following points should be considered. Firstly, as Marsh, Batters and Savigny (2004) suggest, there is a tendency to homogenise those advocating historical institutionalism when a range of meta-theoretical and methodological differences exist between its proponents.

Secondly, we should note that the alleged commonality between the BPT and Historical Institutionalism is rooted in three major factors. Firstly, there is a focus on both the importance of institutions and practices in shaping the actions and attitudes of actors, and thus outcomes. Secondly, both focus explicitly on the historical, suggesting that, for explanations to be persuasive, they must include a temporal element. Finally, both are explicitly concerned with issues around continuity and change, raising the possibility of path-dependency.

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[24] Historical Institutionalism is a branch of social science whose method involves analysing institutions in order to identify sequences or patterns of social, political and economic behaviour across time. Charles Tilly's _Coercion, Capital and European States 990-1992_ (1984) defines it as a method for measuring "big structures, large processes, and (making) huge comparisons. As such it is explicitly concerned with the notion of continuity and change over time. Critics argue that it privileges the former over the latter. For an engaging discussion of Historical Institutionalism see D Marsh, E Batters and H Savigny, _Historical Institutionalism: Beyond Pierson and Skocpol_ (unpublished paper: available on-line).

[25] For discussion of this see for example Hay (2002), Marsh, Batters and Savigny (2004: available online), Schmidt (2006).

Critics of the BPT approach argue that its institutionalist tendencies lead to view where ideas are constraining or even determining the actions of actors. So, the approach is accused of an over-emphasis on structure and a negation of agency. This criticism suggests that the BPT is portrayed as an unavoidable influence on the actions of actors. Kerr and Kettell (2006: 13) note that Bevir and Rhodes aim: "a large part of their critique….at the idea of a strong British political tradition, which influences and determines outcomes". In fact, Bevir and Rhodes make two main points. Firstly, they argue that: "tradition is not an unavoidable influence on all we do, for to assume it was would leave too slight a role for agency" (Bevir and Rhodes 2003: 33). Secondly, they suggest that conventional accounts suffer from a tendency to 'hypostatise' traditions (Bevir and Rhodes 2003: 33). In contrast, they argue that, when using the idea of traditions: "we must not claim an existence for them independent of the beliefs and actions of individuals" (Bevir and Rhodes 2003: 33). As such, they contend that the BPT negates the role of agency, overemphasising the role of structures as determinants of the actions of agents[26].

In response, I would argue that, rather than seeing agents' actions as determined by traditions and structures, the critical approach to the BPT seeks to properly situate agents in their ideational and institutional context. This allows us to move beyond a simplistic dualism between institutions and ideas towards a view that stresses their interactive and iterative relationship (Marsh 2003). Rather than privileging either institutions or ideas, Marsh (2003) advocates adopting a dialectical view of the relationship between institutions and ideas[27]. In suggesting the existence of this dialectical relationship, Marsh completely rejects Blyth's view (2002) that institutions underpin stability and ideas drive change. Here, Blythe is reproducing a simple dualism between institutions and ideas, but the relationship is more complex: "while ideas are crucial in shaping institutions, institutions are the context within which ideas are interpreted, experienced and changed" (Marsh 2003: 3). This is a more convincing approach to this key relationship and forms part of the view of the BPT offered by Marsh and Hall (2007).

Given the centrality of conceptions of change and continuity to the BPT, that is the focus of the next section.

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[26] This view forms a key part of Bevir and Rhodes critique of the existing usage of the BPT (Bevir and Rhodes 2003).

[27] Marsh (2003) suggests there are five overall positions concerning the relationship between institutions and ideas. He identifies them as (i) Institutionalism (ii) Idealism (iii) The Additive Approach (iv) The Discourse Analytical Approach (v) The Dialectical Approach. Of these Marsh advocates a dialectical approach. For details see Marsh (2003: unpublished paper available online).

Continuity and Change

Explanations of British politics are increasingly criticised for failing to sufficiently explain change and continuity over time (Kerr and Kettell 2006: Marsh 2007). Indeed, we might cite the dominance of the WM and the Whig interpretation of British History as central to this tendency (Kerr and Kettell 2006: 7). Chapter Two will deal in greater depth with debates concerning the importance of change and continuity to political analysis[28], however some points should be made here. The BPT is often seen as an overly synchronic perspective which privileges continuity over change, presenting a picture of the British political system as essentially unchanging over time. For example, Kerr and Kettell (2006: 19) critique both Greenleaf (1983 2 volumes; 1987) and Birch (1964) for producing a view where: "the overwhelming emphasis within this historical narrative is the persistence of stability, continuity and, central to most accounts, consensus among the political elite" (Kerr and Kettell 2006: 19). Birch (1964: 22), discussing the ideas that have shaped British politics, argues: "they are not modern doctrines, and unless they are understood it is impossible to grasp the nature of the British representative system". The recent work of Bevir and Rhodes (2003; 2004; 2006a; 2006b) also attacks this synchronic tendency, whilst proposing their interpretivist account in which change is seen as being highly contingent and multi-directional.

Indeed, it could be argued that the primary weakness of the BPT concept to date is that it lacks a developed temporal dimension. In particular, the critical approach raises the possibility of challenges to that tradition through reference to the existence of a participatory conception of democracy and various movements informed by it, but seems to suggest that all challenges have been thwarted, so continuity appears the inevitable outcome.

However, in my view, the critical approach to the BPT could overcome such criticisms if slightly adapted or extended. Firstly, it could acknowledge that although some/most challenges have been thwarted, this outcome is not inevitable. The British political system has changed over time and a range of examples could be cited. Thus we should examine in depth each and every challenge to the dominant tradition and the outcomes of this challenge. Secondly, we should also recognise that whilst a challenge may appear to have failed in the short-term, it may have opened up the possibility for further challenges in the future. For example, the challenge mounted by the CFOI cited by Tant (1993) may well have been

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[28] This is also the subject of Appendix 2.

thwarted in the era of the Thatcher Government but within twenty years a Freedom of Information Act, albeit a severely limited one[29], had been introduced.

Therefore, on the central issue of continuity and change I can make a number of key points. Firstly, classical approaches to the BPT over-emphasised continuity at the expense of change, whilst critical approaches left the notion of change under developed. Thus, explaining the capacity for, and actuality of, change is a task that authors adopting the BPT have not fully addressed. Given this apparent overemphasis on continuity, two related questions remain. Firstly, is it possible for the BPT to change or be changed? Secondly, if the answer to this first question is no, what role are we to attribute to agency? Without a sense of the temporal and the dynamic relationship between ideas, institutions and political practice, agency is negated and change within British politics is downplayed. Therefore, the BPT perspective needs to develop a more nuanced and sophisticated conception of change and continuity over time if it is to fully explain the development of the British political system. I turn to this issue in Chapter Two, through a discussion of the challenge developed by Bevir and Rhodes (2003; 2004; 2006a; 2006b).

Ideational Conflict and Binary Oppositions

In the literature on the BPT there has also been a tendency to see binary oppositions between ideas. For example, Greenleaf portrays the BPT as characterised by a tension between libertarianism and collectivism, while the critical approach emphasises the tension between elitist and participatory conceptions of democracy (Tant 1993; Evans 1995; 2003).

This approach locates ideational conflict at the centre of British politics over time. The Bullock and Deakin series entitled 'The British Political Tradition' saw ideational conflict as of central importance to any understanding of British politics, but most accounts of the British political system see it as characterised by ideational consensus (Kerr and Kettell 2006). For example, both Birch (1964) and Beer (1965) highlight the role of early debates concerning representation and responsibility, but then suggest that there has been consensus since the late 19th and early 20th centuries over these notions. Contra this I argue conflict has always been a feature of the British political system, although it has varied in intensity over time and competing ideas have not resonated symmetrically. As such, to suggest that there is consensus over the ideas that shape British politics is misguided. This notion of ideational conflict and the resonance of ideas form an important part of my later narrative and will be dealt with in

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[29] For discussion and explanation of the fate of Freedom of Information under New Labour see Batters (2005) and Marsh and Hall (2007).

relation to the BPT more fully in Chapter Two. Here, I want to emphasise the centrality of ideational conflict over time to any developed understanding of the process continuity and change (Kerr 2002; 2003).

However, we should also be wary of over-emphasising or over-stating these binary oppositions. Kerr (2001; 2002) notes that explanations of British politics suffer from a tendency to invoke binary oppositions such as "consensus and conviction, Keynesianism and monetarism and social democracy and neo-liberalism" in their explanations (Kerr 2002: 336). In my view, this oversimplifies both the complexity of the relationship between ideas and the process of change and continuity over time.

We need to recognise both the resonance of certain ideas and the way in which they are influenced by other ideas. Two points are crucial here. Firstly, ideas remain dominant through their acceptance by the populace. This involves a process of articulation, negotiation and reformation (Gramsci 1971). Or, to put it another way, ideas have to adapt to remain dominant. Thus, we should consider what factors promote this dynamic and diachronic aspect. Here we can see the impact of both competing ideas and contingent events as causal factors promoting both change and continuity. Such a recognition raises interesting questions regarding how we conceptualise the motor of change, a point I return to in Chapter Two when discussing the work of Bevir and Rhodes (2003: 2004; 2006a; 2006b).

In my view, competing traditions impact on the dominant tradition and, consequently, it is essential to identify and explain both the success and the failures of these impacts, otherwise there is too much focus on continuity. Only if we acknowledge the interactive and iterative relationship between dominant and competing ideas (Marsh and Hall 2007) can we explain both continuity and change in British politics over time.

Tradition or Traditions?

Is there a single tradition operating within British politics? Bevir and Rhodes (2003; 2004; 2006a; 2000b) accuse authors who have utilised the idea of a BPT of essentialism. They reject any suggestion that traditions are fixed (Bevir and Rhodes 2003: 33) and argue that there are four traditions operating within British politics. As such, they argue that we should discuss traditions rather than tradition when discussing British politics. In my view, while the work of Birch (1964), Beer (1965) and Greenleaf (1983 2 volumes; 1987) identifies a single BPT, critical accounts (Marsh and Tant 1989; Tant 1993; Evans 1995; 2003) suggest that there is an alternative democratic tradition rooted in a participatory conception of democracy. However,

the latter fail sufficiently to consider how the two traditions interact and the extent to which that interaction is asymmetrical, a point I will return to in greater depth in Chapter Three. Nor do they recognise the multiplicity of political traditions. I would suggest that multiple political traditions, some based in competing views of territorial politics and national identity operate within the UK, a point I will return to in Chapter's Four and Five.

Conflation with the Westminster Model

The BPT concept and the WM are frequently conflated. As I emphasised earlier, the WM has been the dominant view of the British political system historically[30]. However, those adopting it have rarely analysed or explained in detail the ideas that underpinned or informed it. Rather, the relationship between ideas and institutions was not considered or taken as read. Consequently, the relationship between the BPT and the WM was left largely unexplored in the mainstream literature (See for example Wright 2000).

Similarly, those advocating the BPT have never fully explained the relationship between ideas and institutions. As we saw earlier, Birch (1964) devotes little attention to institutions, whilst Beer and Greenleaf do not sufficiently explain how the BPT found expression in the institutions and practices of British government. The critical approach to the BPT is undoubtedly more concerned with this. However of the published work from this perspective only Evans (2003) focuses explicitly upon the BPT and its relationship to the institutions of British government. Certainly, greater consideration of the relationship between institutions and ideas is required by those advocating a critical conception of the BPT.

The analytical utility of the BPT concept is limited by this conflation. Indeed the extent to which the WM was the institutional reality or expression of the BPT requires more extensive investigation and explanation. Again, it is crucial to approach the relationship between institutions and ideas as dialectical, that is to say interactive and iterative (Marsh 2003). If we accept this, one key point follows. In Chapter Three I argue that the ideas of the BPT helped inform and shape institutions and structures within British politics narrated by the WM. Thus the WM should be viewed as a narrative of the British political system. In this view key notions such as parliamentary sovereignty and the unitary state are more properly viewed as discourses within the WM narrative.

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[30] The Westminster model has undoubtedly been the dominant view and the most widely used (Bagehot 1867; Dicey 1885; Gamble 1990: Verney 1991; Dearlove and Saunders 2000).

However, the accuracy of the description offered by the WM has been rightly called into question (Rhodes 1997, Marsh, Richards and Smith 2001; 2003). In particular the elitist underpinning of those institutions and practices was either left uncovered, or ignored. Nor were the asymmetrical power relations and structured inequalities of UK society recognised. From this perspective, the WM narrative offered an image, and a self image at that, rather than an accurate description of the reality of British political life, a point I return to in Chapter Three.

As such the relationship between institutions and ideas in British politics requires greater consideration than it has thus far been afforded to date. Neither overall approach to the BPT sufficiently explains this relationship. In the subsequent Chapters I suggest that this relationship is best viewed as interactive, iterative and reciprocal. Political traditions help to shape institutions and practices, whilst these institutions and practices provide the context within which both dominant and competing traditions operate and develop over time[31].

Homogenising the Authors

The literature on the BPT tends to be homogenised by its critics. For example, Marsh and Tant (1989) and Tant (1993) don't explore the differences between Birch and Beer. For example, Beer discusses the notion of tradition as a political culture or body of beliefs widely held in British society, whilst Birch does not (Batters 2005). Similarly, Marsh and Tant (1989), Tant (1993) and Evans (1995; 2003) underpin their analyses with reference to broader debates about democracy, whilst Birch and Beer do not (Batters 2005). As such, the literature on the BPT is more diverse in methodological and explanatory terms than is usually noted.

An Under-theorised Perspective

Much of the existing literature on the BPT is under-theorised, perhaps reflecting what McAnulla (2006a: 3) terms: "the poverty of theory on British politics". In particular, there is insufficient consideration of three issues: the structure-agency debate; the material-ideational debate; and the role of cultural factors.

In the BPT literature, there is a basic divergence between those privileging structure (Marsh and Tant 1989; Tant 1993) or agency (Birch 1964; Beer 1965). To explain continuity in

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[31] In should be noted that the Asymmetrical Power Model developed by Marsh, Richards and Smith (2001; 2003) includes amongst its five features discussion of The British Political Tradition and an attempt to tackle the relationship between ideas and institutions.

political practices and hierarchies, we must acknowledge that structures and dominant ideas constrain, while not determining, outcomes; or, to put it another way, to recognise that there is path dependency. However, we should not negate agency, but, rather, conceptualise the relationship between structure and agency as dialectical. Thus, rather than conflating structure and agency, or seeing them as oppositional, we should consider how they relate to each other.

We might properly then ask where do ideas fit into such an approach? McAnulla (2002) demonstrates how Archer's idea of a morphogenetic cycle[32] examines the relationships between both structure and agency and culture and agency. Both relationships are conceived of as dialectical. McAnulla (2002) focuses upon how culture or ideas act in relation to continuity and change. The process begins with cultural conditioning, or the cultural-ideational context in which agency occurs, and continues with socio-cultural interaction, where actors strongly influenced by the cultural or ideational context attempt to effect change. Finally, we enter the phase of cultural elaboration or reproduction in which the context is either transformed (morphogenisis) or reinforced (morphostasis). In my view, the approach developed by Archer offers great insight into the process of change and continuity, particular when married to a dialectical view of the relationship. It is this approach that informs my later discussion of the BPT and Scottish Devolution

There is also scant attention paid to material-ideational relationships in the previous usages of the BPT. The focus on ideational factors in the literature has left their relationship to material factors largely unexplored. Hay (2002: 205-209) argues that contemporary idealists, including interpretivists such as Bevir and Rhodes (2003: 2004; 2006a; 2006b) "invariably confine their analyses to the discursive" (Hay 2002: 207). Thus, he argues that: "contemporary idealists tend to dissolve the very distinction between the ideational and the material" (Hay 2002: 207), privileging the ideational. Conversely, materialism contends that: "the material is dominant in the final analysis" (Hay 2002: 207). As such, Hay argues, much socio-political analysis treats the ideational or the material as a dualism. In contrast, he argues that the relationship between the material and the ideational is dialectical. Such an approach is undoubtedly more complex focusing on the interactive and iterative relationship between material and ideational factors:

> "what is required instead, is a recognition of the complex interaction of
> material and ideational factors. Political outcomes are, in short, neither a

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[32] McAnulla (2002: 286-288) describes the morphogenetic cycle as demonstrating a three part cycle of change over time. The stages are (i) structural conditioning (ii) social interaction (iii) structural elaboration or reproduction. Such an approach focuses on the interactive and iterative relationship between structure and agency.

simple reflection of actors' intentions and understandings, nor of the contexts which give rise to such intentions and understandings. Rather, they are a product of the impact of the strategies actors devise as means to realise their intentions upon a context which favours certain strategies over others and does so irrespective of the intentions of the actors themselves" (Hay 2002: 208).

This brings us to the approach advocated by Jessop (1990), Hay (1996) and Kerr (2001; 2002) and discussed in Appendixes 1 and 2. It is this approach that informs the conception of change and continuity in the subsequent narrative of Scottish Devolution. More specifically, in my view we require greater discussion of how the material structures of the British political system were informed by the BPT and have, in turn, impacted upon it[33]. Broadly, we should consider how the BPT relates to the wider material context of British politics. Here we might ask what material interests, if any, does the BPT serve?[34] Birch (1964), Beer (1965) and Greenleaf (1983) do not address the question and this is not uncommon in terms of approaches to the British political system, as Kerr and Kettell (2006) correctly note.

Once again the critical approach of Marsh and Tant (1989), Tant (1993) and Evans (1995; 2003) offers the possibility of developing a material dimension to the BPT, but does not develop it. Indeed, I would argue that an exploration of the material interests at the root of the BPT is required if we are to fully understand the elitism that pervades the British political system. Those using the concept critically need to address the question of whether there is a material dimension to the BPT and whether the continued resonance of the core ideas that underpin British politics have helped to serve or foster the interests and dominance of certain groups or institutions in British society (Marsh 2002). Or, to put it another way, how does the BPT relate to the structural inequalities and asymmetries of power that have been evident in British politics over time? As such, we need to recognise that focussing on ideational conflict, without recognising the material interests, power relationships and structured inequalities that exist in society, fails to address the material-ideational relationship in a convincing manner.

Finally, the notion of culture should briefly be considered. As we noted earlier, Beer (1965) conceptualises the BPT as a political culture and, indeed, tradition is often seen as part of the broader notion of culture in social analysis. Moran (2006: 144) suggests that Beer uses the term culture in a "relatively relaxed and flexible" manner and indeed sees this as a strength. However, the apparent absence of theoretical rigour might equally be seen as problematic. As Marsh and Hall (2007: 221) note, Beer's notion of political culture is helpful in that it

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[33] I offer some comment on this in Appendix 3.
[34] Appendix 3 considers this question.

suggests the BPT is a set of beliefs widely held in British society. However, this notion of culture requires more detailed conceptualisation than Beer's suggestion that it includes: "values, beliefs and emotional symbols….(which can)…determine behaviour" (Beer 1965: xi). Indeed, a more thoroughly conceptualised view of culture and its relation to tradition opens up two key possibilities for my narrative. Firstly, it allows me to draw from Bourdieu (1980) the notion that culture is the field upon which human interaction occurs and also a source of domination which assists in the establishment and maintenance of social and institutional hierarchies over time. Secondly, it raises the possibility of discussing the notion of a British political-cultural identity, as advocated by Preston (2004), with the BPT as a key component of that identity. I will return to these insights in Chapter Three.

Archer (1995) suggests that we can distinguish between the structural/material and the cultural aspects of social life and their inheritances over time. She suggests that structural and cultural inheritances have relative autonomy from one another, but both condition the actions and interactions of agents (McAnulla 2002). By adopting Archer's distinction, it would be possible to discuss changes and elaboration in either structures or culture without the need for that change to be replicated in the other. This allows us to develop a far more nuanced explanation of continuity and change than the current literature can accommodate. However, as McAnulla (2002: 290) suggests, Archer's approach requires greater theorisation of the relationship between the cultural and the structural over time.

To date, I can therefore suggest that the BPT perspective has been somewhat under theorised. To offer more persuasive explanations of British politics and political outcomes those advocating the BPT must address these meta-theoretical issues more sophisticatedly if the concept is to receive more widespread acceptance.

The Normative Element to Explanations of the British Political Tradition
The literature on the BPT is also highly normative, which is perhaps not surprising or necessarily problematic. However, we need to recognise the normative position of authors when assessing their work and their contribution to our understanding of phenomena. Three points are important here.

As I have already argued, the self-congratulatory tone of much of the work on the British politics which emphasises British exceptionalism[35] is easily identifiable. Certainly, a degree of British exceptionalism informs the classical work on the BPT. Oakeshott (1962) sees the non-ideological nature of the BPT as both what differentiates the UK approach from those found on the continent and what makes the British approach superior. Birch's evident antipathy towards more direct forms of democracy (1964: 227) reflects his belief that the BPT has helped create an effective system that sets UK government apart from other countries. Beer (1965) sees the BPT as widely accepted, and perhaps even revered, amongst the populace. The implication is that Britain has been exceptional in avoiding the rancour and upheaval that has faced other systems. This belief in the superiority of the British developmental path is no better demonstrated than when Norton (1984: 37) argues that:

> In the past 300 years alone, the nation (Britain) has experienced industrialisation, the advent of democracy, and the introduction and growth of the welfare state – yet the changes have never been such as to be described as revolutionary. They have built upon and have adapted that which had already existed.

The dominance of this Whiggish developmentalism (Kerr and Kettell 2006: 6) is undoubtedly linked to a reverence for both the BPT and the institutions and processes narrated by the WM.

Secondly, we can detect a clear anti-collectivism in the classical position adopted by Beer (1965) and Greenleaf (1983 2 volumes; 1987). Beer's discussion of the alleged growing failure of the British system in the face of collectivism is revealing. As Kerr and Kettell (2006: 9) note, he (1982) suggests that the origins of the post-war political and economic crisis in the UK lie in rising collectivism and, particularly, collective bargaining. Indeed, Beer (1965: 390) suggests that the growth of collectivism might lead to a bypassing of Parliament and the traditional patterns of government in the UK.

Greenleaf, makes little attempt to hide his normative purpose in his critique of the rising tide of collectivism. Indeed, Greenleaf's concerns seem to mirror many of the preoccupations of the Thatcher Governments and New Right Conservatives generally. For example, he poses the question:

> "Why in Britain, has a libertarian, individualist society sustaining a limited conception of government been in so many ways and to such a degree replaced by a

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[35] See for example Norton 1984; Punnett 1987; who reverence for the British political system and its development barely conceals their conservatism.

positive state pursuing explicit policies of widespread intervention in the name of social justice and the public good?" (Greenleaf 1983a: 42).

The critical approaches to the BPT are also normative, identifying, and advocating, a competing participatory tradition in British politics (Marsh and Tant 1989; Tant 1993). In particular, Tant (1993: 6) explicitly argues from what he describes as a "bottom up (radical democratic) perspective". The normative purpose of his work is to understand how and why radical challenges to the BPT have failed to undermine the elitism of that tradition. Similarly, Evans (2003: 11) states: "I am an advocate of participatory rather than elite democracy, and this belief system underpins my narrative of British Constitutionalism". He also acknowledges that he borrows heavily from Marxism and Elite theory in developing his critique of the BPT.

The National - Sub National Context

Despite the apparent emphasis on Britain, there is insufficient focus on the importance of a sense of national identity in discussions of the BPT. There is no discussion of the role that British nationalism and a sense of British-ness play or have played. McAnulla (2006a: 189) does refer to British Nationalism as a cross-cutting set of ideas that links in with the BPT, but we should broaden discussion to incorporate questions concerning identity, that is to say British-ness.

Avoiding questions of identity gives rise to two problems. Firstly, the absence of any consideration of the extent to which a conception of Britain forms an integral part of the BPT opens up the idea of the narration of that tradition and its broader purpose with regard to both social and centre-periphery relations in the UK, a point that I will refer to in Chapter Three. It could be argued that the BPT has helped to narrate the concept of Britain and thus maintain the territorial integrity of the UK. From this perspective, we would clearly need to consider the importance of this functional aspect of the BPT to dominant economic and political groups within UK society. We might also note again the centrality of British exceptionalism to this sense of British-ness.

Relatedly, the extent to which the BPT might form a component part of the political-cultural identity of Britain (Preston 2004) is underdeveloped in the literature to date. Although Beer (1965) uses the idea of a political culture, but his view is theoretically underdeveloped. Oakeshott's (1962) suggestion that the BPT is rooted in the British national character is hardly persuasive. Rather, in my view, a critical focus on British-ness, its sources and the

BPT would help us consider broader questions concerning the purpose or function performed by that tradition in both territorial and socio-economic relations in the UK. Here, Preston (2004) identification of the UK having a 'grand tradition' which is a key component of British political-cultural identity is particularly relevant.

In my view, there has been insufficient recognition that: "the different parts of the UK have, to varying extents, different political traditions and identities" (Marsh and Hall 2007: 225). Once again we need to recognise that the idea of a single BPT underplays the significance of political traditions, identities and discourses in other parts of the UK which have diverged from those embedded at Westminster (Kenny 1999: 282). The notion that there might be different political tradition and identities in Scotland, Wales and Northern Ireland has, to date, been ignored by those advocating the existence of a distinctive BPT. Indeed, these sub-national identities seem seen as what Preston (2004) terms 'little traditions' forming part of the broader notion of political-cultural identity. Political analysts need to allow for regional differences within the UK, as well as highlighting the sense of British-ness and British nationalism linked to exceptionalism which has been a distinctive feature of the BPT. In particular, such a recognition forms part of the dynamic for change and continuity discussed in the later chapters of this study.

Conclusion

In this Chapter I have focussed upon those authors who have utilised the idea that there is a distinctive BPT. In explaining their respective approaches, I have identified and discussed a number of criticisms of the concept and its usage to date. Of those approaches utilised, what I have termed the classical view of that tradition has undoubtedly been the more influential over time. However, its' tendency towards Whiggish developmentalism and under-theorisation in a number of ways make it an unconvincing portrayal of the ideational features of the British political system over time.

Conversely, I have suggested that the critical perspective on the BPT is underdeveloped and little acknowledged in the wider literature on British politics. For example, only McAnulla (2006a) among the large number of introductory texts on British politics offers any reference to, or comment on, the critical works on the BPT. The clear strength of the work of Marsh, Tant and Evans is that they expose the elitist conception of democracy that has fundamentally shaped British politics and its institutions and processes of British politics. However, my major criticism of their work has been to point to the omissions or the questions left unanswered in the critical perspective rather than a substantive objection to that argument.

The later Chapters of this study build upon and seek to develop this approach, as well as more recent expressions of the BPT (Marsh and Hall 2007) to narrate both the British political system and, more specifically, the development of Scottish Devolution. As such, in my view, the critical perspective offers a basis for a more persuasive account of the ideas that have underpinned British politics. Consequently, if developed and more fully theorised, it deserves wider recognition and application in accounts of the British political system than has previously been the case.

However, it is also important to note here that wider interest in the idea of tradition has been sparked by the recent work of Bevir and Rhodes (2002; 2003; 2004; 2006a; 2006b 2008a; 2008b). The challenge presented by Bevir and Rhodes to both traditional accounts of British politics rooted in the WM and to the views of the BPT outlined above requires detailed consideration. It is to this that I will therefore now turn my attention.

Chapter Two: Tradition or traditions?
The challenge of Bevir and Rhodes

Introduction

Through the publication of *'Interpreting British* Governance' (2003) and *Governance Stories (2006b)* and various articles (2002; 2004; 2006a; 2006c; 2008a; 2008b), Mark Bevir and Rod Rhodes have sparked renewed interest in the concept of tradition and its application to the study of British politics. Their rejection of the notion of a single tradition operating within British politics, in favour of a variety of competing traditions provides a provocative and stimulating challenge on a number of levels. Firstly their view of multiple traditions directly challenges much of the work on the British Political Tradition (BPT) discussed in Chapter One. Secondly their interpretive approach focuses directly on the role of ideational factors in the development of outcomes. Thirdly, and perhaps most significantly, they offer a non-essentialist, contingent approach to traditions, in which agents can and do alter the content of traditions. Thus they offer a perspective that is by definition, diachronic. In doing so they raise issues regarding the relationship between continuity and change, which remains a central concern for all social science.

In this Chapter I will focus on a critical assessment of aspects of Bevir and Rhodes' approach. Firstly I will outline their conceptions of tradition and dilemma. Having done this I will then critically appraise their approach. In doing so I will situate my assessment within a broader discussion of how political analysts can and should conceptualise the relationship between continuity and change.

Bevir and Rhodes approach explained

The interpretivist approach of Bevir and Rhodes (2002; 2003; 2004; 2006a; 2006b 2006c) has seen a new dimension to discussions of tradition emerge which is both provocative and stimulating. Their aim is to attempt to "bring together some philosophically derived themes about context, agency and tradition with political science research into the conduct of British governance today" (Finlayson 2004: 129). In their debate with Marsh (2008b: 733), they argue their approach offers "narratives of the contingent relationships in the core executive" rather than a general model of power within it.

Ontologically and epistemologically Bevir and Rhodes approach is novel when compared to the positivism of most British political science (Hay 2002). Their approach is, by their own admission, anti-foundationalist. They critique the positivism of most political science for adopting an epistemological position that: "postulate(s) given facts divorced from theoretical contexts as the basis of legitimate claims to knowledge" (2004: 132). Contra this Bevir and Rhodes:

"reject explicitly the idea of given truths whether based upon pure reason or pure experience: all perceptions, and so facts, arise within the context of a prior set of beliefs or theoretical commitments. As a result, we typically look suspiciously on any claim to describe neutrally an external reality. We stress the constructed nature of our claims to knowledge" (2004: 132).

I will critique this view shortly, however such an approach makes the work of Bevir and Rhodes a challenge to mainstream political science in a number of ways[36] (McAnulla 2006b).

They also critique the methodology of positivist political scientists by suggesting that:
"adherents of a positivist epistemology study political actions and institutions as atomised units, which they examine individually before assembling them into larger sets. They assemble such units into larger sets by comparing and classifying their similarities and differences. In contrast, post foundationalism stresses that webs of beliefs informed by traditions construct political actions and institutions" (2004: 132).

Again I will limit my comments here to the suggestion that this view offers a direct challenge to the methodology of most mainstream political science[37].

In this post-foundationalist interpetivism Bevir and Rhodes stress the centrality of agency. This can be demonstrated through reference to Bevir's earlier work, _The Logic of the History of Ideas_ (1999). He concludes we should "reject the possibility of pure experiences of past intentions" (Bevir 1999: 171) when developing explanations. In particular he rejects the possibility of 'value free inquiry' and positivist tendencies of much political science (McAnulla 2006: 115). This approach is married to a belief in the importance of agents' intentions. Bevir's 'agents' are rational, conscious creatures capable of sincerity. Thus when studying the intentions of agents we can place some faith in them as indicators of what agents actually intended their actions to achieve and what their motives were. Through focussing on the intentions of agents we can develop explanations. Bevir (1999: 171) sees no persuasive alternative to intentionalism stating, that: "unless we wish to defend either the idea that our social inheritances determines what we say or the idea that we have pure experiences, we should retain an intentionalist analysis of historical meaning".

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[36] We should note here that McAnulla (2006b) persuasively suggests that their interpretivism has not fully overcome the problems of positivism. This will be explained more fully later in this Chapter.

[37] Hay (2002) offers a detailed analysis and critique of the methodology of positivist political science. In particular he highlights the parsimony of positivist approaches to political analysis and critiques their 'naturalism' (Hay 2002: 59-89).

Bevir and Rhodes (2003) develop this agency-centric approach. Indeed they: "insist on the fact of agency" (2003: 32). For Bevir and Rhodes, agents are creative. They do not however suggest that agents are fully autonomous. Instead they distinguish between autonomy and agency, arguing that agents act against a background of social discourse or tradition when they reason and respond. Thus they argue for "situated agency" (2006: 4). So, they seek to: "explain actions by the beliefs and preferences of actors" (2003: 20) and "let interviewees explain the meanings of their actions" (2008a: 176).

By their own admission they "are sympathetic to the historical and philosophical approach to British politics found in the work of Samuel Beer (1965) and Anthony Birch (1964)" (Bevir and Rhodes 2004: 132), discussed in Chapter One. This is interesting in two regards. Firstly they too see the significance of ideational factors in explaining outcomes, although they conceptualise tradition somewhat differently to either Birch or Beer. Secondly, like those authors they stress the role of agency. Although even a cursory analysis of Birch and Beer's work highlights the importance of agency to their analyses. This can be demonstrated in two ways. Firstly both authors are idealists in that, to a lesser or greater extent, they do not fully explain the relationship between ideas and institutions. Consequently their analyses privilege agency at the expense of structure. Secondly both authors find time for protracted discussions of both individuals and group politics but offer a limited focus on the institutional.

We should also situate Bevir and Rhodes approach alongside the rise of the governance thesis. They (2003: 2004; 2006b) seek to highlight the limitations of the Westminster Model (WM) that has dominated explanations of British politics (Gamble 1990; Kerr and Kettell 2006). Although this is not the place to develop a detailed discussion of the governance thesis I will briefly consider it as Bevir and Rhodes explicitly refer to it during their work.

The term 'governance' is an increasingly popular term within political science, despite there being no agreed definition of what it refers to. Governance is most associated with the work of Rod Rhodes and his 'Differentiated Polity' model (DPM)[38] (1997). Bevir and Rhodes define governance as "a new process of governing, a changed condition of ordered rule or the new method by which society is governed" (2004: 132-133). Rhodes (1997: 53) suggests there are four characteristics of governance[39].

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[38] McAnulla (2006a: 35) identifies six features of the Differentiated Polity Model: (i) intergovernmental relations (ii) a segmented executive (iii) power dependence (iv) policy networks (v) governance rather than government (vi) a hollowed out state.
[39] Firstly governance is broader than government in that it includes non state actors from the public, private and voluntary sectors. In particular the boundaries between state and non-state actors have become blurred, increasingly fluid and opaque. Secondly, governance is characterised by interactions

Clearly this purported shift from government to governance has implications for the study of British politics. Here I will merely identify three points. Firstly, it raises major problems for the WM. Secondly, in response to these changes two conflicting models of British politics have been developed, the DPM (Rhodes 1997) and the Asymmetrical Power Model (APM) (Marsh, Richards and Smith 2001; 2003; Marsh 2008a)[40]. Thirdly, Bevir and Rhodes interpretive approach attempts to explain "the rise of governance in part by reference to the beliefs embedded in the Tory, Whig, Liberal and Socialist traditions" (2003: 5). On this basis alone, the 'governance thesis' has necessitated a reappraisal of much thinking on British politics. It is as part of this process that Bevir and Rhodes work has been developed.

Having identified a number of observations on their approach I will now turn my attention to explaining two of Bevir and Rhodes central ideas, tradition and dilemma.

Tradition

Bevir and Rhodes explore the notion of governance through beliefs, traditions and dilemmas. Their expressed aim is to:

> "decentre the British political tradition into its various constituent traditions – Tory, Whig, Liberal & Socialist - in order to show how each of these traditions views 'governance' differently" (2004: 133).

This will then help them to explain in part how governance has developed and continues to do so.

Bevir and Rhodes (2003: 33-34) define tradition as: "a set of connected beliefs and habits that are intentionally or unintentionally passed from one generation to another at some time in the past". Traditions are "sets of theories, narratives and associated practices that people inherit and form a background against which they reach beliefs and perform actions" (2002: 140). Thus traditions are inherited webs of beliefs that are received during socialization and influence the responses of actors.

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between network members, exchanging resources and negotiation of shared goals. Thirdly, network members interact in a game-like fashion. These interactions are regulated by agreed, negotiated rules. Finally, networks are self organising and thus not accountable to the state. Crucially governance does not privilege the state as sovereign. Rather it can only somewhat imperfectly, steer networks.
[40] For a detailed discussion and evaluation of the relative merits of these approaches see Marsh (2008).

Bevir and Rhodes suggest there are multiple traditions at work within British politics. They identify four traditions and use them to narrate both governance and Thatcherism (2003: 2006). These are, the Tory; Liberal; Whig; and Socialist traditions. In their more recent work they have referred to an increasing number of traditions, a point I will return to shortly. As such to discuss the existence of a single BPT is misleading. Rather we should recognise the existence and impact of multiple political traditions.

They reject the notion that traditions have an un-changing core idea or set of ideas. Instead they offer a non-essentialist conception of tradition. Instead they offer:

> "a decentred study of tradition, practice or institution….(which)….unpacks the way in which it is created, sustained or modified through the beliefs, preferences and actions of individuals in many arenas (2003: 35).

Traditions are inherited webs of beliefs rather than fixed or essential concepts. They influence actors but are capable of adaptation as actors respond to the changing dilemmas they face. These traditions are not fixed or static. Rather it is only possible "to identify the particular instances that compose any given tradition by tracing its appropriate historical connections back through time" (2002: 140). In this view continuity in a tradition and its influence are negated in favour of change, flexibility and diversity. In a sense a tradition only ever exists in the perceptions and responses of actors as it is constantly changing and developing. Thus agency becomes of paramount importance when explaining outcomes.

This interpretive approach to tradition is agency-centric in that: "the human capacity for agency implies change originates in the responses or decisions of individuals, rather than the inner logic of traditions" (2003: 35). Thus they seek to avoid reifying traditions and do not see them as anything other than a starting point. They argue that: "tradition is not an unavoidable influence on all we do" (2003: 33-34) or a constraint on outcomes. Rather it is something that is:

> "contingent, produced by the actions of individuals. The carriers of traditions bring it to life. They settle its content and variations by developing their beliefs and practices, adapting it to new circumstances, while passing it on to the next generation".

Thus they develop an agency centred approach to traditions that emphasises the contingent and change.

They also warn of the dangers of hypostatising traditions (2003: 33). They do not believe that traditions exist independent of the actions or beliefs of individual agents. If traditions are not

fixed entities then there is no possibility for suggesting that they exist beyond the individual. Indeed "we can only identify the beliefs that make up a tradition by looking at the shared understandings and historical connections that allow us to link its exponents with one another" (2003: 33).

Bevir and Rhodes' approach is both novel and provocative. They contend that there are five advantages to the interpretive approach to traditions[41]. Their innovative and challenging approach raises questions for those who believe in the existence of a BPT and the impact this tradition has on outcomes. Before turning my attention to a critical evaluation of their conception of tradition, I will now focus on their usage of the concept of 'dilemma' as the contingent factor promoting change within traditions.

Dilemma

The idea of dilemma is central to Bevir and Rhodes approach. They utilise the concept to explain how change is originated in the responses of actors to the dilemmas they are faced with. They state:

> "A dilemma arises for an individual or institution when a new idea stands in opposition to existing beliefs and practices and so forces a reconsideration of these existing beliefs and traditions" (Bevir 1999: 221-64).

Bevir and Rhodes define dilemmas thus:

> "A dilemma is any experience or idea that conflicts with someone's beliefs and so forces them to alter what they inherit as a tradition. It combines with the tradition to explain (although not determine) the beliefs people go on to adopt and so the actions they go on to perform. Dilemmas and traditions cannot fully explain actions both

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[41] In their various works Bevir and Rhodes allege five advantages to the interpretive approach. Firstly, they suggest it identifies important empirical gaps in the WM by identifying fundamental changes in British government. Essentially Bevir and Rhodes (2003; 2004) argue that the WM is an outdated and unconvincing description of British politics. Secondly, the interpretive approach decentres institutions and thus avoids the idea that institutions fix the behaviour of individuals within them rather than being products of that behaviour. For Bevir and Rhodes, change is rooted in the beliefs, attitudes & preferences of individual actors. Concepts such as tradition and dilemma are available to political scientists as explanatory devices if this approach is adopted. Thirdly, it is suggested that this approach opens up new research agendas and questions regarding British government and techniques such as ethnography and history are excellent tools for identifying beliefs and actions as well as explaining such beliefs and actions. Fourthly, it raises key theoretical issues regarding the pluralizing of policy making and diversification of government structures. It therefore lends support to the idea of bottom up forms of decision making as an analytical view. Finally, it focuses upon observation and trying to get below and behind the surface of official accounts to find the texture and depth. As well as allowing interviewees to explain meaning of their actions.

because actions are informed by desires as well as beliefs and because people are agents who respond creatively to any given dilemma. (2006c: 400).

They suggest that it is through reference to the dilemmas that change in traditions and more broadly, political outcomes can be explained. These dilemmas need not be identifiable in:

'allegedly objective' pressures to be found in the world but rather in ideas and views that people come to hold as true, "irrespective of whether they reflect pressures we believe to be real" (2003: 36).

Thus the inter-subjective understandings, beliefs and ideas of actors are the cornerstone of this concept of dilemma. They provide the manner in which actors assess and understand the world and the challenges they face. Dilemmas arise from the personal experiences of actors and their theoretical and moral reflections. They can also arise from an actor's external experience of the world. Within this process there is no preference given to academic or theoretical reflections[42]. Therefore "the new belief that poses a dilemma can lie anywhere on an unbroken spectrum passing from views with little theoretical content to complex theoretical constructs only remotely linked to views about the real world" (2003: 36).

Dilemmas' do not have agreed or fixed solutions (2003: 36). Rather resolving dilemmas is a creative process. Tradition(s) provides actors with a guide to possible courses of action but does not fix what actors must do. Instead they argue that: "traditions and practices could be fixed only if we did not encounter novel circumstances" (2003: 37). The contrast with previous discussions of the BPT is stark in that they emphasised the essentially fixed or continuous nature of that single tradition and its largely consistent impact on outcomes over time. Contra this, even those actors that believe that in response to a particular dilemma they are "continuing a settled tradition,......are often developing, modifying and changing beliefs and practices" (2003: 37). Solutions to dilemmas are arrived at through actors developing their existing beliefs and accommodating new ideas within their existing beliefs. In this process it is possible to hook certain ideas onto existing beliefs to create solutions, whilst other ideas will simply not fit. Consequently, traditions change over time and the impact they have on outcomes will be more diverse. Thus change becomes a continual eventuality.

Therefore it is through the process of how actors respond to the dilemmas that traditions become important in informing outcomes. Traditions are appealed to as actors solve the dilemmas they face. However two important points should be made here. Firstly, "change

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[42] This is consistent with their anti-foundationalist approach.

does not arise in the inner logic of traditions" (2003: 35) but rather in the responses of actors to dilemmas. Secondly, dilemmas are only important insofar as they are narrated or constructed by agents, and these narrations are themselves constructed through the medium of traditions.

Having outlined the Bevir and Rhodes approach, I will now turn my attention to offering a critical evaluation of their interpretivism.

Evaluating Bevir and Rhodes

I have already noted that Bevir and Rhodes have offered a provocative and stimulating approach to explanation in British politics. Despite its burgeoning influence as a challenge to mainstream analyses their interpretive approach remains problematic. Whilst the present discussion of tradition is not the forum to offer a detailed critique of the intepretivist agenda[43], some evaluation of it is required.

I do suggest that their view of tradition and dilemma makes a number of contributions to understandings of British politics. In particular I would point to three key contributions their approach makes:

- They raise the profile of political change by offering a perspective that is by definition diachronic, where a concern for contingency and change is at the forefront of the analysis. This helps focus attention away from overly synchronic views of politics and an over-emphasis on continuity. Whilst recognising the importance of a diachronic approach, my narrative characterises the relationship between change and continuity somewhat differently. Moreover such is the significance of Bevir and Rhodes approach to change that I will return to it later in this Chapter.

- Their focus on tradition affords greater attention to the role of ideational factors in explaining outcomes than is usual in Anglo-phone political science (Hay 2004).

- They raise the importance of competing narratives of British government in promoting change. As Marsh and Hall (2007: 227) argue: "Bevir and Rhodes are right that a continual process of contestation forms the backdrop against which British politics is conducted and helps shape and inform future choices"[44].

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[43] For a persuasive example of this see S McAnulla, 'Challenging the New Interpretivist Approach: Towards a Critical Realist Alternative' (2006).
[44] It should be noted that Marsh and Hall (2007) conceptualise this continual contestation somewhat differently to Bevir and Rhodes.

However despite, these contributions, Bevir and Rhodes' approach contains some fundamental problems which negate its value in explaining both the importance of traditions and more broadly, developments in British politics.

Critiquing interpretivism

Prior to turning my attention to a critical evaluation of tradition and dilemma I will briefly focus on the ontological and epistemological approach of Bevir and Rhodes. I will also consider their approach to the meta-theoretical issues raised in Chapter One.

Bevir and Rhodes' interpretivism has not been without its critics. McAnulla (2006b) has critiqued their ontological and epistemological position. Marsh and Hall (2007) have taken issue with their conception of tradition and dilemma. Finally, Marsh (2008a; 2008b) has sought to highlight the link between their interpretivism and the DPM, and the limitations of both. McAnulla notes, as I have, the contribution made by Bevir and Rhodes describing their work as:

> "exceptional in offering both a considered philosophical grounding for their
> approach, as well as a practical analytical vocabulary which they apply in
> analysing a range of empirical case studies in British politics" (McAnulla 2006b: 113).

Bevir and Rhodes can be critiqued for neglecting ontology in favour of epistemology. McAnulla (2006b: 118) argues that in their interpretivism "ontology became seen as coterminous with epistemology". Bevir and Rhodes fall into this epistemic fallacy by discussing being only in terms of knowledge and thus ignoring ontology or that which exists. McAnulla (2006b: 118) suggests that it is interesting that work informed by post-structuralist insights such as Bevir and Rhodes interpretivism suffers from the same myopia as positivism as it only discusses the world through our apprehension of it. By conflating ontology and epistemology Bevir and Rhodes ignore the limitations of human perception and the attendant point that an agents' knowledge of the world is at best, partial. Or to put it another way, they do not fully address the notion that, 'that which is and that which we can know' are not necessarily the same. If this insight is accepted then Bevir and Rhodes work fails to maintain a clear distinction between ontology and epistemology.

Bevir and Rhodes argue that agents understand the world through inherited webs of beliefs or traditions. Any influence on agency derives from the impact of these traditions on agents as they face dilemmas that have emerged in their minds. Thus Bevir and Rhodes focus on

epistemology or that which individuals know. They leave no room for a causal role for the context within which individuals find themselves. Rather they negate this context and the idea that structures or discourses may shape belief or agency[45].

That their approach privileges epistemology over ontology has important consequences for their view of key meta-theoretical debates, in particular the central debate over structure and agency. Bevir and Rhodes privilege agency and under-value the role of structure (Marsh and Hall 2006). Indeed their usage of tradition derives directly from this approach[46]:

For Bevir and Rhodes focussing on context or structure leads the political scientist to then 'read off' agents beliefs from their position within a given structure, thus negating agency. Consequently as McAnulla (2006b: 119) suggests, their view is that: "if a meaningful role for agents is to be defended then this causal notion of structure must be rejected".

Whilst they are correct to reject the idea that structure simply determines agency, Bevir and Rhodes are guilty of over-privileging agency and to an extent sustaining the simplistic dualism between structure and agency evident in much political science (Hay 1995: McAnulla 2002). Whilst they reject the idea of autonomous individuals, they also reject the idea that traditions can act as structures in the sense that they can constrain or limits the beliefs of agents and therefore the options available to them. Marsh and Hall (2006) suggest three further observations in this regard. Firstly that Bevir and Rhodes (2006c) in their response to McAnulla's critique demonstrate that they believe that: "critical realists can contribute usefully to political science if they come over to the interpretive camp" (Marsh and Hall 2006). Secondly, that they also incorrectly equate critical realism with positivism. This can clearly be seen in their comment that: "McAnulla holds out the intriguing prospect that critical realists might be able to rethink their position to make it post-positivist and perhaps even post foundationalist" (Bevir and Rhodes 2006c: 398). Finally that Bevir and Rhodes work suffers from the view that the WM is the 'other'. This leads them to under-value, and

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[45] McAnulla (2006b: 118-119) argues Bevir and Rhodes "advocacy of this epistemic fallacy appears quite overt – the approach is designed to generate accounts of the political world (being) through statements regarding individuals' beliefs (knowledge)".

[46] See for example, "the concepts of episteme, language and discourses typically invoke social structures that fix individual acts and exist independently of them. In contrast, the notion of tradition implies that the relevant social context is one in which subjects are born, which then acts as the background to their later beliefs and actions without fixing them" (Bevir and Rhodes 2003: 32).

even ignore other alternative viewpoints such as critical realism and the APM[47] (Marsh 2008a).

Their over emphasis on agents and their beliefs is also problematic. Bevir and Rhodes (2003: 20) state that they seek to "explain actions by the beliefs and preferences of actors". To demonstrate the limitations of this approach I will turn to the Westminster Model (WM) of British politics, something that Bevir and Rhodes have consistently critiqued.

The central facets of the WM are well known and do not require repetition here. Bevir and Rhodes (2003; 2006) critique the WM on a number of levels claiming that their "governance narrative is a valuable corrective to the traditional Westminster Model" (2003: 199). Indeed their work suggests that, in certain respects the WM is the 'other' to be challenged and moved beyond.

They see the WM as both a narrative[48] of the British political system and one that was "an illusion masking the contested and contingent nature of British constitutionalism" (2006: 168). On these points our views bear some similarity. I too conceptualise the WM as a narrative of the British political system[49]. Furthermore I suggest that the WM was/is actually a self image rather than an accurate description of the reality of British political life. However contra Bevir and Rhodes, I seek to understand the nature and source of this inaccuracy, and would also characterise it somewhat differently.

This inaccuracy however, does not detract from its resonance and influence. Again, Bevir and Rhodes recognise this by suggesting that: "many political actors continue to use the language of the Westminster Model to describe the past, present and future of British politics" (2006: 169). Thus numerous actors still believe in the WM and view the political world through it "irrespective of whether these ideas reflect real pressures, or to be precise, irrespective of whether the reflect pressures we believe to be real" (2003: 36). However they suggest that: "these beliefs do not fix practices" (2008a: 175).

They do not accept however that the WM narrative and its meanings have become inscribed into the institutions and processes of British government. Rather they believe it is a narrative,

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[47] Marsh and Hall (2006: 6) suggest that Bevir and Rhodes breech their own rules concerning 'intellectual honesty' by undervaluing alternative approaches.
[48] Bevir and Rhodes (2008a) refer to the Westminster tradition for the first time. Readers are left to assume that this is the narrative of the institutions and practices usually associated with the WM.
[49] For a detailed exposition of this view of the WM see Marsh and Hall (2007) and Hall (2008b; 2008c).

confined to the beliefs and interpretations of actors. Thus they depict "a storytelling administrative and political elite with beliefs and practices rooted in the Westminster model, confronting the dilemmas posed by both marketisation and managerialism" (2008: 176). They also suggest that politics should be viewed as a 'cultural practice' (2008a).

As such their focus is undoubtedly on agency. Here again we encounter their faith in 'situated agency' discussed earlier. This emphasis on agents and their beliefs is upon closer scrutiny, deeply problematic. In the context of British politics it raises a number of key questions.

Firstly, what if actors believe themselves to be structurally constrained? If actors believe that structural constraints exist and we are interpreting their beliefs as they offer the only sure guide to explaining outcomes, how do we account for these without reference to structures themselves? For example, if actors believe that the WM exists as a structural constraint upon their choices and actions, then how do we account for the latter without reference to the institutions and processes of the WM? To do so we would have to accept that the WM narrative has been inscribed into the institutions and processes of British government, a point Bevir and Rhodes do not allow for.

Conversely we might suggest that actors are mistaken in their belief that structural constraints exist?[50] For example if political elites in the UK see themselves as operating within the structures of the WM, then these actors may simply be mistaken in that belief. To accept that they were, would surely raise major concerns about using actors' beliefs as the basis for any explanation which Bevir and Rhodes methodology requires. Alternatively they would need to adjust their ontological position to accommodate the idea that actors may hold mistaken views of the world which then act as constraints or enablers of action. This would necessitate a move away from their reliance on belief and interpretation and greater recognition of the potential impact of structure.

Secondly, if the WM narrative is illusory then why have actors believed in it and why do they continue to do so? Bevir and Rhodes do not address how or why actors come to hold their beliefs. This is of fundamental importance if we are to move beyond partial explanations. For example I would highlight the link between the development of the WM narrative and the dominant political tradition in British politics, the British Political Tradition (Marsh and Hall

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[50] To suggest that actors may hold mistaken beliefs or set of beliefs is easily accommodated within critical realist ontology and epistemology.

2007). Thus belief in the WM narrative is linked to perceptions of the success of the institutions and processes of British government over time and faith in the BPT.

Indeed the WM is best seen as both the institutional expression and legitimising narrative of that tradition. The central concepts of the WM narrative are however, portrayed benignly (Kerr and Kettell 2006). They are seen as democratic, desirable and effective in that they have served the UK well and are a superior manner of government. This helps to mask their essentially limited and elitist nature. Furthermore, the 'invented traditions' (Hobsbawm 1983) of the WM narrative act as key symbols and signifiers of that distinctiveness, and the superiority of the BPT.

Nor do Bevir and Rhodes explain why actors continue to see the world through the prism of the WM. Contra their 'agency centric' approach we might consider three potentially useful 'structuralist' concepts to explain this. These accommodate the notion of some 'cultural practice' but conceptualise it more persuasively. Firstly the idea that culture helps to establish and maintain institutional hierarchies, and also embodies power relations (Bourdieu 1980) may explain how patterns of behaviour at Westminster became replicated. Secondly a culture of organised practices and attitudes, or 'governmentalities' (Dean 1999), may help ideas and institutions persist over time. Collectively these may help to inculcate and perpetuate patterns of elite dominance within the political system and outcomes that generally favour their continued dominance. Thirdly, these institutions, processes and cultures may then become the context for future debates and discourses, leading to a strategically selective environment (Jessop 1990) that privileges certain ideas over others. As Judge (2006: 371) suggests: "UK governments become locked into common modes or trajectories, of behaviour and working routines (irrespective of party composition or the personal characteristics of leaders". Thus the WM narrative, however inaccurate, remains centrally significant for explaining the responses of actors.

Contra Bevir and Rhodes I therefore stress the importance of the pre-structured context in which current agency takes place (Archer 1995). Indeed the narratives or traditions that influence agents are part of the pre-structured context which is itself partially the result of previous agency. Consequently, the positions agents find themselves in cannot be reduced to current agency alone. Nor should we ignore that this pre-structured context will generate relationships between agents such as position and role within this context and established patterns of behaviour or practice. It will also generate relationships between ideas, traditions and discourses and the broader context. In these relations I suggest that some of the former are likely to be privileged vis-à-vis others. This raises two important observations. Firstly we

cannot explain outcomes solely by reference to agents and their beliefs. Secondly, we might properly ask what factors privilege certain ideas, traditions and discourses within our broader context. Here factors such as structured inequality and asymmetrical power relations are fundamentally important in the privileging of certain ideas, traditions or discourses over others. Thus narratives, traditions and discourses resonate in an asymmetrical fashion linked to the uneven nature of the socio-economic/political landscape agents find before them.

Such a view does not reify structure at the expense of agency. Rather it seeks to situate agents in their proper structural context. Here I would suggest that we should distinguish structure ontologically from agency (McAnulla 2006b). Contra Bevir and Rhodes, "agents find themselves cast into material relationships, roles or practices they did not choose but will subsequently condition their future actions"[51] (McAnulla 2006b: 121). Structures, traditions, discourses and culture whilst being the product in part of past agency, will influence or 'act back' on present agency in a causal manner. This takes us beyond 'situated agency' and raises the real possibility of conditioning and constraint. Thus I argue that structures in both a material and ideational sense can be seen to act as constraints or enablers of agency.

Or to put it another way if "the Westminster model is the pervasive image shared by British politicians and civil servants" (2003: 26) and we are to take actors beliefs seriously, then can we suggest that the WM narrative is continuing to have an impact on outcomes? If not, then how can we place any faith in the interpretation of actors' beliefs when explaining outcomes? If so, then this raises two further questions I will deal with shortly. Firstly, how do we account for the ubiquity of change Bevir and Rhodes claim? Secondly does this not suggest a degree path dependency?

From the argument above I would suggest that if actors continue to believe in the WM (Marsh, Richards and Smith 2001; Judge 2006) and narrate options and outcomes in relation to it, then dismissing that model and its impact in favour of the 'governance thesis' may be somewhat premature. Indeed given that Bevir and Rhodes recognise the pervasiveness of the WM narrative might we not suggest that their '*Governance Stories*' would be more accurately referred to as '*Westminster Model Stories*'? If not they may be guilty of implying that patterns of governance act as a set of structures which have an existence external to the beliefs of actors in the political elite and thus claiming an ontological existence for their concept itself.

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[51] It is interesting to note again the similarity between this view and the oft cited but rarely fully utilised view of Marx (1851). See K Marx, The Eighteenth Brumaire of Louis Bonaparte, 1851 in D McLellan 1977).

Therefore contra Bevir and Rhodes agency-centric approach, the structure-agency relationship should be seen as dialectical, in that is in interactive and iterative (Marsh and Hall 2006: 11). In such a view the relationship between structure and agency is far more complex than Bevir and Rhodes suggest. This dialectical approach to structure and agency offers a far more persuasive view for explaining outcomes than either intentionalism or structuralism. Bevir and Rhodes narrow view of the relationship between structure and agency, rooted in intentionalism, can also be seen to have implications for their approach to other meta-theoretical issues.

In privileging agency, Bevir and Rhodes simplify the relationship between the material and the ideational to the simple prioritisation of one over the other. Indeed for Bevir and Rhodes it is debateable whether traditions exist in a material sense at all. They suggest that: "post-foundationalism implies that all experiences are constructed in part by theories, so all beliefs are similarly constructed, which that all actions, practices, and institutions are informed by beliefs or theories. For post-foundationalists, the entire social world thus appears infused by meanings. They are therefore sceptical of a distinction between ideational and material aspects of the social world" (2006c: 402).

On the basis of this it can be argued that they privilege the ideational over the material, seeing the latter as largely a product of the former. Through reference to their brief discussion of material-ideational relationship (2006c: 402) it is possible to identify three points. Firstly, they suggest that critical realists sometimes associate the material world with the economy and/or interests, whilst post-foundationalists suggest that the economy:

> "is the product of actions infused with ideas, beliefs and theories…..and people's interests are never simply given to them. People construct their understanding of their interests in part through their ideas, theories and beliefs" (2006c: 402).

However we might readily ask here if ideas, theories and beliefs are in part constructing interests for example, then what else might be seen as constructing them if not the material world in an objective sense.

Secondly as I argued in Chapter One the material-ideational relationship is far better conceived of as dialectical (Hay 2002). This allows us to develop more complex and ultimately more persuasive explanations of outcomes.

Finally their discussion of the material-ideational relationship offers the misleading impression that critical realism privileges the material over the ideational when it conceives of the relationship as dialectical (Marsh and Hall 2006: 13).

On the central relationships between ideas and institutions Bevir and Rhodes privileging of both agency and the ideational leads them to undervalue institutions in their explanations. For example their interpretivism suggests traditions do not exist independent of the beliefs of individuals. They argue:

> "interpretive theories deny that institutions have a reified or essential nature. They challenge us to decentre institutions; that is, to analyse the ways in which they are produced, reproduced and changed through the particular and contingent beliefs, preferences and actions of individuals" (2003: 41).

From this I make two observations. Firstly Bevir and Rhodes suggest institutions are merely products of agency. Here again I argue that a more persuasive insight into how institutions come into being is to see them as a result, in part, of past agency but ones that may themselves then come to constrain or enable current agency. Secondly Bevir and Rhodes claim institutions cannot themselves embody traditions, only the individuals operating within them can. Contra this Marsh and Hall (2007: 216) more persuasively suggest that: "patterns of meanings are shared; that meanings are inscribed in institutions and processes; and that both affect, but certainly do not determine, individual behaviour".

Finally their approach to the structure-agency question (and the related meta-theoretical issues above) has major implications for how they conceptualise change and continuity. Such is the import of their view of change and contingency that I will return to it as a separate issue later in this Chapter.

Bevir and Rhodes intepretivism can therefore be critiqued on a theoretical level in a number of ways. By adopting insights from Archer (1995) and McAnulla (2006b) I offer two overall criticisms. Firstly their ontological and epistemological position is problematic in that it focuses on the latter at the expense of the former. Secondly, their approach over-privileges agency at the expense of structure. Consequently their views of other key meta-theoretical issues do not recognise the complexity of material-ideational and institutional-ideational relations. It is my contention that these relationships are far better conceived of as dialectical relationships where reciprocity is a hallmark feature.

Having critiqued the work of Bevir and Rhodes in general theoretical terms I will now turn my attention to their main concepts, traditions and dilemmas.

Traditions

As I suggested earlier, one of the major strengths of Bevir and Rhodes approach to traditions is that it has raised the possibility of multiple traditions operating within British politics. They also place continual contestation between these traditions at the core of their explanation. It should be noted here that the critical approach to the BPT described in Chapter One also raised the notion of two competing traditions, albeit based around different conceptions of democracy. However this critical approach insufficiently theorised the development of the content and development of the competing tradition. Nor was the relationship between the elitist and participatory views of democracy fully explored. Whilst it was evident that these views of democracy were conflicting, it was far from clear as to how and why contestation arose at a given time or why this conflict appeared more pronounced at certain points than others.

Bevir and Rhodes focus on continual contestation between competing traditions is helpful to the critical view of the BPT in that it acts as an underpinning or backdrop for British politics, if it is characterised somewhat differently. However I would suggest that their approach to traditions is not free from criticism.

Firstly, Bevir and Rhodes (2002; 2003; 2004; 2006a; 2006b 2006c) identify four political traditions operating within British politics; the Whig; Conservative; Liberal; and the Socialist traditions. However it is far from clear why these traditions are chosen? The failure to explain why these four traditions are chosen leaves us with the question as to whether these traditions are the main traditions operating in British politics or the only ones? Other authors have pointed to the existence of other political traditions operating in British politics. They have merely characterised the BPT differently. In each instance, to a lesser or greater extent, these authors sought to explain how and why they chose to characterise the BPT as they did. With Bevir and Rhodes we are left to wonder why they choose the traditions they do, other than their comment that their "choice of traditions is conventional" (2006b: 77). Furthermore no account is given by Bevir and Rhodes as to why they do not consider any of the other ideas offered as the putative BPT worthy of inclusion.

In their most recent offerings the range of traditions has expanded. They refer to the Westminster tradition, Fabian Socialism, institutionalist and communitarian social science in

relation to New Labour (2008a: 175) and "a tradition of liberal representative democracy that has dominated the Labour party as well as British politics" (2008b: 730). Again we are left to assume that the range of traditions that are important in British politics is defined merely by what issue is being addressed.

A second criticism of Bevir and Rhodes conceptualisation of multiple traditions concerns the notion of dominance. It appears that Bevir and Rhodes have chosen these traditions because of their greater resonance with actors in British politics. However no explanation is offered concerning how or why these traditions have resonated more fully and been more widely accepted. Nor do they offer an account of how this resonance then affects outcomes. They do not consider the idea that the traditions they choose or traditions more broadly may resonate in an asymmetrical manner. Rather we are left with the impression that they resonate in a similar fashion and actors choose between them free from constraint. Contra this I suggest that we must consider the notion of dominant and competing traditions. A close examination of British political history suggests that certain ideas have resonated more fully than others over time. Moreover certain ideas have resonated more fully with dominant economic, social and political elites over time, an idea that will be explored later in this thesis.

Furthermore Bevir and Rhodes (2008: 174) suggest that:

> "philosophical analysis tells us only about the ineluctable nature of agency and tradition. It does not tell us about the ways in which traditions work under particular social conditions……we do not provide philosophical answers to questions about the link between power and tradition, or the dominance of some traditions".

However traditions cannot be seen as divorced from the social context or conditions. Rather they are operating within and as part, of that context. If those social conditions demonstrate inequality or asymmetry then we might properly expect certain traditions to resonate more fully than others, in that certain traditions or ideas will more neatly fit with the context. Responding to Smith (2008), they suggest that they are wary of notions concerning power and dominance because they ignore the meaningfulness of action and suggest reification and essentialism (2008a: 174). Contra this I argue that power and dominance are essential concerns for all political analysis and not just the concern of empirical social theory as Bevir and Rhodes suggest.

Ideas do not exist in a vacuum, nor do they act free of the context. Rather ideas can be narrations and legitimisations of power relations in the broader material context. If so, three observations follow. Firstly, we may be able to identify dominant and competing traditions

within the range of political traditions operating within a political system[52], which resonate asymmetrically in relation to that context[53]. Secondly, actors are likely to appeal to these traditions asymmetrically as they select those traditions or ideas that fit most neatly with the prevailing ideational, material and institutional context. Indeed actors face an uneven political landscape that privileges certain ideas over others. Finally, a degree of path dependency is likely to occur, as aspects of a political system, its institutions and practices are perpetuated over time.

Nor do Bevir and Rhodes consider the significance of the political landscape when discussing traditions. They offer no discussion of the relationship between ideas and institutions. Or to put it another way they do not explore the relationship between tradition and the broader institutional and socio-economic context. Marsh and Hall (2007: 217) suggest more persuasively that we should recognise that: "asymmetry is woven into the very fabric of British political life, its ideas and also, crucially, its institutions". Here I appeals to the APM[54] (Marsh 2008a). Contestation between traditions is a continual feature of British political life that takes place on an uneven political landscape that privileges certain ideas over others. Furthermore the degree of contestation is itself not constant but rather changes in response to contingent events. These recognitions underpin the conceptualisation of the BPT utilised in the subsequent Chapters.

Thirdly, Bevir and Rhodes conception of tradition can be criticised for paying relatively little attention to the relationship between the traditions they identify as important. They ignore the extent to which there may be points of similarity or convergence between the traditions they use. Rather they take for granted that their traditions are divergent. However as Marsh and Hall (2007: 17) suggest: "those four traditions are all rooted in an elitist conception of democracy that has dominated British politics and the views of political actors". Thus the traditions they identify lack the plurality they claim. Bevir and Rhodes (2006b: 83) themselves acknowledge that even the socialist tradition in the UK has strong statist and bureaucratic elements which had at its core "a top down, command style bureaucracy based on centralised rules". Indeed as Evans (2003: 313) suggests it can be argued that UK politics

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[52] A close examination of British political history suggests that certain ideas have resonated more fully than others over time. Furthermore I argue that certain ideas have resonated more fully with dominant economic, social and political elites over time (2008a).

[53] The degree of contestation between traditions and their resonance is not necessarily constant over time. Rather it changes in response to contingent events. For a demonstration of this see Hall (2008b).

[54] The APM accepts and develops this idea. They state that the British polity is characterised by structured inequality in society, an elitist political tradition, asymmetries of power, exchange relationships between actors in the system of governance, a strong, if segmented executive & limited external constraints on executive power.

is dominated by an "elitist conception of statecraft which has informed the development of the modern British state and its political institutions".

Two further criticisms of their approach can be developed here. Firstly, they define these four traditions as ideal types, isolated from their proper historical and institutional context (2003: 107-118). This raises an interesting conundrum for their interpretive approach. If as Bevir and Rhodes claim these traditions will have adapted as dilemmas arise, then the context of British politics and the peculiarities of British history will have adapted traditions away from ideal type narratives[55]. Consequently we need to explore the development of any tradition or narrative within its institutional and ideational context to fully understand and explain political developments.

Nor are these traditions appealed to or applied as distinctly as is suggested. Rather actors will select aspects of these traditions that best fit the pre-existing ideational and structural context. Turning to the most recent addition, liberal representative democracy, and its impact on constitutional reform (2008b: 730) this illuminates the point that traditions are not appealed to or applied as distinctly as is suggested. Rather actors will select aspects of these traditions that best fit the pre-existing ideational and structural context. For example, on Scottish Devolution the Labour party made the case by utilising a variety of traditions simultaneously rather than simply appealing to liberal democratic tradition. They argued from a Whig perspective that devolution fitted with the UK's existing constitutional gradualism[56]; from a Conservative perspective that it would maintain the union of the UK and from a Liberal perspective that it would remedy the democratic deficit. Thus actors were not appealing to a particular tradition. Rather they were appealing to aspects of various traditions in British politics, all of which fitted to a lesser or greater extent, with the pre-existing ideational and institutional framework (Hall 2008c). As such the ideational and material context constrained the choice of traditions and, impacted on outcomes. Again we see that by overstating the importance of agency, they negate the impact of the context as a factor that can constrain or enable agency. Contra this I argue that traditions can and do constrain or enable the choices that agents make in a

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[55] For example in the case of the Socialist tradition we must account for the peculiarities of the British version of socialism (Miliband 1972; Wright 1996; Thorpe 2001; Cronin 2004). I would point here to the work of Tant (1993) as offering insights into how the Labour party came to accept much of the prevailing ideational and institutional context of British politics in the early twentieth century. However Bevir and Rhodes over-privileging of agency and negation of structure reduces that context to merely the responses of actors to dilemmas. However we must surely include the context to explain these adaptations. In particular we can see that the peculiarities of the Labour party's approach cannot be explained without reference to the institutional context and Labour's knowledge of those institutions and processes.

[56] See for example Lord Irvine's statement that the constitutional reforms were "tailored to the particular needs of the UK constitution".

strategically selective environment. This allows us to more persuasively explain change and continuity over time.

This approach does not reify tradition, as Bevir and Rhodes suggest (2008: 730). Their anti-essentialism offers a view, "where a group of ideas widely shared by several individuals although no-one idea was held by them all……or……no single idea persisted across all generations" (2003: 33). Contra this the approach developed above considers whether the substantive core of the traditions is being altered or whether change occurs either to peripheral aspects of the tradition, or to re-narrate core ideas within a new context. With reference to the BPT, I do not deny the possibility of change to aspects of that tradition or the actuality of adaptations. However I maintain that its core facet, elitism, has remained relatively constant over time, being updated, reaffirmed and re-narrated for a changing context. Indeed it should be noted that the notion of dominant and competing ideas by definition involves renegotiation and readjustment and is therefore a dynamic process (Gramsci 1971).

Nor does it hypostatise tradition. Rather it counters the suggestion (2003: 33) that traditions only exist in the actions and attitudes of individuals, and recognises that traditions can and do become inscribed in institutions, structures and discourses. This allows us to account for how traditions can come to inform customs and practices over time and that whilst agents may transmit and give meaning to ideas and traditions, so do institutions, structures and discourses (Marsh and Hall 2007).

Finally their approach to tradition can be critiqued for being agency centric. They argue that agents adapt traditions as they face dilemmas. However by overplaying the importance of agency, they negate the impact of tradition as a factor that can constrain or enable agency. Contra this my narrative works from the premise that traditions can and do constrain or enable the choices that agents make. Here I once again refer to the idea of strategic selectivity (Jessop 1990; Kerr 2002) to more persuasively explain change and continuity over time, a point I will return to shortly.

The problem of dilemmas

Dilemma undoubtedly helps shift attention away from overly synchronic views of British political development. However due to their ontological and epistemological position

dilemma is heuristically limited as a tool for explaining the development of the British political system. It is problematic in a number of ways.

Firstly it is far from clear in their work as to why a particular dilemma becomes important at a particular point in time. For example when discussing changes to public service they raise a number of dilemmas including, "fragmentation, steering, accountability and management change" (2003: 131). They then discuss responses to these dilemmas in relation to the various traditions they identify, in particular the conservative and socialist traditions. However as Marsh and Hall (2007: 219) note this "is justified by reference to an unpublished paper by Sir Robin Butler, then Cabinet Secretary, and to Rhodes earlier work". Far greater historical erudition than this is required to explain and justify the existence of particular dilemmas.

Secondly, it is not clear when a dilemma becomes a dilemma (Marsh and Hall 2007: 219). Bevir and Rhodes state that:

> "a dilemma arises for an individual or institution when a new idea stands in opposition to existing beliefs and practices and so forces a reconsideration of these existing beliefs and traditions".

On the surface this appears unproblematic however in reality it leaves us with a perspective where we are focusing on isolated moments. To put it another way, as currently narrated by Bevir and Rhodes 'dilemma' posits change developing out of a single point in time. A dilemma arises, actors respond by searching for a solution that can be accommodated into their webs of belief and through this process the tradition is adapted and an outcome created. However, it is far more persuasive to suggest that: "dilemma or even crisis is likely to be a complex and cumulative process" (Marsh and Hall 2007: 219). In Chapter Four I will demonstrate that it would be very difficult to identify a single dilemma or moment when the dilemma crystallised in relation to Scottish Devolution. Rather its development can more persuasively be explained via reference to a number of inter-related factors over time[57].

Dilemma also focuses attention onto the significance of contingent events as triggers for change. The reliance on dilemmas and their impact leads to an emphasis on the capacity for and the actuality of change as seen when they claim the existence of "an ever changing pattern of governance" (2006a: 98). Whilst this appears initially persuasive a closer

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[57] For example we could identify the increasingly resonant critique of the UK's constitutional arrangements that had many dimensions; the party's increasingly precarious electoral position, given their loss of four successive general elections including one they thought they'd definitely win (1992); "numerous contingent events and narratives over time" (Marsh and Hall 2007: 219). These will be developed in Chapter Three.

examination suggests that greater refinement of the concept is required for it to be heuristically powerful. Contra Bevir and Rhodes I would argue that dilemmas occur in response to contingent events within the prevailing structural and ideational context. On this context I make two further points. Firstly, that the context is an uneven playing field characterised by structured inequality and asymmetrical power relations. This context therefore underpins the asymmetrical resonance of ideas and traditions. Secondly, that this context generally privileges those ideas and traditions that most easily fit with the prevailing context (Marsh and Hall 2007).

Furthermore Bevir and Rhodes' approach to dilemmas fails to confront the resonance of dilemmas within this strategically selective context within which they are experienced (Marsh and Hall 2007: 220). This is hardly surprising given their position on the relationship between the material and the ideational. However, as a consequence, their approach leaves us with a partial explanation of outcomes. Marsh and Hall (2007: 220) correctly suggest that:

> "the context is strategically selective both because it reflects the structured inequality within society and because the institutions and processes of government are inscribed with a particular view of democracy, which we call the British Political Tradition. At the same time, this view of democracy also remains the dominant, if contested, view and so is crucial in the way that dilemmas are interpreted by government".

Moreover it is Bevir and Rhodes' failure to address the asymmetry of the economic, institutional and discursive landscape that leads them to privilege change over continuity, a point I will return to shortly.

Finally, the view that political scientists cannot predict how people will respond to a dilemma (Bevir and Rhodes 2003; 2006a 2006b) is debatable. Contra this I make two points. Firstly if we accept that the crystallisation of a dilemma discussed earlier is a complex historical process shaped by pre-existing ideas, traditions and structures then we can certainly make more than informed conjectures about possible responses and outcomes.

Relatedly, if we allow for the process of strategic selectivity (Jessop 1990; Kerr 2002) and the impact of the dominant political tradition (Marsh and Hall 2007) this will mean a degree of path dependency alongside the potential for change. The pre-existing will act as a guide to possible future outcomes if not a prediction of them. Or to put it another way, contingent events will themselves have numerous historical antecedents. They are a product of a cumulative process which features both continuity and change. Actors will have to find how to propose a solution to the 'dilemma' that is more or less consistent with pre existing

structures, ideas and interests. In this process alternative options and solutions are considered by agents and then strategically selected. The dominant tradition and structures will act here as only those options that can be easily accommodated are likely to be selected. Thus the range of options is limited by the pre-existing structural and ideational factors.

Dilemma as conceptualised by Bevir and Rhodes does not offer an adequate explanatory tool in its current form as it leaves us with a focus on the responses of actors to contingent events isolated from their historical development and their economic, institutional and discursive context. Having critiqued tradition and dilemma I will now turn my attention to a discussion of continuity and change.

Continuity and change

The final notable aspect of Bevir and Rhodes' work is their focus on contingency and change. Explaining continuity and change is of central significance to socio-political analysis, indeed "the question of change is far from a complicating distraction – it is, in essence, the very raison d'etre of political inquiry" (Hay 2002: 138). In recent years political analysis has become more aware of the centrality of conceptions of continuity and change (Kerr and Kettell 2006). Detailed consideration of the problems that explaining social and political change represents is a recent phenomenon (Sztompka 1993; Hay 1996; 2002; Kerr 2002; Marsh 2007). It is through this more critical engagement with conceptualising social and political change that issues regarding causality, temporality and the relationship between continuity and change have come truly to the fore. In Appendix 2 I offer detailed comment on these. Here I will focus primarily on the work of Bevir and Rhodes.

Bevir and Rhodes' work has helped to raise questions about overly synchronic accounts of British political history. This is relevant to my narrative in two ways. Firstly the BPT is a perspective explicitly concerned with issues concerned with continuity and change however it has often been seen as overly synchronic. Secondly the subsequent Chapters on the BPT and Scottish Devolution seek to deploy a more sophisticated and diachronic conception of continuity and change. Sztompka states "in order to understand any contemporary phenomenon we must look back to its origins and the processes that brought it about" (Sztompka 1993: XIV). Therefore to explain the BPT and Scottish Devolution I focus on the process by which the creation of a devolved Parliament at Holyrood came about in the prevailing context. As such I attempt to uncover the causal mechanisms that led to the outcomes we now see being realised in Scotland. I also consider whether, inherent in this process, there is the possibility for further institutional and ideational change in British

politics. It is the need to explain change and continuity in British politics over time that forms the basis of the discussion below.

Focusing on continuity and change highlights the need to develop more sophisticated conceptualisations of causality than those found in either structuralist or intentionalist accounts. The challenge presented by this endeavour is dealt with in Appendix 2. It is here that both the work of Bevir and Rhodes and the critical realist approach outlined earlier are relevant. In particular I argue that the work of Jessop (1990), Hay (1996) and Kerr (2001; 2002) offer major insights into the process by which change and continuity occur and are considered in greater detail in Appendix 2.

Bevir and Rhodes on change

Bevir and Rhodes raise questions concerning overly synchronic views of British politics. Their view of change bears brief repetition here. Their use of tradition and particularly dilemma, places both contingency and change at the centre of explanations. They offer "an analysis of change rooted in the beliefs and action of situated agents" (2006a: 169). For them change is driven by agents responding to dilemmas and therefore their view of change is agency centric. Furthermore they suggest both contingency and change are ubiquitous. However, I argue that their approach fails to grasp the complexity of the relationship between change and continuity.

Firstly Bevir and Rhodes emphasise the existence of "an ever changing pattern of governance" (2006a: 98). This is problematic on various levels. Firstly it fails to fully explain continuity. On a basic level if change is ubiquitous then what place continuity? Their approach is almost exclusively concerned with explaining change and struggles to account for continuity (Marsh and Hall 2006; Marsh 2008a). Indeed they maintain a simplistic dualism between change and continuity instead of developing a convincing view of the complex relationship between the two. This occurs as a direct consequence of their privileging of agency over structure and the ideational over the material.

Further problems for their agency centric approach to change can be identified. To demonstrate this I will return to the WM. If belief in the WM narrative or tradition is as pervasive as they suggest and actors use it to respond to dilemmas, then how do we account of for the ubiquity of change they claim? Whilst change and adaptation may be evident, to suggest that it is ubiquitous is to either ignore the demonstrable continuities in the British

political system or to suggest that actors' beliefs are not as important in informing outcomes as they claim.

Contra Bevir and Rhodes, I argue that there are numerous constraints and enablers acting upon agents including traditions and discourses. Institutions and material factors can also constrain or enable agency. Recognising these allows us to explain both change and continuity more satisfactorily. If we allow for the process of strategic selectivity emanating from widespread belief in WM this will mean a degree of path dependency alongside the potential for change. The pre-existing context will act as a guide to possible future outcomes if not a prediction of them. Contingent events have numerous historical antecedents. They are a product of a cumulative process which features both continuity and change. Actors will have to find how to propose a solution to the 'dilemma' that is more or less consistent with pre existing structures, ideas and interests. In this process alternative options and solutions are considered by agents and then strategically selected. Dominant narratives or traditions and structures will act here as those options that can be easily accommodated are more likely to be selected. Thus, the range of options is limited by the pre-existing structural and ideational context.

We should also recognise that the resonance of dilemmas themselves is affected by strategically selective context within which they are experienced. For example, if we take the issue of constitutional reform used by Bevir and Rhodes (2008b), there were various well known aspects to this 'dilemma' including concerns over the erosion of rights, the democratic deficit and the dangers of an overly mighty executive at the centre. The importance attached to these aspects was undoubtedly affected by the pre-existing ideational and structural context and an actor's views thereof. Thus their knowledge of the dilemma was conditioned by that which already existed, the context and how this and the dilemma itself, were viewed.

In this instance New Labour's underlying faith in the BPT was crucial. Their prioritisation of constitutional reform and their actual reforms were conditioned by their views of the constitution, its central ideas and their efficacy[58]. Whilst New Labour sought to tackle these 'dilemmas', they did so in such a way as to preserve those aspects of the pre-existing context that they revered such as parliamentary sovereignty and the union. Indeed they shied away

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[58] We should also recognise the importance of political realities and electoral concerns as motivating factors here.

from reforms that would endanger these such as codification and federalism, a point I will deal with more fully in Chapter Four.

Furthermore, if we accept that the WM narrative is still informing actors' views to a great extent, then does this not suggest a degree path dependency in outcomes? Bevir and Rhodes pay little attention to the notion of path dependency. Indeed the roundly dismiss it, arguing:

> "our interpretive approach to British governance does not read off actions from allegedly objective social facts about institutions or people. Rather it leads us to explore historical and contingent patterns of belief that inform current governmental practices in Britain. So, instead of describing reified institutions with alleged path-dependency, we decentred the relevant traditions and explored how they were modified in response to dilemmas" (2006b: 195).

As such they argue that those who advocate path-dependency adopt a position that privileges structure over agency, the material over the ideational and institutions over ideas. They believe that a focus of path dependency also privileges continuity over change. However stressing the interactive and iterative relationship between change and continuity does not privilege either. Rather it allows us to consider the relationship between the two. In particular utilising aspects of the approach of Jessop (1990), Hay (1996) and Kerr (2002) allows the highlighting of both the path dependent and contingent aspects of ideas, institutions and practices. Such an approach offers the opportunity to consider temporality, causality and the direction of change more thoroughly. Thus a multi-faceted approach to change and continuity can be offered rather than Bevir and Rhodes' unpersuasive suggestions regarding agency and the ubiquity of change.

Such an approach also recognises that the context is an uneven playing field and that this underpins the asymmetrical resonance of narratives and traditions. This context generally privileges those ideas and traditions that most easily fit with it. Such a conception of change and continuity offers a multi-causal approach to the problem in which the conflict between competing sets of ideas results in both continuity and change over time (Kerr 2002). It also allows us to make informed conjectures about possible responses and outcomes.

Thus contra Bevir and Rhodes, I argue that recognising the dialectical relationship between continuity and change (and other meta-theoretical relationships) allows us to develop a far more persuasive view of political developments over time. Doing so moves us beyond both the Whiggish developmentalism of the WM narrative and Bevir and Rhodes agency centric

interpretivism, both of which offer an ultimately unsatisfactory view of the development of the British political system.

Conclusion

Bevir and Rhodes have made a significant contribution to the study of British politics. From an anti-foundationalist position they have offered a view that focuses on the role traditions play in explaining political developments. Their work highlights a process of continual competition between traditions as central to explaining outcomes in British politics. For Bevir and Rhodes agents use traditions to explain and overcome the dilemmas they face. In doing so they generate both change in outcomes and in the traditions themselves. Thus they offer an analytical framework that privileges agency and change.

However their interpretive approach offers an ultimately unsatisfactory view of the development of British politics over time. In this Chapter I have highlighted a number of problems with their approach. These can be summarised thus:

- Their conceptualisation of tradition is unpersuasive in a number of ways. In particular they do not recognise the existence and importance of dominant and competing traditions. Nor do they recognise the structured inequalities and asymmetries of power that characterise UK society.
- Their notion of dilemma is also problematic as currently conceptualised. In particular I highlighted the gaps in their explanation of why and when a dilemma comes into being.
- On the key meta-theoretical issues their conceptualisations are unpersuasive. They privilege agency over structure; the ideational over the material; ideas over institutions. As such they continue to support dualisms with regard to these important issues.
- Finally their interpretive approach privileges change over continuity. It ignores notions of path dependency and struggles to explain stability.

Having dealt with the work of Bevir and Rhodes I will now turn my attention to outlining my view of political traditions. This then informs my later exploration of Scottish Devolution.

Chapter Three: Political Traditions in the UK

<u>Introduction</u>

In the preceding Chapters I have shown how a range of authors from varying methodological and normative perspectives appeal to the notion of political tradition as a key facet of socio-political life. I focussed on those authors that advocated the existence of a distinctive British Political Tradition (BPT). In Chapter Two my attention turned to the challenge presented by the recent work Bevir and Rhodes (2002; 2003; 2004; 2006a; 2006b; 2006c). I demonstrated that their argument had provided a major challenge to those studying British politics. Despite the range of criticisms that I suggested, aspects of their approach do offer heuristic value if characterized differently. Firstly, I would agree that rather than there being a single tradition operating within British politics there are multiple traditions at work. Secondly, the idea that there is a process of continual contestation between these traditions that has helped to shape outcomes in the UK is also valuable. Finally, their focus on change engages us with a concern often neglected by previous usages of the BPT.

In this Chapter I offer a version of the BPT concept that explains the manner in which British politics has, and continues to be shaped. Here I build upon the work of Marsh and Tant (1989) and work informed by it such as Tant (1993) and Evans (1995; 2003). This critical conception of the BPT offers many insights into the workings the British political system over time. However the potential of this view has not been fully realised. Thus I seek to further develop a critical conception of political traditions in the UK. In particular my narrative is informed by Marsh and Hall (2007), as well as drawing insights from the work of Gramsci (1971), Bourdieu (1980), Hobsbawm (1983a) and Miliband (1984; 1989; 2004). I also seek to draw out the existence of competing political traditions and consequently offer a brief exploration of the development of one such tradition.

Having outlined the political traditions operating in the UK, the subsequent Chapters will then narrate the process of Scottish Devolution in order to demonstrate the explanatory value of this conceptual framework. However prior to this I will briefly offer a number of points regarding key meta-theoretical issues.

My view of political traditions builds upon insights from critical realism. This narrative suggests that we should conceive of the relationship between structure and agency; continuity and change; the material and the ideational; and institutions and ideas as dialectical (Marsh and Hall 2006). That is to say that we should offer complex explanations deriving from the interactive and iterative, reciprocal relations between these notions.

In particular I should focus on the latter two here. I view the relationship between institutions and ideas as dialectical (Marsh 2003; Marsh and Hall 2006). Consequently I argue that political traditions shape the institutions and practices of British government. Simultaneously these institutions and practices are the context within which ideas are interpreted, experienced and adapted over time. In this process the dominant political tradition has had a greater, but not total or uncontested impact. My narrative seeks to draw out the dialectical relationship between ideas and institutions in both this and the subsequent Chapters on Scottish Devolution.

I also view the relationship between the material and the ideational as dialectical. In Appendix 3, I offer some comment on the relationship between ideas and the broader material context. Or to put it another way I seek to develop the material roots of both the BPT and competing political traditions, and highlight the relationship between dominant socio-economic interests and dominant sets of ideas.

Finally I emphasise the role of conflict and contestation in promoting change and continuity over time. Conflict between both ideas and interests is of central significance for explanations of change and continuity (Kerr 2001; 2002; 2003). Here I focus on the conflict and contestation between dominant and competing traditions. I argue that through focusing on this process of conflict and contestation we can develop detailed explanations of the nature and development of the British political system over time.

The British Political Tradition

The British Political Tradition (BPT) is a dominant conception of democracy and how it should operate in the UK (Marsh and Hall 2007). This dominant tradition is built upon a limited liberal notion of representation and a conservative notion of responsibility (Marsh and Tant 1989). Before exploring the BPT concept I will make three overall points:

- Firstly, that this dominant conception of democracy underpins the institutions and processes of British government.
- Secondly, that this dominant view fits neatly with the interests and attitudes of politicians and civil servants alike. It also fits neatly with the ideas and attitudes of dominant economic elites in UK society. Indeed it could be argued on this latter point that the linkage between dominant economic elites and the ideas that underpin the British political system has all too often been neglected in the literature.

- Finally, that challenges to this tradition have to be made within the context of institutions, processes and attitudes informed by it. Indeed the continued dominance of this view amongst the political elite remains a major obstacle to any challenges, albeit not an insurmountable one.

Adapted from Marsh and Hall (2007)

Aspects of the work of three of the original advocates of a distinctive BPT, Birch (1964), Greenleaf (1983 2 volumes; 1987) and Beer (1965) are relevant here.

From Birch (1964), I take the focus on ideas of representation and responsibility as the core of narratives of democracy in the UK. Key debates concerning who should rule and what role citizens or subjects should play were as crucial in shaping the nature of the British political system as they were abroad[59]. Equally important was consideration of the manner and extent to which the government should be responsible to its citizens. In the UK discussions dating back to the 18th and 19th centuries have helped shape the BPT and remain significant. However whilst I focus on representation and responsibility, I characterize those debates somewhat differently to Birch.

From Greenleaf (1983 2 volumes, 1987), I use the observation that the BPT is a set of ideas that is inscribed into the institutions and processes of UK government. This contention helps, in part to explain the continued importance of the BPT over time and something that Birch (1964) does not allow for. Were the BPT merely confined to the debates of the 18th and 19th centuries then we would be less likely to detect its impact since. I argue that the products of those debates, an elitist conception of democracy, came to underpin the institutions and processes of British government and continue to have a decisive, if not total impact. However I characterize the relationship between institutions and ideas differently to Greenleaf through the suggestion that the institutions and processes of British government are the context within which these ideas are experienced and develop over time.

From Beer (1965), I use the idea that the BPT is a body of beliefs held within British society[60]. This helps to explain the impact of the dominant tradition over time. Its permeation into the ideas, attitudes and political values of both the elite and the populace is a key facet of

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[59]See for example the comparison referred to by Marsh and Hall (2007) between debates in Denmark over the notion of active citizenship and the notion of 'subjects' that has been prevalent in the UK. Such ideas are crucial in informing the nature of the political system and the extent of participation that occurs thereafter. Or to put it another way, the idea of subjects is informed by, supports and upholds an elitist conception of democracy such as that to be found in the UK.

[60] See Batters (2005) for a development of Beer's argument.

its resonance and impact. Unlike Beer, my approach points to the importance of the broader idea of culture and its relation to the replication of patterns of dominance as advocated by Bourdieu (1980)[61]. Thus the BPT is also a set of cultural tendencies (McAnulla 2006a) that inform the ideas, attitudes and subsequent actions of various actors, be it consciously or sub-consciously, that help to perpetuate patterns of dominance over time.

It is from these insights that my narrative of political traditions develops. I will now turn my attention to explaining in greater detail the development of the central ideas that form the BPT.

The development of the British Political Tradition

The BPT is an elitist conception of democracy that has been the dominant view of democratic practice in the United Kingdom historically. It is based upon two key debates that were central to the development of democracy in the UK.

Firstly debates from the late 18th and 19th centuries between the Tories and the Whigs were crucial in shaping how representation was viewed in the UK (Marsh and Hall 2007). The Tory discourse was rooted in a feudal/organic view of society where the Monarch was both the representative and symbol of the national community. The 'divine right of kings' underpinned monarchical rule throughout feudalism and resulted in the Monarch being the key actor within policy making. As Marsh and Tant (1989) succinctly put it:

> "some familiar ideas thus emerge, we can see the emphasis upon: hierarchical social and political organization; the initiation of policy by the head of government and the need for 'order' if harmonious society and good government is to be ensured" (Marsh and Tant 1989: 7).

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[61] Bourdieu discusses culture as a field of both human interaction and a source of domination. In particular culture helps to establish and maintain social and institutional hierarchies and power relations. He deploys the concept of 'habitus' in this regard. Habitus is most often defined as "a system of durable, transposable dispositions, structured structures predisposed to function as structuring structures, that is, as principles which generate and organize practices and representations that can be objectively adapted to their outcomes without presupposing a conscious aiming at ends or an express mastery of the operations necessary in order to attain them" (Bourdieu 1980:53). Habitus is not a consciously held set of beliefs but rather a disposition or set of dispositions that actors experience within a specific set of social structures. Bourdieu suggests that struggles amongst actors serve "primarily reproduce the existing structure of the fields rather than transform them", although this is not always the outcome. We should note that Bourdieu's conception of change suggests a degree of path dependency but falls somewhat short of the sophisticated conception offered by Kerr (2002; 2003). I take from Bourdieu the idea that tradition is integral to the replication of patterns of dominance over time, but that challenges to that dominance do occur and can produce change.

This Tory discourse was challenged during the British revolution of the 1640s and the Whig notion of a balanced constitution became the predominant view of constitution and government in Britain[62]. Notably the House of Lords remained the more important of the two Houses of Parliament, retaining a primary role for the Aristocracy. Underpinning this view was an elitist opinion regarding the competence of the majority of the populace which I will return to shortly.

Contra the Tory view, the Whigs believed that the unreformed Westminster Parliament had a fundamental role to play in two senses. Firstly, Members of Parliament (MP) were to express the various interests and attitudes to be found in British society. Secondly, Parliament was to reconcile these in order to advance the best interests of the nation. Here the notion of the 'balanced constitution' dominated. The King remained but was subordinate to the legislature. Parliament's role was to govern by formulating and initiating policy on behalf of the people. Authority was therefore divided between the newly constrained Monarch and the Westminster Parliament. It was this Whig view of government in the UK that became the dominant discourse during the 18th century. By the 19th century there was a general acceptance amongst both the political and socio-economic elite that the proper role of Parliament was as the Whigs had described. This was narrated in Bagehot's *The English Constitution* (1867). Two notions were important here. Firstly that Parliament, and the government drawn from it, knew what was in the national interest. Secondly, that the majority of the populace were politically incompetent and potentially dangerous. Consequently, Parliament, and the Executive governed on behalf of the people, without much recourse to them.

Two further observations are of note. Firstly, despite their differences, both the Whigs and the Tories shared an outright revulsion for popular sovereignty and democracy. This can be most clearly seen in the work of Edmund Burke, the pre-eminent Whig theorist of the time. When discussing Burke we should note that: "no British writer except Locke has exercised such a mighty influence over political thinking, or left such a deep imprint on the political mind of the country (Cobham 1950: 5). Burke's *Reflections on the Revolution in France* (1790) highlighted what he believed to be the inherent dangers of popular rule and democracy. Popular sovereignty was something to be feared and resisted wherever possible. It would lead inexorably to tyranny and the rule of the mob as well as the destruction of valued traditional institutions and practices. Burke had already advocated a view of representation where MPs

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[62] Elements of the Tory belief that the King should make policy whilst the MPs merely expressed their constituents' grievances at Westminster remained part of the discourse regarding Parliament and also found expression in the institutions and practices of government.

acted according to the consciences and were not to be bound by the views of the electorate. In 1774 he described the ideal form of representation as:

> "it ought to be the happiness and glory of the representative to live in the strictest union…..with his constituents. Their wishes ought to have great weight with him; their opinion high respect…..It is his duty to sacrifice his repose….his satisfaction to theirs…But his unbiased opinion, his mature judgment, his enlightened conscience he ought not to sacrifice…..to any man living" (Burke cited in Garrard 2002: 14).

Burke's view or representation or 'trusteeship' is built upon the idea that an MP possesses greater knowledge and understanding than the electorate. Thus the MPs judgment was deemed to be superior. This view is commensurate with Burke's suggestion that the majority of the populace were the 'swinish multitude'[63]. As such his belief that the political elite were to govern on behalf of the nation is a classic early expression of the elitist conception of democracy which has shaped British politics[64].

Equally important for the development of the British political system was Burke's conceptualization of change. For Burke, "a state without the means of some change is without the means of its own conservation" (Burke 1790: 21). It was the refusal of the Ancien Regime to change that had led to its eventual destruction and the advent of popular rule. Thus states and their elites must be willing to adopt minimalistic change where necessary in order to preserve the continued dominance of those best equipped to rule and the existence of traditional institutions. Consequently the work of Burke is both a defence of the existing order and an argument for how best to achieve the continued dominance of the elite. It was this discourse that informed much of the debates between the Whigs and Tories at Westminster c.1830-1832 over the extension of the franchise. It decisively shaped the resolution of the reform crisis in the Reform Act of 1832 as well as influencing later reforms. Therefore Burkeian ideas were decisively important in shaping the debates concerning the British political system throughout the 19th century. Indeed the idea of incremental development and minimal reform as both a virtue and a necessity became inscribed into the institutions of British government and the attitudes of the political elite over time.

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[63] Although he appears to suggest that the constituents' wishes were important at the time of his writings less than five per cent of the adult population could vote. The franchise qualification, although lacking in uniformity, utilized various property qualifications and excluded all women on the basis of their gender and alleged inferiority.

[64] It should also be noted that in response to Burke's argument, the radical thinkers Thomas Paine and Mary Wollstonecraft authored their famous works and one that highlights the existence of ideational contestation and conflict.

Secondly, it should be noted that the loose affiliations known as the Whigs and the Tories were drawn from a largely similar socio-economic background (Garrard 2002)[65]. The debates of the late 18th and early 19th centuries were dominated by members of the socio-economic elite of the time, the Aristocracy or the land owning class. Ownership of the land equated to knowledge, wealth and power in Britain at this time (Anderson 1992) and this can clearly be seen through a cursory examination of the Aristocracy's position in Westminster and Whitehall[66]. There is little doubt that this group dominated the institutions and process of British government (Garrard 2002). It should be noted that: "the rise of industrial business enterprise notwithstanding, the landed classes dominated the nation governmental, parliamentary and administrative elite until at least the 1880s" (Garrard 2002: 86). The dominance of the land owning class was to be found in the existence and dominance of the House of Lords as well as their occupation of both the majority of cabinet posts and parliamentary seats. Given this dominant position and the fact that the Whigs and Tories were drawn from this narrow social grouping, the debates of the late 18th and early 19th century were dominated by the socio-economic and political elite. Moreover these elites were primarily concerned with the maintenance of their dominant position in society and thus the continuation of existing institutions and practices. This was particularly important given the changes emanating from the advent of early industrial capitalism and the upheavals brought about by the French revolution. Burke's ideas regarding the desirability of continuity and the maintenance of the established order expressed and influenced these concerns.

That is not to say that those from outside this social grouping were without a voice (Thompson 1980). Rather there was an asymmetrical power relationship expressed in these debates rooted in the structured inequality of UK society and the attendant knowledge of and access to, the institutions and process of government. Nor is it to deny the existence of a radical voice within Parliament[67]. Rather it is to suggest that views emanating from outside the elite had not developed into a coherent critique or alternative. Nor had they gathered widespread support amongst the populace. For example, Thompson (1980: 509) notes that even the Westminster Committee, did not lead "an independent, populist, still less working class movement". The deference of the lower classes should be recognised here. Belief in the alleged superiority of the Aristocracy, as evidenced by the widespread view that they were the natural rulers of society can clearly be found amongst a significant portion of the lower

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[65] The broader notion of a link between dominant economic interests and dominant ideas is explored in Appendix 3.

[66] For example, in the 1826 General election no fewer than 165 MPs were members of the aristocracy, with estimates suggesting that around 200 seats in the House of Commons were controlled by peers during the first thirty years of the 19th century.

[67] It should be noted that radicalism was a broad and imprecise view incorporating a variety of opinions (Thompson 1980).

classes at the time[68]. Given this widespread deference, acceptance of elitism amongst the lower classes was instrumental in perpetuating the dominance of the socio-economic and political elite in the UK.

Overall vast asymmetries of political power and influence were evident in the UK and they were rooted in the material relationships found in society. Garrard (2002: 86) argues that: "British, particularly English, society was highly susceptible to elite influence. In 1800 it was strongly hierarchical and deferential". Consequently socio-economic and political inequality, and asymmetrical power relations, influenced the debates concerning representation.

Birch (1964) notes that politically, the 19th century in the UK was characterized by periodic discussion and debate concerning the extension of the franchise. These debates resulted in both continuity and change in the political process. Whilst the debate regarding the franchise burned at differing intensities in different periods for varying reasons, it was a hallmark feature of 19th century politics. The debates between advocates and opponents of franchise reform where often rancorous and occasionally riotous[69]. In Parliament a small minority of MPs favoured the extension of the franchise, with most MPs adopting the antipathy towards popular sovereignty advocated by Burke[70]. As Birch notes:

> "it is fair to say that Victorian discussions about representative government were dominated by liberals and that these ideas, at first held by only a minority of politicians and writers, gradually won widespread acceptance until by the end of the century they had come to constitute the prevailing constitutional doctrine" (Birch 1964: 52).

Outside of Parliament groups such as the Chartists in the late 1830s and 1840s, or the Reform Union and Reform League c.1866 adopted a more participatory conception of democracy, a point I will return to later.

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[68] Recent research on the notion of deference in the 19th century suggests that it was often based upon conditionality and implicit negotiation. That is to say that: "respect was given in return for performing paternalistic duties thought appropriate to wealth and position" (Garrard 2002: 264). However at its heart deference in the 18th and 19th centuries was still rooted in inequalities of wealth and asymmetrical power relations which would influence both the conditions and the substance and conduct of implicit negotiations.

[69] See for example the popular disturbances evident during the Reform Crisis of 1830-32 and the Hyde Park Riots of July 1866.

[70] See for example the opposition of Viscount Palmerston as indicative of the attitude of many MPs towards popular sovereignty and the lasting influence of Burke.

Over time a gradual extension of the franchise occurred in 1832, 1867 and then, 1884. Each time, the political elite enfranchised those that they felt were no longer politically dangerous[71] and at a time they thought would be advantageous to them electorally[72]. As Garrard (2002: 93) suggests even those most famous of political opponents Disraeli and Gladstone could agree that: "after as before 1867: voting was 'a popular privilege' and what had been created was not democracy". Two points should be recognized here. Firstly the extension of the franchise was not the result of nor did it lead to, a dramatic shift in the dominant ideas that underpinned politics in the UK. The franchise was extended but the debate over the extent of representation that was necessary or indeed desirable was never broadened, at least not amongst the elites. Indeed as Birch (1964: 33) notes, even to the liberals, "the member of the legislature was not a delegate sent merely to reflect the will of the people, he was a representative charged with deliberation on the common good". Here the influence of the ideas of Burke can be detected. Parliament is representative because it is elected in free and fair elections[73]. Both individual MPs and the government that is formed from them are then free to act as they see fit in order to further the national interest. The MP, once elected, should be free to take decisions based upon their own deliberations and conscience, because they were better equipped to do so than the electorate themselves. Accountability to the electorate was to be largely confined to periodic elections. As Birch states:

> "no serious politician has suggested that representatives should be bound by specific instructions from their constituents and subject to recall if they did not follow these instructions" (Birch 1964: 227).

On this two further points can be made. Firstly, throughout the development of democracy in the UK, the attitudes of key actors had been dominated by ideas associated with Edmund Burke (1790). Indeed the notion of 'political fitness' acted as an 'agenda fixing gateway' (Garrard 2002: 93), which saw enfranchisement for elements of the working class once they had conformed to the views of the dominant group in society. Garrard (2002: 93) suggests these were:

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[71] See for example Gladstone's reference to the 'respectable working class' in May 1864 in the House of Commons. His statement that: "every man who is not presumably incapacitated by some consideration or personal unfitness or of political danger is morally entitled to come within the pale of the constitution. Of course in giving utterance to such a proposition I do not recede from the protest I have previously made against sudden, or violent, or excessive or intoxicating change" (Hansard May 1864). The Burkeian element to his view of change as well as his antipathy to the notion o popular sovereignty underpinning the notion that 'political danger' and 'personal unfitness' should be recognized.

[72] Here we could reference the various failed attempts at reform in the 1850s as evidence.

[73] This became more the case following the 1872 Ballot Act and the 1883 Corrupt and Illegal Practices Act.

"the abandonment of Chartism; rioting rather rarely; and embracing rationality, self improvement and self help and thrift through participation in savings banks, retail co-ops and friendly societies".

These views were themselves the product of the elites' dominant position, prejudices and crucially, interests. Furthermore conformity required acceptance of a political and socio-economic system which was asymmetrical and unequal. As such the role of the elites and their view of a limited democracy was an essential ingredient in the extension of the franchise[74]. That is not say it was the only one because contestation of this view was also evident and essential, a point I will return to later.

Secondly, change also occurred as a consequence of the extension of the franchise. These changes were often unintended, but important consequences. For example the incremental enfranchisement of the working classes saw the development of a much larger constituency for the emergent social democratic tradition in the UK. This would quickly give rise to the formation of the Labour Representation Committee (LRC) in 1900. In this tradition there was a strong element who favoured a more participatory conception of democracy. Not only would this cause tension within the Labour party over time (Tant 1993) but it would also provide one source of contestation of the dominant elitist tradition in the twentieth century.

Thus conflict between the dominant tradition and competing traditions continued and was somewhat intensified by the unintended consequences of the extension of the franchise. Furthermore, a new political tradition, based on Social Democracy, was given a much more powerful constituency, although we should recognise that when it finally took power in 1945 it did so in a form that more easily fitted with the BPT (Tant 1993). Finally, the BPT and its adherents were not left unscathed by these debates. Adaptations and accommodations to these challenges can be seen in both the extension of the franchise and the social democratic policies of the post war period. However the essential elitism and resistance to radicalism and participatory notions was retained at the core of the British political system.

Alongside political change, a degree of path dependency can be detected, as those in power developed solutions that fitted neatly with the prevailing institutional, contextual and

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[74] Once again a negative view of the lower sections of society can also be detected here. It was not just that the lower classes were not fit to rule (Burke 1790) but that they were unfit in a broader sense as evidenced by the doctrine of 'self help' associated with Samuel Smiles (1859) and the idea that 'heaven helps those who help themselves'. The elite groups believed that they occupied that position by virtue of their superiority and this was demonstrated by their greater material wealth. Given their superiority they knew what was best for society and should be allowed to govern. They believed that to be allowed to have even a limited say, conformity to their ideas was essential.

discursive environment which was itself the result of past struggles and ideas (Kerr 2002; 2003). Thus in many ways, the BPT, still held sway.

The elitist conception of democracy adopted by the majority of politicians in the mid 19th century had serious implications for the nature of UK democracy. In this instance as before, the ability of MPs to exercise their own judgment raised a number of issues, most notably regarding how representative of public opinion such a system actually is. This question allows consideration of the extent to which the ideas and attitudes of socio-economic and political elites permeated through the developing institutions and processes of the British political system.

Despite their differences, both the Liberals and the Conservatives operated within the confines of an elitist conception of democracy that was the dominant discourse. This was rooted in the material context of the time and the debate, a product and expression of the elitism that characterized Britain. It was driven in part by contestation from rival political discourses. The context for the debate was the socio-economic inequality evident in British society and the asymmetrical power relations that had developed from that inequality. Subsequently, these dominant ideas came to both reinforce it and see that inequality and asymmetry develop further. To fully understand the development of the British political system the linkage here between dominant ideas and dominant social groupings needs to be made. Garrard (2002: 86-87) argues that:

> "in conjunction with wealthy business families with whom they were merging to produce a 'generalised upper class', they (the Aristocracy) remained centrally important until 1914. The elites' role was underpinned by the fact that landowners remained the wealthiest social group until at least the Agricultural depression (of the 1880s). They retained significant patronage powers. Land dominated the exclusive London Circle, and subsidiary county circles, until the 1880s. In numerous rural localities where landholdings were large and owners resident, they dominated local administrative, social, political and economic life – commanding dependency, deference, patronage and social admission".

Consequently the link between the material and the ideational can be identified[75]. The emergent BPT was both a product of and reinforcing to the broader inequality to be found in UK society.

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[75] See Appendix 3 for a further discussion of this notion.

In summary, the version of representative democracy that developed during the 19th century in the UK was a limited one. Throughout the debates between Tories, Whigs and then Liberals and Conservatives a common thread can be detected. All four positions shared a belief that the representative role of Parliament was to give voice to various views and interests, but also to deliberate and develop policy without much recourse to the public at large. The political elites were the supreme arbiters or judges of the national interest, not the public itself. This limited view of representation was rooted in the broader inequalities and asymmetries to be found in British society. As Marsh and Hall (2007) state, 'the government knows best' became the mantra upon which parliamentary democracy in the UK was built. That is not to say it has gone uncontested. However in the dominant discourse the public, for their part, was merely to participate periodically through voting in elections[76].

Alongside debates concerning representation, a discourse concerning responsibility can also be seen. By the late 19th century the details of debates had changed. As the franchise was extended most politicians came to accept the increasing authority of the House of Commons. This led to a debate concerning the House of Lords, which would culminate in the constitutional crisis of 1909-1911 and the Parliament Act[77]. Indeed, the debate concerning the proper role and composition of the House of Lords persists to date[78]. The focus of debate now turned to the proper role of government vis-à-vis Parliament. Within these discussions two views can be identified. The Liberal view stressed the doctrines of parliamentary sovereignty, ministerial responsibility and executive accountability to Parliament. Here the key narration was Dicey (1885). Conversely the conservative view was rooted in the belief that only a strong, centralized executive could ensure effective and efficient government. The emphasis for the Conservatives was thus responsible rather than responsive government. The influence of Hobbes' _Leviathan_ (1651) should be noted here.

What is notable here is that whilst these two views were different, neither view expressed the idea that the executive should be primarily responsible to the population. Both operated

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[76] Such a view of the nature of UK democracy could be appealed to when attempting to explain the increasing problems concerning political participation in the UK in recent years. For such an approach see D Marsh, T O'Toole and S Jones, _Young People and Politics in the UK_, (Palgrave 2007).

[77] Despite the fact that the Parliament Act of 1911 involved a removal of the House of Lords power of veto in all circumstances barring an attempt to extend the lifetime of a parliament beyond five years, we should note that the Aristocracy retained a disproportionate influence in the British political system. This can be seen not only in the fact that they retained their own chamber but also in the Lord ability to amend and influence law making, and thus affect outcomes.

[78] Since 1911 there have been numerous reforms to the House of Lords. These include the reduction of the delaying power to a single year (1949), the introduction of the Life Peerage and women to the chamber (1958) and the more recent removal of all but ninety two of the hereditary peers (1999). We should however note here that the long term fate of the House of Lords remains to be decided as various options for reform exist ranging from total appointment to total election.

within a narrow conception of democracy where the populace was to be governed by an elite who would act on their behalf. Even for Liberals, the executive should be accountable to Parliament, which in turn represented the nation. The absence of participatory notions of democracy and the final realization of the BPT can be found in the triumph of the conservative notion of responsibility. British government became characterized by the equation of effectiveness and efficiency with the ideas of strong, centralized government. Thus executive dominance became a central tenet of the BPT.

More broadly the centrality of Dicey (1885) should be recognized. Dicey identified two pillars of the UK constitution: the doctrine of Parliamentary Sovereignty and the Rule of Law. It is the former that is of interest here as it relates to the idea that the 'government knows best'. Parliamentary Sovereignty suggested that Parliament was the supreme legislative body within the UK and that no body or individual had the right to over-rule or set aside Parliament's decisions. Dicey traced the development of this notion back to the Norman Conquest and suggested that 'royal supremacy' had passed into the supremacy of Parliament. I will more fully explore the centrality of Parliamentary Sovereignty to the British political system in the subsequent chapters. Here two key points are of note. Firstly, as is widely known, Parliamentary Sovereignty is a key facet of the WM. Secondly the idea of Westminster as the supreme power within the British political system fits neatly with an elitist conception of democracy. If politicians and the executive could legitimately claim to 'know best' then their power to legislate for the entirety of the UK should be unrivalled. Thus notions concerning elitism and executive dominance both informed and were themselves shaped by the institutions and processes of British government to be found in the notion of Parliamentary Sovereignty.

Furthermore, the importance of centralization to this view of responsibility must be recognised. It has been a fundamental idea in the establishment of institutions and processes in the UK political system. Executive dominance both informed, and fitted neatly with the centralized political system that had developed following the Act of Union 1707 with Scotland. This trend had continued following the formalization of British rule in Ireland in the Act of Union 1800. The conservative notion of responsibility dovetailed with the emerging institutions and processes of governing this new nation state. Centralization of power in the hands of the executive was likely to ensure continuity and stability across the four nations that made the UK. This was of paramount importance to a socio-economic and political elite concerned primarily with the preservation of its dominant position in society.

A sense of British-ness was also central to the development of the BPT. Part of the context for the debates concerning democracy was the formation of Britain as a nation state during the 18th and early 19th centuries. McAnulla (2006a) identifies British nationalism as a cross cutting idea that intersects with the BPT. Here I build upon this insight however my characterization of it is somewhat broader. I use the wider notion of British-ness as a key tenet of the BPT. Clearly, a sense of British nationalism would form part of this. However that alone does not fully capture the extent to which a distinctive sense of British national identity was developed. Nor does it full demonstrate the extent to which there was both a political and cultural dimension to this identity. It should be recognised that there were a number of facets to the sense of British national identity that developed in the 18th and 19th centuries. In particular unionism and a sense of British exceptionalism were crucial. The pursuit and acquisition of an empire during the 18th and 19th centuries was another key facet of this process.

The manner in which this sense of national identity developed will be returned to in Chapter Four. However some observations should be made here. Firstly the development of the 'imagined community' (Anderson 1983) of Britain was a major, yet often subterranean feature of the politics of the 18th and 19th centuries. The development of a distinctive sense of British national identity helped to secure a degree of homogeneity within an emergent social and political unit that contained a range of identities across and within the regions of the UK. This process began with the Union of the Crowns in 1603 and more fully following the 1707 Act of Union between England and Scotland. This saw what Colley (2003: xvii) refers to as Britain's "invention as a unitary state and would be nation". It was continued with the formalization of English, now British rule over Ireland with the Act of Union in 1800. The need for unity was undoubtedly magnified in the face of the upheavals caused by the advent of industrial capitalism.

Colley (2003) suggests various ways in which a sense of British-ness was promoted. Firstly it was developed via the promotion of what it meant to be British, or at the very least part of the union. As such institutions such as the Monarchy and Parliament were deified, particularly following the upheavals in France. Here the Whig narration of the British political system was fundamental. Reference to the notion that Westminster was 'the mother of all Parliaments' became increasingly commonplace in the second half of the nineteenth century[79]. Indeed the

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[79] The phrase that Westminster is 'the mother of all Parliaments' is actually a misquotation of John Bright and his phrase that 'England is the mother of all Parliaments' (January 18th 1865). We should however note that this famous English Radical whilst arguing for the extension of the franchise evoked the idea of something exceptional or distinctive about the political system of his country.

'Whig Sonderweg' thesis was fundamental to this (Nairn 1983). The idea that Britain's mode of development was both exceptional and superior to that to be found elsewhere was fundamental in the creation of a distinctive sense of British political-cultural identity (Preston 2004).

This sense of British exceptionalism was of central significance in the development of a sense of British-ness and more broadly, the BPT. In the work of Burke (1790) and in the attitudes of those involved in the debates of the time was a belief that the British mode of development was superior. Indeed this formed a key part of the Whig view of history popularized by the likes of McCaulay (1848) and Bagehot (1867). As Evans (1995; 2003) notes the BPT became synonymous in the minds of its adherents with discourses concerning the virtue of continuity, gradualism, flexibility and stability[80]. Britain had developed a stable and secure democracy over time, avoiding the upheaval and turmoil to be found elsewhere. Indeed the wise governance and cautious approach of the political elite had allowed for the emergence of a parliamentary democracy without revolution. For many in the socio-economic and political elite this confirmed the value of elitism and avoiding the dangers of popular sovereignty. Crucially it also maintained their dominant position in UK society, which they believed to be both legitimate and based upon their superiority. For the majority of British politicians the BPT was a superior model of democracy and this had been proved empirically by the British mode of development.

British-ness was also promoted by the demonisation of a non British element or elements. Here the centrality of difference or 'the other' should be considered. The construction of a distinctive British identity occurred relationally (Cohen 1994; Colley 2003). Both 'Protestant-ism' and 'Franco-phobia' were of central significance in giving Britain a sense of difference to the largely catholic Europe. This was particularly important given the religious dimension to the wars with France between 1689 and 1815. Colley (2003) also notes how the loss of the North American colonies in the late 18th century saw the political and socio-economic elite re-invent themselves by turning outwards, stressing the need for overseas trade and the acquisition of a global empire. This new expansionist view was undoubtedly 'British' as opposed to 'English'. Therefore "the political-cultural project of Britain took shape in the late eighteenth and early nineteenth centuries" (Preston 2004: 49) and can readily be identified. Indeed Preston (2004: 53) notes that: "throughout the nineteenth century the project flourished on the back of military success, economic innovation and political

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[80] These four discourses were all ideas that Burke argued for at the end of the 18th century and would undoubtedly have approved of.

repression". In this the notion of British exceptionalism and superiority were confirmed and re-established by each success.

Of central significance to my conceptualisation of the BPT is the 'British' element. The elitist conception of democracy advocated by Whig and Tories and their descendents in the 18th and 19th centuries was portrayed as distinctly British. In particular it was shown to be markedly different to the political traditions developing in continental Europe and the USA. It was also characterized by the Whig interpretation of history as superior (McCaulay 1848; Bagehot 1867). In the developing BPT, a belief in the virtue of unionism and centralization of power were to be fundamental. These in turn came to play a fundamental role in informing the institutions and processes of British government over time, a point I will return to shortly.

This necessarily leads to the questions why did this occur? Once again the role and interests of the socio-economic and political elites was of paramount importance (Nairn 1983; Colley 2003; Preston 2004). The development of a sense of British-ness was led by the elites. It also performed the function of more fully integrating the elite groups from the former nations of the UK into a British upper class (Colley 2003). That is not to say that differences did not remain but rather to suggest that the development and promotion of British-ness helped to unify to a degree, previously disparate elements. It also played a part in securing the economic, social and political dominance of the elites during a period of upheaval and potential threat. The BPT was therefore essential to the maintenance of a pattern of elite dominance during the 18th and 19th centuries.

I also incorporate the idea of invented tradition as deployed by Hobsbawm (1983a) here[81]. Hobsbawm uses the notion of 'invented traditions' to explain in part how dominant groups maintained their dominance over time and secured the acquiescence of subordinate groups in society through the development of powerful 'indigenous' traditions.

Using this approach we can ask how far aspects of the BPT can be viewed as 'invented' in the sense that it help to inculcate a sense of British exceptionalism and more broadly perpetuate the dominance of the socio-economic and political elite. On this I point to key symbols and signifiers of the British political system such as the State Opening of Parliament or key narratives and mythologies such as 'Westminster is the Mother of all Parliaments'. These helped to inculcate into actors a belief in both the peculiarity and superiority of the British political system vis-à-vis other approaches to democracy. I would also suggest that this

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[81] See Appendix 1 for more detail.

notion of 'invention' suggests the notion of deliberate construction and one that helped mask the true nature of social relations. This narration of the BPT and its exceptionalism and superiority in democratic terms stands in stark contrast to the actual nature of that democracy[82]. Thus through the invention of traditions a stark contrast between the image conveyed and the reality of the British political system was established. As Miliband (1989: 142) suggests:

> "the invention of tradition, must in the present context be linked to the need of the dominant classes to use it as a response to the rise of the labour movements in the second half of the nineteenth century, and the dangers that were thought to arise from the extension of the suffrage to the working class".

Relatedly Hobsbawm (1983b: 267-8) notes that:

> "the widespread progress of electoral democracy and the consequent emergence of mass politics therefore dominated the invention of official traditions in the period 1870-1914".

In the UK he notes that:

> "the innovations were perhaps more deliberate and systematic where....the revival of royal ritualism was seen as a necessary counterweight to the dangers of popular democracy" (Hobsbawm 1983b: 282).

Drawing on these insights it can be seen that the development of the BPT was far from accidental. Rather it can be seen to perform the function of assisting in the perpetuation of the dominance of the socio-economic and political elite of the 18th and 19th centuries. Throughout this period the elite sought to stave of potential threats to their dominant position through the development and inculcation of traditions that deified aspects of the British political system such as the Monarchy and Parliament. Their narration of the British political system focussed on continuity and gradualism. The virtue of continuity with the past was highlighted through the Whig interpretation of history and the dangers of alternative modes of development, particularly those found in Europe. That is not to say that changes in the British political system cannot be identified. Nor is it to suggest that the dominant tradition is uncontested or wholly unchanged. Rather it is to suggest that those changes that occurred in 1832, 1867 and 1884 did so in a manner that fitted relatively neatly with the ideational and institutional parameters that had been established by the dominant tradition. These changes were narrated

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[82] Even a cursory examination of works such as Bagehot (1867) and Dicey (1885) highlights the fact that the elitism of the BPT was somewhat masked behind a self congratulatory narration of the British political system.

as confirmation of the exceptionalism of that tradition and the British mode of development. Thus they helped to reinforce and further develop that tradition and acceptance of it, both amongst and beyond the elites. The fact that despite these changes an elitist view of democracy rooted in socio-economic inequalities and asymmetries of power can still be seen, suggests that this was largely, if not entirely, successful.

By the end of the 19th century a dominant political tradition based upon the elitism and the idea that 'the government know best' had been developed. It had also been inscribed into the institutions and processes of British government. This had helped to perpetuate patterns of dominance rooted deep in British history and allowed for a process whereby the socio-economic and political elites gave ground slowly, if at all, whilst fundamentally protecting their interests and position. In this the image they portrayed of Britain's political development was one of a prudent and sensible approach to reform that was peculiarly British and undoubtedly superior.

The turn of the 20th century saw the emergence of the Labour party. I suggested earlier that the birth of the Labour party was partly an unintended consequence of the extension of the franchise and contestation of the dominant tradition. Tant (1993) pays attention to the birth of the Labour party and how this party with vastly different origins to the Liberals and the Conservatives came to become convinced of the virtues of the BPT. Rather than emerging from elite groupings as the two existing parties had, the Labour party was established with the expressed intention of representing the interests of extra parliamentary groupings such as the trade unions, the Fabians and various socialist societies. Initially the ideas of the Labour party stood in stark contrast to established views of democracy and the purpose of government generally. From its formation the party adopted a structure that was based upon a more participatory view of democracy (Tant 1993). Crucially the various interests in the party were given a major voice with the party conference being created as the supreme policy making forum for the party, rather than the Parliamentary Labour Party (PLP) itself. However as the Labour party became an increasingly serious contender for power it came to embrace the BPT.

Tant (1993) describes this process as 'the constitutionalization of the Labour party'. The PLP quickly asserted its control over policy making and intra party discipline at Westminster came to resemble that of the other parties. However the more participatory democratic tradition continued to play a role in Labour party politics and this has been a source of tension within the party throughout the rest of the 20th century. The party conference and the National Executive Committee between conferences were, constitutionally the main policy making

forum, existing alongside the PLP leaderships control of policy making. This has been the source of major tensions within the Labour party, particularly when in opposition[83]. The management of the Labour party has been a more problematic task than that of managing their main rival the Conservative party (Marsh and Hall 2007). Whilst the Conservative party was convinced of the virtue of elitism generally and more specifically the elitist view of democracy, the Labour party contained an internal tension between those who favoured the BPT and those who appealed to a more participatory tradition. Throughout the 20th century however, the party's leadership at Westminster remained the dominant force within the party, and they and the majority of the PLP, were convinced of the virtue of strong leadership and tight party discipline. These views went hand in hand with a belief that the executive should be allowed to govern and Parliament, as the representatives of the people, should hold the Executive to account. In this way Labour, like the Liberals and the Conservatives, came to be a party of the BPT. In this instance the BPT came to negate much of a potential challenge to it. In particular the need for the Labour party to compete for power within a system whose institutions, processes and practices were informed by the BPT, fundamentally affected the view of the party at its senior levels. However the social democratic tradition did seek to challenge some of the inequalities in UK society via the policies of the Attlee, Wilson and Callaghan governments of the post war period.

From the discussion above it can be seen that as the British political system developed across the course of over 200 years it did so with an elitist view of democracy as its dominant ideational source. This encapsulated a limited liberal view of representation and a conservative view of responsibility. It also contained a view of British-ness rooted in a belief in British distinctiveness and superiority. Furthermore a clear relationship between the material position of the dominant groups in society and the development of the BPT can be detected. The development of the BPT helped to preserve the dominant position of the socio-economic and political elites of the 18th and 19th centuries, through perpetuating ideas and notions that favoured them and their position. That is not to say that change and adaptations to the British political system cannot be identified in this period. Nor has the dominant tradition gone uncontested. Rather it is to suggest that those changes that did occur, often did so within parameters established by the BPT and did not fundamentally alter the underlying inequalities and asymmetrical power relations to be found in UK society. Moreover I have suggested that the institutions and process of British government that developed during this period, helped to reinforce and re-narrate the elitist view of democracy in an interactive and iterative manner, a point I will return to shortly.

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[83] See for example the internal party battles of the 1950s and the early 1980s discussed in detail by Tant (1993) as evidence for this trend.

Undoubtedly the socio-economic and political elites believed that more participatory notions of democracy were to be avoided at all costs. In the BPT popular sovereignty was reduced to periodic involvement through elections. Here Birch's view of the British approach to government bears repetition. He describes British democracy as being characterized by "first consistency, second accountability to Parliament, and third, responsiveness to public opinions and demands" (Birch 1964:245). This assessment is undoubtedly correct but I characterize it somewhat differently. My narrative suggests that the central tenets of that tradition are as follows:

- 'The government knows best': A limited liberal notion of representation has led to the elitist view that politicians are best suited to make decisions in the national interest on behalf of the populace. In this view politicians have come to view themselves as the guardian and executors of the national interest and have shown they are consistently willing to act against the expressed will of the public.

- Executive dominance: A conservative notion of responsibility has led to the view that strong, decisive government is the most effective, efficient and desirable form of government.

- Centralization of power: The BPT has been characterized by a belief in the virtue of centralization. This was clearly demonstrated by the ideas of parliamentary sovereignty, the unitary state and a unfettered belief in the virtue of unionism.

- A number of key discourses have been associated with the BPT. Continuity, gradualism, flexibility and stability are seen as setting the British mode of development apart from other Western democracies and crucially are seen by its adherents as emblematic of a superior mode of development.

- A sense of British distinctiveness and superiority politically, associated with the Whig interpretation of British development.

These five notions form the dominant political tradition in the UK. I should however make an important point here. Unlike authors such as Gamble (1994), my argument is that the UK has a strong government tradition. Whilst Gamble asserts that the UK has a strong state tradition, I appeal to the notion that the UK has a non-state tradition. Marquand (1988) argues that the UK has never had state that consistently intervenes in either civil society or crucially, the economy. This is an important observation given the manner in which the BPT neatly fits with the attitudes and needs of dominant economic interests, a point that I will return to shortly.

It should also be noted here that in the BPT effective and efficient government is equated with strong government. Judge (2006: 368) argues that the idea of effective government in the UK has been conceived of and functions as a means of legitimating executive power. As such the BPT emphasizes the idea that the most efficient form of government is a government that is free to govern as it sees fit, because it understands how best to fulfil the national interest.

Having explained the central tenets of the dominant political tradition, I will now turn my attention to its expression in the institutions and process of the British system of government.

The British Political Tradition and the institutions and processes of British Government

The dominant political tradition has both informed and been inscribed into the institutions and processes of the British political system over time. Indeed the influence of the BPT can be seen throughout the development of the British political system However contra some previous usages of the BPT I argue that its influence is not uncontested. Nor have those institutions and processes remained unchanged. Adaptations in response to challenges and contingent events have occurred. However they do so more often than not, in a manner that fits neatly with pre-existing ideational, institutional and cultural norms.

In Chapter One I suggested there had been little comment on the relationship between the BPT and the WM. There has been a tendency to homogenize the two concepts without exploring the manner in which one has shaped, informed and/or supported the other. Consequently my attention will now turn to a brief discussion of the link between the BPT and the WM.

The British Political Tradition and the Westminster Model

Despite criticism, the WM has been and remains the central organising perspective in British politics. Marsh, Richards and Smith (2001: 247) correctly suggest that:

> "the Westminster Model present(s) a false picture of how the British political system works. The key features – parliamentary sovereignty, ministerial responsibility and collective responsibility – do not function as the model suggests. However, unsurprisingly, it is the view of democracy shared by actors in the core executive…it legitimises their authority and power. As such it affects how the system works. It shaped the process of constitutional and organisational reform and continues to maintain elite rule".

This observation fits well with the notion of a difference between image and reality operating within the British political system discussed earlier. In fact I would argue the WM is a narrative and one that always failed to accurately describe the reality of the British political system in that its central features were described benignly. The WM was/is actually a self image rather than an accurate description of the reality of British political life, and thus a legitimising narrative or discourse. As Judge (2006: 25) argues that the WM's "usefulness is not in its factual accuracy. It is a set of norms, values and meanings prescribing legitimate government"[84].

Official descriptions of the British political system highlight the WM and the notion of its success[85]. The central tenets of the WM are well known but bear repetition:

- Parliamentary Sovereignty
- A unitary state
- Majority party control of the executive
- Strong cabinet government
- Individual Ministerial Accountability
- Accountability through elections
- Institutionalized Opposition
- A permanent, anonymous and neutral civil service

Kerr and Kettell (2006: 7) argue that the WM offers a very narrow view of 'the political' and a "largely static and fundamentally benign impression of Britain's central political institutions and processes". They also suggest that the WM is based upon the Whig interpretation of British political development that contends that the 1688 Glorious Revolution:

> "had bequeathed the nation a series of balanced, harmonious and yet flexible constitutional arrangements, which had enabled it to adjust to social, political and economic change in a gradualist and evolutionary manner, and which had thereby enabled it to avoid the kind of upheavals and revolutionary politics that had been seen in other states (Kerr and Kettell 2006: 7).

From this it can be suggested that a linkage between the institutions and processes described (albeit inaccurately) in the WM and the idea of British exceptionalism exists. The latter I have

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[84] As I suggested in Chapter Two, this belief in the Westminster Model, however misplaced raises problems for Bevir and Rhodes interpretivist approach and their explanation of outcomes.
[85] See for example Cm 5921: the House of Lords: Completing the Reform London: HMSO 2001

argued, is a key idea in the BPT. The point here is a simple one. The WM highlights key aspects of the British political system such as strong, centralised government but characterises them in a benign, self congratulatory and ultimately unsatisfactory manner. It does so due to a failure to accurately recognise, perhaps unsurprisingly, the ideational and material roots of these institutions and processes. Or to put it another way, there is no attempt made by adherents of the WM to uncover the ideas and interests that shaped those institutions over time. Nor is there an attempt to see those institutions as the context within which ideas and interests develop. The notion of 'invented traditions' (Hobsbawm 1983a) is again instructive here. The institutions and processes developed at Westminster act as key symbols and signifiers of the distinctiveness and superiority of the British political system and its political tradition.

Moreover I argue that the institutions and practices described in the WM are underpinned by the BPT (Evans 2003). Central discourses such as parliamentary sovereignty and the unitary state can be viewed as the institutional expression of the notions of the limited liberal view of representation and the conservative view of responsibility discussed above. It should also be noted here that the unionist aspect of the BPT forms an integral part of the notions of parliamentary sovereignty and the unitary state.

For example the discourse of UK as a unitary state could be seen as emanating from the BPT. Given that this was used to describe and explain the territorial relations in the UK post 1707 it is clearly of importance in any discussion of devolution. The unitary state discourse highlights the centralisation of sovereignty at Westminster and the dominance of the executive over all other forms of government. Indeed it suggests that all other forms of governance such as local or regional government exist only at the behest the centre. As such the idea of executive dominance at the centre was inculcated into territorial relations in the UK and came to be seen as a central aspect of the WM.

Two points should be recognised here. Firstly the description offered in the WM failed to capture the true flavour of this centralisation and its elitist connotations. Rather it was portrayed as essentially democratic, undeniably desirable and the most efficient form of managing territorial relations. Secondly these institutions and processes were themselves the context within which discourses concerning UK territorial relations have then developed, with that context privileging certain ideas over others. Furthermore, as I argue in Chapter Four, the unitary state never accurately described the reality of territorial relations in the UK (Mitchell 2002). However this in no way detracts from its impact. Key actors within and outside the British state, have and continue to believe in the unitary state discourse, despite the fact that it

does not accurately describe how the British political system works. For example New Labour's view of democracy was clearly influenced by "a simple and unmediated perspective of the Westminster Model" (Judge 2006: 368).

The focus on politics at the centre and the dominance of the executive at Westminster also highlights the extent to which the political role of the populace in the UK was to be limited to periodic participation via voting in elections. Government was to be primarily conducted by the political elite at the centre and the notion of parliamentary sovereignty would ensure that their dominance remained difficult to challenge. Indeed the strong, majoritarian government, which is a hallmark feature of the WM's description of the British political system, can easily be linked to elitism and the purported virtue of executive dominance. If the 'government knows best' then it should be free to govern and the institutions and processes of British government should deliver this. However in the WM, parliamentary sovereignty and strong, centralised government are portrayed benignly. They are seen as democratic, desirable and effective in that they have served the UK well and are a superior manner of government. My narrative attempts to conceptualise them somewhat differently, portraying their essentially limited and elitist nature.

On the influence of the BPT over the institutions and process of British government I will make two further points. Firstly Bourdieu's (1980) suggestion that culture helps to establish and maintain institutional hierarchies and embodies power relations is useful for explaining how patterns of behaviour at Westminster became replicated. The BPT established a set of institutions and practices that were informed by an elitist conception of democracy and the idea that the 'government knows best'. These then helped to inculcate and perpetuate patterns of elite dominance within the political system and outcomes that generally favoured their continued dominance. In particular, institutions and processes developed that allowed this. In turn these became the context for future debates and discourses, leading to a strategically selective environment that privileges certain ideas over others, as I argued in Chapter Two.

Secondly I also suggest that the institutions and processes described in the WM fitted neatly with the interests and ideas of socio-economic and political elites. Preston (2004: 85) argues that:

> "the Westminster Model suited the British nineteenth century liberal market very well; a global trading system was run by the oligarchy most directly involved. Reforms and redistributions of power were available on the basis of success within the global system".

It also helped them maintain their control of the political process in a period of economic upheaval and social change as we have seen. Again the convergence between the ideas and interests of the socio-economic and political elites and the political tradition they gave birth to can be detected. The institutions and processes of British government became the institutional expression of this.

Here I will mention briefly two key processes to highlight how the BPT informs the institutions and processes of British government.

Firstly the use of the Simple Plurality System (SPS) for Westminster elections is informed by and upholds the BPT and one of its core tenets, 'executive dominance'. As Marsh and Hall (2007) argue the major attraction of SPS is that it invariably produces single party governments who command a majority in the House of Commons[86]. Majority support is generally seen as a prerequisite for strong government and is used as one of the primary arguments for the retention of SPS, despite it flaws. The equation of single party governance with strength and coalition governance with weakness, has achieved an almost 'common sense' status within debates regarding SPS. Furthermore debates concerning the retention or reform of SPS are conducted within an environment whose parameters have been shaped by the BPT[87]. Although since 1997 more proportional systems such as AMS have been introduced elsewhere in the UK, to date Westminster elections continue to be conducted using SPS.

Secondly the secrecy that has cloaked the UK political system historically has also been informed by the BPT (Tant 1993; Batters 2005). For most of its existence the UK's democracy was one of the few democracies to operate without a statutory right to know. Other liberal democracies such as the USA and Sweden had such instruments from 1966 and remarkably, 1766 respectively. In the UK however the idea prevailed that the government was the supreme arbiter of the national interest. Therefore if the government felt secrecy was needed, then that secrecy was in the national interest. This secrecy stems from the BPT and could be seen to be the apogee of the notion, 'the government knows best'. Other liberal democracies, operating with more participatory conceptions of democracy in their political

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[86] Since 1945 SPS has only failed to deliver a government with majority support in the House of Commons, in February 1974. Even governments with a slim majority are a rarity. Indeed since 1979 the smallest majority was that secured by John Major in 1992. Even with a majority of only 22, Major was able to govern relatively comfortably. At no point did the need to form agreements outside of the majority party arise.

[87] See for example the terms of reference given to the Jenkins Commission. As Marsh and Hall (2007) state asking the commission to ensure that any reform guaranteed the continuance of strong government can be as an endorsement of the BPT (Marsh and Hall 2007: 232).

traditions developed a statutory right to know because maximising the information available on the government was a pre-requisite for more frequent and meaningful participation beyond periodic elections. The recent attempt to tackle secrecy in the British political system through the introduction of Freedom of Information legislation, operated within institutional and ideational parameters established by the BPT (Batters 2005; Marsh and Hall 2007). Indeed the de-radicalisation of these proposals can be explained through use of the BPT concept.

In summary, the argument here is simple. The BPT has historically found institutional expression in the central tenets of what was widely known as the WM. Underpinning these institutions and processes was an elitist conception of democracy and a belief in the virtue of such an approach. These institutions were themselves, the context within which ideas were interpreted, experienced and developed over time. My argument here is twofold. Firstly the WM is, in reality, a narrative of the British political system. Secondly, this narrative offers a benign and ultimately inaccurate description of how the British political system works because it fails to grasp the ideational and material aspects of British economic, social and political life. The WM and its adherents ignore the influence of elitism and inequality in that system and the processes that the WM attempts to describe. Put bluntly, the WM describes an image of the British political system rather than its reality because it ignores the structured inequality, asymmetrical power relations and elitism evident in British economic, social and political life. Discourses such as parliamentary sovereignty and the unitary state can only be properly described if situated alongside the elitist conception of democracy that informs them. The WM and its adherents do not do so.

The nature of the link between the BPT and the WM is important given the shift to governance. The WM has been subject to sustained criticism in recent years because as Bevir and Rhodes (2003: 54) argue: "the governance narrative claims to capture recent changes in British government in the way the Westminster Model cannot". On the surface the criticisms of the WM and "the formal supplanting of the WM with that of the governance thesis, expressed most coherently in the Differentiated Polity Model, as the dominant organising perspective within the field of British politics" (Kerr and Kettell 2006: 13) would seem to lead to an inevitable conclusion. If the WM is no longer relevant and the BPT and the WM were in any way linked, then discussion of the BPT is no longer relevant. However to suggest this is to both misconceive the nature of the relationship between the two and the continued impact of the WM on the views of actors.

The WM narrative described institutions and processes which I argue were informed primarily by the BPT. However it never accurately articulated them. Rather it gave a limited,

benign and somewhat self congratulatory description of the British political system. That the failings of the WM have been exposed is long overdue, however this does not detract from the existence of influence of the BPT and its elitism. Instead it suggests that those institutions and processes need to be examined more thoroughly in relation to their ideational and material roots. Contra Bevir and Rhodes I suggest that the BPT continues to inform the institutions and practices of British government, despite the failings of traditional views of the WM[88].

The WM narrative remains important in on regard. As Marsh, Richards and Smith (2001) and Judge (2006) argue, the WM and the institutions and processes it sought, albeit benignly, to describe, continue to influence the attitudes and responses of actors within the British political system. Here I argue through their continued adherence to the WM actors are, in reality, allowing the BPT to inform their responses.

Having outlined the relationship between the institutions and processes of UK government and the BPT, my attention will now turn to the relationship between the BPT and the views of actors in British Politics.

The British Political Tradition and actors in British Politics

Of fundamental importance in explaining the continued significance of the BPT is its resonance with actors in British politics. Generally it has been viewed as a superior democratic model and one that has set Britain on a peculiar, yet superior developmental path. The BPT has in the views of its adherents, provided for effective and efficient governance over time. The resonance of the dominant tradition forms a crucial component in any explanation of its impact over time. Thus I must focus, albeit briefly, on the actors who have appealed to it so readily. On this I will make a crucial distinction between its appeal to the elites and its appeal to the wider population.

The role of the socio-economic and political elites in the UK is of fundamental significance to the development of the British political system over time. In particular their ideas, interests and concerns helped see the development of the dominant political tradition[89]. My focus here

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[88] The British political system is more accurately described through reference to the Asymmetrical Power Model (Marsh, Richards and Smith 2001; 2003; Marsh 2008). This model captures the fundamental realities of British economic, social and political life far more accurately than the WM or the DPM do (Marsh 2008).

[89] The role of socio-economic interests is dealt with in Appendix 3.

is on the political elite, that is to say politicians and civil servants[90] and their attitudes. The suggestion here is that:

> "the British Political Tradition is inscribed not only in the institutions and processes of British politics, but also, and particularly, in the views of politicians and civil servants" (Marsh and Hall 2007: 228).

Undoubtedly a political tradition which stresses the 'government knows best', fits easily with the interests and self image of political elites. As Marsh and Hall (2007: 28) argue: "it reinforces the idea that the elite are knowledgeable and effective and everyone prefers such an image of themselves". Simultaneously, it reduces both scrutiny through emphasizing secrecy, and widespread participation to voting in periodic elections. This ensures that politicians and civil servants can operate with a degree of freedom and certainly do not have to worry about 'looking over their shoulder'. Executive dominance too could be seen to have a similar impact in that through their dominance of Westminster and its business, they are able to control both decision making and crucially, the agenda. Indeed, the practices and processes to be found in Westminster and Whitehall can be seen to emanate from and be supportive to the BPT. In the attitudes of the political elite, "the emphasis is on the need for strong and decisive, rather than responsive government (Marsh, Richards and Smith 2001: 247). This remains so, and had an impact on the process by which Scottish Devolution developed.

It can also be seen that the majority of the populace has been largely supportive of the BPT over time. Here I draw from Beer (1965) and his suggestion that the BPT is a political culture or set of beliefs that are widely held in UK society. Beer argues that faith in the BPT was widespread. I would argue that this faith can be linked to the largely deferential attitudes approach of the populace and the belief that those making decisions had the right to do so, based upon their superior wealth, knowledge and social position[91]. As such the elitism of the British political system was supported by the belief that those making the decisions had the right to do because they knew what was best.

Historically it was believed the British political system, and thus the ideas that shaped it delivered strong and efficient government. On this I stress again the narration of the British political system over time, as superior and quintessentially, British. Even in the post-war period the British political system enjoyed widespread popularity and the ideas that

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[90] We should recognise here that there is and has been historically a degree of 'cross over' between the political elite and the socio-economic elites in the UK. This will be considered in more depth shortly.
[91] As I noted earlier this deference was never complete or total. Indeed there have been periods in both the 19th and late 20th centuries when aspects of the political system were widely questioned.

underpinned it were left relatively unquestioned in popular discourse. As Norton (1989: 10) argues, the British constitution "used to be the subject of praise but little discussion". In particular a sense of British-ness and British exceptionalism, were crucial in maintaining popular support over time for a political system rooted in an elitist conception of democracy.

Of course, that is not to say that there have not been periods where faith in that tradition has dwindled or been challenged, as alternative ideas were promulgated through competing traditions and by different interests. Throughout British political history ideational conflict has been a hallmark feature. I will return to this notion of competing political traditions shortly, but suffice it to say here that the resonance of both, the dominant tradition and competing traditions is of central concern to my narrative. Through reference to contingent events I suggest that there have been periods where the BPT has been challenged more fully than others. However challenges have to be made within an ideational and institutional environment that has been shaped by the dominant tradition (Marsh and Hall 2007). Therefore whilst I suggest that the populace's deference and faith in the BPT has been undermined since the 1970s (Marsh and Hall 2007), that tradition still influences outcomes as will be seen in the subsequent chapters.

The Economic dimension

My narrative of the BPT is based upon viewing the relationship between the ideational and the material as dialectical. Although full consideration of the material roots of the BPT would need to be the subject of a far more detailed study some comment on it is required. Here I set out a perspective that can act as an agenda for further research via a brief consideration of the relationship between the BPT and the material interests and relationships found in UK society over time. I also offer some comment on it in Appendix 3.

The argument here is that the BPT is both a product of and reinforcing to the structured inequality to be found in British society historically. My argument regarding the material roots of the BPT has a number of facets. Firstly I argue that historically, the dominant ideas of the British political system were informed by the structural inequality of UK society. In this society a power bloc existed, comprised of the socio-economic elites (Scott 1991). From this power bloc, the political elite were largely recruited through various networks, processes and institutions. The BPT was both a narration of the rightful position of these elites and reinforcing to that position over time. Here the interactive and iterative relationship between the ideational and the material can be considered.

Secondly I suggest that this structural inequality remains a hallmark feature of contemporary British society to date[92] and continues to be replicated in membership of the political elite. I argue that patterns of recruitment to the political elite remain dominated by those who have attended certain educational establishments or undertaken certain occupations. These are also the province of the socio-economic elite (Scott 1991: Marsh 2008). Thus the significance of socio-economic position within contemporary capitalist society remains. As Marsh, Richards and Smith (2001: 9) argue: "this structured inequality is reflected in the privileged access which some interests have to government, and thus it shapes, although by no means determines, political outcomes". Or to put it another way "white men with money, knowledge and power do have a privileged position within the British polity" (Marsh 2002a: 34). In this notion of structural inequality, an individuals class, gender, ethnicity and knowledge are all relevant in providing "actors with various structural possibilities, but any explanation of the outcomes must be in terms of both those structural possibilities and the strategic calculations of actors" (Marsh 2002a: 29). However it should be noted that both the state and government retain a degree of relative autonomy (Poulantzas 1978), facilitated by a political tradition, which emphasizes 'the government knows best'[93].

From this it is possible to suggest that the BPT has dovetailed neatly over time with the interests of the socio-economic elites. Through this they have been able to dominate the political process and have an influence over outcomes. That is not to say that their interests are always served at the expense of other groups. Rather it is to suggest that in the strategically selective environment of the British state, those actors will be better equipped in terms of key resources, to develop strategies that allow for the maintenance of their dominance. At times this may involve concessions to the subordinate groups arising from contestation and conflict of. For example, I would point to the incremental expansion of the franchise in the 19th and early 20th centuries[94]. At other times this may involve not responding to the demands of subordinate groups, and opposing those who offer a wholesale alternative such as the Chartists in the 1840s, as it is important to recognise that contestation and conflict do not always result in change. Throughout these contestations the significance of a belief in the BPT cannot be understated or ignored.

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[92] See Appendix 3 for the details of this continued structured inequality.

[93] Jessop et al (1988) argue that at times political elites may impose policies or programmes 'for the good of the nation', even when these may damage the short term interests of capital. A political tradition that stresses elitism and the notion of the 'government knows best' facilitates the notion of the relative autonomy of the capitalist state in the UK, particularly if inscribed into its institutions and processes. Belief in the BPT amongst the socio-economic elite would assist in this process, as despite short terms losses, acceptance that 'the government knows best' and is acting in the interests of the nation would facilitate relative autonomy for political actors.

[94] See for example the comments of Hobsbawm (1983) and Miliband (1984; 1991) mentioned in Appendix 1.

For example, it was suggested earlier that the rather than having a strong state tradition, the UK has a strong government tradition. It is commonplace in the literature to describe the UK as having a non state tradition (Loughlin and Peters 1997). Marquand (1988) suggests that the UK has never developed a state that intervenes extensively in UK society, and in particular, in economic relations. This could clearly be explained through reference to the relationship between dominant socio-economic interests and the BPT, which emphasizes the virtue of strong, decisive government. The BPT facilitates the needs of dominant economic interests because it has seen the development of institutions and processes that allow for the management of the capitalist economy without recourse to intervention these interests would deem excessive and damaging to capital accumulation over time. As such dominant economic elites would favour a political tradition where the government is free to act as it will. That is not to say that the British state has not been interventionist at times, for example during the post war period. However the predominance of 'the Treasury View'[95] in economic policy should be recognised (Kerr 2001). Nor is it to deny the 'relative autonomy' of the capitalist state. Rather it is to suggest that the interests of economic elites can be served and fostered over time more effectively by a strong government tradition, such as the BPT.

It should also be noted here that this is even more the case given the need for governments to please business (Scott 1997; Philips 1999). As such the notion of a strong government tradition dovetails neatly with the interests of dominant economic groups and would certainly be preferable to an interventionist state that may regulate capitalism and/or undermine their dominance. The argument of both Scott (1997) and Philips (1999) regarding the privileging of certain interests linked to dominant positions in the socio-economic system is insightful on this. Philips (1999: 17-18) argues that:

> "the conditions of corporate capitalism constrain the exercise of popular control, making the supposed freedom and equality of citizens a desperately unbalanced affair…..The point here is not just that the wealthy find it easier to disseminate their views, to finance newspapers, launch pressure groups, lunch Prime Ministers. More troubling (because it is more systematic) is the fact that all governments depend upon the process of capital accumulation as the sources of incomes, growth and jobs, and must therefore ensure that the economic policies they pursue do not undermine the prosperity of the private sector. This structured privileging of corporate power means that the democratic playing field is never level".

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[95] The Treasury view emphasizes a fundamentally negative view of the state and its role in the economy and involves "a more or less permanent state posture of menace and rejection" (Kerr 2001: 143) towards state intervention.

In such an environment a political tradition that emphasizes elitism and strong, decisive government fits neatly with this, as it allows the political elite to offer policies that privilege the interests of dominant economic groups, whilst simultaneously narrating these as in the national interest. The institutions and processes of government shaped by the BPT also facilitate the privileging of certain interests (Marsh, Richards and Smith 2001; 2003).

Therefore in summary, the BPT can be linked to the ideas and interests of both the socio-economic and political elites in the UK over time. Here the relationship between the ideational and the material can be seen. In this relationship the ideas of elitism and 'the government knows best' derive from the structured inequality evident in UK society over time and are reinforcing to it, as they establish institutions and processes that privilege certain interests and solutions over others. Clear asymmetries of power are evident in both British society and its political system. That is not to say that the ideas and interests of socio-economic and political elites will always triumph. Rather it is to suggest that the BPT and its institutions and processes impose a selective bias towards strategies that fit neatly with established notions. In this process socio-economic elites are in a comparatively better position to develop such strategies given their superior political resources and access. The perception that the British political system and its institutions and processes have delivered economic prosperity and advantage for elite groups over time, would also help to further their continued faith in the BPT.

Having outlined the BPT narrative my attention will now turn to a competing democratic tradition in British politics. The existence of this tradition and its continual contestation of the BPT has been a feature of British political history. The interactive and iterative relationship between these political traditions helps us to more persuasively explain developments and outcomes with regard to the British political system.

Competing political traditions in British politics

The BPT has been the dominant political tradition in British politics. However, the BPT has not gone uncontested or unchallenged over time[96]. Rather it has been challenged and contested at throughout British political history by competing political traditions. Here I point to continual ideational contestation as the backdrop for British politics (Bevir and Rhodes 2003; 2006; Marsh and Hall 2007). The contention here is that there is a long lineage of challenges to the BPT and that it is from these that change can and does, emanate.

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[96] We should note here that the very notion of dominance implies a relation to subordinate or competing others.

It should be noted here that the resonance of the BPT and the challenges to it has not been constant. Or to put it another way, an asymmetrical resonance of these traditions can be detected in two ways. Firstly, the competing traditions have resonated to differing degrees of intensity at differing times in British political history. To explain this phenomenon I make reference to the impact of contingent events. Secondly, the dominant and competing traditions resonate asymmetrically in relation to the prevailing institutional, contextual and discursive environment. Consequently the BPT has and does resonate more fully. However, it should be noted here that: "if the efficacy of the British political system and the view of democracy that underpins it become increasingly questioned…. then this may lead to change" (Marsh and Hall 2007: 227)

Examining British political history we can readily identify the existence of a competing political tradition in the UK based upon a more participatory conception of democracy (Tant 1993; Evans 2003) and this is the competing tradition I will focus on below. This competing tradition has a long lineage in British history. However this competing democratic tradition is not the only one that could be identified. Other political traditions exist for example, in regional or national contexts within the UK which can and do challenge aspects or the entirety of, the dominant tradition. For example the challenge to unionism and the territorial integrity of the UK by nationalists in Ireland, Scotland and more recently Wales forms a competing political tradition that stresses independence, self determination and competing national identities. It rejects the centralisation of power and executive dominance emphasised by the BPT. It also challenges the unionism and British-ness of the dominant tradition. In the case of Scotland this competing political tradition is embodied in the views of the SNP and I will return to it in Chapter Four.

Challenges to the established, elitist system of rule have a long history in the UK. They can be traced back through British history to well before the debates between Whigs and Tories in the 18th and early 19th centuries[97]. In the late18[th] and early 19th century the development of what has been termed 'the radical tradition'[98] (Derry 1967) occurred through the work of writers such as Paine (1791) and Wollstonecraft (1795). The formation of the London

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[97] For example during the British Civil Wars of the 1640s both the Levellers and the Diggers advocated a view of politics and society that constituted a challenge to the established order and the dominant ideas of that society (Hill 1984).

[98] Numerous writers have noted the problems of arguing for the existence of a 'radical tradition' in British politics. Primarily there is a tendency to homogenise the views of various individuals and groups, thus over stating the similarities. However whilst recognising the differing emphases and sources of views within 'the radical tradition' our narrative suggests that contestation of the dominant elitist conception of democracy in British politics is a defining characteristic of the 'radical tradition'.

Corresponding Society in 1792 (Thompson 1980) could also be seen as the continuation of popular radicalism.

Whilst we should be wary of over stating or homogenizing the views of these disparate groups they were united in their desire to see the political system based upon something other than elite rule[99].

Although this study is not the place to develop a full examination of the development of various radical thinkers and movements who could be seen as challenging the dominant political tradition I do need to demonstrate its existence over time and the significance of the process of continual, albeit asymmetrical and inconsistent, contestation over time. In this emergent competing democratic tradition, Paine and Wollstonecraft were centrally significant. Their influence on the early challenges to the BPT is comparable to that which Burke had in framing it.

Paine's classic response to and critique of Burke (1790), _The Rights of Man_, (1791) gave uncompromising voice to the anti-elitist democratic tradition and was an inspiration for radical thinking and agitation both in the late 18th and 19th centuries (Derry 1967). Paine "unshackled radicalism from its subaltern role in the unofficial opposition (Belchem 1981 cited in Wright 1988: 42) and raised it to the status of an ideational challenge to the elitist conception of democracy narrated by Burke (1790). Paine stressed the need for popular (albeit male) participation and representative democracy and thoroughly critiqued the embryonic Whig interpretation of history that would find fuller expression in the exceptionalism of the BPT and its narration via the WM.

Mary Wollstonecraft's _A Vindication of the Rights of Woman_ (1795) was as important to the development of a more participatory democratic tradition in the UK. Wollstonecraft is the most widely known and widely read of a broader trend[100]. Reacting against the prevalent patriarchy of much of the Enlightenment thinking (Kennedy and Mendus 1987), she sought to repudiate the ideas of Rousseau. She challenged the prevalent stereotype of women as

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[99] Wright (1988: 27) notes that: "although before 1760 there were always dissidents from elite politics ready to make opportunistic forays on behalf of popular grievances like the excise and indirect taxes, it was only with the political crisis of the first decades of the reign of George III, culminating in the loss of the American colonies, that the social and economic grievances of the 'middling classes' provided the impetus for a serious challenge to the dominance of the landed elite and for substantial reform of the political structure".

[100] Feminist theory did not begin with Wollstonecraft, nor was she the first person to suggest that women had an inalienable right to participate fully in political and social institutions and the economy (Bryson 1992).

incapable of reason, education and simply made for man's pleasure. This stereotype was widely believed and inscribed into the institutions and processes of British government and its outcomes[101]. Wollstonecraft offered a competing view to the male dominated elitism of the emerging BPT is her suggestion that women should be representatives in government (Wollstonecraft 1795: 25).

Despite the differences between their works, the significance of Paine and Wollstonecraft is that they proffered a view of British politics rooted in a semblance of political equality, the rights of the individual and the capabilities of all. This ran contra the elitism of Burke and the limited liberal notion of representation and conservative notion of responsibility that came to dominate British politics. Furthermore both were rejected by the socio-economic and political elites as dangerous and subversive. Their belief in popular consent and participation was directly at odds with the view that governance should be conducted by those already in power. In both cases the emergence of an important contestation of the prevalent elitism of the BPT can be seen.

The radical tradition was not solely about intellect controversies and abstract political theory. Radical ideas found expression in political movements and in challenges to the institutions and processes established by the dominant tradition. Consequently I will briefly turn my attention to two of the most famous movements that have challenged the BPT, the Chartists and the Women's Suffrage Movement, whose views highlight elements of a more participatory conception of democracy.

The six points of the People's Charter published in 1838 highlight a challenge to the elitist conception of democracy that was coming to dominate British the political system. Ideationally the influence of Paine (1791) and Cobbett can readily be seen. The socio-economic roots of Chartism have been a source of debate (Belchem 1981) however the political demands of the Chartists are beyond doubt. In seeking the establishment of a political system based upon universal male suffrage, the secret ballot and the removal of wealth and property as a determinant of participation they were significantly at odds with the dominant view of the socio-economic and political elites. In explaining the emergence and resonance of this challenge to the BPT we could consider the impact of contingent events such as the 1834 Poor Law Amendment Act, the economic depression of the late 1830s and the general disappointment felt by many towards the 1832 Reform Act.

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[101] Numerous laws could be cited to demonstrate the extent to which outcomes in British politics reflected the stereotypes of women.

Similarly the Women's Suffrage Movement offered a view that challenged the established ideas and practices of the British political system. Both the Suffragists and Suffragettes built upon the work of earlier feminist writers, in particular but not only, Wollstonecraft (1795). They also based their views on the work of J S Mill and Harriet Taylor on *The Subjection of Women* (1869). Holton (1986: 9) argues that the Women's Suffrage movement was built around "the common human attributes of men and women and the consequent social injustice involved in their unequal treatment". Undoubtedly the desire for female suffrage challenged the widely believed stereotypes of women and their alleged inferiority. A political tradition steeped in elitism easily accommodated ideas concerning male superiority and female inferiority. The desire for the vote contra the elitism of the BPT formed part of a broader attempt to challenge the unequal treatment of women (Holton 1986). Once again I would point to the role of contingent factors such as the election of a radical Liberal government in 1905 and their failure to address the demands of the Women's Suffrage Movement as instrumental in promoting the resonance and militancy of this ideational challenge.

It is also possible to detect amongst the contestations of the BPT a questioning of the processes established in relation to that tradition. The arguments of the Electoral Reform Society formed in 1884, under the name, the Proportional Representation Society can be cited here. Their consistent critique of the use of the First Past the Post electoral system or Simple Plurality System is indicative of this, given the fact that faith in this system is intrinsically linked to the BPT. To use their favoured Single Transferable Vote (STV) electoral system would undoubtedly challenge notions such as strong, single party governance (Oliver 2003). A cursory examination of their history highlights the argument that the competing participatory democratic tradition has resonated at varying intensities throughout British political history. Following their initial formation as discussions of changes to the British political system were occurring in 1884-85, their critique of the British political electoral system has resonated intermittently. It has undoubtedly resonated more widely since the 1970s and 1980s in response to contingent events.

The participatory democratic tradition has continued to exist and contest the dominance of the BPT, albeit at differing intensities at different times. The continued existence of this challenge can be seen in the creation of both the Campaign for Freedom of Information (CFOI) in 1984 (Tant 1993) and Charter 88 in 1988 (Evans 1995). Both of these pressure groups were formed in the 1980s at the height of Thatcherism. CFOI sought to challenge the secrecy of the British political system which was rooted in, and complimentary to the BPT. Charter 88 offered a wholesale critique of the institutions and processes of the British political system from a participatory perspective (Evans 1995). The significance of Charter 88 and their challenge to

the BPT will be returned to in Chapter Four via their influence on the development of Scottish devolution. Suffice it to say here that Charter 88 have offered one of the most comprehensive contestations of the BPT and they have done so from a competing, participatory conception of democracy. Their attempts to influence the thinking of the Labour party in the late 1980s and early 1990s (Evans 1995) were crucial to their attempt to turn critique into policy, a point I will return to later.

Contestation of the BPT can also be seen on the national-territorial level. Here the target has been the notions of centralization of power and the unionism, via critique of the unitary state and the notion of Britain itself. In Chapter Four I argue that there has been a long history of contesting these central aspects of the BPT in the various constituent parts of the UK. On this I would identify the existence of different identities and political traditions in the different parts of the UK (Kenny 1999: 282). The most well documented example of this can be seen in Northern Ireland through Irish Nationalism of various complexions. However there exists a long history of challenges to the constitutional position of Scotland from the late 19th century onwards. This is linked to the different political complexion of Scotland and views of the efficacy of the union and democracy under Westminster. Since the 1970s this view has found its fullest expression in the SNP and its demands for Scottish independence. Again I would point to the importance of contingent events in promoting this critique of aspects of the BPT, which I discuss more fully in Chapter Four. Whilst this challenge clearly derives influence from a more participatory view of democracy it conceptualises the problem with distinctly nationalist flavours, suggesting the influence of various competing traditions and emphasises.

Therefore the existence of competing traditions in British politics which critique and contest the dominant tradition and the institutions and processes inscribed with it can readily be seen. Ideational conflict has and remains a hallmark feature of the British political system. This occurs at both a micro or macro level in the sense of challenging either aspects of the political system or its entirety. Similarly these contestations can account for change at both a macro and micro level. Two points bear repetition here. Contestations to the dominant tradition occur within and institutional and ideational context that privileges certain ideas and solutions over others. Thus the relationship between the dominant and competing traditions is interactive and iterative over time. This conflict can and does produce both continuity and change. Secondly, the competing traditions have resonated to differing intensities at different point in British history. I explain this through reference to the importance of contingent events, be they major points of crisis (Hay 1996) or the result of cumulative ideational contestation (Kerr 2002; 2003) both of which can be tied to the perceived failings of the political system over time.

Extensions and qualifications on competing traditions

When discussing the BPT I sought to highlight the linkage between that tradition and actors in British politics. I also raised the existence of a material dimension to the BPT. As such I should offer brief comment on similar issues pertaining to competing traditions. Like the earlier discussion of the material roots of the BPT this forms an agenda for further research into the existence and resonance of competing traditions in British politics, rather than an exhaustive treatment of the issues.

On the relationship between these competing traditions and actors in British politics I would suggest that the competing participatory democratic tradition has found greater resonance with those of a liberal or socialist persuasion. This is hardly surprising given the substance of its critique of the elitism of the BPT from a perspective rooted in notions concerning equality and rights. Nor is it surprising that those of a Conservative party have proven resistant to and even derisory of participatory democracy[102]. In the 19th century the views of Paine (1791) and Wollstonecraft (1795) and those they inspired were viewed with suspicion and fear by the overwhelming majority of the socio-economic and political elite. Neither the Whigs nor the Tories favoured democracy. Many of their successors in the Liberals and the Conservatives retained much of the suspicion towards popular sovereignty and participation, although we should recognize that the Liberal party has become the mainstream party of constitutional reform since its revival in the 1970s. Even the Labour party, which was initially born from a more participatory democratic tradition (Tant 1993), quickly became 'constitutionalized'. Consequently I argue that within the party system the participatory tradition has had few consistent adherents. Evans (1995) demonstrates the extent to which groups such as Charter 88 have sought to influence those in the Labour party, enlisting the support of individuals such as Robin Cook in the 1990s. However as I argue in Chapter Four the Labour party has remained largely committed to the BPT.

Amongst the population there has also been a lack of consistent and widespread resonance for the participatory democratic tradition. Since the heady days of 3 million signatures on the second Chartist petition in 1842 and the c.100,000 members in the NUWSS, notions concerning popular and participatory democracy have not secured widespread acceptance in recent years. Although this brief overview is not the place to develop a detailed analysis of the failure of the participatory view of democracy to permeate into popular consciousness we can undoubtedly see the 85,000 signatories to Charter 88 or the limited membership of modern

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[102] See for example the comments of John Patten in December 1988 that 'Charter 88 is a loser's Charter' and the response of Margaret Thatcher, both discussed at length in Evans (1995).

groups such as the ERS[103] as evidence for this. This is not to suggest that these groups have not secured influence, rather they have not secured widespread support for their critique amongst the population at large. It should be noted however that the resonance of these critiques is linked to contingent events. In Scotland, criticism of the centralisation and executive dominance of the BPT has been more widespread and popular as evidenced by the rise of the SNP and demands for devolution, a point I return to in Chapter Four.

Finally I should give passing reference to the relationship between interests and the competing tradition. Much attention has been focussed onto the socio-economic background of movements such as Chartism and Women's Suffrage and I cannot do justice to it here. Derry (1967: Xi) argues that 'radicalism' was often linked to non-conformity and the Celtic fringe amongst others, and sprang from the Enlightenment of the 18th century. Recent research has highlighted the extent to which Chartism was overwhelmingly a working class movement, led by men but with a significant female membership (Thompson 1984: Wright 1988). The Women's Suffrage Movement was initially dominated by middle class women, however over time working class women became far more prominent amongst its rank and file (Holton 1986). Although we should be wary of homogenizing those who believe in competing tradition as there may be different emphases in different movements or in different parts of the UK (Kenny 1999), those critiquing the BPT have been united largely by a revulsion for its elitism and a desire to advance a democratic model based upon notions concerning the commonality and equality of human attributes and the right of everyone to have an equal say in how their lives are governed.

Conclusion

In this Chapter I have focussed on the political traditions operating in the UK. I have identified a dominant political tradition, referred to as the BPT, that emphasizes elitism and the idea the 'government knows best'. It also stresses notions concerning British exceptionalism and superiority, and unionism. This tradition is both inscribed in the institutions and process of British government and the context through which the tradition is experienced, updated and challenged. Furthermore the BPT may be viewed as something of an 'invented tradition' in that it is not organic, although its adherents portray it as such, and it has often been used to inform a benign view of the British political system, the WM, that masks the continued patterns of dominance of certain groups in UK society. The BPT has enjoyed widespread support amongst both the socio-economic and political elites and the

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[103] The ERS currently has 1500 paying members.

wider population over time. In particular the relationship between dominant socio-economic interests and the BPT should be recognised. The argument here is simple. The BPT is both a product of and supportive to the structured inequality and asymmetries of power in UK society. In particular this inequality led to a close relationship between dominant socio-economic interests and the political elite in the form of a power bloc. This power bloc has been supportive of the BPT because it allowed their dominance and narrated it as effective, and above all, allowed the pursuit of policies largely favourable to them.

This dominant tradition has been contested over time by competing traditions that have sought to highlight its failings and essential elitism. One of these competing traditions proposed a participatory conception of democracy in the form of either a wholesale critique of the British political system or an attack on a particular aspect of that system. The conflict and contestation between dominant and competing traditions can be used to explain the process of continuity and change over time in British politics. However whilst this contestation is continual it occurs in a context that privileges certain solutions over others and it resonates to differing intensities in relation to contingent events. As such integral to recognizing the asymmetrical political landscape in the UK is recognizing the asymmetrical resonance of ideas and traditions within that landscape.

Having outlined a view of the political traditions operating in the UK I will now turn my attention to utilizing this approach to explain the process of Scottish Devolution.

Chapter Four: From Union to Devolution

Introduction

Devolution has been lauded as a major development in the UK political system (Mitchell 2002). Indeed some commentators have suggested that, as a consequence of devolution, 'Britain' is in a state of terminal decline (Marr 1999; Redwood 1999). Such comments suggest that the British Political Tradition (BPT) is no longer sufficient to hold the union together, that its central tenets lack their former weight and that political actors no longer subscribe to it as they once did. These attempts to portray Scottish devolution as a catastrophic moment which "will create more tension and conflict rather than less" (Redwood 1999: 141) are often normative, knee-jerk reactions to an event that was the culmination of a long run process of assertion and contestation concerning the constitutional position of Scotland.

There has also been broad agreement over the radical nature of New Labour's devolution of power to Scotland (Bogdanor 2003). Numerous commentators and New Labour politicians have been at pains to point to the extent to which devolution has radically transformed British politics. Whilst the radical nature of the reform and its speed cannot be doubted contra Labour's other constitutional reforms (Marsh and Hall 2007), the extent to which the BPT and prevailing institutional structures and ideas influenced and shaped Labour's proposals requires further investigation if the radical status of devolution is to be confirmed. In addition the process by which Labour became convinced of the need for devolution must be considered. Identifying their motivations for introducing it with such speed and in its original guise will help give a fuller understanding of the nature of this change. Finally, the importance of actors outside the Labour party in promoting change and their views of the BPT must be considered.

Much work has already been done to explain the creation of the Scottish Parliament (Bogdanor 2001; Pilkington 2002; Taylor 2002; O'Neill 2004) and many of these works highlight, to a lesser or greater extent, the longevity of the issue of Scotland's constitutional position. However, a range of criticisms of existing narratives can be identified:

- A failure to locate the debate about devolution and the options discussed/arrived at within the broader institutional and ideational context of British politics.
- Insufficient consideration of how a dominant political tradition conditioned reactions to the demands for constitutional change in Scotland and the options discussed in response to these demands.
- Insufficiently theorised conceptions of change and continuity when explaining the process of devolution in Scotland and its outcomes.

- A lack of appreciation of the continual process of contestation between dominant and competing political traditions as the motor for change.

- A failure to recognise the asymmetry of the political landscape in the UK and the impact this has on the resonance of ideas, and consequently on outcomes.

That is not to say all explanations of the process towards Scottish Devolution suffer from the above. In particular Evans (2003) offers a narrative of the development of devolution rooted in an appreciation of ideational factors and as such my narrative draws insights from his work.

In this Chapter I will focus on narrating the process that culminated in Scottish Devolution using the political traditions explained in Chapter Three. I aim to demonstrate how a long term question regarding the constitutional position of Scotland moved from the political margins to become a mainstream political issue and a major aspect of New Labour's reform agenda by the 1990s. My concern here is to examine the influence of the BPT and the prevailing ideational and institutional environment on the views political actors, the options considered and the outcome of the devolution debate.

In this Chapter I will also consider the importance of contestations and challenges to the dominant tradition which were expressed via the demands for devolution. In particular attention will be drawn to critiques of unionism and centralisation by a range of actors, including the SNP and Charter 88. This continual contestation is of significance for any discussion of change and continuity over time[104]. The stress here is on the role of contingent events in promoting contestation and development within the institutional and ideational environment dominated by the BPT. As such I seek to identify and explain how this occurs. In the case of devolution political parties and interest groups who adopted views that challenged the dominant tradition can be seen to have played an integral role in prompting mainstream actors to introduce reform, although consideration of the extent to which the final reforms constituted a challenge to the BPT must be undertaken.

The British political system is a strategically selective environment (Jessop 1990) with parameters in part established and maintained by the BPT. Devolution has occurred within this environment. As such, the evolution of territorial relationships within the British state

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[104] In Chapter Three it was suggested that the BPT has been the subject of continual contestation at both a macro and micro level. The fact that these contestations have resonated at differing intensities over time in response to contingent events, in no way detracts from the importance of ideational contestation. Rather it offers us the opportunity to develop more sophisticated conceptions of causation, and significantly, continuity and change over time.

should be seen as one in which a degree of path dependency can be identified (Kerr 2001; 2003). This clearly raises questions about the extent to which devolution could be seen as a radical rupture with the traditional territorial relations within the UK.

Devolution provides an excellent opportunity to assess the merits of the approach that was outlined in the previous chapter. Indeed the peculiarities of the Scottish case highlight the need for recognising the impact of political traditions. For example, Paterson (1998) identifies three key aspects to the Scottish case which are important to outline prior to this.

Firstly, Scotland's position in the UK has always involved negotiation and compromise dating back to the 1707 Act of Union (Macinnes 2008). However two points can be made in response to this assertion. Firstly, whilst negotiation and compromise were indeed features of the territorial relationship, the union was "by its very nature was an asymmetrical relationship" (O'Neill 2004: 3) in which England dominated, under the banner of British-ness. As Macinnes (2008: 69) suggests: "the making of the United Kingdom in 1707 was the product of power, control and negotiation". From its inception the Union was underpinned by a deliberate attempt by the political elite to create a sense of political unity from territorial and cultural diversity for essentially their own purposes (O'Neill 2004). That is not say that some Scottish institutions and identity did not persist, however they were allowed to continue only when they did not threaten the 'project' of creating a functioning territorial union governed primarily from Westminster. Therefore, the development of a sense of British political unity and distinctiveness must be recognised as an integral part of any discussion of Scotland's constitutional position.

Secondly, the parameters within which such negotiations and compromise occur and the impact these have on political outcomes requires consideration. Again these are the parameters embodied in, and established largely by the BPT. The idea of 'Britishness' acted as an integratory force which established parameters for discussion of territorial politics in the UK amongst political actors. More broadly I argue that the British-ness and British exceptionalism embodied in the dominant tradition performed functions in the maintenance of patterns of dominance rooted in the structured inequality and asymmetrical power relations found in the UK.

Paterson (1998) argues that pressure for the Scottish Parliament is only the most recent phase of this process. Continual contestation and conflict is a hallmark feature of territorial politics in the UK which can be seen to have helped to shape relationships and outcomes since 1707. He also suggests that a number of new contingent factors have given it a new intensity.

Aughey (2001) contends that these include divergent voting patterns in Scotland and England and the increasing importance of the EU. These are undoubtedly important however other contingent factors have played a key role in promoting contestation of the BPT and its territorial relations. Often when explaining devolution these factors have not been given sufficient import or development.

Finally Paterson (1998) argues that a popular consensus emerged in the 1980s that there was justice in the demand for self-government. Again, he is right to point to what John Smith described as 'the settled will' of the Scottish people, however a number of additional questions would extend understanding of this notion. Firstly, a focus on explaining how this consensus for change emerged is needed. In particular I will highlight the role of ideational contestation in this process. Secondly, we must also consider the ideational parameters within which this consensus emerged. The extent to which the consensus was built around a perceived failure of aspects of the BPT is of particular interest here, as is faith in and the desire to preserve that tradition or aspects of it. In essence, an assessment of the impact that the prevailing structures and ideational norms had upon how the 'settled will' developed is required. The depth of the apparent consensus between those advocating constitutional change in the 1990s including Labour and the Liberal Democrats and pressure groups such as Charter 88 should also be considered.

Scottish Devolution also affords an excellent opportunity to consider whether the British political system is now better characterised as one of Multi-Level Governance (MLG)[105]. This concept is discussed in Appendix 4. Suffice it to say here that the idea of MLG has become an increasing feature of the literature on British politics (Gamble 2000; Hay 2002) to the point where Marsh, Richards and Smith (2003: 14) correctly suggest that it: "has become a new mantra". Assessing the process that culminated in devolution allows putative comment on whether the British state has been transformed into one of MLG.

Before considering the process that culminated in devolution, I need to briefly address again two key concepts/issues that have both featured in explanations of territorial relations in the UK and are related to the BPT: the importance of the WM narrative; and the notion of the UK as a unitary state.

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[105] Multi-level governance, contra the Westminster Model (WM), is characterised by the: "growing distribution of power across and between different levels of government; the evolution and creation of new power centres; the importance of formal and informal networks; the existence of fuzzy accountability, and a general increase in the fluidity and transfer of power" (Bache 2006: 131).

The Westminster Model

I have suggested throughout this study that the dominant narrative of British politics has been the WM (see for example Norton 1984: Punnett 1987). However, in reality, it has been:

> "used more as a shorthand, normative, organising perspective to portray a particular image of the British political system, rather than a theoretically, well developed and explicit model of how British politics works" (Marsh, Richard & Smith 2003: 306).

The ideational foundations of the institutions and processes narrated by the WM were almost entirely ignored or taken for granted. In Chapter Three I demonstrated how an elitist version of democracy, the BPT, informed the institutions and practices narrated in the WM and, thus, had a defining impact upon the British polity. As Miliband (1982: 20) suggests, these ideas and values have been at the: "core of the theory and practice of British government for (over) three hundred years". It is both this theory and practice and their impact that requires consideration in the forthcoming discussion of how devolution came about.

The WM has been the subject of sustained criticism and alternative narratives have been developed (Rhodes 1997; Marsh, Richards and Smith 2001; 2003; Marsh 2008)[106]. Indeed the WM has been "roundly dismissed as 'over simplified, as holding 'crude assumptions about the nature of power' and of creating 'false dualities' (Judge 2005: 24). However it must still be considered for one reason. Despite its inability to accurately describe how UK institutions work and interact: "the most important feature of this model is that it reflects how most politicians and officials perceive the system" (Richards and Smith 2002: 248)[107]. Thus, it continues: "to inform and condition the way in which (these) actors operate" (Richards and Smith 2002: 248). It is this that is worthy of note. This 'legitimizing mythology' (Richards and Smith 2002: 48) is of fundamental significance for explaining the process by which Scottish Devolution developed. Even Rhodes, one of the sternest critics of the WM admits that it: "embodies political traditions which continue to shape political behaviour" (Rhodes 1997: 199).

In an institutional sense the WM narrative has remained largely constant since Dicey (1885) outlined its main features (Oliver 2003: 7). Dicey offers a key narrative of the features of a British political system underpinned by the BPT (Evans 2003), even if he, like others before

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[106] In the previous Chapter it was suggested that the Asymmetrical Power Model (Marsh, Richards and Smith 2001: 2003; Marsh 2008) offers a more accurate description of how the British political system functions.

[107] I would again stress the failure of Bevir and Rhodes approach to adequately recognise or allow for this.

and since fails to recognise the latter point[108]. The WM narrative included Dicey's two pillars of the constitution, Parliamentary Sovereignty and the Rule of Law. For a discussion of devolution, it is the former that is important. Dicey's contention that the Westminster Parliament:

> "under the English constitution, has the right to make or unmake any law whatever, and, further, that no person or body is recognised by law as having a right to override or set aside legislation to override or set aside the legislation of Parliament" (Dicey cited in Adonis 1993: 8)

has been hugely influential on views of British politics held by both politicians and commentators alike. A number of relevant points can be made regarding this central notion in British politics.

Firstly, it is interesting to note the link between 'English' and 'British' in Dicey's statement (Pilkington 1999: 2). Indeed, this has been a hallmark feature of the attendant concept of the unitary state that will be discussed shortly. Secondly, the reality of territorial relations in the UK was far more complex than Dicey's words suggested. Even though the Scottish Office became the means of imposing Westminster rule on Scotland (Brown, McCrone and Paterson 1996), the existence of separate institutions and identity in Scotland involved complex pattern of relations and self-governing social institutions. Thus, territorial relations involved both a degree of assimilation to central tenets of the BPT alongside a degree of social and cultural autonomy. Indeed no matter how peripheral it may have seemed in this sense of social, cultural and political distinctiveness, we can identify elements that over time came to coalesce into a competing political tradition. Here I appeal to Preston (2004) and the notion of grand traditions and little traditions[109], with Scottish political-cultural identity forming the later. Finally, it is important to remember that the WM never provided an accurate description of how British politics worked. Rather it was based upon a self image that sought, amongst other things to legitimise an elitist view of democracy rooted in and supportive to the structured inequality and patterns of dominance in UK society. However it's continued resonance with actors makes the WM important for any discussion of how Scottish devolution came about.

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[108] For example Bagehot (1867) and Jennings (1936).

[109] Preston (2004: 82-91) suggests that whilst British-ness may be viewed as the grand tradition of these isles, various little tradition's have existed centred around sub-national or regional identities.

The Unitary State

The UK has historically been, and remains, a composite state with a complex pattern of territorial politics (Holliday 1999: 119). Traditionally the UK has been seen as a unitary state, a term that is rarely defined (Mitchell 2002: 239). The notion of a unitary state is fundamental to the notions of centralisation of power and executive dominance that are central tenets of the BPT and as such requires definition.

A unitary state is defined as a state or country that is governed constitutionally as one single unit, with one constitutionally created legislature. The political power of government in such states may well be transferred to lower levels, to regionally or locally elected assemblies, governors and mayors. However, the central political authority retains the principal right to recall such delegated power.

The idea of the unitary state was popularised by Dicey (1885) contra other potential territorial relations such as federalism which he saw a flawed and offering few, if any benefits (Evans 2003). In particular he highlighted the need for national unity as being far easier to achieve under a unitary constitution (Evans 2003). Whilst Dicey did not deny the existence of pre-union institutions and practices when describing UK territorial relations his key aim was 'unity of government', that is to say British government. The unitary state, with its central doctrine, parliamentary sovereignty, was essential to achieve this, even if it left some pre-union Scottish institutions untouched and in turn kept a sense of Scottish political identity, albeit a limited one, alive.

The centrality of Dicey's narration of UK territorial relations has already been recognised, however I should reiterate one key point. In Chapter Three I suggested that the discourse of the unitary state embodied the ideas of centralisation of power at Westminster and executive dominance over all other forms or levels of government. It also narrated the union and the territorial relations born in 1707 as both desirable and superior to other forms of governance. As such it was a discourse that expressed some of the central tenets of the BPT. Actors both at the centre and in Scotland, and across the political spectrum came to believe that this was both an accurate description of UK territorial relations and one that delivered. The unitary state discourse undoubtedly had a profound impact upon the attitudes of political actors from both the Conservative and Labour Parties, although for differing reasons. Thus the unitary state became the dominant explanation of UK territorial relations[110] and one that was largely viewed as positive and beneficial.

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[110] The dominance that the idea of the unitary state achieved in discussion of the UK system can easily be identified through reference to one of the main analysts of devolution Vernon Bogdanor. In the 1979

Mitchell (1994; 2001) suggests that the unitary state is a more problematic and under-conceptualised term than such an unquestioned status would suggest. He suggests that it achieved an almost mythological status (Mitchell 2002: 240). The Unitary State's potency lay less in its accuracy and more in the widespread, and largely unquestioned, acceptance this discourse achieved   More recently, the term 'union state' has come to feature more prominently in discussion of territorial politics in the UK[111]. Indeed Mitchell (2006; 2007) suggests that: "viewed from Scotland and the rest of the periphery, the UK was never a unitary state but a state of the unions" (McGarvey and Cairney 2008: 24). Rokkan & Urwin (1982) identified the distinction between a unitary state and the union state because the notion of a uniform unitary state fails to capture the 'full flavour' of states like the UK. They contend that:

> "the Unitary State is built up around one unambiguous political centre which enjoys economic dominance and pursues a more or less undeviating policy of administrative standardisation. All areas of the state are treated alike, and all institutions are directly under the control of the centre. The Union State is not the result of straightforward dynastic conquest. Incorporation of at least parts of its territory…..is through personal dynastic union, for example by treaty, marriage or inheritance. Integration is less than perfect. While administrative standardisation prevails over most of the territory, the consequences of personal union entail survival of pre-union rights and institutional infrastructures which preserve some degree of regional autonomy and serve as agencies of indigenous elite recruitment" (Rokkan and Urwin 1982: 11).

The increasing popularity of the term 'union state' can be seen in the fact that it has become part of the discourse of some politicians, particularly those in the Labour party, a point that I will return to later.

The concept of a 'union state' undoubtedly offers a more accurate description of UK territorial relations historically and has the potential to help explain change and continuity over time. It recognises the high degree of centralisation in the UK political system and thus the impact of the BPT. However it maintains that integration was less than total with some pre-union institutions continuing to exist and other new institutions being created. As such it

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edition of his seminal book _Devolution in the United Kingdom_, he argued that: "the profoundly unitary nature of the UK, as expressed in the supremacy of Parliament" (Bogdanor 1979:7) was the defining feature of territorial relations in the UK. Even as late as the early 1990s the phrase remained uncontested in narratives. For example, Keating & Mitchell (1991:2) argued: "the UK remains a unitary state, in which ultimate sovereignty resides in Parliament".
[111] See for example Bogdanor (1999), Mitchell (2001) and McGarvey and Cairney (2008).

allows for the notion that competing ideas and views might exist, develop and contest the dominant tradition. It also implies that the existence of such institutions served a function for elites be they for recruitment or because they did not threaten the broader aim of creating a unified British government (Dicey and Rait 1920). More broadly the 'union state' allowed for the, at the very least partial, integration of Scottish elites into a newly created British socio-economic and political elite post 1707 (Colley 2003), a point I will return to shortly. It also allowed for the development of a sense of British political-cultural identity (Preston 2004) or British-ness which performed a number of functions including the perpetuation of existing patterns of dominance, power relations and structured inequalities in UK society in this new territorial unit. Thus, the contention here is that the notion of a 'union state' is consistent with the BPT.

Having been established by the Act of Union, centre-periphery relations soon became clearly understood and taken for granted in the UK (Holliday 1999). The role of the lower levels of governance within the UK was primarily to ensure integration wherever possible. In essence, the notion of the unitary state quickly became accepted amongst the principle actors at Westminster and in the regions. Through this: "Westminster has enjoyed economic, political and ideological hegemony over the periphery" (Evans 2003: 223). The pre-1998 example of devolution in UK politics, Stormont, seems to confirm this analysis. The aim of Stormont was to encourage conformity to the same standards as Westminster (Mitchell 2002: 243).

A degree of consensus emerged regarding territorial relations and the virtue of unitary state in the UK (Holliday 1999: Mitchell 2002). Again, the significance of the BPT in relation to this consensus can be seen. Amongst the majority of political actors there was a general agreement over the ideas that underpinned British democracy, including those regarding territorial relations. This consensus, and more broadly faith in established ideas, institutions and processes served to maintain the territorial integrity of the UK, whilst political attention was largely focussed in policy areas and political issues elsewhere. That is not to say there were not those who contested the efficacy of the union, but they remained at the margins. It was as the consensus over the union began to break down that an increasing number of actors came to question the union and the attendant aspects of the BPT.

The Traditional Constitutional Position of Scotland

The fundamentals of UK territorial politics historically have been a sovereign Parliament counterbalanced chiefly by territorial representation, local government and administrative decentralisation (Holliday 1999). The inclusion of Scotland into the UK formally occurred

through the 1707 Act of Union and this largely set the territorial relations for the next 300 years. Despite the concerns of many Scots at the time (Taylor 2002):

> "the 1707 Acts of Union constituted not so much 'an unequal treaty' as measures of expediency by the English and Scottish political elites who each had their own different reasons at the time for reaching agreement upon a deal" (Forman 2002: 79).

Whilst I will not dwell on the role of the elites here, it is worth noting that both political and socio-economic elites saw the virtue of executive dominance and elitism at a time when the notion of popular participation was treated largely as an absurdity by those in power and certainly one fraught with dangers (Burke 1790)[112]. The BPT resonated with the political and socio-economic elites who shaped the union and then ran it. From the outset of the union, the parameters of the BPT and the idea of executive dominance were fundamental to the operation of the union. This doctrine was popularised to the extent that actors from numerous parts of the political spectrum saw the virtues of the how the union operated. Thus, a broad consensus existed over the constitutional position of Scotland (Mitchell 2002) a consensus underpinned by belief in the BPT. At the same time, however dominant these notions were, ideational contestation remained a hallmark feature of British politics. There were those who were not part of this consensus and appealed to competing political traditions, which favoured either federalism or separatism.

I should also consider the role of economics as stressed by Mitchell (2001). The prosperity of the British economy seemed to vindicate to all concerned the sense of the union. As Ward (2004) suggests: "The economic prosperity of the late nineteenth and early twentieth centuries did provide a base upon which the national identity was politicised" (Ward 2004: 168). A sense of unity centred on Britain and British-ness was based upon the economic success of the union and helped to bind the Scots and in particular, the Scottish elites, into that union (Evans 2003). Scots were able to take full advantage of the economic opportunities that the Union presented, both within the territory of the UK and beyond its borders, through the Empire. More broadly the union and its apparent success confirmed to both the socio-economic and political elites in the UK, the virtue of the BPT at a time of economic, social and political upheaval.

Nods were undoubtedly made towards Scottish distinctiveness. Special procedures and institutions recognising Scottish distinctiveness kept alive the idea that Scotland should be treated differently. Separate legal and education systems were retained for Scotland (Brown,

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[112] It should be noted that Burke himself was supportive of the notion of devolution (Pilkington 2002; Evans 2003).

McCrone and Paterson 1996). Indeed Paterson (2000) argues that the integration within the UIK was partial because the major institutions of civic life in Scotland retained a separate Scottish identity precisely because Scotland's elites negotiated to retain control over law, education, religion and local government[113].

On an institutional level, the Scottish Office was established in 1885 as were special parliamentary procedures for Scottish affairs in Commons. The Scots also retained some pre-union rights and institutions, albeit that some, such as the Church of Scotland, became less significant over time (Brown, McCrone and Paterson 1996). The significance of these concessions and this sense of distinctiveness had a ratchet like effect over time, "constantly forcing small but cumulative concessions" (Mitchell 2002: 238) within the broad consensus. Thus the steady, but constant stressing of the notion of difference between aspects of Scottish and British political institutions, processes and identity can be seen. These would provide the basis for the sense of distinctiveness which underscored later demands for a degree of self-government and challenges to the consensus. Furthermore, the beginnings of contestation of core tenets of the dominant tradition such as centralisation, unionism and British-ness can be seen here. Indeed the most important contestations concerning territorial relations historically have come from nationalist groups in UK sub-nations (Holliday 1999). This indicates again that there was some contestation of ideas at the core and, in particular, that the notion of Britain as a unified entity, and its dominant political tradition, were not universally accepted.

In territorial terms both the continual contestation of aspects of the BPT and the latter's dominance over time can be explained by reference to the idea that the UK was a 'dual polity' (Bulpitt 1983). The period between 1926 and the early 1960s was one in which: "national and local politics were largely divorced from each other" (Bulpitt 1983: 235). As long as central government controlled the policies of 'high politics', essentially finance, defence, and foreign policy, it was prepared to leave the administration of what it regarded as 'low politics' to the localities and other groups. This approach is compatible with the BPT. The idea of the UK as a 'dual polity' suggests two points. Firstly, the potential for executive dominance is central to the idea of a dual polity, even if this was not always actualised. Centre-periphery relations existed in the UK and the centre dominated via the control of key policy areas. Indeed, it is worth noting that the centre had control of the policy areas that define the nation state and, thus, could, and did, assert both its dominance and a sense of 'British-ness' through this.

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[113] It is interesting to note here that overwhelmingly in the 18th and 19th century, members of the elite be they English or Scottish would have subscribed to the predominant view of the populace later narrated by Burke (1790) and thus elitism generally (Garrad 2002). As such the views of Scottish actors at the time were likely to include a sense of class, status alongside a sense of Scottish-ness, which would have influenced their attitudes and actions.

Secondly, the administration of low politics by the periphery occurred within parameters set by the centre, Westminster, in most areas. Indeed, Mitchell (2001) suggests that, for the most part, the centre governed as it saw fit.

Therefore the traditional constitutional position of Scotland born in 1707 can be seen to be linked to the BPT and its development. The Act of Union was the product of the desire of political and socio-economic elites in both England and Scotland to further their interests (Evans 2003). The development of a political system whose territorial relations were centred at Westminster and Whitehall, facilitated the pursuit of these. However throughout British history differences between aspects of the governance of Scotland and the rest of the UK can be seen. It is in these that contestation of the dominant political tradition and the territorial relations which relate to it were born.

Having outlined the traditional constitutional position of Scotland I will now turn my attention to discussing the development of the devolution in Scotland.

Defining Devolution

Prior to examining the development of devolution, it is important to define the concept of devolution itself and also distinguish it from federalism. Simply defined, devolution involves "the transfer of powers from a superior to an inferior political authority" (Bogdanor 2001: 2). More fully, it could be defined as the statutory granting of powers by the central government of the state to a government at national, regional or local level[114]. It differs from federalism in that the powers devolved may be temporary and ultimately reside in central government, thus the state remains, de jure, unitary. Any legislation to establish devolved parliaments or assemblies can be repealed by central government in the same way as an ordinary statute can be. Federal systems or federacies differ in that the autonomy of the sub-state is guaranteed by the constitution.

It should be noted at this point that, in theoretical terms, devolution could be seen as consistent with the BPT (Evans 2003) as it aims to preserve that central feature of the British constitution, parliamentary sovereignty. It is therefore the continuation of centralisation and executive dominance at Westminster, albeit in an amended form. Devolution for the UK,

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[114] Devolution can come in a variety of forms. It can be mainly financial, e.g. giving areas a budget which was formerly administered by central government. However, the power to make legislation relevant to the area may also be granted. Devolution also involves "the transfer of power to a subordinate elected body, on a geographical basis, of functions at present exercised by ministers and Parliament" (Bogdanor 2001:2).

contra federalism, has been shaped by a reverence for the BPT and its alleged virtues. This clearly casts doubt on the radicalism of devolution and suggests that devolution itself does not represent a challenge to the dominant political tradition, but is rather a continuation of it. The impact of strategic selectivity in the process of change and continuity in British politics can be seen here. A degree of path dependency has been imposed by the BPT which has shaped both the options for constitutional change and the outcomes. However two further points should be recognised. Firstly, Scottish Devolution does demonstrate evidence of challenges and contestations of that tradition. Secondly the manner in which New Labour introduced devolution may well open up the possibility of further challenges to aspects of the dominant tradition.

Devolution before the 1970s

Devolution has a long history in the UK[115]. Evans (2003: 223) argues that:

> "historically devolution has been used as a policy instrument by British governments to assimilate the demands of nationalist movements within the nations seeking greater autonomy".

Its history in relation to Scotland can be traced right back to the Act of Union (1707). At this point, there were concerns regarding the subsuming of the Scottish identity under an English one (Taylor 2002; Whatley 2008). These were put aside or accommodated however, as, two patrician classes for economic and political gains, forged the union (Brown, McCrone and Paterson 1996: 3-7). Much public opinion was un-persuaded as to the virtue of the Union, but, those Scots that made the union believed they were doing the right thing for Scotland (Whatley 2008: 35). Nor were they, as members of the political and socio-economic elite likely to respond or give weight to opinion from outside their class given the ideational norms of the time. Any concerns however were quickly offset by a number of factors. Firstly, guarantees for established civic and religious institutions in Scotland were given. In particular, the maintenance of the Protestant religion was crucial in this regard. Secondly, the political stability that followed, in contrast to earlier upheavals helped, and a degree of patronage for key individuals in Scottish society assuaged concerns. Thirdly, by the mid to late 18th century, due to the apparent economic benefits from the Empire, Scots became convinced that 'the Union' worked. Many Scots saw a clear advantage because of the trading and colonial opportunities that the union brought. Finally, deliberate attempts to play down

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[115] We might note here the extent to which the settlement arrived at with regard to the Irish question in 1922 introduced a version of devolution via the Stormont Parliament in Ulster.

Scottish identity and replace it with a sense of British-ness built upon the perception of a common enemy were essential and will be discussed shortly.

By the mid 19th century the degree of acceptance of the union and the ideas that underpinned it can be clearly demonstrated by two points. Firstly, by then it was commonplace to refer to Scotland as North Britain (Devine 2008b) and had it not been for her separate legal and administrative systems Scotland may well have become "a mere province of England" (Bogdanor 2001: 111). Secondly, the formation of the *National Association for the Vindication of Scottish Rights* in 1853 suggests a high degree of integration. The manifesto, written by its founder, W.E. Aytoun: "contained no explicit criticism of the union but it did deplore what it regarded as English neglect of Scottish political interests" (Forman 2003: 79). This demonstrates the degree to which the ideas of the dominant political tradition had become accepted even amongst critics. However, these critics did however see an intrinsic asymmetry, or English bias, in the Union and, thus, were to a degree, contesting the constitutional status quo[116]. There was limited resonance for demands for reform amongst the Scottish electorate at this point given the perceived success of 'the Union'. However, it should also be recognised that the Scottish Office was reinstated in 1885 suggesting the idea of concessions, albeit minor ones[117], being given by Westminster.

A sense of Scottish political-cultural identity did persist in 19th century (Evans 2003)[118]. This was rooted in the existence of some distinctive political and cultural institutions and practices. It was this sense of distinctiveness that, over time, would provide the basis for demands for constitutional change in Scotland through a competing conception of democracy and governance. The distinctive political aspects of this identity has been described as 'unionist nationalism' (Brown, McCrone and Paterson 1996: 11). Essentially, this meant that many Scots came to believe that Scotland's interests were best served by being in 'the Union'. Thus, to be a nationalist meant being a unionist and faith in the BPT was maintained. The nationalist element of this identity it was believed, allowed Scotland to retain a degree of its distinctiveness and prevented the subsuming of Scotland into England as a mere province. Through the existence of separate legal and educational systems and a sense of religious distinctiveness, the Scots were able to preserve a sense of separate political-cultural identity within 'the Union'. As long as the union delivered tangible benefits for Scotland, demands for

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[116] Aytoun demanded the restoration of the office of the Secretary of State for Scotland which had been abolished in 1746 following the Jacobite rebellion and an increase in the levels of Scottish representation at Westminster in proportion to that of Wales and Ireland.
[117] Here I would point to the idea that the Scottish Office was used over time to impose Westminster's control over Scotland (Brown, Paterson and McCrone 1996).
[118] Devine (2008b) notes how this sense of Scottish-ness harked back to an older notion of Scotland.

constitutional change would be somewhat muted in their resonance, but, that said, they did exist.

Initially, demands for constitutional change with regard to the union and thus contestations of the BPT, resonated most loudly in Ireland though they were not confined there. As Mitchell (1996) asserts "debate on Scotland's constitutional status has been a feature of Scottish politics for most of this (20th) century" (Mitchell 1996: 4) and various attempts were made to articulate the demand for a degree of self government. It would certainly be easy to misrepresent devolution by adopting an ahistorical approach focusing only on recent events. This would lead to the perception that the issue of devolution is a recent one, whilst, in fact, discussion of the constitutional position of Scotland has a long history.

The Scottish Home Rule Association (SHRA) was established in 1886 and defined its aims in 1887 via *'The Union of 1707 viewed financially'* (Morton 2000). These aims made the SHRA "the first parliamentary political Scottish national movement" (Morton 2000: 116) and included a desire to "promote the establishment of a legislature sitting in Scotland, with full control over all purely Scottish questions, and with an Executive Government responsible to it and the Crown" (Morton 2000). Had these demands been actualised, they would have represented a significant change and thus a major departure from the BPT. As such, the SHRA offered a challenge to key aspects of the BPT and notions such as the unitary state and unionism. It also provides evidence of continual contestation of both.

The first meeting of the Scottish National Convention was on the 15th of November 1924 and a further one was convened after the Second World War (Pilkington 2002). In addition, in 1924 the Scottish Liberal Federation proposed: "that Scotland should have a parliament to deal with Scottish affairs" (Pilkington 2002: 53). Although this idea stalled due to its lack of resonance with a public largely convinced of the virtues of the union, its existence clearly demonstrates that there have always been contestations of the position of Scotland encapsulated in parliamentary sovereignty and the unitary state.

The SNP was formed in 1933 under John MacCormick[119]. At this point they were "a resilient little sect rather than a political movement" (Evans 2003: 226) in the sense that they lacked a coherent ideology or policy programme beyond the single issue of independence. Their first success came in 1945 when Dr Robert McIntyre won the Motherwell by-election of 1945. An opinion poll concerning the desirability of a Scottish Parliament held in 1947 saw 76% of

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[119] MacCormick had left the Labour Party to campaign for Scottish Devolution and fought local and parliamentary seats throughout the 1930s, albeit with little success.

respondents say they favoured the creation of one (Evans 2003: 226). In 1949 two million Scots signed 'a Scottish Covenant' calling for a home rule Scottish Parliament within the UK. The motivation for this was dissatisfaction with Scotland's position in the union as many Scots believed that they: "were suffering disproportionately from the neglect of Westminster" (Pilkington 2002). Thus some dissatisfaction with aspects of the BPT and the institutions and processes of British government can be seen[120]. This covenant found little resonance amongst the political elite, as demonstrated by Attlee's refusal to meet MacCormick to discuss it. The Labour Party was preoccupied with its post-war social democratic programme and, having just won its first landslide victory, was convinced of the virtues of the central tenets of the BPT. In particular they believed that: "centralization in economic and social planning and a strong union….(were)…..a recipe for industrial growth and regional development (Evans 2003: 225). Nor did it undermine the view amongst Scottish socio-economic and political elites that the union continued to work in their favour. Contra this, the militancy amongst some Scottish nationalists was demonstrated in December 1950 by the theft of the Stone of Destiny, the Coronation Stone, from Westminster Abbey. It was finally recovered in February 1951 and returned to Scotland in 1996[121].

Nor was discussion of the constitutional position of Scotland always confined to the political fringes. For example, in 1949 the Scottish Tories produced a strategy paper advocating increased administrative devolution to Scotland (Taylor 2002). Similarly, on a number of occasions in the late 1960s and 1970s senior Conservative politicians made statements that suggested consideration of a change to the constitutional position of Scotland[122]. No detailed proposals on the form that such an institution would take, or, more importantly, how it would affect crucial issues such as parliamentary sovereignty were forthcoming. This can be explained through the Conservative's faith in the union and the virtues of the BPT. Not that devolution is inconsistent with the ideas and institutions of the dominant tradition anyway. In reality as consideration of Scotland's constitutional position by the Conservatives coincided with Labour's first major moves on the issue, the exigencies of party and electoral politics were the likely driving force.

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[120] The idea that the centre was neglecting the periphery would become a critique that would resonate far more extensively in the 1980s and 1990s.

[121] The then Scottish Secretary, Michael Forsythe authorised this in an attempt to curry favour with the Scottish people at a time when dissatisfaction with 'the Union' was at its peak.

[122] For example in May 1968 the Conservative Party leader, Ted Heath, proposed an elected Scottish Assembly and in 1970 the Chairman of the Party's Scottish Constitution Committee, former Prime Minister Sir Alec Douglas Home, did the same. As late as May 1976 William Whitelaw, the Deputy Leader of the Party stated its continuing "commitment to a directly elected assembly in Scotland" (Gilmour 1992: 270).

Discussion of the issue had, on rare occasions, permeated into the very heart of the UK state[123]. However, the most significant moment prior to the 1970s when the devolution was debated occurred under the Wilson Labour Government in 1968. Fearing that the rise of Scottish and Welsh nationalism would have a detrimental impact on Labour's electoral supremacy in both countries, Wilson established a Royal Commission on the Constitution. Labour found itself in a problematic situation, given it was faced by the rise of Scottish nationalism, but concessions to the nationalists and devolution itself were at odds with Labour's faith in the BPT (Tant 1993). In addition, devolution might damage their electoral position in Scotland and, crucially, at Westminster. However, to ignore the rise of Scottish nationalism might result in the same, hence the Royal Commission.

Establishing the Royal Commission served a number of functions for the Wilson Administration. Firstly, it placated the devolutionists in Labour ranks and despite the widespread faith in the BPT, there were a few[124]. Secondly, it made it appear as though Labour was taking nationalist sentiments seriously in Scotland which would potentially protect their electoral hegemony north of the border. Finally, it bought the Government some time during which it hoped that support for the SNP would dissipate. There is evidence to suggest that Wilson was right to take the rise of Scottish nationalism seriously. The SNP doubled its share of the Scottish vote between 1964 and 1966 from 2.4% to 5%. Wilson feared that the SNP would attract increasing amounts of support north of the border, and thus win seats from Labour. This would harm their position at Westminster and ability to dominate the House of Commons, while the Conservatives would be much less affected. It is worth emphasising here that it was political realities that motivated Wilson and the Labour leadership, rather than constitutional radicalism and a democratising zeal. Wilson's faith in the BPT remained unshaken.

Although its remit was wider than devolution, the Committee focussed solely on this issue much to the chagrin of two of its members. When Geoffrey Crowther, the original Chairman, died, he was replaced by the Scottish lawyer Lord Kilbrandon and the Kilbrandon Report was published in 1973. The findings of the Report will be discussed shortly. However its existence highlights the significance of the Labour Party to any narration of the process towards Scottish Devolution. Despite derisory comments[125], Labour's role in the devolution issues is pivotal and requires detailed consideration.

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[123] For example, the House of Commons carried a Scottish Home Rule motion on 3rd April 1894.
[124] Despite Gaitskell's 1956 statement that 'Scottish Home Rule was now dead', there remained a small number of supporters on the periphery of the Labour party both in Scotland and nationally.
[125] For example "The SNP famously declared that they wouldn't trust Labour to deliver a pizza - let alone a parliament" (Taylor 2002: 13).

The Labour Party and Scotland before Devolution

The Labour Party's concern for devolution can be traced back to before the party had officially come into existence. In the Mid-Lanark by-election of 1888, James Keir Hardie had included Scottish home rule in his platform and Labour, as the Liberals had before them, came to represent many of the peripheral areas of the UK. The early decentralist tradition epitomised by Hardie, the Webbs and Laski (Bogdanor 2001) was replaced by the early twentieth century with a view that the interests of the periphery could be best served by central government. As Labour became increasingly convinced of the virtues of the BPT so their commitment to decentralised governance in the UK and more participatory notions generally, dwindled. After this "home rule rarely featured prominently in Labour Party thinking in the twentieth century" (Mitchell 1999: 479) as it was thought to be at odds with other key Labour Party objectives, such as achieving economic equality and centralised management of the economy (Evans 2003). Labour's economic and social philosophy embodied in the key policies of full employment and the welfare state was seen as being threatened by devolution. Indeed, as Gordon Brown once remarked:

> "no theorist attempted in sufficient depth to reconcile the conflicting aspirations for home rule and a British socialist advance. In particular, no one was able to show how capturing power in Britain and legislating for minimum levels of welfare, for example, could be combined with a policy of devolution for Scotland" (Brown, cited in Mitchell 1998: 480).

Here, Labour's belief in the virtues of centralisation and executive dominance at Westminster was crucial. Labour operated within a unitary state paradigm and could see little, if anything, beyond this. The words of Neil Kinnock in 1975 are illustrative of this view:

> "I am a unionist for reasons of expediency. I believe that the emancipation of the class which I have come to this house to represent, unapologetically, can best be achieved in a single nation and in a single economic unit" (Kinnock cited in Bogdanor 2001: 168).

More broadly, "Labour politicians have been conditioned, as much as Conservatives, by the Westminster model" (Richards and Smith 2002: 232). Their acceptance of the ideas, institutions and processes of the BPT occurred following their formation in 1900 (Tant 1993). Their "devotion to that system" (Miliband 1972: 13) clearly conditioned and informed their view of home rule in relation to their other objectives and in general. Even the Scottish Labour Party agreed, stating in 1958 that: "Scotland's problems can best be solved by socialist planning on a UK scale" (Mitchell 1998: 480).

Given the Labour and Conservative party's views, it can be argued that, amongst mainstream political actors, the virtues of the BPT were largely accepted. However devolution was not solely a product of the 1970s onwards. Prior to this, demands for devolution may have amounted "to little more than flurries on the fringe of politics" (Mitchell 2002: 238) but their existence does demonstrate some contestation of BPT at the margins. In recent years contestation of the constitutional status quo has undoubtedly been more dramatic and visible. As such, an explanation of this intensification and consideration of why previous initiatives failed to really capture the political and public imagination is required. However, before turning attention to the increased contestation of Scotland's constitutional position I must turn to one of the central tenets of the BPT raised in Chapter Three. Given its significance to maintaining the union and helping to shape the views of actors when considering change the concept of British-ness is worthy of some further consideration.

The Promotion of British-ness

A sense of British-ness is an essential ingredient in the BPT. McAnulla (2006a) discusses 'British nationalism', however I suggested in the previous Chapter that the notions of 'unionism' and 'British-ness' should also be considered. This is a component of the BPT, rarely identified and almost taken for granted or overlooked in the literature. It is also often overlooked when discussing devolution, even though British-ness "retains a powerful hold alongside other identities of place within the United Kingdom" (Ward 2004: 169). To fully understand the process that culminated in devolution, we need to briefly focus on the idea of British-ness again and its construction in Scotland.

The construction of an 'imagined community' (Anderson 1983) has been a fundamental part of the development and maintenance of the union since the 18th century. That period as witnessed the invention of Britain in which "the incorporation of Scotland in 1707 created a unified state and market within the island archipelago" (Preston 2004: 53). This involved the construction of a distinctive British political-cultural identity (Preston 2004) in which the BPT and its exceptionalism were fundamental. In this process the invention and promulgation of signifiers of national identity, be they ideas, institutions or traditions was crucial. The construction of British-ness has ultimately provided a sense of homogeneity and unity for a political and social system that contains diversity with regard to identities across, and within the regions of the UK. The argument from Chapter Three bears repetition here. The construction of a sense of British-ness and Britain more generally allowed for the perpetuation of patterns of dominance and inequalities of wealth, knowledge and power. Thus, the 'project of Britain served the interests of the socio-economic and political elites. It

allowed for their continued dominance of UK society and capital accumulation at a time of enormous opportunity globally. It also served the function of acting as an integratory force at a time of great social and political upheaval.

This sense of 'British-ness' helps explain why calls for devolution were somewhat muted or confined to the political margins. From the Act of Union (1707) onwards, 'British-ness' was constructed and promoted through the glorification of what it means to be British or part of the Union (Colley, 2003) both politically and culturally. Culturally, this took the form of the promotion of national celebrations and this could be seen as a fundamental part of the 'invention of tradition' (Hobsbawm 1983a). This also performed the function of creating across the British Isles "a new and far more integrated upper class" (Colley, 2003: 193). Through this cultural process, the British elite "buttressed and consolidated their own social and political primacy" (Colley, 2003: 193), as well as hugely influencing what British-ness came to be seen about. A number of key facets to the sense of British-ness developed in the 18th century can be identified.

Firstly the role played by Protestantism in the creation of British-ness should be recognised (Brown, McCrone and Paterson 1996). The overthrow of the Catholic Stuart dynasty in 1689 and their replacement with the arch-Protestant William of Orange gave the Act of Union (1707) a political-religious flavour. The Union came to be seen as a union of Protestants in the face of a largely Catholic Europe.

Another facet to this process was the demonisation of a non-British element. The notion of difference, or the 'other', is fundamental to the construction of a sense national identity[126]. The loss of the American colonies formed the context for this political-cultural project in which the other became demonised. Historically, the French performed this role given their antagonistic relationship with England and their Catholicism (Colley 2003). Following the revolution of 1789 the narration of France as the other was able to take on an even greater dimension politically through the work of Burke (1790). Notions such as popular sovereignty and participation came to be seen by many in the UK as an anathema and undoubtedly ideas that were alien to the Britain. Such views were widely held by the socio-economic and political elites and served to buttress their dominance of the UK in the face of demands for political change. 'Francophobia' helped this process, particularly given the religious element in the wars with France between 1689 and 1815. Colley (2003: 17) suggests that: "not so

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[126] The role of the other has been identified as a key part of the creation of identity and its relational character (Laclau & Moffe 1985: Cohen 1994).

much consensus or homogeneity or centralisation at home, as a strong sense of dissimilarity from those without proved to be essential cement".

Politically, institutions such as the Monarchy and the Westminster Parliament were deified and held up as paragons in order to consolidate a sense of British superiority, particularly in the face of '1789'. Even prior to this, it is possible to detect an increasingly reverential attitude amongst the elites towards Parliament which developed further as the 19th century progressed. Their belief in their polity's superiority, and of course their own, led to the development of a 'cult of parliament' (Colley 2003) which can be seen most clearly in the Whig view of British political development.

The Whig 'sonderweg' thesis prevalent in much of the discourse regarding Parliament has supported and extended this view of the superiority of the British political system and its developmental path. As Nairn argues, the: "British union has always depended on the Whig tradition" (Nairn 1983: 288). The growing popularity of this view in Scotland from the mid-eighteenth century onwards should also be recognised. As a consequence of material prosperity and the forging of a sense of collective identity, many Scots, like their English counterparts, came to believe in the virtues of a political system imbued with elitism.

In summary, the impact of the BPT on the development of a distinctive sense of political-cultural identity in the UK can be identified. Britain came to be seen as something altogether different politically and culturally to that found on the continent and the USA. Britain was both politically and culturally distinctive and exceptional. The British political system was seen as superior in that it provided for representative and responsible government and gradual development over time contra the upheavals evident elsewhere. Its ideational norms were both a product of this project and supportive to it. An elitist conception of democracy, a sense of British-ness and the success of the union were crucial to 'invention of Britain'. This project then flourished "on the back of military success, economic innovation and political repression" (Preston 2004: 53) further legitimising this sense of superiority. For many, Britain, and the union of nations embodied by it, worked. It delivered economic prosperity, global dominance and power and prestige generally (Devine 2008b). Ultimately this helped to mask a political tradition rooted in an elitist conception of democracy which both reflected and supported the continuation of patterns of economic, social and political inequality in the UK.

However, assimilation to this sense of British-ness was by no means total. Many Scots retained their identity through a sense of apartness in religion, education and law. This

suggests a degree of conflict or contestation between a sense of British-ness and Scottish-ness, which suggests that there was a sense of Scottish nationalism, albeit 'cultural sub-nationalism' (Nairn 1977: 173). Although this was not the political nationalism of the SNP, it was "an assertion of Scottish-ness on the part of an amorphous group of interests and individuals whose identity is caught up with that of Scotland" (Kellas 1973). The preservation of this sense of Scottish distinctiveness would prove an important foundation for contestation of the BPT via demands for devolution.

Challenging the Consensus: The 1970s

Before the 1970s consensus had developed within the political mainstream over the traditional constitutional position of Scotland. Underpinning this consensus was a belief in the virtues of the BPT and, more particularly, the union. Despite challenges from the margins, this consensus had lasted for over two hundred and fifty years, bolstered by minor concessions, economic success and the stressing of a sense of British-ness. However, after the 1970s, an increasing number of actors came to question the consensus and the ideas embodied in it. To explain how the challenges to Scotland's position came to resonate more loudly over time, the focus must be on the 1970s and the contingent factors which promoted the challenge to the BPT.

Firstly, the challenge to the consensus can be linked to the economic decline that Britain experienced from the 1960s onwards. Increasingly in Scotland people came to believe that the advantages of the union were no longer apparent. Economic decline and the attendant spending cuts form the backdrop to the rise of Scottish nationalism as evidenced by the 1974 election results which will be discussed later. In addition, the discovery of North Sea Oil was accompanied by the suggestion that Scotland could use this revenue to achieve economic independence. Finally, the development and success of the EEC led some to suggest there was an alternative to Scotland's position in the UK. In this context, it could be argued that the devolution referendums of the late 1970s aimed to placate the population and preserve the union, rather than to tackle the concerns arising from these issues.

It was in this environment that The Kilbrandon Report was published in 1973[127]. Political realities had motivated Wilson to commission it (Evans 2003). Wilson had established the Royal Commission on the Constitution in 1968 largely because he feared the negative impact

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[127] Despite the degree of disillusionment and confusion which developed within the Commission itself over the sole focus on devolution at the expense of other constitutional matters, particularly parliamentary reform (Pilkington 2002: 61).

that the rise of Scottish and Welsh nationalism would have on the Labour Party and its electoral hegemony. This demonstrated concerns that would continue to motivate Labour politicians throughout the process towards devolution. If left unchecked or unaddressed, the rise of nationalism, and the attendant devolution question, would damage the Labour Party's chances of winning Westminster elections, and thus their chances of forming a government. It may also lead to the break up of the Union that Labour revered so much.

The Kilbrandon report did produce three recommendations concerning territorial relations. Firstly, it suggested that the UK Parliament must remain sovereign and any suggestion of separatism or federalism was rejected. Secondly, members of any devolved assemblies must be directly elected, rather than nominated, thus asserting the democratic principle. Thirdly, elections to any devolved assemblies that might be created should take place under a Single Transferable Vote (STV) system rather than the First Past the Post system traditionally used for Westminster elections.

It is interesting to consider the extent to which the Kilbrandon Report's modest proposals were compatible with the BPT and existing institutional relationships. Certainly, the first recommendation supported and reasserted one of its fundamental principles, the doctrine of parliamentary sovereignty. As such, Kilbrandon did not see the creation of devolved assemblies as threatening this doctrine. However, STV would make single party dominance of the Parliament, and thus strong government, less likely. That particular recommendation could be construed as a challenge to the dominant tradition.

The Report was delivered when Heath's Conservative Government was more concerned with the UK's entry into the EEC and, therefore, it was effectively 'shelved'. However, the Kilbrandon Report did bring the question of the constitutional position of Scotland more fully onto the political agenda than ever before.

Alongside this the rise of Scottish nationalism and in particular the Scottish National Party (SNP) can be seen. Increasingly the SNP came to replace the Conservatives as Labour's direct opponent in Scotland (Devine 2008c). The importance of the SNP in making mainstream political actors respond to the devolution issue cannot be overstated. Indeed it is a key factor in prompting Labour's response since the 1970s. The SNP was able to find a new focal point for their cause in the discovery of North Sea Oil. This ratcheted up their appeal to an increasingly disillusioned section of the Scottish electorate. Their campaign 'It's Scotland's Oil' helped speed their revival, but did not cause it. This had begun prior to the discovery and reflected an increasing dissatisfaction with the Union itself. As such, the SNP was on fertile

ground. A sense of Scottish distinctiveness had been maintained through some institutions, and certainly in terms of cultural identity of many Scots. Although this fell short of the political nationalism of the SNP, it could be fanned when dissatisfaction with the union arose and contingent events like 'The Oil' came along. The 'Oil' was merely the confirmation of the inequity of the Union for many Scots and offered the opportunity for economic independence at a time of a nationwide economic downturn. Dissatisfaction with the union and North Sea Oil helped to stimulate the process of politicising Scottish identity and the SNP were the primary beneficiaries of this. Thus, the challenge to the BPT and its unionism epitomised by the SNP's demand for independence was given wider resonance by the discovery of oil. The effect of this could be seen almost immediately. In the two elections of 1974 the SNP secured 21.9% and 30.4% of the votes cast in Scotland respectively, a dramatic increase on their 1970 figure of 11.4%.

It must also be noted that the Labour Governments' small, and declining, majority assisted the rising importance of the SNP and Scottish nationalism generally. It should also be recognised that Labour was increasingly reliant upon Scottish and Welsh seats for overall victory at Westminster (Devine 2008c). After the election of October 1974, the Labour Party only had a majority of 4[128]. This increased their reliance upon other parties to get their legislative programme through and led them to offer concessions, or consider policies that previously would have been 'beyond the pale' such as devolution. Thus, the importance of political, and especially electoral, realities on Government decision making can readily be seen. In this instance, party politics at Westminster acted as one of the key contingent factors promoting a challenge to dominant political tradition in the UK.

The First Attempt at Scottish Devolution

In response to the Kilbrandon Report, a consultative document, _Devolution within the United Kingdom: Some Alternatives_, was published. This was followed on the 17th September 1974, three weeks prior to polling day, by a White Paper entitled _'Democracy and Devolution: Proposals for Scotland and Wales'_[129]. With an election in the offing, and short of support, Wilson's Government had again been spurred by the contingent to consider the unpalatable.

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[128] This was the 2nd election of 1974. The first, in February, had seen Labour only win enough seats to form a minority government.

[129] The proposals in the White Paper, based upon what was referred to as 'decisions of principle', if enacted, would have given Scotland an assembly with legislative powers directly elected by FPTP. The Assembly would not have had revenue raising powers, rather receiving all its finance via a block grant from Westminster, thus asserting a degree of central control. It is also interesting to note the dropping of the Kilbrandon reports choice of STV for the traditional FPTP system which has usually produced single party dominance and thus in all likelihood a Labour administration for Scotland.

These proposals, referred to as 'decisions of principle' would shape future discussions within the Labour Party and be only partially and rather minimally altered by the Blair Government's proposals as we shall see. However the extent to which they were consistent with, and shaped by, belief in the virtues of the BPT and existing institutional relationships requires recognition. It is worth mentioning again that, given the impact of the ideational and institutional norms of British politics, a strategically selective process would have ensured that more radical options for reform would have been selected out or not even considered.

A degree of disquiet, alarm and apprehension surrounded this hastily drafted White Paper (Bogdanor 2001), highlighting again the degree to which devolution sat poorly with the Labour party's core assumptions and beliefs about the British political system . Following their victory in the October 1974 general election with a majority of 4 seats, Labour published a further White Paper in November 1975 entitled *Our changing democracy: Devolution to Scotland and Wales'*. This put forward: "a minimalist conception of devolution circumscribing the proposed assemblies with seemingly powerful restraints to prevent them undermining the policy of the British government" (Bogdanor 2001: 179). Included amongst these restraints was a declaration that the Labour Government would not devolve decision making power in policy areas such as major economic and industrial policy or relating to energy and agriculture. Thus, central government was again keen to assert and defend its authority and dominance rooted in the sovereignty of Parliament. Callaghan's argued on the 13th December 1976, that it would promote "a new settlement among the nations that constitute the United Kingdom" (House of Commons debates 5th Series 1977: Vol. 936) could be seen as somewhat misleading given the degree of continuity that was exhibited with the past and the fact that the core features of the BPT were being upheld.

Given the disputes and disagreements within Labour and their historic reverence for 'the Union', we must briefly explain why they offered devolution. Evans (2003) suggests the White Paper was motivated more by fears of electoral losses to the SNP than by any particular conviction about the merits of devolution. Again, fear of SNP was crucial, as was their small and declining majority. In essence, the Labour Party found itself in the unenviable position where contingent events forced a reappraisal of policy that was itself difficult for them to accommodate into their existing assumptions and beliefs about the nature and virtues of the British political system. As Mitchell (1998) states: "the reconciliation of the unitary state view with devolution proved difficult" (Mitchell 1998: 480). Writers such as Bevir and Rhodes would suggest that, when an actor is faced with a dilemma of this nature, they adjust their web of belief through appealing to different traditions. Such a claim hardly does justice

to the difficulties faced by Labour in trying to tackle the dilemma that the rise of Scottish nationalism raised for them.

Critics from within the Party argued that devolution was incompatible with the unitary state (Dalyell 1977). His belief in the core tenets of the BPT and the WM narrative remained unshaken and he continually restated this belief that: "for him devolution and a unitary state were mutually exclusive" (Mitchell 2002: 246). The innate constitutional conservatism of Dalyell's position was further seen in his persistent reference to what became know as 'the West Lothian question' in devolution debates. He was undoubtedly advocating a Diceyian position wholly consistent with the traditional view of British territorial and institutional relations.

An alternative view of the UK as a 'union state' was put forward in which it was argued that integration was less than perfect anyway and, thus, devolution was not a radical and untenable break with past. However, in the late 1970s Daylell's assumptions regarding the unitary state's existence and his critique of devolution were widely accepted across the Party (Mitchell 1998) and, thus, presented the Callaghan Government with a major problem. Many of its MPs could not see how devolution could be incorporated alongside a commitment to equal social rights across the UK. This mixture of conservative and social-democratic concerns meant that the Labour Party included a large anti-devolution element, who along with the Conservative Party could seek to thwart any attempt at devolution if they so chose. The unifying factor amongst these disparate elements was their belief in the virtues of the BPT with regard to delivering or assuaging their particular concerns.

The problems Callaghan faced were highlighted when the poorly drafted and unpopular _Scotland and Wales Bill_ (1976) stuttered slowly through the legislative process. It had made it through its Second Reading with a majority of 45, which included 47 pro-devolution Conservatives. However, it was likely that these Tories would return to their Party's position during the Committee Stage (Pilkington 2002) and, in addition, the Liberals had threatened to withdraw their support if proportional representation were not reinstated into the plan. At this point, Leo Abse, a rebel Labour MP, proposed that referendums should be used to legitimize devolution prior to its enactment and, in the face of this dissension, Callaghan agreed. This however did little to assuage the tensions and the Government's attempt to move the process forward using a guillotine motion was defeated by 312 votes to 283 on February 22nd 1977.

Having to 'shelve' the attempt at devolution in the face of parliamentary resistance, much of it from within their own ranks highlights the extent to which belief in the BPT and the WM

narrative hampered both the conception and passage of the first attempt at Scottish devolution. Only an electoral pact with the re-emergent Liberals, whose sympathy for the idea of devolution was greater, gave the Callaghan Government sufficient support to introduce the Scotland Bill 1978 (alongside a now separate Wales Bill) and get them enacted. However, even this saw Callaghan face problems.

Internal party management should also be considered here as Labour sought to deal with the need to maintain party discipline as best it could in the late 1970s given the small party majority. Mitchell (1998) suggests that it was for this reason that the use of referendums was accepted across the Party after Abse proposed it. The use of referendums was a relatively new feature of British politics at this point[130].

Labour's motivation's should be briefly considered here. Referendums in a simple sense are a democratic tool which seems at odds with an elitist political tradition. It is no surprise that a political tradition steeped in elitist notions such as 'the government knows best' has seen so few examples of this more participatory form of decision making. Labour's usage of them in 1975 and then 1979 was driven not by a conversion to a more participatory political tradition, but rather by political expediency in the face of internal party splits. Opponents of devolution from within Labour Party ranks, bolstered by Conservative opposition to the idea, used the referendum as a way in which to hamper the chances of successful devolution. George Cunningham, a Labour backbencher and staunch opponent of devolution, successfully tabled an amendment to the Referendum Act that stated that, if less than 40 per cent of those entitled to vote were to vote 'Yes', then orders for the repeal of the legislation would have to go before Parliament. The result of the poll held on the 1st March 1979 saw a majority of those who voted favouring devolution, with 32.9% of the total electorate voting 'Yes' and only 30.8% voting 'No'. However, 36.3% of the electorate did not vote and the 'Cunningham threshold' was not met. Once again, opponents of devolution had been successful. Certainly, the timing of the referendum did not help, coming as it did following the 'Winter of Discontent' and during the height of the Callaghan Government's unpopularity. However the institutional and ideational context within which the debate developed and the Act was formulated provide the key for understanding its failure.

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[130] There had been only two prior to this, one in Ireland in 1973 and the nationwide referendum on membership of the EEC held by Labour in 1975.

The 1978 Scotland Act, if instituted, would not have marked a radical break with the BPT[131]. Despite assertions to the contrary by Unionist MPs from both major parties, it offered a limited approach to devolution that sought to assert the primacy of Parliament, and thus the executive, at Westminster. In this sense, the BPT and belief in it, even amongst supporters of devolution, had produced a suggested reform that was largely consistent with the prevailing institutional and ideational environment. In addition, it is important to acknowledge that much of the work done by politicians and civil servants in relation to this Act influenced later proposals for devolution (Himsworth and Munro 1998).

The Thatcher Era

The failure of the devolution referenda was followed by the defeat of the Callaghan Government, but, in England at least, it receives little attention in explanations of this defeat, with almost all the emphasis upon the 'Winter of Discontent' (Evans 2004). However losing the support of the nationalists and the Liberals meant that Labour were vulnerable. The defeat of the Callaghan Government in the vote of no confidence on the 28th March 1979 and the ensuing General Election saw the return to government of a party almost wholly convinced of the virtues of the dominant elitist political tradition. The Conservatives did not have a small majority or fear losing support in Scotland to the nationalists. Indeed, in June 1979 the first Thatcher Government swiftly repealed the 1978 Scotland Act, highlighting what many saw as an antipathy to Scotland that would persist for over a decade and culminate in the events surrounding the Poll Tax. More traditional conservatives have subsequently suggested that: "the incoming Conservative government should have treated Scotland….with some care"

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[131] Although some powers were to be devolved to Scotland, the Act: "did not purport to limit in any way the legislative sovereignty of the United Kingdom Parliament" (Himsworth and Munro 1998: 15). Instead, Westminster would have still been able to legislate on matters within the legislative remit of the Scottish Assembly. Thus, the Diceyian principle of Parliamentary Sovereignty was reasserted. The Act neither clearly defined those competencies which were passed to the Assembly, nor those retained at Westminster. Rather, it listed in less than clear terms what the Assembly could legislate on and what it could not. It did however clearly state there was no financial devolution involved, so no tax raising powers or the right to raise loans was to be given to the Assembly. The Assembly would be financed by a block grant, under the Barnett Formula. In essence, Westminster and the Treasury would continue to 'hold the purse strings' and, thus, be able to assert a large degree of control.

The Secretary of State for Scotland was given powers to dissolve the Assembly if two thirds of its members agreed, allowing a further, albeit limited, degree of control to the executive at Westminster. The Secretary of State was also given the right to reserve for consideration by Westminster any bill passed by the Assembly that he or she felt would, or may, affect a non-devolved matter and was not in the public interest. Once again the impact of ideas about executive dominance at Westminster and the government 'knowing best' is readily identified. Multi-member constituencies were to be used for the first Assembly, with single member constituencies utilised subsequently. Labour also resisted Liberal calls for the use of a more proportional electoral system and retained the traditional FPTP system for elections to the Assembly. The crucial issue of the West Lothian Question was left unresolved.

(Gilmour 1992: 271) because the devolution issue was not going to disappear. However, this didn't happen over the next 10 years and no attempts were made to shore up the union state. Thus the desire for devolution and a Scottish Assembly persisted within Scotland.

A great deal has been written concerning the character and history of Thatcherism (Hall and Jacques 1983; Jessop 1988; Gamble 1994) and I cannot do justice to it here. However, in order to identify the impact of the 1980s on the process towards the establishment of the Scottish Parliament I must consider 'Thatcherite' views of the union and devolution.

The election of Margaret Thatcher in 1979 is often portrayed as a turning point or watershed in British politics in both ideational and policy terms (Hay 1996). However, in terms of territorial relations in the UK it is more correct to suggest it was rather an extreme manifestation of a long established approach. Like most of the Conservative Party, Mrs Thatcher wholeheartedly believed in the sanctity of the UK's existing territorial relationships and was: "deeply suspicious of what that (devolution) might mean to the future of the union" (Thatcher 1993: 36). Unlike some of her predecessors, such as Heath or Douglas-Home, she saw little value in making gestures with regard to devolution, even if, the situation in the 1970s and 1980s required such sensitivities (Gilmour 1992).

Historically, the Conservative Party had built its electoral appeal in part on:
> "projecting itself as the party of the Union, the Empire, and the Constitution, and identifying the party with the established institutions and symbols of national legitimacy" (Gamble 1983: 111).

Marsh and Hall (2007: 225) suggest: "the Conservative party's reverence for the dominant tradition was historically linked to their reverence for tradition and their dislike of change" and to this I would add their faith in and support for, elitism generally. For the Conservatives, "there were some things worth dying in the last ditch for" (Gamble 1983: 119) and the union of the United Kingdom was one of them. Mrs Thatcher's views were undoubtedly a continuation and affirmation of this trend, no matter how untenable the reality of such claims may now appear. Her vehement unionism and British nationalism, both central tenets of the BPT, were at the forefront of her instinctive opposition to the idea of devolution.

Thatcherism and Mrs Thatcher herself appealed to: "a synthesis of recrudescent British nationalism and a neo-liberal political economy" (O'Neill 2004: 72). A sense of British-ness was fundamental to Thatcherism. However it was a specific conception of that term that was used. In reality, British-ness for Thatcher meant English-ness or at the very least English

dominance. For Thatcher, unionism in constitutional terms meant the constitutional status quo (Finlay 2008) and, thus, England dominant in the UK. Gamble (1994) suggests that in the 1980s the Conservatives became less the party of Unionism and more the party of England under Thatcher. Whilst electorally this may be the case, many Conservatives still saw themselves as Unionists. Mrs Thatcher was at pains to point this out in her memoirs when stating that: "The Tory party is not of course, an English party but a Unionist one" (Thatcher 1993: 624) The key point here is that they conceptualised 'Unionism' and 'British-ness' simplistically and narrowly in terms of English dominance and 'English-ness'. To many, it seemed that the Thatcher Governments regarded Scotland not as a nation in its own right, but rather as a province, and a rather tiresome one at that (Gilmour 1992). This "English national backlash against Celtic hubris" (O'Neill 2004: 72) can be seen most forcefully expressed in the uncomprehending and uncompromising words of arch-unionist Enoch Powell who stated:

> "If you don't like your geographical position - being away from the dense population markets - get out of it but don't ask people to give you handouts. That's the begging bowl mentality" (Powell cited in Harvie, 1994: 183).

Such an aggressive assertion of the English dominance, and some would argue English arrogance, was symptomatic of the attitudes of many within the government, the party and Thatcher herself.

Alongside this other aspects of her views made her hostile to devolution. As a consequence of her neo-liberalism, she wished to reduce the role of government and devolution would add an extra layer of government. Devolution was therefore at odds with the notion of 'rolling back the frontiers of the state' on its most basic level. Throughout her years in office, Thatcher continually worked to downgrade local government and centralise and strengthen the power and role of the centre. Her abolition of the GLC and the Metropolitan Authorities in 1986 is clear evidence of this trend. A leader who sought to bring power towards the centre is unlikely to see any virtue in devolving it to the regions, regardless of how limited that devolution might actually be. In essence, she prioritised parliamentary sovereignty and the unity of government in the UK at the expense of regional diversity, despite the fact that this diversity could be located within the existing institutional relations and ideational norms established by the dominant tradition she revered so much.

Thus, rather than marking a beginning of the dispersal of power away from the centre, 1979 saw Britain under the Conservatives veer sharply back towards the more uniform and inflexible system of government underpinned by the BPT (Marsh and Tant 1989). This approach predated the debates of the 1970s and the minimalist attempt of 1978-79, which

were largely consistent with that tradition anyway. Mrs Thatcher even saw the Scottish Office itself as part of the problem believing that its "very structure added a layer of bureaucracy standing in the way of reforms that were paying such dividends in England" (Thatcher 1993: 619) and that devolution would further exacerbate what she perceived as this problem. In her view, Scottish Office Ministers: "saw themselves as standing up of Scotland against me and the parsimony of Whitehall" (Thatcher 1993: 619)[132].

It may also be suggested that other key aspects of Thatcherism influenced her views with regard to Scottish devolution. Mrs Thatcher: "saw Scotland as an outpost of the dependency culture she was determined to extirpate" (Bogdanor 2001: 195). Many of her other policies, particularly those such as privatization and opting out of local government control in areas such as education, found little resonance in Scotland. In particular, the Thatcherite belief in the virtue of neo-liberal individualism[133] ran contrary to both the more traditional values of community and belief in the virtues of social democratic institutions, such as the welfare state, and a commitment to what has been traditionally identified by commentators as 'the post war consensus'. Indeed, it can be argued that socio-economic factors were central to Scottish dis-satisfaction in the 1980s (Finlay 2008).

Thatcher's free market policies seemed to add to the economic woes of the regions of the UK. O'Neill (2004) argues that:

> "the deregulation of economic and fiscal policy during the Thatcher years accelerated the long term structural shift in the regional focus of the British economy"
> (O' Neill 2004: 73).

While the South East of England seemed to benefit from her policies, other regions of the UK experienced economic decline .In Scotland, by 1985-86 £2.4 billion out of a total £4.7 billion of capital invested in Scottish manufacturing industry had moved southwards and unemployment had almost doubled from 5.7% in 1979 to 11.1% in 1986. In contrast, England, or at least one part of England, seemed to experience 'good times' as a consequence of Thatcherite economics. It is hardly surprising that in Scotland the economic benefits of the union for Scotland, which were fundamental to its establishment in 1707 and had become increasingly questioned in the 1970s, were more widely critiqued during the Thatcher era. As

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[132] Although the Thatcher period is often seen as 'the end of the dual polity" (Bogdanor 2001: 195) because of Thatcher's centralising tendencies, it should be noted that the 'dual polity' (Bulpitt 1983) itself contained the potential for Westminster dominance and that it was wholly consistent with the dominant elitist political tradition. With regard to the Union and devolution, Thatcherism could be seen as the apogee of that tradition, rather than as involving any abandonment of it.
[133] The similarity between these views and the widely held notions of 'self help' and 'self reliance' from the 19th century are worthy of note.

Evans (2003: 234) suggests: "the perceived failure of the British two party system to deliver concrete economic gains for Scotland" was fundamental in driving further questioning of the union and its efficacy for the Scottish.

At the same time the revenue from North Sea Oil was still coming in, adding £62 million a year to the Treasury. However, the regional subsidies that had previously been used to overcome economic and social disparities between the regions of the UK dwindled because of the Government's belief that such subsidies reflected a dependency culture and, thus, flew in the face of the enterprise culture Thatcherism so forcefully sought to engender. Such actions further confirmed to many Scots that the union, the Government and the Prime Minister did not have Scottish interests at heart.

Thatcher herself seemed to be, and was certainly perceived by many Scots as, anti-Scottish (Mitchell and Bennie 1996). She did little to dispel such concerns through her actions or through her comments during the 1980s. She was to comment in her memoirs that:

> "the union is inevitably dominated by England by reason of its greater population. The Scots, being a historic nation with a proud past, will inevitably resent some expressions of it from time to time" (Thatcher 1993: 624).

Such sentiments were readily on view throughout the 1980s and highlighted by Thatcher who saw English dominance of the Union as both natural and desirable. Furthermore her view of how that dominance had been secured was overly simplistic and insensitive to the history of these isles or how people in Scotland may feel about it. As such, Gamble's (1994) suggestion that the years of Thatcherism "marked the final end and exhaustion of the Conservative's old unionist formula" (Gamble 1994: 166) is somewhat misguided given the extent to which unionism has always been an integral feature of Conservative Party doctrine. However, these years were undoubtedly a final, reactionary attempt to aggressively reassert that notion in its most powerful and virulently nationalistic form.

This reversion towards a fundamentalist expression of the dominant political tradition, associated with policies of national assimilation was decisive because of the reaction it prompted. It directly caused conflict and resentment between the centre and periphery in the UK. This conflict was rooted in and expressed via contestation of the BPT. Indeed, it was: "her monolithic unionism, a political rather than an economic force that created the conditions for the resurgence of Welsh, and even more so, Scottish distinctiveness" (Ward 2004: 168).

As a consequence of the views and policies of the Thatcher Government during the 1980s, the decline of the Conservatives in Scottish politics occurred. In the General Election of 1979 the Conservatives gained 31.4% of Scottish votes and 22 seats. By 1987 they won 24% of the vote and 10 seats, in large part as a result of the experience of Thatcherism and her approach to territorial politics. Furthermore perceptions of the Conservative Party in Scotland became increasingly negative. The Conservative Party was seen as a minority party in Scotland throughout the 1980s. They were seen as imposing their views and the idea there was democratic deficit became increasingly evident.

Whilst it could be suggested that the fundamental nature of the BPT, its elitism, produces a democratic deficit as a matter of course, it is clear that dissatisfaction with how that tradition delivered governance for Scotland was growing. In addition, the length of time the Thatcher Government spent in office led to the perception that rule from the centre in London could in fact be equated to Conservative rule regardless of how Scotland voted. In particular, there was disquiet at how the Tory Government's programme, in particular their economic policy with its emphasis on low public spending and the virtues of the free market, impacted on Scotland.

This increasing dissatisfaction with Scotland's position within the UK, and thus the dominant political tradition, was also reflected the further rise of the SNP, a party who directly challenge central tenets of the BPT. In 1987 the SNP won 14% of the votes and 3 seats in the General Election. In local elections in Scotland the SNP faired well achieving, for example, 21.3 % of the vote and 113 seats in 1988. However, the SNP were not the only beneficiaries of the Thatcher approach to territorial politics. All the main opposition parties sought to capitalise as the belief grew that old territorial consensus and all that underpinned it was being undermined by the Tories (Mitchell 2002). This belief became increasingly resonant throughout the 1980s and parties such as the SNP, Labour and the Liberal/Alliance came to reflect and tap into these sentiments.

Throughout the 1980s contestation concerning the traditional position of Scotland and the broader virtues of the BPT grew. Fundamental to this were the ideas and attitudes of the Thatcher Government and the response of the Scottish electorate and opposition parties. This polarisation between a Government, whose faith in the BPT was unshakeable, and its various opponents, who increasingly viewed that tradition as no longer of benefit to Scotland or representative of Scottish views, reach its height as a consequence of one of the most controversial policies of the 1980s, the Community Charge, more commonly known as 'the Poll Tax'.

The Significance of the Poll Tax

There is agreement in the literature about Scottish devolution about the significance of the Poll Tax (Evans 2003; O'Neill 2004)). Indeed O'Neill describes it as "a defining moment in the already deteriorating relations between the government and Scotland" (O'Neill 2004: 74). However there is little detailed exploration of it as a contingent factor that promoted contestation and change. Evans (2003: 235) correctly identifies it as "a political disaster in so far as it revitalized the devolution issue as a focus for an anti-Thatcher Scottish identity". Nor is there sufficient focus on how its introduction can be viewed as further evidence for the impact of the BPT. The Poll Tax had been discussed since the mid-1980s and was put before the electorate as part of the Conservative Party manifesto in the 1987 Election. Controversy had dogged its conception and development as a policy (Butler, Adonis and Travers 1994). Bogdanor argues (1999: 196) that during its development: "The Scottish Office, significantly, seems to have been excluded from all forums engaged with the detailed work of the review until it became de-facto policy." The Poll Tax therefore quickly became seen as a policy devised without Scottish interests or views being taken into account.

The 1987 General Election followed almost immediately after the passage of the Scottish Poll Tax legislation and proved to be a damming verdict on both the popularity of the policy north of the border and on the Thatcher government more generally. The Conservatives dropped from 21 seats in Scotland to only 10, with 86% of Scottish seats returning what was effectively an 'anti-Conservative' candidate. They won only 24.3% of the vote in Scotland as compared to 28.4% in 1983 and 31.4% in 1979[134]. Yet, they seemed to make little impact on a Conservative Government and its leader who were more focussed on their nationwide victory and a second landslide in England. Again, this reflects an underlying belief in the idea of the 'Union' and an overly English focus. The fact that the government had not enough Scottish MPs to man the Scottish Affairs Select Committee seemed not to worry them. Rather they disbanded it for the duration of that Parliament, an approach that again highlights their attitude towards Scottish affairs. Senior Scottish Tories, such as Malcolm Rifkin, George Younger and even those who lost their seats believed that the Poll Tax had only played a minor role in the defeat north of the border. However, in reality it was a major factor and evidence of a much wider sea of discontent with the Thatcher governments and territorial relations in the UK generally. It is also salient to note that, by voting for parties other than the Conservatives in the 1987 General Election, the Scottish people had overwhelmingly rejected the Poll Tax. However in a system where the 'government knows best' is the abiding mantra this was unlikely to make a major impact on the view of the executive.

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[134] Analysis of UK general election statistics can be found at http://www.psr.keele.ac.uk/election.htm

Although in 1987 the Labour Party were the real beneficiaries of this wave of anti-Conservative sentiment, having secured 69.4% of Scottish seats in 1987, an increase of nearly 13%, they were faced with a number of problems, which centred around how to respond to the Poll Tax and, in particular, the notion of non-payment. There were significant numbers of people within Labour Party ranks, as well as within the SNP, arguing for non-registration and non-payment. Within the leadership of the Labour Party however, the view that dominated was best expressed by Donald Dewar at the 1988 Labour Party Conference. He argued that to adopt a strategy that involved supporting law breaking would damage Labour's electoral credibility. Labour's governmental aspirations and its faith that sooner or later it would be returned to government showed a faith in the traditional approach to British politics. In essence, they wanted to work within the system and within the ideas and structures prescribed by the BPT.

However, whilst Labour tried to play the traditional game, sections of the Scottish electorate were openly contesting the tax and what it said about the nature of the British political system as it stood. Labour's stunning defeat in the Glasgow Govan by-election of November 1988 by the SNP candidate Jim Sillars showed the extent to which Labour had to respond, albeit within the confines of their established views. They would eventually do this through the Scottish Constitutional Convention (SCC) and their support for devolution.

Despite this, the Poll Tax was introduced in Scotland in 1989, a year prior to its introduction in England to a wave of protest and public outcry[135]. The SNP and the Anti-Poll Tax Federation were at the forefront of the 'Can't Pay, Won't Pay Campaign' and Scotland had the highest number of citizens refusing to pay when the tax was levied. In the European Parliamentary Elections in June 1989 the Conservatives lost their two Scottish seats and 20% of voters asked in a Mori Poll published in the *Scotsman* prior to the Election stated that they would take the Poll Tax into consideration when voting, despite the fact it was not within the remit of the European Parliament. The Poll Tax had therefore become a defining issue for many Scottish voters and a focal point for both their view of the Thatcher Government and their actions thereafter.

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[135] For example in February 1989 a Scottish petition against the Poll Tax containing over 300,000 signatures was delivered to Downing Street and by September 1989 the number of Poll Tax defaulters North of the border reached 900,000, nearly a quarter of those who were eligible for the tax.

Initially, omitting Scotland from the concession over savings benefit[136] in March 1990 further ratcheted up the perception that the Conservative Party cared little for its support in Scotland. It appears that: "in a rush to devise the concession the Treasury forgot about Scotland" (Butler, Adonis and Travers 1994: 151). Although they hastily extended the concession to Scotland, the question then arose as to whether the four million pounds required to finance it would have to come from the existing budget for Scotland. By the time that Michael Heseltine announced the abolition of the Poll Tax in March 1991, countless Scots were convinced that something had to change.

The significance of the Poll Tax for any narration of the process of Scottish Devolution can be seen in a number of ways. Broadly the Poll Tax was a both a bureaucratic disaster due to the extent of non payment and an issue that galvanised many of those who had been undecided over devolution in 1979 (Evans 2003). The Poll Tax can be seen as an event that promoted contestation of the key facets of the traditional constitutional position of Scotland and the BPT that underpinned it. It is one of the main contingent events that promoted opposition parties and sections of the public, particularly in Scotland to contest the legitimacy of the Thatcher Government and consider alternatives for Scotland. In doing so they questioned the virtue of aspects of the BPT and devised alternatives to the traditional approach to the governance of Scotland. In particular the Poll tax was an issue that 'ratcheted up' the process of contestation and conflict and, thus, drove forward the process that culminated in devolution.

It is also interesting to note the manner in which different actors responded to the challenge presented by the Poll Tax and people's resentment of it. Here we can see the virtue of acknowledging of the importance of dominant and competing political traditions. The Conservatives under Thatcher for their part were unshakeable in their faith in the dominant tradition and pursued the policy, regardless of public hostility to the idea. The Labour Party, regardless of its dislike of the tax, argued for change based upon the established patterns of Westminster politics. Thus they too remained faithful to the BPT. However the Poll tax can also be seen as: "symptomatic of Labour's seeming inability to defend Scottish interests" (O'Neill 2004: 74). The fact that so many members of the electorate were willing to go beyond the Labour Party's stated policy and openly defy the state is crucial. If Labour

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[136] The Chancellor John Major made a minor change to the benefit system in the 1990 Budget which raised the savings limit to qualify for community charge benefit from £8000 to £16000. However Scotland was initially omitted from this and the Treasury had to find £4 million to fund the concession in Scotland to avoid further damage to the governments' reputation (Butler, Adonis and Travers 1991: 151).

continued to be seen as failing the Scottish electorate, alternatives such as the SNP might become more attractive and, therefore, popular with Scottish voters. Thus, Labour clearly needed to once again try to reconcile its faith in the BPT and the union, with the need to ward off the threat from the nationalists. They would do this through the SCC. For their part, the SNP were able to argue from 'outside the box'. Operating from a competing political tradition with regard to territorial relations, this merely confirmed the failure of the Union to serve Scotland's interests and thus highlighted the need for Scottish independence. Thus they contested core aspects of the territorial relations embodied in the BPT.

In a sense, the Poll Tax became a focus for Scottish grievances that had, as we have seen, built up over time. As Bogdanor argues (1999: 196):

> "Generally, the fiasco of the poll tax, seemed to prove to the Scots and Welsh, that in rejecting devolution, they had surrendered themselves to a government that cared little for their interests."

The process by which the tax was developed and then introduced seemed to confirm this, in particular the sidelining of the Scottish Office during policy deliberations (O'Neill 2004). It brought sharply into focus the question of political legitimacy and the democratic deficit in Scotland. Despite being hugely unpopular in Scotland, the Conservatives could, and did, still introduce a policy that the majority of Scots did not want. The fact that they did so a year prior to introducing it in England was seen: "as a mark of the Conservatives disregard, even contempt, for Scotland" (O'Neill 2004: 74).

In this sense the idea of the 'government knows best' was also being questioned, not just in Scotland but across the UK. The fact that the Poll Tax was introduced against the wishes of the Scottish electorate could be seen as the apogee of 'executive dominance' and 'government knows best'. As we have seen, governments in the UK have always been willing to introduce unpopular policies on the basis that they believe they could claim to know what is best for the nation. This elitist presumption can clearly be seen in the history of the Poll Tax. Butler, Adonis and Travers (1994) rightly raise questions regarding how the Poll Tax could be seen in relation to the conventional wisdom regarding the British system of government as detailed in the WM narrative. They rightly assert that, alongside human error, "system failure was also to blame" (Butler, Adonis and Travers 1994: 302), highlighting the extent to which the Poll Tax demonstrated the concept of 'elective dictatorship'. However both 'human error' and 'system failure' can be more fully explained through the idea of the BPT. Decision makers schooled in, and accepting of, ideas such as 'the government knows best' and executive dominance were unlikely to retreat from the policy, despite its unpopularity. Nor did the

institutional structures and processes of British government, established in line with and supportive of that tradition contain sufficient safeguards against poorly made and unpopular policy, or sufficient opportunities for public dissatisfaction to be filtered effectively into the process. Rather, the Poll Tax should be seen as a classic example of what happens when poor and unpopular policy is married to the ideas of the BPT.

In Scotland the Poll Tax did galvanized public opinion and support for devolution (Evans 2003). It raised serious questions for many concerning the efficacy of the British political system. I argue that this increased questioning of dominant ideas is where the potential for change is born. For many Scots after the Poll Tax: "only devolution, so it seemed, could protect Scotland and Wales against future outbursts of Thatcherism" (Bogdanor 2001: 196). In a sense, it further politicised Scottish political-cultural identity. Thus, devolution became for many a way of blocking further Conservative rule in Scotland. Notably, as the battle over the Poll Tax in Scotland hotted up in 1989, Scots demanding reform formed the SCC. This would prove to be of lasting significance to the history of Scottish demands for devolution.

The Claim of Right and the Scottish Constitutional Convention

On the first anniversary of the 1979 Devolution referendum the Campaign for a Scottish Assembly had been established and the idea of a constitutional convention was mooted without success (Evans 2003). This was an all-party group, yet it found little support during the 1980s. However, the experience of Thatcherism in Scotland and, in particular, the furore surrounding the Poll Tax gave the campaign a new impetus and it led to the formation of the Scottish Constitutional Convention (SCC). In 1988, the Campaign for the Scottish Assembly established a Constitutional Steering Committee (Bogdanor 2001). This Committee, whose membership was drawn from a cross-section of groups and institutions (Edwards 1989: 2) issued 'the Claim of Right' on 6th July 1988 and also called for a SCC to be established.

'The Claim of Right' remains a significant document in the history of Scottish Devolution. It appealed to the history of Scottish distinctiveness in terms of institutions and identity. By using the idea of a 'right', its authors suggested that Scotland as a nation had the right to govern its own affairs and that Scottish national interest was being ill served by the Union. Indeed, the first point they made was that: "Parliamentary government under the present constitution had failed Scotland and more than parliamentary action was needed to redeem the failure" (A Claim of Right: 1.1). By asserting this, its authors were clearly stating that the only remedy to Scotland's problems within the Union lay in constitutional reform. They were also directly contesting the alleged virtues of the centralisation and elitism of the BPT.

They also argued that the words 'British' and 'English' were in fact synonymous when it came to the Union. The issue of nationhood was at the centre of their argument. Scotland was a historic nation whose status rested on both a distinctive form of institutional governance and a distinctive Scottish culture. On this basis, they believed that Scotland had: "a right to distinctive government in a range of home affairs" (Edwards 1989: 14). They also asserted that Scotland had not been conquered, but had freely agreed to be part of the Union in 1707, albeit a union that they believed had been driven forward by the English and their needs. They believed that many of the provisions of the Act of Union and its spirit had been violated as governance at the centre had expanded since 1707. They believed the Scottish Office, which was there to represent Scottish interests at the centre, had consistently failed to do so since its inception in 1885 and that other parts of the machinery for governing Scotland were no more effective (Edwards 1989: 15). The authors believed that Scotland could stand on its own feet economically and socially and it was the constitution that should allow them to do so. Thus, Scotland was being consistently failed by the Union as it was constituted and, more pointedly, by the British government at Westminster and Whitehall.

The 'Claim of Right' was also vociferous in its criticism of the nature of British democracy, referring to it as illusory. The British constitution concentrated power in the Crown-in-Parliament, now largely focussed on the position of the Prime Minister. Given how party discipline functioned at Westminster, together with the influence of majority size and the desire for advancement amongst MPs, Parliament was now ineffective as a method for controlling the Executive and, in particular, the PM. The authors' critique of the nature of the UK political system clearly asserted the notion of 'elective dictatorship' and highlighted a concentration of power which other groups, such as Charter 88, were also focussing on at the time. Thus, critique of the UK political system formed a fundamental part of their agenda and we can see the confluence of the critique of Scotland's position with a wider critique of the BPT that had re-emerged and intensified during the 1980s because of the experience of Thatcherism.

Finally, they pointed to the 'democratic deficit' in the UK and how the political system thwarted the desire for constitutional change and highlighted the fact that in 1987 in the UK 57% of the electorate had voted for parties in favour of creating a Scottish Assembly, while in Scotland this figure was as high as 76%. However, given the concentration of power in the UK, the faith in the idea that the 'government knows best' and a Prime Minister in Margaret Thatcher who was "dedicated to preventing the creation of a Scottish Assembly" (Edwards 1989: 19), the wishes of the people could, and were, being denied. Indeed the influence of the

experience of Thatcherism should again be noted. The 'Claim of Right's' critique of the Thatcher Government was far-reaching as evidenced by the statement that the problem of an overly mighty and contemptuous executive "afflicts the United Kingdom as a whole" (Edwards 1989: 50) and that the establishment of a Scottish Assembly would not only save a distinctive Scottish government but "create the ground swell necessary to set the British reform process on its way" (Edwards 1989: 53).

Having outlined a critique of the UK political system and asserted Scotland's right to a degree of self government rather than independence or separatism, the latter being inconsistent with the BPT, they then outlined the form that a Scottish Assembly should take by tackling the arguments made against an assembly. Finally, they demanded the establishment of a Constitutional Convention to speak for the Scottish people on constitutional matters and to work towards securing constitutional change for Scotland (Edwards 1989: 32-50).

The 'Claim of Right' is significant for a number of reasons. It highlights a conflagration moment where a number of contingent events came together to produce a direct challenge to the traditional constitutional position of Scotland. As such critiques of both the ideas and institutions of the BPT were being developed. In a sense a moment of potential crisis for the BPT had been reached. The discussions of the 1970s, the abortive attempt to give Scotland Devolution and the experience of the 1980s under the Thatcher Governments were crucial in leading to this moment. The timing of the 'Claim of Right' at the moment when the Poll Tax was about to be introduced against the expressed wishes of the Scottish electorate furthered this sense of disillusionment and the 'Claim of Right' gave powerful expression to this mood. Indeed, the challenge expressed in it resonated so fully that it was endorsed by all of the Labour Party's Scottish MPs, with the exception of the arch unionist Tam Dalyell.

The SCC was established in 1989. The significance of the convention is recognised in most of the work on Scottish Devolution (Holliday 1999; Bogdanor 2001; Mitchell 2002; Pilkington 2002; Evans 2003). The Convention had a wide, cross-party, membership including 57 Scottish MPs (49 Labour and 8 Liberal democrats) and 7 MEPS; however the Conservatives and the SNP declined the offer to join. It is hardly surprising that, as staunch advocates of the constitutional status quo, the union and the BPT, the Conservatives should decline to join. Nor, is it surprising that the SNP, with their demand for Scottish independence representing the most radical challenge to that tradition, chose not to join. However, the SCC's membership went beyond the political parties into key groups and organisations in Scottish

society[137]. The cross-party and societal nature of the SCC's composition demonstrates the extent to which dissatisfaction with aspects of the BPT was developing.

The aim of the convention was threefold. Firstly, it sought to translate the level of support for constitutional change in Scotland into actual constitutional change. Secondly, given these support levels, it sought to fill a gap in the Scottish representative system and give voice to these views. Finally, it sought to develop specific proposals for the creation of a Scottish Assembly which could then be adopted by an incoming government.

The convention drew up two documents. Firstly, in 1990 it produced *'Towards Scotland's Parliament'* and, secondly, in 1995 it published *'Scotland's Parliament, Scotland's Right'*. It is worthwhile noting the timing of these two documents. The first was published whilst Neil Kinnock, an opponent of devolution in the 1970s, but by 1990 a convert, was leader. By the publication of the second document in 1995 John Smith had led the Labour Party for two year, before his untimely death in 1994, and Smith had been far more of an enthusiast for devolution. This may explain the reconciling of the Parliamentary Labour Party to the idea of devolution embodied in the Convention's work which had occurred by the mid-1990s. The Convention's proposals were based upon a bill drawn up by the Labour Party in 1987 and, in turn, formed the basis of Labour's devolution proposals that were enacted in 1998 (Bogdanor 2001). Notably, the proposals outlined in the two documents were not markedly different from those pursued by Labour in the 1970s and, as I have suggested, those original proposals were largely consistent with the BPT. Of the changes that can be identified in the documents, three are notable.

Firstly, the convention raised the possibility of financial devolution by discussing tax varying powers, but was dissuaded from including them by the Labour leadership who feared accusations of having a tax raising agenda. Again the impact of political realities on the development of devolution can be seen. I would also note here both the influence of wider changes in Labour Party thinking (Hall 1998; Hay 1999; Ludlam and Smith 2001) and the impact of a dominant political tradition which reifies centralisation and sovereignty located at the centre. Secondly, the convention began discussing and referring in its literature to the notion of a Parliament, rather than an Assembly (O' Neill 2004: 79). Although only a single word, this shift was significant in the sense that it implied a more thorough and far-reaching

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[137]These included 12 regional and island councils and 47 out of the 53 Scottish district councils, the Scottish TUC and representatives from Scottish business in the form of the National Federation for the self employed and small businesses. Minor parties, such as the Co-operative, Communist and Green Parties, and groups representing blacks, Asians, women and Gaelic speakers were also involved (Pilkington 2002: 68).

reform that had been previously considered. Thirdly, and crucially for what would come later, the Liberal Democrats were able to forge an agreement with Labour over the usage of the Additional Member System (AMS) for elections to a future Scottish Parliament (O Neill 2004: 79). They accepted that Labour would never allow their favoured STV system, as it represented too greater shift from FPTP and, as such, a greater challenge to the elitist democratic tradition in the UK. As a consequence, they compromised on AMS. The significance of this is twofold. Firstly it highlights the importance of those operating from a more participatory conception of democracy. Thus the inclusion of a hybrid system derived from a competing democratic tradition. Secondly, it would prove to be one of the most important outcomes of the Convention and one that would have serious implications for the practice of devolution post-1998.

Despite the nationalist rhetoric of the 'Claim of Right' it is notable that its proposals were largely consistent with the dominant narratives of British politics. Again the influence of the BPT on the views and assumptions of actors can be seen. Therefore, the devolution proposals that emerged were not radically different from those in 1970s, but, following the events of the 1980s, the political force behind them was much greater, that is to say the critique of the current constitutional relationships upon which they were based had come to resonate more widely.

It is also important to note that the Convention paid little attention to resolving some of the difficulties raised by devolution that had been apparent since the 1970s (Bogdanor 2001). The paradoxes of asymmetrical devolution were left unresolved. How the introduction of devolution might impact on aspects of the BPT was left unconsidered. In particular, the relationship between a Scottish Parliament and local government, Scottish representation at Westminster and, most importantly, the precise relationship between Westminster and Edinburgh post-devolution were not defined. It is here that a fundamental part of my narrative resides. Within these proposals for the future direction of the British political system, however minimal, the possibility for future challenges to the BPT can be found.

Into the 1990s: Labour and Scottish Devolution

The role of the parties was integral to the development of proposals of the SCC and in ultimately bringing about devolution. In particular, I will focus the Labour Party and its attitudes to devolution in the 1990s. Labour's participation in that convention was itself a notable shift from the Party's "long standing opposition to cross party campaigning" (Mitchell 1998: 488). This was indicative of an increasing support for devolution within the

Labour Party evident from the late 1980s and which would be crucial in seeing the realisation of the devolution proposals. Despite being associated with devolution since the 1970s, Labour had historically been a unionist party who were wholly convinced of the virtues of the BPT. However in the 1990s Labour developed a wide-ranging programme for constitutional reform of which devolution was a fundamental part. Thus it might be asked whether Labour became increasingly opposed to the BPT or was this constitutional reform agenda driven more by other contingent factors, including party politics, electoral failure and the experiences of the 1980s.

Labour's increasing conviction about devolution can, and has, been explained in a number of ways. Most accounts of the process of devolution correctly identify Labour's increasing conviction and reasons for this, but fail to situate this within the broader ideational and institutional context of British politics. Nor, do they fully emphasise the role of contingent events in promoting change. In explaining this process my narrative suggests a number of key factors.

Firstly, devolution remained for the Labour Party a way of staving off the threat of the SNP. As we have seen, this had always been a primary motive for Labour. However its importance had been ratcheted up by the experience of Thatcherism and the Poll Tax in particular in the 1990s. However, the SNP had significant electoral success in both 1987 and 1992; it won 14% of the vote in 1987 and 21.5% in 1992, both times gaining two seats. The fact that the SNP had won nearly a quarter of the votes in Scotland in 1992 suggested to many in the Labour Party that independence was becoming more attractive to many Scots (Bennie, Brand & Mitchell 1997). Throughout the 1980s, senior figures in the Labour Party, such as John Smith and Robin Cook, were drawn from Scotland, yet, despite four of the six Shadow Cabinet positions post-1987 going to Scottish MPs, the Party's public image in Scotland suffered further, particularly following the Poll Tax as we have seen. In this climate, support for the creation of a Scottish Parliament and importantly, the usage of neo-nationalist rhetoric were important in staving of the growing threat from the SNP.

Given the extent to which the Labour Party had always been primarily a unionist party that saw virtue in the BPT, they were also likely to perceive any party that favoured separatism as a threat to the union and one that needed to be opposed and, if possible, thwarted. As Ward (2004) states: "It is noteworthy that pressure for devolution, therefore, came from a party that since its formation has seen itself as an all British party" (Ward 2004: 168). For Labour, even in the 1990s devolution was not conceptualised in terms of the break up of Britain. To the

contrary, Labour saw devolution as a way of preserving the union in the face of a seeming growing support for independence.

Secondly, after the 1980s and the experience of Thatcherism, many in the Labour Party had come to see devolution as a way of keeping the Tories out of power in Scotland and, thus, negating future Conservative influence over Scotland (Evans 2003). This is clear in Robin Cook's assertion in August 1987 that, whilst in the 1970s devolution had been a compromise with nationalism, by the late 1980s it had become a way of defending Scotland from Thatcherism (Mitchell 1998). Given that the Conservative's support in Scotland had been plummeting, if Labour could get a devolved Parliament onto the statute book with a broad remit for public service provision they could ensure that future Conservative governments would not be able to so dramatically affect Scotland and override the wishes of the Scottish people in such a major way.

Another important factor in explaining Labour's increasing commitment to devolution is 'the tartanisation of the Labour party'[138] (Geekie and Levy 1989: Evans 2003). Following the 'disappointment of 1979' this process was gradual. There were those who retained a commitment to devolution, as evidenced by Donald Dewar's Devolution Bill in 1987, however for many in the Labour Party the position of Scotland grew in importance in the 1980s. We can see it developing after the election of Kinnock as Leader in 1984 (Mitchell 1998: 485) and it is most forcefully expressed in Denis Canavan's pre-1987 Election suggestion that, if the 'Doomsday Scenario'[139] were to occur and the Conservatives failed to respect the democratic wishes of Scots for a Parliament, then the Labour Party should disrupt Westminster. However, it became clearest after the defeat in the 1987 Election[140].

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[138] This phrase refers to the increasing importance of Scottish element in the Party, and in particular the Parliamentary Party.

[139] A phrase coined prior to the 1987 election to describe the situation if the Conservatives were to win power at Westminster whilst the Labour party won a majority in Scotland again.

[140] Mitchell (1998) identifies this as the point where Labour began to abandon its 'unitary state' model in favour of a 'union state' approach. As internal tension within the Labour Party grew following the election, the commitment to devolution became more apparent. Numerous examples can be cited of rising tension within the Labour party in the late 1980s and early 1990s over devolution. Mitchell points to attempts by the Scottish Labour party to assert greater independence in 1989, albeit unsuccessfully and the establishment of Scottish Labour Action in 1987. Once again we can see how internal party politics was being shaped by the issue of Scotland's constitutional position and that the Labour leadership was compelled to respond. This was demonstrated by both Kinnock's 1989 Scottish Conference promise to immediately introduce a Scottish Assembly if they won the next election and their decision to participate in the Constitutional Convention from 1989 (Evans 2003). Indeed: "Kinnock had learned that devolution could not be ignored and that nationalists in his own party could not be dismissed" (Mitchell 1998: 489), because to do so would be disastrous for an already embattled Labour Party.

Following the defeat in 1992, the devolutionists in the Labour Party were given a boost when John Smith became Leader. Smith believed that a desire for a Scottish Assembly was 'the settled will of the Scottish people' and, although he had been relatively inactive on the issue in the past (Mitchell 1998). Having such a convinced advocate as Leader undoubtedly raised the profile of devolution within the Party and led to a perception that devolution was unfinished business for Labour. Even following Smith's death the extent to which devolution had become almost a settled issue for Labour can be seen. Devolution did not feature as an issue that divided the candidates in the campaign, and the winner, Tony Blair, was known to be sympathetic to devolution, although he was: "more aware of the difficulties involved in getting so complex and controversial a constitutional measure through Parliament" (Bogdanor 2001: 198). It was for this reason that he insisted on the use of referendums, which itself would have major consequences for the British political system.

The depth of support for devolution in Scotland was also essential in influencing Labour thinking. Successive elections in Scotland had shown Labour that they were on fertile ground and that devolution had been consistently shown to be the democratic will of the Scottish people. Ward (2004) argues that, through the 1990s, the Labour Party, in opposition to the Conservatives, returned to pluralism. He suggests that, in part, this was driven by political expediency, however: "to deny the sincerity of the newly emerging Welsh-ness and Scottish-ness of numerous party activists and MPs is untenable" (Ward 2004: 168). Whilst the suggestion that Labour had returned to pluralism is broad, under-conceptualised and ultimately untenable, it is certainly true that many in the Labour Party came to see the issue of devolution, in part at least, as a matter of democratic principle, albeit one that operated within the elitist conception of democracy that they had historically upheld.

Also in the 1990s Labour came to interact and be influenced by organisations outside the party, most notably the Liberal Democrats and Charter 88 and this was crucial. After four successive defeats, some in the Party suggested that the Conservatives could not be defeated by Labour alone and that a more co-ordinated approach to their removal would be required. This meant co-operation with the Liberal Democrats, something that had already occurred in the SCC. Throughout the 1990s areas of common interest were explored by the two parties, particularly with regard to constitutional affairs and this led to the creation of a Joint Consultative Committee on Constitutional reform and, more generally, to a burgeoning relationship between Blair and Ashdown post-1994.

In addition, the influence of interest groups with regard to hardening Labour's commitment to devolution and constitutional reform generally should not be underestimated. Particularly

significant were Charter 88, whose wide ranging constitutional reform agenda is rooted in a critique of the BPT (Evans 1995). By the late-1980s and the 1990s, experience and the Thatcher Government's lack of popular mandate had led liberal and leftist intellectuals to develop a critique of the British political system itself, rooted in the competing participatory tradition that has always existed in British politics. This can be seen in Charter 88's programme and this itself became something that was increasingly championed by the 'chattering classes' (Marsh 2003). Charter 88 was able to use this to develop links with policy makers in the Labour Party during the 1990s and thus potentially influence Labour party thinking to an extent[141]. That is of course not to say that Charter 88 or other interest groups campaigning on constitutional reform[142] determined Labour policy. The extent of the influence each group was able to exert varied according to the context and the time. They did however provide information and advice to policy makers as well as producing papers, such as the IPPR and the Constitution Unit's *'Scotland's Parliament: Fundamentals for a new Scotland Act,'* (1996) which were taken into account when Labour was considering its devolution proposals.

Thus, when explaining Labour's increasing conviction with regard to Scottish devolution, it can be seen that, once again, the BPT is fundamental in explaining their response. It provides both the ideational and institutional context within which the contingent events both inside and outside the Labour Party helped to convince them of the absolute need for devolution.

Party Politics, Elections and Devolution

Although any analysis of the process towards devolution will necessarily focus on the Labour Party, given that it was they who introduced it, the role played by other political parties, actors and contingent events should not be neglected. I have already identified the importance of the Liberal Democrats and constitutional reform groups in influencing the Labour Party. However, they also played a part in this process distinct from interactions with Labour.

Both the Liberal Democrats and groups such as Charter 88 represent a challenge to the BPT in the sense that, to varying degrees, they advocate reforms based upon a competing participatory tradition of democracy. In Chapter Three I argued that this tradition has on occasion in British history challenged the dominant tradition, be it through the campaigns of

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[141] It is also worthy of note here that, as Marsh, Richards and Smith (2001) suggest, opposition parties, particularly ones which have been in opposition for a prolonged period, are reliant upon interest groups.

[142] For example the Constitution Unit, Campaign for Freedom Of Information or the Electoral Reform Society.

the Chartists or the Women's Suffrage movement. Although, it has always existed, the competing tradition has resonated to varying degrees during British political history. The experience of Thatcherism in the 1980s and the fact that, despite lacking a popular mandate she had introduced numerous radical and unpopular policies, increased the resonance of the competing tradition and its critique of the British political system. Both the Liberal Democrats and Charter 88 saw devolution as an integral part of the process of democratisation in British politics and campaigned on this basis. By doing so, they raised the profile of critiques of the dominant tradition and, more particularly, the demand for devolution.

Finally, the importance of the Conservative Party to the growing demand for devolution should be recognised. The Conservative Party's indifference to the desires and feelings of Scotland in the 1980s had increased the demand for devolution. Policies such as the Poll Tax had furthered dissent and disquiet. Indeed their faith in the BPT remained unshaken throughout the 1980s and 1990s. However in the 1980s the Scottish Conservatives had been largely reactive and defensive as regards the demand for devolution (Mitchell 1998). In the 1990s a discernible shift in approach can be identified. Rather than an implicit defence of the union and a seeming indifference to the question of devolution, in the face of growing demands for change leading Conservatives in London went on the offensive, surprising Labour. Conservatives such as the Foreign Secretary Douglas Hurd and the Prime Minister John Major launched vigorous attacks on devolution in the run up to the 1992 Election, turning devolution into an issue about the future of Britain. Major's comments appeared to Conservatives to have touched a patriotic chord and whenever he spoke about constitutional issues he spoke with passion. Following the election of 1992, a view developed amongst Conservatives that this Unionist approach had been effective in "winning or holding votes in England and in Scotland" (Butler and Kavanagh 1992: 130). Although, as one would expect, other issues, such as the economy, taxation, health and education, were given far more coverage during the election and would have resonated with voters far more, the myth developed that the Unionist stance had helped win the Tories the election. It was this that led Major to campaign forcefully on constitutional issues in 1997 and to suggest that devolution would lead inexorably to the break up of the UK[143].

The second important development relating to the Conservative Party in the 1990s was the appointment in July 1995, of Michael Forsyth as Scottish Secretary who was widely recognised as the most effective holder of that post since the war. Given the paucity of

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[143] Interestingly, to an extent, the view that unionism had helped the Conservatives in 1992 was accepted by the Labour Party as well (Mitchell 1998).

Conservative support in Scotland and the popularity of devolution north of the border, Forsyth was able to set the agenda and was instrumental in forcing the Labour Party to change its policy on the 'tartan tax'. Labour's sensitivity on taxation made them particularly vulnerable to assertions that they had a tax raising agenda and this helped limit both the SCC's and Labour's proposals for tax varying powers for a Scottish Parliament. This also affected Labour's approach and saw them advocate the use of a referendum to secure the support of the Scottish people. Thus, the influence of the Conservatives in the 1990s in influencing demands for devolution through their faith in the BPT, their passionate defence of the union and Britain's current constitutional arrangements should not be underestimated.

The 'Settled Will': The Scottish Devolution White Paper

In 1997 Labour entered the General Election with a manifesto commitment to offer a two question referendum on Scottish devolution to the Scottish people. Given affirmative results, Labour aimed to legislate for a Scottish Parliament within a year of taking office. The Scottish referendum would be one of a number of referenda offered to the public to legitimise constitutional changes[144]. Political realities had forced Labour into offering referenda, a move that would have serious implications for it the Scottish Parliament and key aspects of the British political system. Labour felt it was acting according to the 'settled will', however, this only extended as far as the notion that change to the status quo was required. It did not truly extend to the future constitutional position of Scotland, which remained contested, a point I will return to in Chapter Six.

The Labour landslide victory in 1997 with a majority of 179 seats ensured that their commitment to devolution in general and the specific form of devolution that had been arrived at by the SCC and endorsed by Labour would be tested. A White Paper was issued in July 1997 which formed the basis of both the referendum campaign and the subsequent Devolution Act. The details of the White Paper are important if we are to see whether the Labour Government were proposing a departure from the BPT and the WM narrative or rather something largely consistent with them.

The White Paper stated unequivocally that the Government's intention was to establish: "a fair and just settlement for Scotland within the framework of the United Kingdom – a settlement which will be good for Scotland and the United Kingdom" (Scotland's Parliament

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[144] As I suggested earlier, referendums offer the potential for a form of direct participation in decision making that appear to be at odds with the dominant elitist tradition in the UK. Although the extent to which the outcome is binding or advisory should be considered.

1997: Foreword). Immediately, we should note that the intention was to work within the pre-existing framework of 'the Union'. Labour believed that:

> "the Union will be strengthened by recognising the claims of Scotland, Wales and the regions with strong identities of their own. The government's devolution proposals, by meeting these aspirations, will not only safeguard but also enhance the union" (Scotland's Parliament 1997: 3:1).

This highlighted Labour's motivations in technicolour. The aim was not to break 'the Union,' but rather to strengthen it, in line with the BPT. The Labour Party was advocating devolution to thwart the threat from the SNP and its preferred solution, Scottish independence. Thus, the primary motivation for devolution had remained largely the same. There was now a recognition of Scottish demands and identity which suggested some critique of the existing territorial relations, however there was also a continuing belief in the broader virtues of the institutional and ideational norms of British politics.

The continuing faith amongst Labour politicians in the BPT and the established institutions and processes of British government is clearly demonstrated in the phrases that dealt with the position of the Westminster Parliament in relation to a newly created Scottish Parliament. The statement that: "the UK Parliament is, and will remain sovereign in all matters" (Scotland's Parliament 1997: 4.2), asserted the primacy of Westminster and the traditional institutional relations of British government, before adding that:

> "Westminster will be choosing to exercise that sovereignty by devolving legislative responsibilities to the Scottish Parliament without in any way diminishing its own powers" (Scotland's Parliament 1997: 4.2).

Thus, the White Paper declared the retention of sovereignty at Westminster in strong Diceyian terms, showing, once again, the extent to which Labour thinking has always been influenced by the BPT. They believed that it would allow for a diversity of institutions, whilst maintaining a unity of government. The experience of devolution since 1999 may suggest otherwise however Labour's motivation prior to it was clear. They could best preserve the union, defend and cater for Scottish interests and retain Westminster's dominance, via devolution.

It is worthy of note here that, once again, issues such as the precise day to day relations between a devolved Parliament and Westminster and the West Lothian question were left unresolved. Labour seemed far more concerned with ending the previous ability of Conservative Governments to impose unpopular policies on Scotland, than with future

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constitutional complexities. They also held the referendum prior to the parliamentary debates on devolution, arguing that politicians were far more likely to be concerned with the intricacies of constitutional relationships than were the electorate. In addition, having moved towards a 'union state' paradigm (Mitchell 2002), they had come to see relations in a somewhat more flexible way, even if they believed Westminster should still remain sovereign.

The Scottish Devolution Referendum was held in September 1997 and produced an overwhelming endorsement of Labour's proposals. Evans (2003: 243) notes that: "the referendum campaign in Scotland was qualitatively different to that of 1979 due largely to a favourable economic and political context". Unlike in 1978, Labour held the referendum prior to introducing the legislation in Parliament, in order to give their proposals a degree of legitimacy in the subsequent parliamentary debates. On the question of whether or not they wanted a Scottish Parliament, 74.3% of those who voted said yes. On the controversial question of whether they wanted the Parliament to have a tax varying power, 63.5 % of those who voted said yes. There was cross-party support for the Yes-Yes Campaign, with Labour, Liberal Democrats and the SNP campaigning in favour of the creation of a Scottish Parliament with tax varying powers. The SNP for their part had dropped their traditional hostility to devolution. They now supported it, believing that it would be the first step towards independence. The Conservatives for their part campaigned for a 'no' vote, once again demonstrating both their reverence for the traditional constitutional position of Scotland and the extent to which they were out of touch with the will of the Scottish people.

As such Labour now had the direct backing of the Scottish electorate, yet it is interesting to note, as Mitchell (2002) does, that the expectations of many Scots extended beyond those powers that would be devolved by Westminster. The 'expectations-capability' gap that existed at this point would prove to be an important source of tension and a potential source of further change.

With a clear mandate from the Scottish people Labour then set about finally bringing the unfinished business of Scottish devolution to a conclusion via the introduction of the Scottish Parliament.

Conclusion
The decision to create the Scottish Parliament in 1998 was the result of a long-term historical process. The words of Ron Davies might be invoked in this regard: "devolution is a process

not an event" (Lecture to the Institute of Welsh Affairs February 1999). I would add to this that devolution was the result of a process, rather than a single event. Historically, territorial relations in the UK with regard to Scotland had been defined by the 1707 Act of Union and underpinned by elitist assumptions regarding democracy, British-ness and exceptionalism. The institutional relationships that developed and became synonymous with the WM narrative and the unitary state were themselves products of this tradition. These fundamentally shaped Scotland's constitutional position for over two hundred and fifty years. Of crucial significance to the Scottish experience were the ideas of unionism and British-ness. These formed part of a broader sense of British political-cultural identity (Preston 2004). They were also crucial in maintaining the Union and faith in it as was the perceived economic success of the union.

Despite the resonance of and faith in the traditional constitutional position of Scotland, there were always those who argued in favour of constitutional change for Scotland. As with other challenges to the BPT, their views were rooted in competing political traditions, conceptions of democracy and in this case, territorial relations that although ever present have resonated to differing degrees over time. These variations in resonance have been facilitated by contingent events. They also resonated asymmetrically within the prevailing ideational, institutional and discursive environment established by the BPT. These competing views were facilitated by a sense of Scottish distinctiveness that was retained over time through separate legal and educational systems and the strong Scottish Protestant tradition. Faith in the union began to dissipate in the 1960s and 1970s as the "credibility of the system started to decay, as the state became less able to deliver material welfare" (Brown, McCrone and Paterson 1996: 18). This, in turn, led to rising levels of support for independence and the SNP, who had until then been on the fringes of Scottish politics.

Fearing the electoral consequences of growing support for the SNP and driven by a faith in the BPT and the WM narrative, Labour politicians in the 1970s offered a minimalist version of devolution that was largely consistent with that tradition. The prevailing institutional and ideational environment had decisively shaped the nature of the proposals on offer and the motivations behind it. Devolution in the 1970s was designed to placate the Scots and, crucially, to preserve 'the Union'.

The political realities of a small majority and a party riven by internal tension over devolution eventually saw these minimalistic devolution proposals defeated in 1979. It was the experience of Thatcherism in the 1980s and, in particular, the Poll Tax that reinvigorated demands for devolution. In this process we can point to the work of the SCC in both

articulating and driving forward the demand for constitutional change in Scotland, and yet their proposals were themselves largely similar to those which Labour had offered before.

For their part, Labour were still motivated by a fear of the SNP and a faith in the BPT and the WM narrative, albeit one which included a 'union-state' rather than 'unitary state' assumption. However, they had also come to see devolution as a way of protecting Scotland from the Conservatives and asserting the 'settled will' of the Scottish people. The influence of groups such as Charter 88, the Constitution Unit and the Liberal Democrats was also important in helping to inform and intensify Labour's desire to introduce devolution. However, the devolution proposals that were eventually put before the electorate in 1997-98 were only marginally different form those offered in 1978, suggesting again that the strategically selective environment had produced proposals which exhibited a large degree of path dependency with that which had gone before. However, the potential for future challenges to the dominant elitist tradition of British politics was contained within those proposals, a point which will be explored fully in Chapter Six.

Thus by focusing on the process of continual contestation of the key ideas and institutional relations within British politics, change and continuity over time can be explained. Ideas resonate in an asymmetrical fashion given the asymmetry of the political landscape. They are promoted or negated by contingent events and material factors. The ideational and institutional environment in which this contestation occurs has a profound impact on both the views of actors and, more generally, political outcomes. The process that culminated in _The Scotland Act_ (1998) provides ample evidence of this. I will now turn my attention to that Act of Parliament in order to further highlight the impact of dominant and competing political traditions on outcomes in British politics.

Chapter Five: The Scottish Parliament and the British Political Tradition(s)

Introduction

On November 19th 1998 the Scotland Bill received Royal Assent, establishing a Scottish Parliament for the first time since 1707, or as Winifred Ewing put it: "The Scottish Parliament adjourned on the 25th day of March 1707, is hereby re-convened"[145]. At this point, the challenges to the constitutional status-quo in the latter half of the 20th century had finally come to fruition in the eyes of many and territorial relations entered new territory[146].

Chapter Four argued that Scottish Devolution resulted from a long term process of contestation and conflict between the British Political Tradition (BPT) and a competing political tradition which emphasized popular sovereignty, Scottish-ness and de-centralization. In the case of Scottish devolution, the demand for constitutional change was intensified by events, particularly the advent of Thatcherism and the Poll Tax. However, challenges to the dominant tradition had to be made within the context of institutions and processes that were underpinned by the BPT and the support of the majority of politicians and civil servants for its conception of democracy. Competing ideas had some impact upon outcomes in this process, but the options for change were developed in a strategically selective environment that privileged those alternatives which fitted best with the pre-existing idea, institutions and practices[147]. The proposals developed by the SCC and adopted by Labour were indicative of this process. Thus Scottish Devolution is the next stage in the development of territorial relations within the UK and by no means an endgame in itself. Rather, it is a point at which change occurred and one that may lead to further changes and challenges to the dominant tradition in British politics in the future. It is also a point at which to take stock of the impact of ideational conflict on outcomes in British politics.

In this Chapter I focus on two crucial aspects of the creation of devolved governance in Scotland. Firstly, I examine the details of the legislation that brought devolution into being, *The Scotland Act* (1998). Secondly, I consider the work of the Consultative Steering Group (CSG) and their recommendations in *'Shaping Scotland's Parliament'* (December 1998). In looking at *The Scotland Act* my aim is to consider whether the BPT and its related institutions and processes have continued to shape both the views of actors and outcomes in British politics. Focusing on the work of the CSG will allow consideration of the proposals for the workings of the Scottish Parliament and identification of their ideational underpinning.

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[145] In the first session of the Scottish Parliament, 12th May 1999.
[146] For example O'Neill (2000: 92) argues, "Devolution is undoubtedly a radical project in relation to the historic British experience".
[147] For a detailed explanation of how change occurs within a selective environment see the work of Kerr (2002; 2003) and its application by Marsh and Hall (2007).

The Scottish Devolution Bill 1997

The Scotland Bill was presented to the House of Commons on the 17th December 1997. It was the culmination of the numerous proposals for devolution that had occurred since the 1970s. Like the SCC, it reiterated most of the 1978 proposals for devolution, with some changes designed to reflect the increased levels of support for devolution since the 1980s (O'Neill 2004). Firstly, the FPTP electoral system was abandoned in favour of AMS, as the Liberal Democrats and Charter 88 had demanded and the SCC recommended. Secondly, a limited tax varying power was incorporated, which had been legitimized by the electorate questioning the referendum of September 1997. Scottish representation at Westminster was to be reduced from 71 to between 58-60 parliamentary constituencies although no other proposals for reform, such as tackling the West Lothian Question, were included in either the Bill or the Act itself. The details of *The Scotland Act* and the precise power and competencies of the Scottish Parliament will be considered in detail shortly, however one point is crucial here. The proposals offered in 1997-98 were similar to those of the 1970s, which, as we saw in Chapter Four, were largely consistent with the BPT. Indeed when looking at the Devolution Bill that eventually became law in 1998: "it is difficult to demur from the judgment of one commentator that it is the similarities and not the differences which are remarkable when comparing the legislation of 1978 with that of 1998" (O'Neill 2004: 174). It would seem that decisions driven by the political realities and concerns of the 1970s had, as a consequence of the experiences of the 1980s and the responses of political actors to these contingent events, decisively shaped the outcomes in 1998. However, we should note that all of the above took place within an ideational, institutional and discursive environment whose parameters were dominated by the BPT.

'Year Zero'? – Establishing the Parliament

Following their election in May 1997, Labour set about delivering on its various promises. I have already noted that the Labour Party had undergone something of a transformation (Jessop 2007). A broad programme of constitutional reform, including devolution, had become a major part of Labour's modernization agenda. However the ad-hoc nature of Labour's commitment to constitutional reform should be recognised. As Marsh and Hall (2007: 235) suggest: "there was no integrated reform agenda underpinned by a coherent alternative to the British Political Tradition". Given this, I must briefly explain how and why Scottish Devolution, an undoubted radical reform of the traditional centralized UK political system, passed into law un-amended.

Labour's 1997 manifesto committed them to devolution for Scotland (and Wales). It is notable that the passage about devolution in the manifesto was entitled *'Devolution: Strengthening the Union'*, suggesting a lasting commitment to the territorial integrity of the UK and the idea of Britain. Indeed, Labour emphasised that devolution would stave off the break-up of the UK (Norton 2007). Given that this would only occur if the SNP became significantly more popular at the expense of Labour in Scotland, they clearly also saw devolution as a way of heading-off the threat of the SNP to their electoral position. The manifesto then asserted:

> the United Kingdom is a partnership enriched by distinct national identities and traditions. Scotland has its own systems of education, law and local government. Wales has its language and cultural traditions. We will meet the demand for decentralization of power to Scotland and Wales, once established in referendums (New Labour 1997).

Three points are crucial here. Firstly, Labour accepted territorial distinctiveness within the Union State and, given the tone of the statement, viewed it positively. Secondly, they viewed asymmetry as a crucial part of the pre-existing territorial relations on which devolution was building. Thirdly, they accepted that support for devolution should be tested by referenda[148].

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[148] In the light of Labour's overwhelming pre-election popularity and the 1997 Election result, the last point may seem somewhat odd. Surely a party that won the largest parliamentary majority of the 20th century could be relatively certain that its plans to devolve power to Scotland would be popular, particularly given Scottish experiences in the 1980s and 1990s. A party which had historically been committed to the idea that the 'government knows best' would undoubtedly be more likely to act once its popularity had been confirmed at the polls.

However, Labour's attitude in 1997 was somewhat different and this requires explanation. Firstly, after 18 years in opposition Labour had become hyper-sensitive to any potential loss of support and, thus, felt that a referendum would guarantee that their proposals would be well received, not only in Scotland but more broadly in the UK. Their suggestion that: "popular endorsement will strengthen the legitimacy of our proposals and speed their passage through Parliament" (New Labour 1997) certainly adds weight to this point.

Secondly, Labour's commitment to devolution increased in the late 1980s and 1990s and it was clearly less likely that anti-devolution elements inside and outside the Party would resist devolution after a referendum victory. In this context, there would be no repeat of the Cunningham threshold that had seen Scottish Devolution fail, as we saw in Chapter Four.

Thirdly, elements within the Party had become convinced of the need to legitimize major changes such as Devolution through referenda. This change can be seen in the changing views if George Robertson MP, who in 1995 argued a referendum was unnecessary (Evans 2003), but then in 1996 announced there would be a two question referendum (Mitchell 1998). After 18 years of centralized government, where public wishes and views were often ignored, elements in the Party wanted a different approach. The Labour Party had not abandoned its commitment to the BPT, but it was being increasingly questioned by certain figures and elements inside the Party such as Robin Cook.

Finally, as was suggested in Chapter Four, Charter 88 (Evans 1995) and the Liberal Democrats were important external influences on the Party.

Labour intended to hold the referenda by autumn 1997 and such speed is notable, although not difficult to explain. Firstly, there had always been a commitment to constitutional change in Scotland (Catterall 1998) and this grew during 18 years of Thatcherism . By 1997-8, many in the Labour Party were firmly committed to devolution for Scotland (McLean 2004) and the late John Smith, Leader of the Party between 1992 and 1994, epitomized this commitment. However, as Marsh and Hall (2007) argue, there were a range of reasons for this deeper commitment. Some favoured devolution because they believed in a more participatory conception of democracy,[149] whereas more favoured[150] it as a way of introducing social democratic policies in Scotland, regardless of who governed at Westminster.

It is less clear whether this deeper commitment to devolution had taken hold at Westminster and Millbank, indeed, "it seems doubtful that they had really thought through the implications of a major move towards devolved government" (Marsh and Hall 2007: 230); a point that I will expand upon later in Chapter Six. As such, it seems likely that political and electoral considerations, rather than ideology, drove the Labour leadership. From this perspective, Labour had no alternative but to deliver on devolution. As Kaiser (1998: 48) puts is:

> "from a purely tactical point of view, it would have been very difficult for the Blair Government to dishonour Labour's longstanding commitment to set up a Scottish Parliament in Edinburgh, without risking the party's dominant political position there and thus undermining both its ability to implement its wider government programme and its prospect of winning another absolute majority in Westminster".

Failing to deliver on devolution would have left the Labour Party vulnerable to attack from the SNP and, as we have seen throughout the history of devolution, fear of the SNP was always a decisive factor for Labour. Failure to deliver would also have potentially threatened the Union, to which Labour has historically been committed. I would also point out that, having agreed to remain within Conservative Party spending limits for two years, Labour found itself with 'time on its hands', so and constitutional reforms became higher priorities by default**.**

The impact of the SCC in Labour's manifesto commitment can clearly be seen:

> "for Scotland we propose the creation of a Parliament with law making powers, firmly based on the agreement reached in the Scottish Constitutional

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[149] Two high profile examples would be Tony Benn MP and the activist and musician, Billy Bragg
[150] Robin Cook, Donald Dewar and George Robertson could be cited as examples here.

Convention, including defined and limited financial powers to vary revenue and elected by an additional member system" (New Labour 1997).

Consequently, Labour intended to seek separate endorsement of the proposals to create a Parliament and to give it limited powers to vary taxation in the Scottish referendum. The 1997 manifesto clearly stated that the Scottish Parliament would control the responsibilities previously exercised administratively by the Scottish Office, whilst the responsibilities of the UK Parliament's powers would remain unchanged in economic, defence and foreign policy.

Having won the 1997 Election, Labour quickly introduced its devolution proposals. A White Paper entitled _Scotland's Parliament_ was published in July. It was written in an accessible style and became a best-seller in certain bookshops (Himsworth and Munro 1998). The White Paper, based upon the proposals of the SCC was remarkably similar to the 1979 proposals and, consequently, largely consistent with the BPT. Labour, Liberal Democrats and the SNP campaigned on the basis of the White Paper achieving 74.3% support for the Scottish Parliament and 63.5% for the tax varying power. Only the Conservative Party, with their unflinching commitment to the BPT and the established institutions and processes of British government, opposed devolution. However, as Alex Salmond said on the BBC as the result was declared the Scottish people voted for the Parliament "with a bang not a whimper" (Salmond 1997). Indeed, as Evans (2003: 243) notes, the size of support for the Parliament and particularly the tax varying powers exceeded the expectations of the Yes-Yes campaigners.

As such, Labour had become convinced of the need for constitutional reform in an ad hoc fashion in which contingent factors were the central drivers. There was certainly no coherent and integrated alternative to the BPT developed or offered. Indeed, Labour's faith in that tradition remained largely intact. In relation to Scottish Devolution, their commitment reflected fears about the loss of electoral hegemony and their reverence for the union and faith in its efficacy. This was intensified by the experiences of 18 years of unfettered Conservative Government. However, devolution as envisaged by the Labour Party was consistent with the BPT. It was a way of both incorporating and countering challenges to the tradition. However as with previous changes to the British political system, further conflict and contestation may result from the unintended consequences of change.

The Scotland Act 1998

The 1997 Scotland Bill was introduced on 17th December 1997 and its passage was in marked contrast with the failures of in the late 1970s. I would account for this in a number of ways. Firstly, a broad consensus had emerged since the mid-1980s within the Labour Party that devolution should occur. It should be noted again here that, despite the tireless lobbying of groups such as Charter 88 (Evans 1995), only a relatively small section of this consensus were driven by a desire to challenge the BPT. This consensus had also come to include the Liberal Democrats and, by 1997, the SNP. Secondly, the principle of devolution had been endorsed by emphatic results in an election and a referendum. Finally, the principles of devolution were now so well-known that overly rigorous parliamentary scrutiny was avoided (O'Neill 2004). Consequently, the Scotland Act was passed on November 19th 1998.

In general terms the contents of the 1998 Scotland Act: "reiterated most of the 1978 proposals, extending them so as to reflect increased public support for constitutional change" (O'Neill 2004: 174). For the most part they were consistent with the BPT and the pre-existing institutions and processes of British government. Indeed, as Mitchell (2004: 35) argues: "Devolved government was never likely to involve an institutional year zero, shaking off institutional continuities from the UK system of government, as some hoped". This should come as no surprise given that: "Labour, like its predecessors, remains a party of traditional loyalty to the Westminster model of government" (Driver and Martell 2002: 56-7). However, there were notable changes in some sections of the Act which offered the potential for future challenges to that tradition, a point I will return to later. Crucially, 'an ancient right' to self government, and thus a degree of Scottish sovereignty in the past, was recognized and reflected in a Scottish Parliament with much greater powers than in Wales. O'Neill points to the potential difficulties of managing these asymmetrical arrangements: "in a polity used to single and uniform governance" (O'Neill 2000: 79). Of course even allowing for the historic concessions to Scottish distinctiveness, this asymmetry may result in further challenges to the BPT in the future if Wales begins to question its lesser devolution.[151].

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[151] This process has already begun with demands for increased powers for the Welsh Assembly being recognised by the Richards Commission 2005. The Assembly was granted the right to request primary legislative powers for a range of policy areas by the Government of Wales Act 2006. However there remains a crucial difference between its powers and those of the Scottish Parliament in that before exercising these powers the Welsh Assembly must obtain a 'legislative competence' or legal authority to pass measures from Westminster. These can come be granted in the form of either an Act of Parliament or in the new Legislative Competence Order, which although originating in the Assembly itself requires parliamentary consent at Westminster. No such requirement exists in Scotland. As such although the British Political Tradition is again being challenged to a degree, Westminster has again asserted a degree of control over outcomes and thus, on this point the British Political Tradition still holds sway.

Much thought had been given to the subject of what powers should be devolved to a Scottish Parliament and what powers should be retained by Westminster, particularly by the SCC and the Constitution Unit at UCL. For example, in '*Scotland's Parliament: Fundamentals for a New Scotland Act*', the Constitution Unit (1996) suggested that devolution legislation should specify the powers retained by Westminster and devolve the remainder. It was this approach that was adopted by Donald Dewar, the Secretary of State for Scotland in the Scotland Act (McFadden & Lazarowicz 2002). The Act sought to limit the potential for future conflict by avoiding a definitive list of devolved competencies as these could be seen by Scottish Nationalists as establishing rigid boundaries for devolution that could, and should, be challenged. Here, once again I would stress the importance of the Union to the architects of devolution. As O'Neill (2000: 79) suggests: "rather than ceding outright authority, central government accommodates territorial interests, agreeing to share its competencies in a restricted list of legislative and administrative matters".

Sections 27-30 of the Act cover the law-making powers of the Scottish Parliament. Section 27 states that the Scottish Parliament has the power to make laws, known as Acts of the Scottish Parliament, and that bills must proceed through parliamentary stages and receive Royal Assent. Crucially, the final sub-section of Section 27 states that: "this section does not affect the power of the Parliament of the UK to make laws for Scotland" (Scotland Act Section 27). This is clearly significant because it suggests that the sovereignty of Westminster remains intact. Despite the development of the Sewel Convention, which will be dealt with in Chapter Six, the fact that Westminster retained the right to legislate for Scotland even on devolved matters[152] is substantial evidence of continuity with the pre-1998 governance of the UK and the continuing significance of core tenets of the BPT.

Section 28 of the Act lays down a number of areas where, if the Scottish Parliament were to make law, it would be invalid. These restrictions prevent Holyrood, for example, from inadvertently legislating for the rest of the UK and from contravening the Human Rights Act 1998. However, the most important restriction is to be found in Section 28 parts 4-6 which states that the Parliament: "cannot pass a valid law any provision of which relates to matters which are reserved to the Westminster Parliament" (McFadden and Lazarowicz 2002: 9). Here again the Scotland Act reinforces the sovereignty of Westminster in many areas.

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[152] Westminster's continued sovereignty even on devolved matters can clearly be found in a number of places including the Scotland Act (1998). It is also clearly laid out on the Scotland Office website where it states "The UK Parliament continues to legislate in reserved areas in Scotland. It remains sovereign and may also therefore legislate on devolved matters in Scotland" (Scotland Office 2007). In fact as Page and Batey (2002) have shown Westminster has continued to legislate for Scotland to a far greater extent than anyone anticipated.

On the subject of reserved matters, Section 29 Schedule 5 of the Act also identified a range of policy areas where Westminster retained sovereignty. The SCC had recommended that Westminster retain primacy in defence, foreign affairs, immigration, nationality, social security policy and, crucially, economic and fiscal policy. The 1997 White Paper added a number of other policy areas, including the Constitution of the UK, common markets for goods and services, employment legislation and a range of regulatory frameworks for areas such as broadcasting and equality legislation (McFadden and Lazarowicz 2002). *The Scotland Act* included these provisions, containing 18 pages of reserved powers[153]. Two points are crucial here. Firstly, the influence of the centre over economic and fiscal policy was retained and this is consistent with the BPT and the argument that the furtherance of the material interests of dominant socio-economic groups is of particular significance in the British political system[154]. Secondly, given the result of the 2007 Scottish Parliamentary elections, it is worth emphasising that, even if the SNP were to win a majority in a referendum, they would be unable to declare independence. The repeal of the Act of Union 1707 and all other constitutional changes fall under the competency of Westminster[155].

The Scottish Parliament controls policy in a range of key policy areas such as health, education, local government, social policy and law and order, and lesser areas such as food standards, sports and arts and forestry, although these were not directly specified by the Act and Westminster can still legislate for any of them. It is in these policy areas that some divergence from the policy emanating from Westminster since 1998 has occurred, a point which will be discussed later. The justification given for this approach was that Scotland's distinctive needs in these areas could be better met by a Scottish Parliament, whilst reserved matters were ones that would be more effectively dealt with at UK level. Clearly, this wide-ranging legislative competence indicates the radical element of devolution, taking control of a range of policy areas north of the border. However, the Act reserved the powers that are usually seen as defining the nation-state to Westminster. The aim was: "to emphasize continuity of governance, underlining the primacy of the Union-State in the crucial aspects of high politics by re-iterating Westminster's reserved powers in a range of matters (O'Neill 2000: 81). Once again, I can therefore suggest that the centralization and executive dominance at Westminster remain intact and, thus, the BPT remains dominant. As Himsworth

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[153] The full list of reserved powers can be found in the Scotland Act (1998) Schedule 5 at http://www.opsi.gov.uk/acts/acts1998/ukpga_19980046_en_14#sch5

[154] See Appendix 3 and Hall (2008b) for more on this argument.

[155] We should note here that the SNP intends to hold a referendum over the issue. In the circumstances of a Yes vote for independence it would be hard for Westminster to refuse the demands of the Scottish people, particularly given their own use of referenda as a basis for devolution.

and Munro (1998: 30) acknowledge, although "there is much that it (Holyrood) can do, under the Scotland Bill, it is unmistakably a subordinate legislature within the United Kingdom".

The Scottish Parliament was also given a tax-varying power following its successful endorsement in the 1997 Referendum. The procedures for exercising this power and its extent were set out in Part IV of *The Scotland Act* (1998). The basic rate of income tax for the UK would continue to be set by Whitehall and Westminster. Holyrood could then vary that rate by plus or minus three pence in the pound for Scottish taxpayers. This is a significant adaptation to the traditional Treasury-dominated fiscal practices in the UK, and, .if utilized, allows the Scottish Parliament significant influence upon public spending levels and therefore outcomes in Scotland. Indeed, on the surface at least, it appears to be a change of some magnitude, offering the Scottish Parliament unprecedented fiscal autonomy. Certainly, it can be suggested that this power, albeit a minor one represents a challenge to the dominance of the centre over economic policy, and thus a challenge to the BPT.

It should be noted here that, despite receiving the tax-varying power, economic and fiscal policy for the UK is retained by the centre in another way. The centralization of the control of economics has been a hallmark feature of the British political system. Historically, the Treasury and the Bank of England have been pre-eminent in economic and fiscal policy (Coates 1984; Kerr 2001). They were linked both institutionally and historically to the City (Coates 1984; Coakley and Harris 1999). Moreover as I argue in Appendix 3, these three central economic institutions were linked through a closed and stratified system of recruitment from fee-paying schools and Oxbridge, so the personnel of each shared largely common backgrounds and social-cultural heritages and experiences (Scott 1991; 1992). The elitist political tradition that has dominated British politics fitted neatly with the interests and attitudes of dominant economic elites and could be linked to the 'Treasury view' of economic management (Kerr 2001) which emphasized minimal state intervention. This can be linked to the idea that the UK has had a strong government rather than strong state tradition. Given their dominance over economic policy, how do this triumvirate of economic institutions, who have traditionally dominated economic policy, react to the devolution of a tax-varying power to the Scottish Parliament?

However, two other points are important here. Firstly, the overall rates of income tax will continue to be controlled by the Chancellor of the Exchequer and ratified by the Westminster Parliament. As such, the tradition of central control over economic policy by the Treasury and its close relations with the Bank of England and 'the City' remain largely intact. This alone ensures a considerable degree of control over fiscal policy in Scotland. Secondly, it is by no

means clear how Whitehall, Westminster or the financial institutions at the centre will respond if the tax-varying power is ever invoked. Indeed, O'Neill (2004: 193) argues: "Whitehall's determination to maintain close control of the public purse has actually increased over recent years". This trend is wholly consistent with the BPT. It allows the continued control of economic policy by a centralized political elite, who can develop policies that are largely favourable to dominant economic interests. As such, it is hardly surprising that Whitehall has retained control of economic and fiscal matters through devolution. Indeed, the fiscal relations of the 'Union State' remain largely intact (O'Neill 2000) as is clear in *The Scotland Act* (1998). The Barnett Formula introduced in 1978, would still be used to allocate monies to the various territories of the UK. However this only accounts for 60% of identifiable public expenditure (Keating 2005: 143) with the rest coming from other sources at the centre. Under current funding arrangements, the Scottish Executive receives a block grant amounting to nearly £83 million pounds in 2007-8 to allocate as it sees fit. Holyrood then scrutinizes this spending and holds the Executive to account.

Although not directly specified by the Act, the existence of reserved powers allowing Westminster to legislate for Scotland means that the various Secretaries of State in Whitehall will continue to be an important in developing policy for Scotland post-devolution. Indeed, O'Neill (2004) goes as far as to suggest that the Secretaries of State will act as the key link between the centre and Scotland. They have considerable ability to intervene directly in Scotland's affairs through their Departments and the policy they develop. More broadly, they can do so arguing that they are pursuing the overarching interests of the UK. In both of these instances we can detect the continued influence of the idea that central government knows best and should be dominant. Certainly, the BPT continued to influence the views of the actors drawing up *The Scotland Act* (1998). In particular, I will return to the role of the Secretary of State below.

The aim of the Scotland Act was to establish what O'Neill (2000: 2004) describes as 'co-operative inter-governmentalism' where Westminster and Holyrood could co-operate and share competencies in an agreed and restricted number of policy areas. However there was a degree of asymmetry in these relations which privileged Whitehall and Westminster. As such, the BPT and the institutions, processes and attitudes it influenced over time held sway. Given the lack of the neat separation of powers, duties and functions found under federalism, some degree of overlap between centre and periphery was expected and thus co-operation was deemed essential for devolution to work. Indeed, this overlap was inevitable because central government in making policy for the nation would be likely to impinge upon devolved matters at times. Westminster also retains a clear interest in public policy in Scotland under

the Act and "also continues to exercise de-jure power, subject to the usual exigencies of practical politics" (O'Neill 2000: 79). Westminster is also bound to implement EU policy directives in the UK and thus the centre would again be likely to have an impact on Scottish policy.

Interestingly, and following the 1978 legislation, no formal provision was made in the 1998 Act for the involvement of territorial administrations in policy deliberations by the centre on reserved matters where there would clearly be an impact on devolved matters. This suggests that the BPT was still influential in the minds of the original architects of both pieces of devolution legislation.. In a system where the centre had always been the dominant actor, old habits die hard. However, such an approach would undoubtedly open up the possibility for conflicts over jurisdiction and the potential for the development of future challenges to Westminster dominance.

Clearly, the precise nature of centre-periphery relations in the UK post-1998 were influenced by events as well as by the Scotland Act (O'Neill 2004). However, *The Scotland Act* (1998) established the parameters for inter-governmental relations in Scotland in the initial post devolution period. As I suggested in Chapter Four, the development of devolution occurred within a framework dominated by the BPT and the traditional institutions and process of British government. The strategic selectivity involved privileged certain ideas and solutions over others, including devolution itself. As such, relations between Westminster and the Scottish Parliament are likely to continue to reflect ideas and practices which pre-date devolution, ensuring that Westminster and Whitehall remain the central players in many, but not all areas of policy.

The Act acknowledges the likelihood of contested jurisdictions in centre-periphery relations. Clearly, the devolution project was likely to engender a degree of political conflict between the centre and the periphery, given that it established boundaries, no matter how 'fuzzy'. Such conflicts are likely to involve differing policy agenda's, a point that will be dealt with later. However, crucially, the Act attempted to limit to the scope of the devolved competencies and introduce procedures for 'policing' them. Firstly, the Presiding Officer of the Scottish Parliament is required to ensure that all legislation conforms to the de jure rules regarding the Parliament's competencies. If however the Presiding Officer and the majority of the Scottish Parliament hold views contra to those held at Westminster, then the Act empowers the

Judicial Committee of the Privy Council (JCPC)[156] to decide where legislative competence for the matter resides (Scotland Act 1998: Section 31). If the JCPC finds that the proposal does not fall within the legislative competency of the Scottish Parliament, then the Presiding Officer cannot submit the bill in un-amended form for Royal Assent. Given that the JCPC is comprised of members of the Westminster Parliament, the influence of pre-existing institutions and procedural norms on the Devolution settlement for Scotland is clear. That is not to say that all matters will always be decided in favour of the centre, but rather that practices and ideas established by the BPT influenced the approach to conflict resolution established by *The Scotland Act* (1998).

Institutionally, *The Scotland Act* (1998) established the Scottish Parliament at Holyrood and the Scottish Executive. It should again be noted that both of these had "developed from the traditional 'Westminster model' (House of Commons SN/PC/3000) and we can therefore detect the influence of the BPT. There are two notable differences from Westminster. Firstly, the Scottish Parliament has a fixed four year term, compared with Westminster where the Prime Minister decides the timing of an election[157] within a five year period. Secondly, of the 129 Members of the Scottish Parliament (MSP), 73 members were to be elected for the pre-existing Westminster Constituencies using FPTP, while the rest were to be elected from a regional list system based upon the current EU constituencies to add a degree of proportionality. Here, the influence of the Liberal Democrats on the SCC, who had secured Labour support for the introduction of AMS, can be seen. Both of these developments would have important and perhaps, unforeseen consequences which will be discussed in Chapter Six. However, the centre does control the rules and procedures for elections themselves; a

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[156] The Privy Council, as one of the oldest parts of the UK system of government can be seen as a classic example of the BPT. Born from a private committee that advised British Monarch's in the past it remains an important part of the centre of UK government. The Privy Council is made up of Cabinet Ministers, former Cabinet ministers and other distinguished person's appointed by the Sovereign for life, although only Ministers of the government of the day participate in its policy work. It meets about once a month, although much of its work is conducted through correspondence and discussion between Privy Councillors and their advisors outside of formal meetings. Privy Councillors still take the Privy Council Oath which dates back to Tudor times and states that members should "keep secret all matters…..treated of in Council". Despite the fact that it is only in very special circumstances for members to receive matters on 'Privy Council Terms' the continued usage of the oath and the existence of the Council itself have led to the perception that it is a secretive body. It advises the Monarch of the day with regard "to the exercise of prerogative powers and certain functions assigned to the Queen and the Council by Act of Parliament" (Privy Council Website 2007). The Judicial Committee of the Privy Council, which is made up of the Lords of Appeal in Ordinary, is the final arbiter in conflict over legislative competency post devolution.

[157] The obvious instance where a Prime Minister does not decide the timing of an election is when a vote of no confidence has been lost in the House of Commons. The doctrine of Collective Responsibility states that in such an instance the Government must step down and submit itself to a general election. The only example of this in modern times is as we saw in Chapter Four, that of the Callaghan Government. Having failed to introduce devolution, Labour lost the support of the Liberals and the SNP and then fell prey to a vote of no confidence in March 1979. In the subsequent election in May 1979, Margaret Thatcher and the Conservative party were victorious.

markedly different approach to that found under federalism (O'Neill 2004) and thus an affirmation of the dominant elitist tradition of British politics.

The Presiding Officer is a key actor within the Scottish Parliament. The Parliament must elect a Presiding Officer and two deputies, who cannot all be from the same party, at its first meeting following an election. As with the Speaker of the House of Commons at Westminster, the Presiding Officer and his or her deputies are expected to act in a non-partisan fashion. The precise workings of the role of the Presiding Officer were not set out in detail in the 1998 Act, but deferred to the Standing Orders that would be drawn up by the CSG. However, it was apparent at this point that, given the use of AMS and the probability of coalition government, it was likely that the Presiding Officer would have a greater role than his or her Westminster counterpart.

The 1998 Act also saw the establishment of a Scottish Administration or Executive, headed by a First Minister and including Scottish Ministers and Scottish Law Officers (Scotland Act 1998: Part II). Notably its operation is based upon the Westminster model (WM) of parliamentary government (McFadden & Lazarowicz 2002). The First Minister is territorial equivalent of the UK Prime Minister (PM), appointed by the Monarch from amongst the MSP's within 28 days of a parliamentary election, and the keeper of the Scottish seal. In practice, just as at Westminster, the First Minister is likely to be the Leader of the majority party or someone who can command majority support in the Parliament, due to the usage of AMS. Under the terms of the Act, the First Minister is responsible for the appointment and removal of Ministers subject to Parliamentary and Monarchical approval[158]. The First Minister also appoints the Law Officers for Scotland and may recommend their removal to the Monarch. The position of First Minister contains a great deal of power. In a similar manner to the PM at Whitehall, the First Minister chairs cabinet meetings and agenda sets for the Scottish Executive They are expected to make major policy statements and intervene in the major issues confronting the Executive. Also, like the PM, the First Minister is seen by the media and public alike, thus giving him or her, a predominant position within the Executive. Notably, Section 52 of the Scotland Act (1998) allows the First Minister to wield executive power alone if required. Again it is important to note here how the BPT has been largely

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[158] Although this might imply formal constraint on the First Minister, in reality this is unlikely to be the case unless a minority government had to be formed. As the First Minister is likely to command a majority in the Parliament, the parliamentary approval is likely to be forthcoming. On the issue of Monarchical consent, the UK developed over time into a constitutional monarchy where the Monarch reigns but does not rule. In the 19th century Bagehot described the UK Monarch as retaining the right to be consulted, the right to encourage and the right to warn. As such the convention of Monarchical consent that has developed with regard to Westminster will apply at Holyrood.

preserved in the devolution settlement of 1998. The possibility for executive dominance at Holyrood is a clear hangover from the established practice of politics at Westminster.

Scottish Ministers are drawn from the ranks of the MSPs and accountable to the Parliament. Their position is once again similar to that of their Westminster counterparts and outlined in Part II Section 44 of the Act. They hold office at Her Majesty's pleasure and can be removed from their post by either the First Minister or the loss of Parliamentary confidence. In the Act a couple of notable differences with Westminster can be found however. Firstly, the First Minister has to seek Parliamentary approval for the appointment of a Minister prior to submitting their names to the Queen. Here again the impact of a more participatory view challenging an aspect of executive dominance and thus the BPT can be identified. That it would take a peculiar set of circumstances for such a formal constraint to actually empower Parliament[159] should also be recognised.

Secondly, given the use of AMS we would expect to find Ministers being drawn from different parties. Indeed, the crucial difference between the UK PM and the First Minister is that the latter is always likely to be the head of a coalition government. Here again I would make two points. Firstly, this is a significant deviation from a central tenet of the BPT, single party government. Secondly, this difference reflected the influence of Charter 88 and the Liberal Democrats was crucial. Working with a more participatory conception of democracy, they convinced the Labour Party to adopt AMS during the SCC.

The retention of the Secretary of State for Scotland and the Scotland Office was also an interesting part of _The Scotland Act_ (1998). The Secretary of State for Scotland was to promote and guard the devolution settlement, promoting co-operation between central government and the Scottish Executive and Westminster and Holyrood. S/he also continues to represent Scottish interests in reserved matters within UK government. The Act also affords significance to the Secretary of State under Clause 33 which enables the:

> "Secretary of State by order to prohibit the submission of a Bill for Royal Assent within 4 weeks of its passing by the Parliament if he believes (and states his reasons) that it contains provisions which would be incompatible with international obligations' or that, in certain cases, the provisions would have an adverse effect on the operation of the enactment as it applies to reserved matters" (Scotland Act 1998).

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[159] ibid

In effect this gives the Scottish Secretary the power to rescind any proposed legislation deemed to be constitutionally improper. Here again the influence of prior ideas, structures, practices and norms shaping outcomes can be seen, as this allows the centre a degree of control over the actions of the Scottish Executive and Parliament. The centre can thus directly intervene in Scotland's governance if it believes the Scottish Executive and Parliament are acting ultra vires.

In summary, both the SCC and Labour in power drew decisively on the abortive attempt at devolution in the 1970s which was consistent with the BPT. In addition, the Act was decisively shaped by the institutions, ideas and processes of the WM narrative. These provided the context within which ideas were experienced and developed. Consequently, there was a strategically selective environment which privileged prevailing institutional structures, political practices and dominant ideas. So, the central aspects of the Act sought to preserve Westminster's sovereign position and the dominance of the centre over the periphery. The architects of *The Scotland Act* (1998) sought to establish institutions and processes that dovetailed neatly with the prevailing ideational and structural norms of the BPT and this explains why aspects of the proposal closely mirror ideas and practices found at Westminster and Whitehall. As such, Evans (2003: 248) is right to argue: "the sovereignty of the UK Parliament remains unaffected by the devolution settlements and it retains full legislative power even over matters devolved to Scotland". The Act sought to preserve the pre-eminence of Westminster and Whitehall. This was in part intentional. As Richards and Smith (2004) suggest: "Labour has introduced significant innovations....within the context of an acceptance of the precepts of the Westminster model" (Richards and Smith 2004: 124). As I argued in Chapter Three, the WM described the institutional and procedural embodiment of the BPT and the ideas of 'the government knows best', unionism and British-ness. They also dovetailed neatly with the key buzzwords of the dominant tradition such as continuity and gradualism (Evans 1995; 2003). Consequently, the set of ideational, structural and cultural tendencies found in the BPT decisively informed the devolution settlement enacted in December 1998.

Overall, Labour's introduction of devolution was driven by a combination of reverence for the BPT and political expediency. Delivery on devolution was undoubtedly essential for Labour to preserve its electoral hegemony in Scotland and thwart the challenge of the SNP.

However, there were changes to the institutions and processes of government driven in part by actors operating with a more participatory view of democracy, both within and outside the SCC. who sought to challenge the dominant tradition. These changes were adopted by

Labour at Westminster and Millbank due to political expediency rather than ideological commitment, as for the majority of the Labour Party the BPT still held sway. Thus both continuity and change can be identified in *The Scotland Act* (1998). In these adaptations the potential for future challenges to the BPT may be detected, a point I will deal with in greater Chapter Six.

The Scotland Act only established an outline structure for the operation of a Scottish Parliament at Holyrood. Under the terms of the Act, the Parliament itself was expected to devise its own Standing Orders, through the work of the CSG. It is in these recommendations that contestation of the BPT can be most readily identified.

The Participatory Influence: The work of the Consultative Steering Group

The Consultative Steering Group (CSG) was set up by Donald Dewar in November 1997 as the Scotland Bill began its passage through Westminster. Drawing from all the major political parties and including experts from civil society, its remit was clear and concise:

- To bring together views on and consider the operational needs and working methods of the Scottish Parliament.
- To develop proposals for the rules of procedure and Standing Orders which the Parliament might be invited to adopt.
- To prepare a report to the Secretary of State by the end of 1998, to inform the preparation of Standing orders.

Shaping Scotland's Parliament (December 1998)

The CSG presented their report in December 1998 and it proved to be a decisive document for the future operation and direction of the Scottish Parliament. In the work of the CSG we can detect the influence of a competing democratic tradition on political outcomes as the dominant elitist tradition was directly contested. In the words of its Chairman, Henry McLeish MP: "the Scottish Parliament offers the opportunity to put in place a new sort of democracy in Scotland, closer to the Scottish people and more in tune with Scottish needs" (CSG 1998: Foreword).

The major significance of the report derives from the fact that the CSG: "did not see the Westminster system as something to emulate, rather it was something to reject and improve

on" (Marsh and Hall 2007: 231). In fact, their view echoed the SCC's position some two years before:

"we have emerged with the powerful hope the coming of the Scottish Parliament will usher in a way of politics that is radically different from the rituals of Westminster: more participative, more creative" (Scottish Constitutional Convention: 9).

The CSG, for its part, identified four main failings of the WM:

- Its working practices were archaic.

- It was not open and inclusive, particularly but not exclusively in relation to gender.

- It was unnecessarily adversarial, with a culture of opposition for opposition's sake a hallmark feature of political interaction at Westminster.

- It was largely ineffective in pursuance of one of its primary functions, acting as a check on the executive.

Clearly, the CSG did not see the institutions and processes associated with the WM as unproblematic unlike advocates of the BPT. Rather, they critiqued some of its central tenets, such as executive dominance, centralization of power and elitism. Many of the members of the CSG, like Charter 88 and elements on the SCC, operated with a more participatory view of democracy which informed their view of the role and operation of the proposed Parliament and led to the development of Standing Orders and procedures that challenged the traditional workings of UK democracy at Westminster.

The key principles that the CSG were guided by were a critique of, and desire to recast, the WM. They adopted 4 key principles:

- The Scottish Parliament should embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive.

- The Scottish Executive should be accountable to the Scottish Parliament and the Parliament and the executive should be accountable to the people of Scotland.

- The Scottish Parliament should be accessible, open, responsive and develop procedures which make possible a more participative approach to the development, consideration and scrutiny of policy and legislation.

- The Scottish Parliament in its operation and its appointments should recognize the need to promote equal opportunities for all.

'Shaping Scotland's Parliament: Key Principles' (December 1998)

Even a cursory examination of these guiding principles for the procedures and Standing Orders the CSG suggests a different outcome from that found at Westminster. The BPT has been characterized by a limited liberal notion of representation and a conservative notion of responsibility, with strong government and elitism the dominant features of parliamentary democracy in the UK. Compared to this, the key principles of the CSG were informed by a commitment to accountability, openness, responsiveness to public opinion and equality of opportunity which can be linked to a more participatory democratic tradition. Of course, this competing democratic tradition has a long lineage as I suggested in Chapter Three.

The Scotland Act (1998) merely stated that the proceedings of the Parliament should be regulated by Standing Orders and that certain matters should be included in them. It did not however deal with how they should be made or amended. The CSG recommended that they "should be written in as simple language as possible, to facilitate a wider understanding of the Parliament's procedures" (CSG 1998: Section 3.1) which immediately suggests a more participatory position. It was proposed that any member of the Parliament could attempt to change the Standing Orders by submitting a proposal to the Procedures Committee. This Committee, having given due consideration to the proposal, would then make a recommendation to the Parliament, which would take the final decision. Any amendments would require an absolute majority and would take effect immediately. Clearly, this empowers individual MSP's and enables them to shape the future workings of Holyrood unlike their Westminster counterparts.

The CSG proposed a range of ways in which the Standing Orders should help hold the Executive to account. Parliament would decide the length of the plenary session that followed the Queen's Speech and the Budget. The CSG had been highly critical of UK Parliamentary Question Time, viewing Prime Minister's Questions in particular as a 'disgrace'. Having the order of parliamentary questions decided randomly by a computer and Question Time covering all Ministerial portfolio's rather than using a rota were two suggestions designed to make Thursday afternoon's parliamentary questions more meaningful and effective. Again, the aim was to provide for more effective scrutiny of the executive via the empowerment of the Parliament and this was a clear challenge to the central doctrines of executive dominance that we find at Westminster.

The CSG also made the Presiding Officer a figure of great importance with a broader remit than his Westminster counterpart, the Speaker of the House of Commons in a number of ways. Firstly, s/he would take decisions on the legislative competence of draft bills and submit bills for Royal Assent, thus playing a crucial role in ensuring smooth relations with

Westminster. Secondly, the Presiding Officer would represent the Scottish Parliament in its interactions with the Scottish Executive and a range of institutions including Westminster and the devolved bodies for Wales and Northern Ireland. Finally, s/he would chair the Business Committee which prepares proposals on the agenda and organization of business for the Parliament. As such, over time the position of Presiding Officer may develop a profile political influence beyond that of the Speaker, which may empower the Parliament vis-à-vis the Executive.

However, the most important proposals concerned the Committee system. "The establishment of a powerful committee system, which, particularly given that the electoral system meant that one party government was less likely, would act as a powerful check on executive power" (Marsh and Hall 2007: 231). Once again this can be seen as a direct challenge to the BPT. These all purpose subject committees would combine the roles of Westminster Public Bill (formerly Standing) Committees and Select Committees with powers to:

- Consider and report on the policy and administration of the Scottish Administration;
- Conduct inquiries into such matters or issues as the Parliament may require;
- Scrutinize primary and secondary legislation and proposed EU legislation;
- Initiate legislation;
- Scrutinize financial proposals and administration of the Scottish Executive (including variation of taxes, estimates, appropriation and audit.
- Scrutinize procedures relating to the Parliament and its Members (including adherence to those procedures).

Shaping Scotland's Parliament (December 1998)

The Committees would produce reports for Parliament to facilitate the above. The CSG also specified a range of Mandatory Committees[160]. The Parliament could also create subject Committees and individual members could propose the creation of one. The Parliament agreed to these proposals and established eight subject committees[161]. The CSG also proposed that the Parliament should be able to establish ad hoc committees where issues cut across the conventional boundaries of government Departments. The Committees were to be composed

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[160] These include a Business Committee, Procedures Committee, Standards Committee, Audit Committee, Finance Committee, European Committee, Equal opportunities Committee, Public Petitions Committee and Delegated Legislation Committee. Of these, the Business Committee would prepare the programme of all Parliamentary business including the membership, remit and budget of the Committees.
[161] These covered a range of policy areas including Education, Culture and Sport, Health and Community Care, Justice and Home Affairs and Transport and the Environment.

of between five and fifteen members appointed by the Parliament advised by the Parliamentary Bureau reflecting the proportionate strength of the parties in the chamber. Experts can also be appointed to the Committees where appropriate.

The remit of these Committees was to be broad. As well as scrutinizing the actions of relevant parts of the Executive, they also had a role in the legislative process, scrutinising primary and secondary legislation emanating from both Holyrood and Westminster. They could also scrutinize EU legislation and relevant aspects of international agreements and consider whether an amendment of the existing law is required. Notably, they can also initiate legislation, which Public Bill Committees and Select Committees at Westminster cannot. The very scope of these Committees confirms the CSG's intention that they have more potential to hold the Scottish Executive to account than their Westminster counterparts. As such they challenge the idea of executive dominance and the 'government knows best' at the heart of the BPT.

There are three other notable differences in workings of the Committees, contra Westminster. Firstly, Ministers can be members of committees, although they cannot vote in Committees which are considering legislation relevant to their portfolio; in practice none have been appointed. Secondly, the CSG recommended that Committees can and should meet outside Parliament. Finally, they can appoint an external 'reporter' to report to the Committee on a matter within their remit. The CSG saw this as allowing interest groups and experts to make representations to the Committee. Again, these proposals represent an attempt to establish a more participatory set of institutions and procedures.

Ultimately the CSG aimed to create a more participatory politics in Scotland where consultation would be a hallmark. They recommended that, prior to the Parliament beginning the legislative process, there should be extensive consultation with individuals and organizations outside Parliament and that all legislation proposed by the Scottish Executive should be accompanied by a policy memorandum outlining the prior consultation process. The CSG also envisaged the use of civil society forums incorporating business and young people as a way of being more inclusive and consultative. In this vein, the Civic Forum established in 1999 includes representation from trade unions, churches, charities, professional organizations and non governmental organizations. Clearly, a political process that emphasizes the need for the Executive to consult extensively runs contra to the elitism of the BPT and the idea that 'the government knows best'.

A final feature of note in the report of the CSG concerned public petitions. In order to create a sense of openness, Committee recommended that public petitions should be encouraged. Meaningful participation in the work of the Parliament by the Scottish people had been seen as essential development by both the SCC and the CSG and this notion ran contra to the idea that participation should be restricted to periodic voting implicit in the BPT. The Public Petitions Committee was one of the mandatory committees recommended by the CSG and they also established standing orders for how to deal with petitions. Any member of the public or group could petition the Parliament and the procedures for submission should be simple and widely publicized and responded to in an agreed time-frame. Significantly, there would no minimum number of signatures required prior to submission. The Petitions Committee would then decide whether the Parliament had the power to deal with the subject of the petition before passing it on to either the relevant Scottish Minister or Subject Committee of the Scottish Parliament or to the Parliament itself. The Petitions Committee is also empowered to hear petitions away from Holyrood, allowing it to encourage even greater participation by the public[162].

The final recommendations of note made by the CSG were regarding working practices. Again, these include a clear rejection the traditional institutions and processes of British government. "The long standing Westminster practice of starting parliamentary sittings in the afternoons and continuing them until late at night" (McFadden and Lazarowicz 2002: 52) was rejected in favour of what have been referred to as 'family friendly' hours of business, with normal weekday sittings being from 9.30 a.m. to 5.30 p.m. Here the CSG was attempting to fulfil its remit regarding equality of opportunity, unlike Westminster, providing equal access for women in particular.

All the recommendations of the CSG were endorsed by the major political parties, including the Labour and Conservative Parties who broadly support the BPT. However, given the widespread support for devolution across society, support for the recommendations of the CSG was virtually guaranteed once Donald Dewar charged them with drawing up the Parliament's Standing Orders.

The recommendations of the CSG were crucially significant in shaping the framework for devolved governance in Scotland after 1998. They sought to create a Parliament that could act as a check on executive power and dominance. As Arter (2003) argues, they sought to strike a more desirable balance of power between executive and legislative than that found at

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[162] In the first four years of the Parliament, the Public Petitions Committee considered 615 petitions on topics ranging from transport to genetically modified crops (McFadden and Lazarowicz 2002).

Westminster[163] In shaping these principles they had clearly rejected the institutions and processes associated with the BPT. Instead, like Charter 88 and elements on the SCC before them, they favoured a more participatory form of democracy. As such, once the recommendations of the CSG were approved by the Parliament, it had the potential: "to operate and work in ways that could make it substantially different from the Westminster Model" (Brown 2000: 52). Consequently, their work can be seen as further evidence of the importance of the competing participatory tradition in challenging existing ideational and institutional norms. In addition, if developed a more participatory form of governance in Scotland may provide a growing challenge to the BPT.

However two cautionary points should be noted here. Firstly, as Brown (2000: 52) states: "new institutions and new procedures do not in themselves guarantee new ways of conducting politics and the creation of a different political culture". Actors schooled in, and faithful, to the BPT may find it difficult to shake off old habits, even if they want to. Secondly, as I have already shown, challenges to the BPT develop and occur within a strategically selective environment that has, to date, privileged pre-existing, ideational, institutional and procedural norms. Consequently, an examination of the practice of Executive-Parliament relations since 1999 will be essential if a full evaluation of whether the CSGs recommendations have led to a more participatory politics in Scotland is to be undertaken.

Conclusion

In this Chapter I examined both *The Scotland Act* (1998) and the CSG recommendations, *Shaping Scotland's Parliament* (December 1998). In doing so, I have clearly identified the continued importance of dominant and competing political traditions on outcomes in British politics.

The Scotland Act (1998) was decisively shaped by the institutions and processes associated with the BPT. In response to political concerns about their electoral hegemony and the future of the union, the Labour Party brought forward devolution legislation that was based upon the recommendations of the SCC. In response to contingent events in the late-1970s and 1980s, the SCC had developed proposals for devolution that themselves, built upon the abortive attempt at devolution in 1979. Despite notable differences in both rhetoric and the avocation

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[163] He does note however that they were "wholly and essentially traditionalist on the subject of executive-legislative relations" (Arter 2003: 24) in that they sought to balance the Executive's need to govern with mechanisms that allowed for effective parliamentary scrutiny, accountability and influence.

of AMS, the SCC proposals were largely consistent with the institutions and processes found at Westminster and, thus, the BPT. Labour sought to preserve the sovereignty of Parliament and the notion of the union state which were linked to a faith in centralization and executive dominance. Once again the outcomes were shaped by the pre-existing ideational, structural and discursive environment and the strategically selective bias that this imposes on them.

However the CSG, who were charged with developing the Standing Orders and procedures of the Parliament, did not see the institutions and processes associated with the dominant elitist tradition as something they should replicate. Rather, they were deeply critical of the elitist conception of democracy found at Westminster, operating from a more participatory conception of democracy. This tradition has a long lineage in British politics and it helped to influence the process of devolution. The CSG brought forward proposals that challenged established notions such as executive dominance and the 'government knows best'. Therefore, it is possible to identify the process of continual ideational contestation and the influence of competing traditions in the recommendations of the CSG.

Having dealt with the establishment of devolution in Scotland in 1998, I will now consider how it has functioned in practice since 1999. In doing so, the aim is to consider whether the influence of dominant and competing political traditions in the practice of devolution since 1999 can still be detected.

Chapter Six: Aspects of Devolution since 1998

Introduction

Scottish Devolution was the result of the long term process in which the continual contestation between the BPT and competing political traditions played a vital part. Devolution developed in a strategically selective environment which privileged the prevailing ideational, institutional and discursive norms associated with the dominant tradition. Thus in many ways Scottish Devolution is consistent with the BPT. However adherents to competing notions of democracy and territorial organisation secured a few decisive concessions that challenged the dominant tradition. I will now briefly consider whether the experience of devolution since 1998 has been consistent with traditional approaches to British politics.

Comment on the impact of Scottish devolution has not been lacking since 1998. O'Neill (2000: 85) argues that it has "unsettled territorial relations" in the UK. For some, (Redwood 1999: Marr 2000; Hitchens 2000; Nairn 2000) it is the unravelling of the unitary state and if not the end of the UK, then the beginnings of the end. In the latter analysis devolution is undoubtedly a rupture with the past and the UK state has entered a new phase that may see the very notion of the UK disappear. In this Chapter I will consider whether Scottish Devolution represents a fundamental shift in the territorial relations of the UK.

Prior to devolution it had been commonplace for supporters to advance what has been termed 'a new politics' view (Brown 2000) that emphasised the possibility for change emanating from the Scottish devolution settlement[164]. The Scottish Constitutional Convention emphasised this point in 1995 stating "the coming of the Scottish Parliament will usher in a new way of politics that is radically different from the rituals of Westminster" (Cited in Arter 2003: 5). The 'new politics' view was somewhat ill defined (Mitchell 2005), however its key buzz-words were to be cooperation (across and between parties); consensus; participation; and inclusivity (Keating 2005) all at odds with the prevailing norms of the BPT.

Some authors (Bogdanor 2001; O'Neill 2004) also suggest that a 'quasi-federal state' has emerged in the UK post devolution. This is associated with the alleged existence of Multi-Level Governance (MLG) in the UK (Pierre and Stoker 2000)[165]. Conversely it has been suggested that a substantial degree of continuity exists between the past and present governance of the UK (Bradbury and Mitchell 2002; Mitchell 2005; 2007). Indeed Jeffrey (2006: 138) notes that: "politics beyond Westminster is both very different in the UK after

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[164] It was hoped that this 'new politics' would involve more consensual and co-operative relations between the parties because of the use of AMS and a more open and collaborative approach to decision making (Bradbury and Mitchell 2002).

[165] The concept of Multi-Level Governance is dealt with in Appendix 4.

devolution and remarkably unchanged". This is unsurprising. Substantial continuities and residual traces of previous institutional, procedural and attitudinal norms will always be found given the manner in which change occurs. As such the suggestion that we are currently witnessing the break up of the UK is at best premature. Rather attention should focus upon identifying the beginnings of future challenges to both the dominant political tradition and territorial relations caused by Scottish devolution. The consequences of devolving power to Scotland, both intended and unintended[166], may themselves encapsulate future challenges to central tenets of the dominant tradition and are consequently worthy of consideration. It should also be noted here that devolving power asymmetrically between the constituent parts of the UK (O'Neill 2004; Jeffrey 2008) may also lead to further challenges to aspects of the dominant tradition.

This is not merely a case of finding linkages with past ideational norms and institutional practices. Rather possible future developments for devolution and territorial politics in the UK can also be considered. By assessing those emerging yet 'distinctive patterns' we can postulate a potential future direction for Scottish Devolution, British-ness and indeed the very existence of the UK itself. Clearly any judgement of the future direction and success of devolution should avoid generalisations and cannot claim to be predictive. However the use of strategic selectivity and path dependency, allow informed suggestions about potential future developments to be offered without ever losing sight of the possibility of or potential for change.

The scope of research produced on devolution, means that my assessment of Scottish Devolution since 1998 can only offer a flavour of what has happened. A comprehensive study of devolution since 1998 from the perspective of the BPT would need to be the subject of a far greater study. I will however offer some observations on key themes since 1998. This Chapter is divided into four substantive sections. I will briefly consider four interwoven aspects to the post devolution politics in Scotland: Centre-periphery relations since 1998; Executive-Legislative relations at Holyrood; Party politics at Holyrood and Policy Divergence since 1999[167].

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[166] 'Intended' and 'unintended' consequences are a crucial facet of both the process of devolution to date and the future developmental path of territorial relations in the UK. As such they should occupy a central position in any developed explanation of change and continuity associated with devolution.

[167] I do this for three reasons. Firstly, to consider whether the practice of devolution has shown the continuing influence of BPT on ideas, structures, practices and outcomes since 1998? Secondly to identify whether the process of contestation and conflict between that tradition and competing traditions continues unabated? Finally, given the strategically selective nature of the environment I can consider potential future directions for Scotland and the UK. In this analysis I can also highlight the importance of intended and unintended consequences opening up avenues to further change.

How Devolution Works: the Practice of Devolution in Scotland

In Chapter Five I demonstrated that *The Scotland Act* (1998) and the CSGs *'Shaping Scotland's Parliament'* (December 1998) established the institutions and practices for devolution. I highlighted how dominant and competing political traditions played a fundamental part in shaping the theory of devolved governance in Scotland. Forman (2002: 89) notes that:

> "the most distinctive characteristics of Scottish Devolution under the 1998 Scotland Act are the real restrictions, both theoretical and practical, upon the scope for Scottish politicians to stretch the devolution settlement too far in the direction of national autonomy".

A substantial element of UK territorial politics remained unchanged by the 1998 settlement. As such I was able to identify a degree of both continuity and change in the devolution settlement. Mitchell (2007: 25) argues that: "Year Zero assumptions involve the mistaken belief that devolution wiped the slate clean and ushered in an era of new politics". Whilst considerable change is evident in Scottish politics, the extent of continuity with pre 1998 ideational, institutional and attitudinal norms cannot be ignored. These can be seen as related to the dominant political tradition which has decisively shaped politics in the UK.

I will now turn my attention to the four interwoven aspects of the practice of Scottish devolution since 1998. The first of these is the relationships between the institutions and actors at centre, and those at Holyrood.

Centre-Periphery Relations since 1998

In Chapter Three I demonstrated how centre-periphery relations in the UK were decisively shaped by the BPT[168]. *The Scotland Act* (1998) sought to preserve as much as possible the dominance of the centre and key notions such as parliamentary sovereignty at Westminster and executive dominance at Whitehall. Thus the devolution settlement involved asymmetries of power between the centre and periphery from the outset. However a range of authors

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[168] This emphasised executive dominance and centralisation. It also placed great faith in the virtues of union (1707) and the notion of Britain. Notions such as parliamentary sovereignty and the unitary state became seen as the manner in which territorial relations were governed, with Westminster and Whitehall dominant. Whilst the notion of a unitary state never fully grasped the complexities of territorial relations in the UK (Mitchell 2002), it was widely believed and appealed to. Acceptance of the 'unitary state' paradigm was so widespread that it had achieved hegemonic status and helped to legitimise both the centrality of Westminster and Whitehall, and the dominance of socio-economic and political elites (Mitchell 2007). In essence the argument ran that the unitary state was both peculiarly British and, moreover, successful in delivering effective government and prosperity for the UK.

correctly recognise that the use of the 1997 referendum has made it hard, if not impossible for the Westminster Parliament to exercise its sovereignty in an ultimate sense, and repeal devolution (Bogdanor 2001). How this framework for post devolution centre-periphery relations established in 1998 operates in practice needs consideration. To do so I will begin by briefly considering the guidance that has been developed for the operation of devolution known as the Memorandum of Understanding.

The Memorandum of Understanding

The Scotland Act (1998) is underpinned by a Memorandum of Understanding[169] and four overarching concordats[170] between the UK Government and devolved administrations. Bilateral concordats between the Scottish Executive and individual government departments have also been developed. Although these concordats are not legally binding the intention is to further intergovernmental co-operation. They themselves are underwritten by Devolution Guidance Notes[171], which were developed by the Department for Constitutional Affairs in consultation with the Scottish Executive. There is also the October 2002 Statement and Guidance on Devolution in Practice issue by the PM and the leaders of the 3 devolved administrations. Trench (2007b: 61) describes these documents as "the overarching master agreement between the UK government and the devolved administrations". As such they are of central significance to devolution.

The Memorandum of Understanding (2001) is not legally binding. Rather it is a statement of intent regarding intergovernmental relations. This approach is largely consistent with the traditional approach in British politics which does not favour the formalisation of procedures in legally binding obligations. It should also be noted that it was drafted by officials towards the end of the passage of the devolution legislation. As such "it was not a document that the devolved institutions…could shape" (Trench 2007b: 62). Indeed the document is best read as a document that encapsulates what officials at the centre thought was likely to be needed. Thus the ideas and experiences of officials working in a system of government shaped by the BPT have undoubtedly impacted upon the view of what was required. The document essentially reflected "the priorities of the UK government" (Trench 2007b: 62).

Part I of the Memorandum seeks to further clarify competencies for Westminster and the devolved legislatures including Holyrood. Section 21 states that:

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[169] http://www.justice.gov.uk/docs/odpm_dev_600629.pdf
[170] These cover International Relations, the EU, Financial Assistance to Industry and Statistics
[171] http://www.justice.gov.uk/guidance/devolutionguidancenotes.htm

"the UK government represents the UK interest in matters which are not devolved for Scotland, Wales or Northern Ireland. Policy responsibility for such matters lies with the relevant UK Ministers and Departments" (Memorandum of Understanding 2001: 9).

It also states that the Secretaries of State for Scotland, Wales and Northern Ireland will continue to represent the interests of these areas in policy formulation at the centre. Sections of Part I of the Memorandum further assert the supremacy of Westminster over devolved bodies in key policy areas. Part I Section 13 states:

"the United Kingdom Parliament retains authority to legislate on any issue, whether devolved or not. It is ultimately for Parliament to decide what use to make of these powers" (Memorandum of Understanding 2001: 8).

It does however state that this will not normally occur without the consent of the devolved legislature. Westminster's supremacy is further asserted in Section 14 regarding the Sewel Convention and Section 17 regarding Westminster's right to debate, enquire into and make representations about devolved matters and crucially, its dominance of international relations and relations with the EU[172]. Finally Part I states that the devolved administrations are required to implement all international, ECHR and EU obligations and that UK Ministers have the power to intervene to ensure compliance. Therefore Part I of the Memorandum of Understanding seeks to assert the primacy of Westminster and is thus further evidence of continuity with the past. Thus, the BPT continues to inform the institutions and processes of governance post devolution.

It should be recognised that Section 15 allows the devolved legislatures to debate issues beyond their competence[173] whilst accepting Westminster's supremacy in these matters. However the potential for demands for greater legislative competence may develop in this ability to extend their discussions beyond that laid out in the Scottish Devolution Act. Although as Trench (2007b: 62) argues, the principles of communication, consultation, cooperation and confidentiality which the Memorandum sets out as the basis for day to day relations "lack any sort of enforcement mechanism" anyway.

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[172] The Memorandum does make provision for the involvement of the devolved bodies as fully as possible in discussions during the formulation of the UK government's position on all EU and international issues (Memorandum of Understanding 2001: 9). However it should be noted that this does not equate to a shift in sovereignty.

[173] It is for this reason that the Scottish Parliament was able to debate the impending invasion of Iraq in February 2003, despite the fact that this policy was undoubtedly beyond the legislative competence of the Parliament.

Part II of the Memorandum sets out further arrangements for dispute resolution between Westminster and Holyrood. These provisions provide a basis for Whitehall to consider devolved legislation and the actions of the Scottish Executive. They aim to foster an atmosphere where questions of legislative competence can be resolved via an informal dialogue without immediately invoking the procedures laid out by the 1998 Act. The Act itself had provided for the Secretary of State for Scotland to intervene in devolved matters and for the Judicial Committee of the Privy Council (JCPC) to resolve conflict. However the Memorandum hoped to establish these as procedures of last resort. Indeed the document states that both the UK government and the devolved administrations hoped that most contact and discussion between them would occur on a bi-lateral or multi-lateral fashion. However it was acknowledged that some co-ordination of the activity was required.

The Memorandum of Understanding established and formalised the role of a Joint Ministerial Committee (JMC). Evans (2003) refers to their creation as an example of 'technical spill-over' in that they have developed to help to integrate and smooth intergovernmental relations. The JMC contains representatives from both the centre and the territorial authorities for "co-ordinating territorial and central government" (O'Neill 2004:178). The Prime Minster and senior cabinet Ministers sit on the JMC opposite their territorial counterparts. Its primary remit is defined as considering non devolved matters that may impinge upon on devolved responsibilities and considering disputes between the administrations. Plenary meetings of the JMC were to be held annually and 'functional' meetings between relevant Ministers in particular policy areas would also occur. The aim of the JMC was ultimate dispute resolution prior to referral to the formal procedures outlined in the Act. Indeed the Memorandum states that the JMC "is a consultative body rather than an executive body" (Memorandum of Understanding 2001: 13). As such it is a non executive body, reaching agreements rather than making decisions. The JMC also meets in more functional formats to discuss specific policy areas. To date these have been on health, the knowledge economy, poverty and Europe. These aim to create a co-ordinated approach to public policy formulation and implementation (Evans 2003).

Despite being initially an afterthought (O'Neill 2004), the JMC has subsequently become a central piece of the devolution framework, albeit one that is seen as a last resort if conflict arises. The dominant view amongst the architects and practitioners of devolution to date has been that the relevant Ministers and Civil Servants from centre and periphery co-operate in an effort to avoid or resolve conflict, without recourse unless absolutely necessary, to the JMC. For example the resolution of tensions concerning the Scottish policy of providing free personal care for the elderly was dealt with bilaterally rather than through the JMC (Trench

2007d: 165). In line with this view O'Neill (2004) notes that the occasional meetings of the JMC have been "called more often than not, to meet the political requirements of central government" (O'Neill 2004: 190). As Hazell (2003) notes where the JMC is concerned "the UK government remains clearly the dominant partner: intergovernmental meetings are convened to suit its agenda" (Hazell 2003: 7). Recent research further demonstrates that the JMC is dominated by central government. The JMC did not meet between 2003 and 2005 despite the requirement for an annual plenary meeting. Trench (2007d: 163) states that the failure to meet "may have been partly to do with congested diaries, particularly on the part of the UK Prime Minister, but it also indicates a clear lack of eagerness to use the JMC. Evidently it is simply not a matter of high priority, especially for the UK government, which has the task of convening them".

Also established in the aftermath of devolution were four JMC 'Functional Committees'. For example the JMC Poverty Committee was re-established by the then Chancellor of the Exchequer in order to pursue his social policies (Hazell 2003). He not only chaired the JMC on Poverty but also the JMC on the Knowledge Economy. Evans (2003: 306) argues that this approach signalled "the development of a broader strategic role for the department (The Treasury), aimed at encouraging joined up government and avoiding policy differentiation". Tony Blair established the JMC on Health on 22nd March 1999 to achieve best practice and common standards of management and provision across the UK. Whilst the JMC affords representatives from the devolved institutions to share their concerns and experiences as in the case of Rhodri Morgan and Welsh Healthcare innovations identified by Evans (2003), it must be recognised that the centre remains the dominant partner. As Evans (2003: 307) states "the JMC provides an ideal forum for collaborative government through which ideas can be exchanged, potential problems and tensions averted and elites integrated in accordance with national policy goals", which remain the purview of the centre. However the range of policy areas covered by these committees is limited and the sporadic meetings of three of the four functional committees have again demonstrated the dominance of the centre (Trench 2007d: 166-167). Only the JMC (Europe) has met frequently and is seen as a forum through which efficiency in the UK's dealings with Europe can be achieved (Trench 2007d: 167) Thus in the era of 'co-operative inter-governmentalism' Whitehall remains the dominant partner.

In summary, the Memorandum of Understanding and its related concordats were both a product of and supportive to the traditional approach to British government, in which Whitehall and Westminster were dominant. What the Memorandum has done is embody two assumptions. Firstly a principle of 'no surprises' and thus the need to keep the other informed of matters that may affect intergovernmental relations. Secondly it contained, albeit

implicitly, the understanding that: "the existing 'operating code' for managing relations between Whitehall departments (or between Whitehall and territorial offices) would continue to apply" (Trench 2007b: 63). Thus the BPT have continued to influence the practice of intergovernmental relations since 1998.

The House of Lords Constitution Committee in a report entitled, _Devolution: intergovernmental relations in the United Kingdom_ (December 2002)[174] produced a number of recommendations for the formalisation of the JMC[175]. In their response of March 2003 the government at Westminster adopted some of the recommendations made by the Constitution Select Committee such as annual meetings for the four functional JMC's. However they also stated their continued faith in informal and bilateral relations as set out in the Memorandum of Understanding and its related guidance notes[176]. Undoubtedly the approach of the executive is wholly consistent with the tradition of executive dominance found at Westminster.

The Sewel Convention and the use of Sewel Motions

One of the more controversial issues regarding Scottish Parliamentary procedure has been the Sewel Convention (Cairney and Keating 2004; Trench 2007d). The Sewel Convention is a colloquial term used to described the UK governments stated position regarding legislating for matters already devolved to the Scottish Parliament[177].

From this the convention has developed that although the UK Parliament remains the sovereign body and thus has the right to legislate on devolved matters, the spirit of devolution implies that power in these matters resides with Holyrood. Thus, in order to avoid conflict between Westminster and Holyrood the UK government will not seek support for or itself

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[174] http://www.publications.parliament.uk/pa/ld200203/ldselect/ldconst/28/2801.htm

[175] These included steps towards openness via the production of a press release following meetings and an obligatory statement by the PM to the House of Commons following the plenary meeting. They also included recommendations on the need for at the very least annual meetings of the four functional committees, and greater clarity on the criteria for the calling of a JMC meeting.

[176] For example they rejected the idea that a statement to the House by the PM was required following the JMC Plenary meeting. The fact that following these recommendations, the JMC Plenary meeting did not occur for two years casts doubt on the levels of commitment to the process at the centre.

[177] It takes its name from Lord Sewel, the government minister who outlined the terms of the position whilst the Scotland Bill was passing through the House of Lords. He stated on the 21st July 1998 that: "Clause 27 makes it clear that the devolution of legislative competence to the Scottish Parliament does not affect the ability of Westminster to legislate for Scotland even in relation to devolved matters. Indeed, as paragraph 4.4. of the White Paper explained, we envisage that there could be instances where it would be more convenient for legislation on devolved matters to be passed by the United Kingdom Parliament. However, 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" (Hansard 21st July 1998: Column 791).

support legislative proposals that have not received prior consent from the Scottish Parliament. In order to obtain this consent, a Sewel motion (now referred to as Legislative Consent Motion) has developed. It was envisaged during the passing of the Devolution Bill that the use of these motions would be exceptional. However since 1999 their use has been more frequent than envisaged[178] and they have proven to be a source of controversy. They also help to highlight a key point regarding both the relationship between Westminster and Holyrood and the nature of devolution in practice.

Ministers at Holyrood have defended the usage of Sewel motions suggesting that opponents of the practice, primarily the independence seeking SNP, have exaggerated their significance. They also maintain that Sewel motions remain a pragmatic response to the complexities of legislating since devolution. Sewel motions save time and prevent the duplication of legislation on both sides of the border. The guidance provided shows that they are used in various circumstances[179] and indeed they have been.

However a number of critiques of Sewel motions have arisen since 1999. Firstly the surprisingly frequent usage of 'Sewel motions' by the Scottish Parliament since 1999 has been noted (Page and Batey 2002: Hassan 2002: Cairney and Keating 2004). In the first session of the Parliament alone forty one were passed. By March 2008 there had been 90 Sewel motions passed relating to Scotland. Hassan (2002) suggests that the fact that the Scottish Parliament passed almost as many Sewel Motions as full Acts during its first session highlights the continued dominance of Westminster. Conversely Cairney and Keating (2004) argue that although Sewel motions have been used more frequently than was envisaged, to compare them to the number of Acts passed is somewhat misleading. Sewel motions only apply to parts of Acts and some Acts will require more than one. Consequently a single Act may require a number of Sewel motions rather than a single one.

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[178] Details of Legislative Consent (Sewel) Motions relating to Scottish devolution can be found at http://www.scotland.gov.uk/Topics/Government/Sewel
[179] These are as follows: (1) Where it would be more effective to legislate on a UK basis in order to put in place a single UK wide regime; (2) Where there is a complex inter-relationship between reserved and devolved matters that can most effectively and efficiently be dealt with by a single Westminster bill; (3) Where the UK Parliament is considering legislation for England and Wales which the Executive believes should also be brought in for Scotland but there is no legislative time available at Holyrood; (4) Where the provisions in question, although they relate to devolved matters are minor or technical or uncontroversial; and (5) where the breadth of the powers of the Scottish Parliament and/or the Scottish Executive would be enhanced in a manner not achievable unilaterally by an Act of the Scottish Parliament.

Indeed to focus on the number of Sewel motions misses the point that there are different types. Cairney and Keating (2004) sub divide Sewel Motions into four types[180]. They (2004: 132) suggest that: "there is not much evidence that the Scottish Parliament is giving up its policy making prerogatives to Westminster through the use of Sewel Motions". They are certainly right to point to the frequency with which the Scottish Executive has opted into aspects of UK legislation. Clearly the substance of the motions themselves rather than the quantity must be taken into account before making broader assertions about Westminster – Holyrood relations. However Sewel Motions are significant in the practice of Scottish politics post devolution.

On the notion of types of Sewel Motions a couple of key observations can be made. Firstly the most frequently used type of Sewel Motion is type 2. This in itself is not surprising and is often the case in federal and devolved systems. However it should be noted that the degree of legislative overlap that has occurred does not seem to have been foreseen by the architects of devolution. Once again those schooled in ideas regarding centralisation and executive dominance, did not fully understood the nature of what they were undertaking.

The phrases used to describe their utilisation in the Welsh Assembly are useful in ascertaining how they are viewed by the political elite. The idea that Sewel Motions allow the new devolved legislatives to 'grow into the part' or 'walk before they run'[181] suggest again that elitism and executive dominance centred around Westminster remain fundamental to understanding attitudes towards devolved governance. Indeed it seems to suggest something

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[180] The four types are as follows: (1) The Scottish executive decides to adopt the same policy as Westminster and a single piece of legislation is the most efficient and convenient method of achieving this. For example The Anti Terrorism, Crime and Security Act (2001) or the Sexual Offences Amendment Act (2000) It should be noted however that the reasons for believing that a Sewel Motion would be a more convenient method of legislating were different and that in the case of the Anti-Terrorism, Crime and Security Act (2001) the Scottish Executive secured a number of opt outs. (2) A Sewel Motion is adopted because of the tangle of reserved and devolved competencies arising from the Devolution Act itself. This has particularly been the case with regard to legislation on crime. Generally this occurs in areas where the legislative competence of Holyrood is unclear. In such instances the Sewel Motion is used to clarify the position by asking Westminster to legislate. (3) A Sewel Motion is adopted to deal with cross border regulatory matters and administrative issues. These are used when cross border public authorities or regulatory bodies act in areas of devolved competency. (4) A Sewel Motion is adopted to safeguard a devolved competency or give additional powers to a Scottish Minister in effect extending or clarifying the competency of the Scottish Parliament. Although these are classified as Sewel Motions, strictly speaking they are not as Deputy First Minister Jim Wallace pointed out. For detail see Cairney and Keating (2004: 128-132)
[181] These phrases were used by Professor Richard Rawlings in his evidence to the Richards Commission and can be found at http://www.richardcommission.gov.uk/content/evidence/written/rawlingsr/chapter8-e.htm

other than a lack of forethought or understanding. Rather it suggests the continued influence of the BPT[182].

The significance of the Labour party's attitudes in this regard must be recognised. The dominance of Labour at both Westminster and Holyrood has led to a desire for 'seamless government' (Cairney and Keating 2004). Again the BPT continues to act as an influence on the attitudes of actors. The Labour party's support for key aspects of that tradition and the institutions and processes associated with the WM narrative, have shaped their responses throughout devolution. A belief in the virtual of centralised government manifests itself in a desire for uniformity and a belief in convenience rather than more area specific solutions that devolution suggested would be predominant.

It should also be noted that when a Type 2 Sewel Motion is used, the competency is afforded to Westminster, further suggesting the Westminster remains the more significant body. Certainly as Cairney and Keating (2004) there have been a number of Type 4 Motions which have in fact, clarified and in certain instances extended the competencies of the Scottish Executive. However Type 2 motions were far more frequent during the first session of the Scottish Parliament again suggesting that when competency is debatable, the outcome is more likely to be that Westminster retains control rather than Holyrood's competency being extended. Despite appearing attractive to supporters of greater devolution, Type 4 Motions have tended not to empower the Parliament but rather members of the Scottish Executive. This suggests that Executive-Legislative relations at Holyrood have tended to mirror those found at Westminster.

Of the forty one Sewel motions issued in the first parliamentary session about half were passed unopposed. This hardly suggests that legislators north of the border have found them onerous or intrusive, although we should note that party discipline at Holyrood has developed in a similar fashion to that Westminster. Once again a 'hangover' from the UK's previous institutional relations and practices can be detected. Of those that were opposed, perhaps unsurprisingly, the primary opposition came from the SNP[183] and principle has been their

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[182] It should be noted here that Lord Richards also identified what he referred to as 'a pull towards uniformity' in devolution. This can be explained by reference to two points. Firstly, the continued dominance of Westminster is likely to facilitate a pull towards the centre. Secondly and perhaps more significantly, actors schooled in a political tradition that emphasises the virtue of centralisation and executive dominance will tend towards this.

[183] On the 13 occasions they opposed on a point of principle regarding the use of the Sewel motion. In the remaining six instances opposition was based on either the use of a Private Members Bill, the alleged incompetence of the motion and/or that the legislation should be dealt with in Scotland (Cairney and Keating 2004). At times the SNP may have supported the motion itself whilst still

major source of criticism. They have suggested that Scottish problems require distinctly Scottish solutions rather than Westminster born ones and that consequently Sewel motions run contra the spirit of devolution. Whilst it is possible to see why they might believe this given that one of the stated motives of devolution was to bring a Scottish dimension to Scottish policy following the experience of the 1980s, it could also be argued that the Sewel motions are indeed in the spirit of devolution. If devolution was about attempting to preserve key aspects of the BPT, then the retention of legislative authority at Westminster was likely to be the case wherever possible. Thus the development of Sewel motions and the frequency of their usage are consistent with a political tradition and actors steeped in notions concerning centralisation and parliamentary sovereignty. Indeed the most ardent supporters of the BPT, the Conservative party, do not oppose the use of Sewel motions in principle at all[184].

A further criticism has been that the procedure has weakened parliamentary scrutiny of legislation that impacts north of the border (Page and Batey 2002). Although Sewel Motions can be debated in Committee and in the chamber of the Scottish Parliament, once approved the competency transfers to Westminster. The proposals may then be amended or abandoned without further recourse to the democratically elected representatives north of the border. In a sense the criticisms levelled at the pre-devolution situation regarding a democratic deficit and the overly centralised nature of the British political system remains when Sewel Motions are utilised. Trench (2007d: 186-187) notes that there are circumstances when formal consent for a Sewel motion is not required, and equally times where some legislation affecting Scotland has not been subject to Sewel consent. For example, "no Sewel motions have been submitted at Holyrood for cases where criminal offences in Scotland have been created in connection with reserved matters (Trench 2007d: 186).

The use of Sewel Motions has been a notable feature of inter-governmental relations since 1999. Whilst the observations of Cairney and Keating (2004) should be considered, I argue that both Westminster and Whitehall have retained a greater degree of influence over matters devolved to Holyrood than was anticipated by many supporters of the 1998 settlement. Westminster has legislated to a far greater extent than was expected. This suggests that centralisation continues to inform the practice of territorial relations. Indeed since the 2007 Scottish Parliamentary Elections brought the SNP to power in the Scottish Parliament for the

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disliking the use of the Sewel motion and thus were acting pragmatically in order to see policies they supported become law.

[184] The only instance of opposition from the Scottish Conservatives in the first session came regarding the reduction of the homosexual age of consent in 2000.

first time, it is likely that Sewel Motions will remain controversial and may become more so, given what they entail[185].

Other observations on centre-periphery relations

A number of other observations on centre-periphery relations since 1998 can be made. Firstly issues pertaining to the work of the Judicial Committee of the Privy Council (JCPC) require consideration.

In Chapter Five I demonstrated how *The Scotland Act* (1998) established the JCPC as the final arbiter in jurisdictional disputes. From the outset it was expected that there would be a number of legal challenges to devolution, primarily focussed around the issue of jurisdiction and competence. The JCPC was charged with the final resolution of disputes if no other remedy could be found. The Committee has the power to hear cases concerning the powers and functions of the legislative and executive in Scotland. These can be referred to a Law Officer and certain appellate courts in the UK. To date there have been only three challenges to an Act of the Scottish Parliament[186]. In all three instances the challenge was unsuccessful. Indeed the majority of devolution cases brought before the JCPC pertain to questions relating to Article 6 of the European Convention of Human Rights and its requirements regarding fair trial. To date there have been no cases involving intergovernmental dispute (Trench 2007d). Looking at the work of the committee to date it would appear that concerns over challenges to the legal basis for devolution were somewhat premature.

Hazell and Rawlings (2005) demonstrate that there has been little need for recourse to these procedures of last resort to date for two reasons. Firstly at both centre and periphery there has been a "preference for settling differences in private rather than litigating in public" (Hazell and Rawlings 2005: 31). Having administrations of a similar political complexion operating at Westminster and Holyrood has certainly helped. Furthermore the culture of centre-periphery relations tends towards informal dispute resolution bilaterally or through established channels

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[185] It should be remembered that despite the SNP's antipathy towards them, they are a minority government and therefore cannot oppose their usage too strongly in the present circumstances, given the limitations of their mandate.

[186] The first was *The Mental Health (Public Safety and Appeals) (Scotland) Act* (1999) which was challenged on the grounds of human rights. The other two challenges involved *The Protection of Wild Mammals (Scotland) Act* 2002. This was a non-executive bill which banned hunting with dogs in Scotland. The challenges to this Act were made by the pro-hunting lobby in Scotland and were "based on human rights rather than division of powers or 'pure' devolution' grounds" (Hazell and Rawlings 2005: 32).

such as the offices of the Secretary of State or the JMC. Thus traditional approaches and avenues of British government remain of central significance, alongside the JMC which I have shown is dominated by the centre.

On the JCPC two further observations are relevant. Firstly it remains to be seen how frequently these procedures will be used when a Conservative government is returned at the centre. Secondly, the announcement in June 2003 of the decision to create a UK Supreme Court had implications for the role for the JCPC. In deciding this, the Labour government neither consulted nor appeared to consider the implications for devolution (Trench 2007d). *The Constitutional Reform Act* (2005**)** transfers the responsibility for resolving disputes between the Scottish Parliament/Executive and Westminster from the JCPC to the Justices of the Supreme Court, sitting in the Supreme Court[187].

Undoubtedly a key facet of centre-periphery relations relates to issues concerning finance in Scotland. The Treasury has traditionally dominated economic policy making in the UK (Thain and Wright 1995; Chapman 1997) and that it functioned as part of a triumvirate involving the Bank of England and the City of London (Coates 1984; Ingham 1984). *The Scotland Act* (1998) retained the centre's control of economic and fiscal policy but did afford the Scottish Parliament the ability to vary taxation by up to three pence in the pound. Despite the tax varying power Scotland continues to be primarily funded via the Barnett Formula. The Act said nothing about the level of the block grant to Scotland or how expenditure north of the border should relate to the rest of the UK (McFadden and Lazarowicz 2002). These remain under the competence of the executive at the centre. Although a detailed appraisal of the post devolution functioning of both the Barnett formula and the role of the Treasury cannot be undertaken here, I will make some pertinent observations on the latter.

Trench (2007c) supports the view that the Treasury remains the dominant actor in economic policy making post devolution. He notes that the financial relationship between centre and periphery has developed "against the backdrop of increasing centralisation of power within the UK government" (Trench 2007c: 86). In simple terms through its control of finance central government is able to exercise a great deal of potential control over the direction of policy in Scotland. Trench (2007c: 107-109) suggests this potential dominance is rooted in superior organisational, lobbying, agenda setting and information related resources[188].

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[187] Details of these changes can be found at http://www.opsi.gov.uk/acts/acts2005/ukpga_20050004_en_1

[188] Trench's approach is particularly persuasive because he avoids conceptualising power as a zero-sum. Rather he utilises a resource dependency view of power. This is consistent with the Asymmetrical Power Model developed by Marsh, Richards and Smith (2001; 2003).

However we should note that potential power and the exercise of that power are not necessarily synonymous and the Treasury cannot directly control how finance is allocated in Scotland.

The periphery, in this case the Scottish Administration and Parliament, does have resources and are in no sense power-less, however they are also in many ways dependent upon the Treasury. For example the collation and analysis of information concerning public spending levels in the UK and the performance of the UK economy, are controlled by the Treasury. The Scottish Parliament has no independent information or guaranteed access to this. It is reliant upon the Treasury. Notably bi-lateral concordats between the Treasury and the devolved administrations place an uneven emphasis on the supply of information which favours the Treasury. Trench (2007c: 110) concludes that:

> "the overall financial framework of devolution and the way special cases are dealt with in that overall framework give the Treasury immense scope to make decisions and deny similar powers to the devolved administrations".

In practice this potential power has manifested itself in a manner similar to that found prior to devolution. The Treasury is treated by the devolved administrations with great respect and some deference (Trench 2007c) because it holds the 'purse strings'. For its part, the Treasury:

> "sometimes responds to lobbying from the devolved administrations. On other occasions it just acts on its own initiative, dispensing even with the informal bilateral channels. As an actor, it is effectively autonomous and unfettered" (Trench 2007c: 111).

Trench identifies clear asymmetries of resources available to the centre and periphery in terms of economic and fiscal policy which result in asymmetrical power relations between the Treasury and the devolved administrations. Given the centrality of the Treasury and 'the Treasury view', we can conclude that it is 'business as usual' post devolution. The Treasury dominates economic policy making as before and its' well known links with the Bank of England and the City suggest that the determination of economic and fiscal policy in Scotland remains as before.

That is not to say that Ministers at Holyrood are not involved in decision making in areas under the remit of the centre. For example, Scottish Ministers accompany their UK counterparts to EU Councils where matters relating to devolved competencies are to be discussed. Through these rather modest measures the centre is trying to establish some form of co-operative approach to territorial governance in the UK, albeit one that occurs within

existing parameters. As O'Neill (2004: 178) suggests: "the territorial governments' limited fiscal autonomy means that even their devolved policies are unlikely to vary significantly from those devised by central government". Two further points should be noted. Firstly it is likely that public policy determined at the centre even if it only applies to England and Wales is likely to have some impact on Scotland. Secondly civil servants in Scotland remain part of and ultimately answerable to the UK civil service in Whitehall. O'Neill (2004: 178) suggests that this "further confirms the central governments dominant role in national policy".

The role of 'goodwill' also requires consideration. The Constitution Select Committee has noted the extent to which goodwill is required for the smooth operation of devolution in its present form. This goodwill had been built upon two notions. Firstly having have Labour in power at both Holyrood and Westminster has led to a shared set of values and objective between centre and periphery. Secondly the politicians involved 'knew each other well' and had established personal relationships. Indeed many of the prominent figures in devolution had shared experiences as Westminster MPs. Whilst the existence of good will has been welcomed the existence, concern has been expressed that there is an 'over reliance' on it and that it has been elevated to the status of being almost a principle of intergovernmental relations. Here again a shared belief and culture amongst key actors schooled in the BPT has led to a preference for informality and a faith in established practices and procedures.

The Committee noted that over time good will was likely to dissipate for two reasons. Firstly, eventually Labour would be out of power at either Holyrood or Westminster. Thus the intra-party aspect of 'good-will' would disappear. Secondly, many of those elected to the devolved administrations did not have experience of the culture and procedures of Westminster. This was likely to become more pronounced over time. As such the possibility for growing tension between centre and periphery emanating from the decline of goodwill and the failings of informality exists. Further contestation of pre-1998 ideas and practices may develop from a decline of 'goodwill'. Consequently the Constitution Select Committee recommended the formalisation of the procedures for intergovernmental relations. However as noted earlier, the government responded by stating that it believed that informal contacts between actors at the centre and periphery were the most likely to result in the success of devolution.

Finally the view taken by the people in Scotland towards who governs Scotland is interesting. Mitchell (2004) has discussed the 'capability-expectations gap'[189] when commenting on the

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[189] This phrase is used by Mitchell (2004) to suggest that the devolution debate in the 1990s created unrealistic expectations for change amongst the populace that could never be met. There is a wealth of evidence to demonstrate the existence of this phenomenon in the first parliamentary term 1999-2003. Mitchell (2004) suggests it had diminished by the beginnings of the second parliamentary term.

attitudes of Scots towards their Parliament. Indeed research into attitudes concerning the difference made by the Parliament highlight this sense of frustration (Bromley and Curtice 2003; Jeffrey 2008). The continued importance of Westminster in Scotland is highlighted by research into attitudes in Scotland. The 1999, 2000 and 2001 Scottish Social Attitudes Surveys (SSA) [190] showed that 39%, 66% and 66% respectively of those questioned thought that Westminster remained the most influential institution in Scottish Governance (Bromley and Curtice 2003). It is also interesting to note that merely a year into the devolution project so many more Scots had come to the conclusion that Westminster remained the most influential body. Indeed after an initial burst of enthusiasm many Scots quickly reverted to the view that Westminster was sovereign. The 2005 SSA survey showed some interesting trends too. It highlighted the view of many Scots regarding increasing the powers of Holyrood and separatism. 63% of respondents favoured some extension of the powers of the Scottish Parliament. 57.5% of respondents favoured the union and Scotland's current constitutional position. Thus for many Scots the Union still works, albeit in a revised format since devolution. Of note here is that support for separatism amongst respondents was 34%. These new territorial relations seem to be supported by the majority of Scots, with only a significant minority favouring dissolution of the Union. It should also be noted that when asked about their national identity, 32% of respondents stated that they saw themselves as Scottish not British. However, 67.2% of respondents still saw 'British-ness' as at least one of their identities (Jeffrey 2008). Therefore whilst the oft alleged decline of British-ness may pose problems for the BPT in the long run, there is little evidence to date of Scottish Devolution undermining the concept (Jeffrey 2008). Indeed two questions on the meaning of 'British' in relation to history[191] highlight the extent to which Britain's history is still viewed positively by many Scots.

On the basis of the brief discussion above the following conclusions can be drawn. Firstly centre-periphery relations have continued in a fashion that is remarkably consistent with pre-existing institutional approaches and procedures. As such the prevailing ideational, institutional and discursive environment established by the BPT has continued to influence territorial relations post 1998. The practices and procedures of devolution developed in a strategically selective environment that privileged certain ideas and practices over others. Of particular note has been the tendency of Westminster to continue to legislate for Scotland in matters under the remit of the Scottish Parliament and the continued influence of the Treasury

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[190] http://www.esds.ac.uk/government/ssa/
[191] The questions as whether to be British meant (a) to be proud of Britain's past and the strong part it has played in shaping the world and (b) whether given Britain's treatment of her colonies, to be British was something to be ashamed of. In both instances respondents displayed positive views of Britain with 59% agreeing with the former and only 19.4% agreeing with the latter proposition.

over policy post devolution. The transference of practices and cultures associated with politics at Westminster and Whitehall should also be recognised (Judge 2006). This has led to a relatively smooth transition to devolved governance. However this seems somewhat less remarkable when one recognises the impact of pre 1998 institutions, practices and culture. Therefore in many ways the BPT continues to shape the structures and practices of British politics post devolution.

I will now turn my attention to the second of my concerns, the relations between the Scottish Executive and the Scottish Parliament.

Executive-Legislative relations at Holyrood

The introduction of devolved governance was seen by its advocates as ushering in the possibility for 'a new politics' for Executive-Legislative relations. This undoubtedly meant less executive dominance and a greater role for the new Scottish Parliament. In Chapter Five I argued that the work of the Consultative Steering Group (CSG) seemed to highlight this desire. They operated from a more participatory view of democracy and were highly critical of the practices and culture of Westminster politics. I will therefore briefly focus on the relations between the Scottish Executive and the Scottish Parliament since 1999 in order to assess whether 'The New Politics' has actually emerged.

The Scottish Executive since 1999

The Scotland Act (1998) put in place a Scottish Executive, led by a First Minister. Scottish Devolution entailed three types of devolution[192]. When compared with the powers given to the Welsh Assembly in 1998, a range of authors (Bogdanor 2001; O'Neill 2004; Jeffrey 2006) have correctly described the whole process as asymmetrical devolution. Scottish Devolution was undoubtedly significant and thus the Scottish Executive was likely to hugely influential over the running of Scotland.

Following the elections of 1999 the position of First Minister was first occupied by the former Secretary of State for Scotland, the late Donald Dewar. His position was confirmed once Labour became the single largest party in the elections of 1999 and formed a coalition with

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[192] Firstly Scotland was given administrative devolution allowing for the administration of public services in Scotland. Secondly legislative devolution was given which afforded the Scottish Parliament primary legislative power over a range of public policy areas. Finally through the giving of the tax varying power, financial devolution was given.

the Liberals. I will return to the significance of coalition politics shortly. However, firstly I will consider the actual putting together of the coalition.

Talks began almost immediately between Labour and the Liberal Democrats. Senior figures in the Labour party including Gordon Brown argued for a minority government or loose accommodation between the two parties[193] (Taylor 2002) This clearly suggests that established ideas and practices of Westminster were still influencing the thinking of key actors in the Labour party. Dewar for his part knew that a minority government meant uncertainty for the Executive and that the Liberal Democrats had repeatedly stated that they were not interested in anything less than a formal coalition. In the end Dewar opened negotiations with the Liberal Democrats led by Jim Wallace on Monday 10th May 1999. The issue of tuition fees for university students was a particular sticking point in the negotiations as the Liberal Democrats had opposed them from the outset. The negotiation process also highlighted the attitudinal and cultural hangover from Westminster, with party political sniping being a hallmark feature. Repeatedly stalemate was the outcome of the negotiations. Tensions between Labour and Liberal Democrats led to Labour insiders using derogatory phrases about the Liberal Democrats such as "like negotiating with children" (Taylor 2002: 7), whilst the Liberal Democrats suggested that Labour was unused to having to compromise because of its experience of single party governance at Westminster. Undoubtedly putting a formal coalition together would have been a new experience for all concerned given that single party governance has been the norm at Westminster, with coalitions only occurring in wartime. The formation of the first coalition does demonstrate how the practices and attitudes of actors schooled in the BPT continued to affect the post devolution settlement in its infancy.

Forming a coalition in peace time does however mark a break with the BPT which emphasised single party government based on majoritarian support in the Parliament as a superior model of representative democracy[194]. In Scotland, the use of AMS rendered strong government in this sense, unlikely to occur. Indeed the evidence of the three elections thus far suggests that coalition governance is likely to become the norm. As such a challenge to the traditional mode of governance in the UK is becoming evident. It remains a source of debate as to whether these coalitions will perform over time and whether they will display the alleged weakness that has often been used to justify the retention of FPTP. To date they have

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[193] Similar to the Labour governments of Wilson and Callaghan in the 1970s.

[194] In this view strong government is taken to mean a single party able to pursue its agenda with minimal interference from Parliament or public alike. As I argued in Chapter Two this has been a hallmark feature of British politics. Judge (2006) suggests this has been seen as an 'effective' form of government that has served the UK well. This view itself has helped to underpin the exceptionalism of the BPT with this strong government tradition being clearly associated with executive dominance at Westminster and the idea that the 'government knows best'. It is therefore the very epitome of the BPT.

not. All that has been shown is that a key facet of the WM narrative has been replaced by an alternative mode of governance that seeks to emphasise consensus and co-operation. This in itself may lead in the future to further challenges to that tradition if coalition governance is seen to be successful in Scotland.

Despite the emergence of coalition government in Scotland some ideas and practices associated with the BPT have been evident. Judge (2006) suggests once:

> "the genetic constitutional stem cell from which such notions derived in the first instance – the Westminster model – held the potential to be reproduced in modified form in the devolved institutions" (Judge 2006: 383).

Since the formation of that coalition those assessing the workings of the executive have noted the extent to which the executive has conducted its business in a manner remarkably similar to that found at Westminster. Indeed the relationship between the Scottish Executive and the Scottish Parliament remains in many cases one of "classic executive dominance" (Shephard and Cairney 2004: 854). The Executive has been rarely defeated by the Parliament and there appears to have been a recognition amongst coalition MSP's that: "power lies in the coalition at least so long as the coalition acts cohesively" (Mitchell 2005: 37). Those defeats that have occurred have tended to be rooted in "either some signal that the Executive is divided or because of significant local interests" (Mitchell 2005: 37). What is so surprising about this is that the use of AMS makes it far more likely that defeat of the executive can occur than at Westminster where sizeable, single party majorities are the norm. Yet defeats have been a rarity[195]. Here again the impact of ideas associated with executive dominance and its virtues for 'effective' and 'efficient' government can be detected.

A related point can be made regarding the acceptance of the central principle of collective ministerial responsibility from Westminster politics (McFadden and Lazarowicz 2002). Though it appears to have been applied somewhat more loosely (Mitchell 2005), this doctrine has provided for executive cohesion in Scotland since 1999 in largely the same manner it has at Westminster. On occasion the doctrine has not been followed[196].

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[195] The first defeat inflicted on the executive occurred in March 2001after a vote on a SNP and Conservative party backed motion on a tied up compensation scheme for Scottish Fishermen. The circumstances surrounding this defeat were peculiar as it was partly due to four Liberal Democrats MSPs voting against the Executive and the fact that 13 Labour MSPs missed the vote as they had left early to attend the party conference in Inverness. This defeat was subsequently reversed.

[196] The most obvious example of this pertains to the colourful and occasionally controversial MSP Mike Watson who as Minister for Tourism, Culture and Sport, was unable to accept the cabinet decision to close a hospital in Glasgow. He did not however resign and kept his job, although he was not reappointed by McConnell following Labour's victory in 2003. His career ranged from being the

It should be recognised that: "the ground rules of the Westminster game" (Arter 2003: 18) have been largely accepted in that MSP's are expected to be loyal to their respective parties. Prior to devolution the Scottish Labour party introduced some loyalty tests (Fielding 2003; Mitchell 2005) for their prospective MSPs, suggesting that party discipline and loyalty to the leadership remains centrally significant. This elaborate candidate selection process involved the use of experts (usually academics) and it was "widely perceived that potential candidates who were known as opponents of the move towards 'New' Labour were excluded, while modernizers were favoured" (Marsh and Hall 2007: 231). Once elected, Labour has sought to continue the established Westminster trend of strong party discipline and the same is true of the other main parties. This has led to a situation where "the tight grip of the parties has reduced the liberating potential of devolution. Loyalty to the leadership has often counted more than ability" (Keating 2005: 218). Indeed Laffin and Shaw (2007: 69) suggest that in organisational terms the Labour party leadership at the centre have been successful in both holding "on to constitutional power and….(avoiding)…any strategic post devolution rethinking of the Labour party's institutional machinery". It should be noted however that this situation may change if Labour loses power at Westminster for a significant period of time but retains it in Scotland (and Wales).

Relations between the governing coalition and the opposition between 1999 and 2007 have remained "quintessentially adversarial"(Arter 2003: 18). I highlight two particular points here. Firstly the antagonism between the parties has been at its worst between the Labour party and the SNP. Denis Canavan has stated that:

> "The Labour versus SNP battle is worse than the old Labour versus Troy class warfare….(in the 1970s and 1980s)…some Labour MPs were so paranoid about the nationalists that any idea emanating from the SNP was immediately rejected because of its source. That reactionary mentality still exists and has now infiltrated the Scottish Parliament" (Canavan cited in Arter 2003: 18).

It appears that Labour's traditional fear and suspicion of the SNP has been transferred into relationships at Holyrood. More broadly the Labour party has not exhibited a desire to share power generally (Arter 2003).

MSP who introduced the Protection of Wild Mammals Bill which outlawed hunting with dogs in Scotland in 2002 to being a member of the Executive after Jack McConnell became first minister in 2001. More recently he has been in the news regarding a fire at the Prestonfield Hotel, Edinburgh. He was charged on two counts of 'wilful fire raising' and having been found guilty was sentenced to 16 months imprisonment on the 22nd September 2005. He served 8 months and was released on 23rd May 2006.

Ultimately as at Westminster, the executive drives the policy process at Holyrood and the dominant party between 1999 and 2007 was the Labour party. The impact of the Scottish Parliament in amending executive legislation suggests that, as at Westminster, the executive dominates in the success of amendments (Shepard and Cairney 2005). That is not to say that the picture is a simple one. The willingness of MSPs to withdraw amendments and of Ministerial attempts to address MPS concerns should be recognised. Whilst the latter point would suggest that a better balance between executive and legislative was emerging, many established practices and attitudes from Westminster have been replicated. Executive dominance and the notion that the 'government knows best' continue to inform the practice of politics and executive-legislative relations in the new Parliament. Thus there is little evidence of the 'new politics' and in reality the BPT continues to hold sway.

However with respect to the position of First Minister a key distinction between them and the UK Prime Minster can be made. The role of First Minister was intended to be analogous to that of the UK Prime Minister in many ways as stipulated by the Scotland Act 1998 (McFadden and Lazarowicz 2002: 75-76)[197].

There are however a couple of notable differences. Unlike the UK Prime Minister, the First Minister has to be nominated prior to appointment. As such, First Ministers have to secure a degree of formal consent from the Parliament in the form of a vote. This formalisation of support, whilst practically not that different from a leader enjoying the confidence of his or her own party at Westminster is obviously made more important by the fact that the use of AMS makes it unlikely that any single party will command an overall majority of the MSPs[198].

The First Minister has, as a consequence of the use of AMS also been constrained to a degree, in their choices by the coalition itself. Prime Ministers have traditionally enjoyed large parliamentary majorities and single party governance[199]. To date three of the Scottish First

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[197] Like their Westminster counterpart the First Minster would be constrained to a degree in the allocation of portfolios, policies adopted, prioritisation of bills, allocation of convenorship of committees and many other aspects of government by the day to day realities of coalition politics. Indeed we should also recognise that Prime Ministerial power should not be viewed as a zero-sum and is resource dependent (Smith 1999), that is to say the Prime Minster does not have 'a free hand' either.

[198] However a quorum in this vote is only 25 percent plus one and in all instances thus far, the leader of the majority party has successfully seen of the challenge of their nearest rival and become First Minister. Even in the case of Alex Salmond in 2007 this occurred, despite the SNP not having an overall majority of MSPs backing them in the Parliament.

[199] Even in instances such as February 1974 when an overall majority is not secured, Wilson was able to select their ministerial team from their own party alone.

Ministers to date have had to make appointments within the realm of a Labour-Liberal Democrat coalition. Clearly this is a difference from the traditional experience at Westminster. The exception to this is obviously Alex Salmond whose minority administration is staffed exclusively from the ranks of the SNP, with the Greens offering their support in the chamber.

Parliamentary approval of ministerial appointments is also a part of parliamentary procedure. The First Minister must obtain parliamentary approval for his or her ministerial appointments prior to submitting them to the Monarch. As long as the First Minister commands majority support in the chamber this should be a formality. Certainly the first three occupants of that position, Donald Dewar, Henry McLeish and Jack McConnell had this and consequently had no problems securing approval for their appointments. If the circumstances occurred where the First Minister had minority support this might empower the Parliament in this regard. However, despite Alex Salmond's minority support in the chamber none of his appointments went un-ratified by the Parliament. Whether in circumstances such as this in the future Parliament will wield its power here remains to be seen and is likely to depend on the specific appointment in question.

Finally it is important to recognise the importance of another key constitutional doctrine associated with the UK constitution and the WM narrative. The Act gave the constitutional convention that a government resigns if it loses the confidence of the parliament, a statutory basis[200] never seen at Westminster. Clearly, on the surface this empowers the Scottish Parliament vis-à-vis the Scottish Executive. Exceptional circumstances are usually required for any government to lose a vote of no-confidence[201]. However the likelihood of this occurring is amplified when coalition governments are involved. During the first two parliamentary terms the Labour-Liberal Democrat coalitions were solid and as such did not face this prospect. However since May 2007, the SNP has been operating as a minority party of government. This leaves it wide open to the prospect of a vote of no confidence at some future point, if circumstances change[202].

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[200] Sections 45 (2), 47 (3), 48 (2) and 49 (4) require the resignation of the members of the executive of a vote of no confidence is lost.

[201] The demise of the Callaghan government in 1979 as described in Chapter Two provides the most obvious example.

[202] Whether or not this mechanism would be used is debateable as it would require an alternative administration to be formed and the Liberal Democrats ruled out working with Labour following the elections. The main possibility of the vote of no confidence beginning used against Salmond and the SNP lies in the issue of independence itself and their proposal to bring forward a referendum on the subject during the lifetime of this parliament.

As I argued in Chapter Four competing ideational impulses can be detected within the devolution settlement. The CSG recommendations provided the Scottish Parliament with a far more powerful committee system than that found at Westminster. Indeed they sprang from a rejection of the established institutions and processes of British government and were informed by a more participatory conception of democracy. Whether these committees have been successful in holding the executive to account and thus gone some way to undermining the central notions of executive dominance and the 'government knows best' requires consideration.

At the end of the first session of the Scottish Parliament Procedures Committee (SPPC) reported on the ways in which the CSG's original principles had been actualised during those first four years of Scottish Devolution[203]. In essence this was an investigation to assess whether a more participatory political culture had begun to develop as the CSG had hoped. The report was debated by the Parliament in November 2003 and made recommendations on each of the key principles, Access and Participation, Power Sharing, Equal Opportunities and Accountability. In each instance the outcomes since devolution were mixed and 131 recommendations were produced. The report was largely positive in tone although it noted that the devolution settlement stood at a crossroads if the goal of building a participative political culture in Scotland was to be fulfilled. These included the notion that the CSG principles should continue to inform the actions and policies of the Scottish Executive, the improving of accountability and transparency, and the creation of a less pressurised legislative process[204].

Crucially the report noted the difficulties of trying to reconcile the 'WM influenced' devolution framework found in the 1998 Act and the principles of how the Parliament should work established by the CSG. They stated that:

> "the obvious tensions between the Westminster model of governance and a more directly participatory model were reflected in much of the evidence which we received. The relationship between the Scottish Executive and the Scottish Parliament will be similar to the relationship between the UK Government and the UK Parliament, reflecting a very traditional view of democracy, underlined by the former Minister for Parliament's observation that 'the Executive's first and foremost duty is to deliver the programme for government on which it was elected. That has involved and will continue to involve, an ambitious and substantial legislative programme'.

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[203]   http://www.scottish.parliament.uk/business/committees/historic/procedures/reports-03/prr03-03-01.htm

[204] Ibid for details of individual recommendations.

These perspectives give credence to the reaction from many external witnesses that, while the Parliament may be implementing the CSG principles, 'the executive does not seem to have changed its culture that much" (cited in House of Commons SN/PC/3000: 7).

In particular they noted the various aspects of executive dominance (Procedure Committee 3rd Report 2003: Paragraphs 48-53) and highlighted the fact that there should be concern over the pace at which the Scottish Executive drives the latter stages of the legislative process. They also expressed concern that a culture of open and free contact between civil servants and MSPs, and of civil service support of amendments tabled by MSP's was taking too long to emerge. Broadly they recommended more resources for committees, a task force approach to policy making and the developing of "a new relationship between the civil service and Parliament (Procedure Committee 3rd Report 2003: Recommendation 67). Therefore in assessing the impact of the CSG's guiding principles, the Procedure Committee identified the continued importance of pre-existing ideational, institutional and cultural aspects of the BPT. Whilst they accepted that progress towards a more participatory model of governance had been made, many of their recommendations show that much, if not all, of the 'old politics' had continued. Above all it should be recognised that executive dominance remains a hallmark of governance in the UK since In general terms we can ask whether the committee system has lived up to the initial aims of the CSG and devolution[205].

Mitchell (2005: 27) suggests that a myth has developed that the Scottish Parliament "has a committee system worthy of a modern parliament unlike that operating in the Commons". He goes on to note that whilst "the Scottish Parliament's committees have worked well…there has been a tendency toward self satisfied myth-making and an exaggeration of success which has crowded out appreciation of failings" (Mitchell 2005: 27). Judge (2006: 383) suggests that in trying to inculcate new values and avoid the failings of the Westminster Model, "underestimated the inherent tension between popular inclusion and exclusion in the very

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[205] The Scottish Executive responded to these recommendations on a March 20th 2003[205] in a largely positive way, adopting some, but also identifying many as matters for the Parliament. On issues pertaining to timetabling of bills and time allocation for scrutiny the Executive was somewhat equivocal. On recommendations for improving the Sewel convention they offered what amounted to a defence of the procedure itself as essential to the maintenance of the intergovernmental relations as they had functioned to date. They did however reject the idea that the Scottish Executive should be renamed and that the Scottish Parliament should take control of its own proceedings as these involved changes to _The Scotland Act_ (1998) itself. They also supported the established conventions and practices of the BPT in response to recommendation 67, stating that: "the constitutional position is that civil servants are responsible to Scottish Ministers, who in turn are accountable to Parliament, and the Executive could not support any proposals which cuts across these lines of accountability" (Scottish Executive March 2003: 19).

nature of a representative democracy". Mitchell (2004: 39) suggests that the participatory initiatives associated with the Scottish Parliament "appear more symbolic than effective".

However Judge (2006) underplays the significance for change emanating from the interactive and iterative conflict between dominant and competing political traditions. Like Bonney (2003), Judge suggests that once representative democracy was privileged in the devolution settlement then more participatory impulses were in effect doomed. Although these impulses have yet to fully bear fruit it would be wrong to see them as failures. We are witnessing the initial stages of a process whereby procedures born of competing visions of democracy interact. This interactive and iterative process is both a long term one and one that cannot be expected to bear fruit, immediately. There is undoubtedly a tension between representative democracy (and particularly the Westminster variety) and participatory democracy[206], however given the strategically selective nature of the environment it was unlikely that committee system established by the CSG would quickly establish executive-legislative relations radically different to those found at Westminster anyway. Rather, in the short term, it was likely that the clear imprint of the BPT would continue to be detectable. To expect otherwise is to misconceive the process by which change occurs. However over time, we may still see the Committee system develop in such a manner that leads to further challenges to the institutions and processes of the dominant tradition.

Those advocating the more participatory conception of democracy such as the CSG were arguing that elitism should be minimised and a more participatory approach to democracy be utilised. Judge (2006) suggests that there was:

> "a dawning realisation among the more naïve proponents of the 'new politics' that in the end the decisions of the Parliament have to be made by elected representatives" (Judge 2006: 383).

It is highly debateable whether those on the CSG were 'naïve' and believed that their proposals would create a fundamental shift where power resided anywhere but with elected representatives. Rather they sought to create standing orders that broke with the less palatable elitist practices found at Westminster in order to empower the Parliament to more effectively scrutinise the Executive and hold it to account. Thus they sought to increase the amount of influence that MSPs and their constituents could exert over the Executive and democratise practices by making them more participatory. It is for this reason that:

> "Scottish politics is transparent as never before, politicians are accountable and

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[206] A point noted by the Procedure Committee Report of 2003 discussed above.

they face more intense competition that those in Westminster…..This no doubt enhances the quality of democracy and is another advance on what went before" (Keating 2005: 218).

There have however been some alarming trends for those favouring a more participatory conception of democracy. In November 2005 the aims of the CSG came under threat via the curtailing of the right of ordinary MSPs to introduce non-executive bills (The Herald 15 November 2005), which could signal an attempted shift towards executive dominance and elitism. A similar impact occurred from the inheriting of "a classic incremental budgetary system from Westminster in which parliamentary scrutiny was minimal" (Midwinter 2005: 13). More broadly it should be noted that both the Scottish Executive and the Parliament have been subject to unremitting and openly hostile press coverage (Keating 2005; Judge 2006)[207].

Therefore two conclusions can be drawn here. Firstly the procedures, practices and attitudes of the BPT have come to inform relations at Holyrood since 1999. An executive attitude rooted in ideas regarding strong government and elite democracy has developed within the space of a few years that directly mirrors that to be found at Westminster. In a sense this should not be surprising given that many of the politicians and civil servants working within the Scottish Executive were schooled politically in a system of government shaped by the BPT. Nor is it surprising given the strategically selective environment within which

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[207] Keating (2005: 218) identifies what he describes as "ill-informed hostility" to devolution that results in press coverage lacking seriousness and all too often settling for confusing or simplistic reporting. Both Keating (2005) and Judge (2006) argue that: "a persistent theme of press reporting has been the uncovering of scandals in parliament and the executive – most of which were trivial in their own right" (Judge 2006: 384). This negative approach from the media can clearly be detected in the coverage of the financial problems encountered during the construction of the new parliament building and the 'scandal' leading to the resignation of the Conservative party leader, David McLetchie in November 2005 over the mis-claiming of £300 of taxi expenses between July 1999 and September 2004. Judge (2006) notes the widespread concern from academics and journalists alike regarding the use of Freedom of Information legislation to obtain taxi receipts with the intention of discrediting politicians. Indeed this had "trivialised Holyrood and demonized MSPs" (Sunday Herald 6/11/2005 cited in Judge 2006: 384). It seems as though much of the practice of press coverage at Westminster had been merely replicated at Holyrood. Keating notes that in much of the press coverage "criticism of Executive policies is confused with criticism of devolution as a project, and the lazy headline 'devolution fails' becomes a substitute for serious political analysis" (Keating 2005: 218). This "almost universal tendency to describe devolution as a disappointment or failure" (Keating 2005: 93) can be seen as a continuation of a trend long since established at Westminster. Analysts such as Blumler and Gurevitch (1995) and Lloyd (2004) point to the increasingly negative impact of media coverage in the UK and offer the 'media malaise' perspective. Whilst there is much to be said for the 'media malaise' thesis and its focus on the pernicious impact that much media coverage of politics in the UK has hade, Kuhn (2007: 281) rightly points to the need to avoid scapegoating the media "for all the perceived ills- real and imaginary- of contemporary society and politics". Rather we should also recognise the positive role the media can and has had in acting as an informer and as a watchdog. Indeed the danger of solely focusing on the negative impact of the media alone is to omit the crucial role played by political ideas, actors and institutions in shaping public perceptions of politics.

devolution developed. That environment privileges such notions over more participatory ones and thus continuity with the pre-existing ideational, institutional and cultural norms of British politics was to be expected.

Secondly a tension between the BPT and a more participatory tradition at the core of political relations at Holyrood post devolution can be seen, as an executive schooled in 'the government knows best' is confronted with a Parliament drawing from the more participatory conception adopted by CSG. This tension has been recognised formally in the Report of the Procedures Committee (2003) and their recommendations. It is in this tension that further challenges to the BPT may develop, just as they have done in the past. This again brings us back to the impact of the actual challenges and changes in *Shaping Scotland's Parliament* (1998) and the possibility of further change.

Having considered Executive-Legislative relations I will now turn my attention to the third of my key concerns, party politics in Scotland since devolution.

Party Politics since 1998

Party politics at Westminster has traditionally been dominated by two parties (Ingle 2000). The alleged features of this system are well known and do not require examination here. Two points are relevant however. Firstly this two party system was part of the WM narrative. Secondly, the two party system was inexorably linked to the institutions and processes of the BPT via for example, the use of the First Past the Post (SPS) electoral system. This system provided in most instances, for strong, single party, majority government and thus Westminster politics became primarily about the contestation between the two main parties. This was buttressed by various well known practices and procedures to ensure party discipline at and beyond Westminster. Indeed on the surface at least, "adversarial politics has been a feature of Britain's political landscape at Westminster, Whitehall and Downing Street" (Garner and Kelly 1998).

Devolution, it was widely believed, offered the possibility of a 'new politics'. In party terms this meant moving away from established 'Westminster' notions such as adversarial politics in favour of a consensus orientated approach. It is debateable as to whether this has been achieved. Tight party discipline and adversarialism between government and opposition have been evident. A detailed study of the intricacies of party politics in Scotland since 1998 cannot be undertaken here, so I will limit myself to consideration of two concerns. Firstly, I will consider whether a multi-party system has emerged in Scotland since 1998. Secondly I

will briefly focus on the development of coalition politics. To do this I will start with the 1999 Scottish Parliamentary elections.

Electing the Parliament 1999

The first elections for the Scottish Parliament were held in May 1999. These elections were held using the Additional Member System[208].

The results were as follows:

Party	Constituency Seats	Regional Seats	Total
Labour	53	3	56
Conservative	0	18	18
Liberal Democrat	12	5	17
Scottish National Party	7	28	35
Green Party	0	1	1
Scottish Socialist Party	0	1	1
Independent	1	0	1

In considering these results a number of observations can be made. Firstly the use of AMS resulted in a coalition government having to be formed between the Labour party and the Liberal Democrats[209]. From the use of AMS a major challenge to the BPT was instituted as Westminster elections are conducted using SPS. Using the more proportional AMS meant the likelihood of the single party, majority governance was negated. This was demonstrated in

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[208] It should be noted again that this was a key recommendation of the SCC.

[209] As we saw in Chapter Four the Liberal Democrats in the SCC had succeeded in getting the use of the hybrid electoral system, AMS as a part of the proposals that were accepted by the Labour government in 1997. They had recognized that they would never succeed in getting Labour to agree to their preferred STV, so they compromised on AMS, a system that fused FPTP and the List System. Labour for their part had to agree to AMS because they needed Liberal Democrat support to ensure the legitimacy of the proposals (Marsh and Hall 2007: 232).

1999 when Labour, despite winning a simple majority of the parliamentary seats, was unable to secure an overall majority and was obliged to form a coalition with the Liberal Democrats. This then opened up further potential challenges to aspects of the BPT with regard to public policy in the UK since 1997 and the notion of policy divergence.

It is unclear whether Labour had fully thought through the implications of using AMS[210]. Nor were the whole party convinced of the need for electoral reform. Whatever their reasons for accepting AMS, the consequences of its use were profound and immediate. Labour won the election but did not control the legislative. Rather it had to negotiate a coalition deal with the Liberal Democrats, the immediate price of which was a review on University Finance conducted by Andrew Cubie. His report later that year would form the basis for a well documented instance of policy divergence. Undoubtedly the emergence of coalition governance in Scotland in the form of the Lab-Lib coalition (1999-2003) marked a break with central tenet of the institutions and processes of the BPT, single, party governance. This opened the way for policy divergence to develop and raised the potential for more conflict if the SNP were to form a government in the future.

Analysis of the 1999 Scottish Parliamentary elections also shows changes in party representation in Scotland. These changes would prove to be important in the long run and

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[210] Elements in the Labour party had become increasingly critical of FPTP following four successive defeats in Westminster elections (Ludlam and Smith 2001). This can easily be demonstrated via the establishment of the Plant Commission in 1993 by the then leader, John Smith. I would also point to two other key factors. Firstly, the influence of Charter 88 (Evans 1995) in successfully lobbying the Labour party in the late 1980s and 1990s was crucial. Secondly, the 1990s saw the development of much closer working relations between the Labour party and the Liberal Democrats, under the respective leadership of Tony Blair and Paddy Ashdown (Fielding 2003). It may seem somewhat strange that a party who have historically been largely convinced of the virtue of the BPT would be so ready to undermine a key process that supports it. In fact we must recognise that whilst sections of the Labour party had embraced electoral reform, the party as a whole remained uncommitted (Richards and Smith 2001). However in the instance of Scottish devolution their focus was on preserving both their electoral hegemony and the union. This dominated their thought processes and in order to achieve their ends they were willing to accept this concession. They needed their devolution proposals in order to ward of these twin threats and they needed the support of the Liberal democrats for the proposals to be genuinely legitimate (Marsh and Hall 2007). To achieve this they needed to assuage fears that a Scottish Parliament would be dominated by Labour politicians, particularly those from "the one party local councils of central Scotland" (Catterall 2000). It should also be noted here that AMS suited Labour's aims in that it had the perceived virtue of retaining a strong constituency link and by retaining a high proportion of FPTP members in the Scottish Parliament it may perpetuate the anti-SNP bias of Westminster elections (Catterall 2000). Broadly it can be suggested that given their focus on the SNP, Labour were somewhat blinded to potential alternative challenges to their electoral hegemony deriving from the electoral system itself and its impact.

will be dealt with more fully later. The use of AMS had resulted in broader party representation than that traditionally found at Westminster. Whilst Labour remained the single biggest party in Scottish politics, minor parties such as the Greens and the Scottish Socialists were able to win a seat each under the regional list element of AMS due to the extent of their support across wider areas. Two notable points beyond this can be made. Firstly, the Conservatives, who had been reduced to a virtual electoral non entity in Scotland in Westminster elections, were able to win 18 seats under the proportional element of AMS. Despite being the primary opponents of devolution the Conservatives were partial beneficiaries of it in 1999.

Secondly, and importantly for the future direction of territorial relations in the UK, the SNP became the main opposition party in Scotland. Compared to their position at Westminster where they had only 6 seats post 1997 they won a total of 35 seats. They became the 2nd largest party in the parliament and the official opposition. Again it is worthy of note that 80% of these seats were delivered under the regional list. Thus the use of a more proportional system had decisively changed the political landscape in Scotland. Here the notion of unintended consequences requires discussion. Labour's primary concerns were the preservation of aspects of the BPT, notably the union itself and its sense of British-ness, as well as heading off the electoral threat from the SNP. However as early as 1999 the decision to devolve power had had both intended and unintended consequences. Whilst in the short term devolution may have placated Scottish demands for self governance that had grown in intensity following the experience of the 1980s and 1990s, the use of AMS allowed the SNP to develop into the main party of opposition in Scotland and thus gain further credibility and experience. This may mean further challenges to the union in the future. In order to defend the BPT and their electoral hegemony Labour had adopted AMS. In doing so they inadvertently opened up the possibility for future developments and challenges to the dominant tradition of British politics.

Following the death of Donald Dewar in October 2000, Henry McLeish became the leader of the Labour party in Scotland and the First Minister. McLeish's coalition was not without its moments of 'unruliness'[211] but overall a stable and secure one. McLeish himself was more than willing to acknowledge the importance of the Liberal Democrats throughout the process, noting that: "the achievement of devolution was their policy, only later embraced by Labour"[212] (McLeish 2004: 169). He held this post until November 2001 when he resigned

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[211] The phrase is McLeish's, see McLeish (2004).
[212] It is certainly interesting to note the underlying admiration in this statement from McLeish, crediting the party more schooled in a participatory conception of democracy with a vitally important role in the genesis of Scottish Devolution.

the post acknowledging that he had mistakes regarding the constituency office sub lets[213]. The McLeish resignation is usually narrated as just another high profile example of financial impropriety by a politician, in which parties such as the Tories and the SNP led the charge to gain political advantage from the perceived failings of an opponent. This incident has a great deal in common with how such incidents are seized upon at Westminster by opponents and the media alike. It should also be noted that for those expecting 'a new politics' in Scotland, the McLeish resignation highlighted the extent to which politics was to be conducted in the adversarial and somewhat feral manner associated with Westminster. The fact that both allegations of sleaze and the media treatment of it at Westminster had done little to sustain participation or active citizenship did not bode well for a Parliament designed to reinvigorate politics in Scotland and reconnect the Scottish people with their institutions of government. However some commentators noted that there may have been an underlying motivation behind the vociferous attacks on McLeish. Professor Lindsay Paterson suggested that:

> "this whole episode has not been about Henry McLeish and his expenses but the reluctance of (these) two establishments to see a truly radical body have its way……The radical forces trying to democratise Scotland did not recognise the scale of the battle on their hands" (Paterson cited in McLeish 2004: 182).

Whilst this is not the place to engage in a full examination of the so-called 'Office-gate' scandal and the motivations of McLeish's accusers, it is interesting to note that both McLeish himself, and a leading commentator and renowned expert like Paterson should both see his resignation as linked to the Parliaments more radical aims and objectives. Perhaps those schooled in an elitist conception of democracy did not like the more participatory notions inculcated by the CSG and would use any opportunity to undermine those who sought to fundamentally shift Scottish Politics toward it.

Henry McLeish was replaced by Jack McConnell. His first action was a radical reshuffling of the Scottish executive which saw five leading Ministers from the Dewar-McLeish era leave office. This moment earned McConnell the nickname, 'Jack the Knife' and saw allegations of cronyism so often heard at Westminster resound around Holyrood. McConnell was First Minister from November 2001 to the 2nd Scottish Parliamentary elections in May 2003.

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[213] Henry Mcleish was one of the key architects of Scottish Parliament, having been Devolution Minister in the Scottish Office following the 1997 general election victory. He resigned following the 'Office-gate' scandal over the sub letting of his constituency office to a law firm. For his personal view of how this trivial matter and honest mistake became "a full blown political matter" (Mcleish: 2004:8) see Henry Mcleish, Scotland First (2004).

A Multi-Party System?

The use of AMS in 1999 had seen the emergence of coalition governance, the growth in importance of the SNP and the rise of the minor parties. One oft heard suggestion post 1999 was that a multi-party system was developing. This would represent a challenge to aspects of the WM narrative and the BPT. Therefore has this trend continued in the 2003 and 2007 parliamentary elections?

The second election for the Scottish parliament was held in May 2003. The results were as follows:

The Scottish Parliamentary election of 2003

Party	Constituency Seats	Regional Seats	Total
Labour	53	3	56
Conservative	0	18	18
Liberal Democrat	12	5	17
Scottish National Party	7	28	35
Green Party	0	7	7
Scottish Socialist Party	0	6	6
Independent	2	2	4

Once again Labour was the winning party but it lacked an overall majority. Consequently another coalition with the Liberal Democrats was formed, with McConnell as First Minister.

On the 15th May 2003, they published, _A Partnership for a better Scotland_ as the basis for the coalition. It repeated one of the key mantra's of the BPT when it stated "Scotland needs the stability of strong and determined government" (House of Commons SN/PC/3000: 11). Whilst this was now to be associated in part with coalition governance, much of the practice seems to have been found in the realms of executive dominance and party discipline reminiscent of the BPT. Adaptations were made to the working practices of the Executive and published in the updated guidance documents _The Scottish Ministerial Code_ and the _Guide to Collective Decision Making_. Also notable during the formation of the second coalition were moves to streamline the ministerial team. McConnell announced that there

would be only eighteen rather than twenty Ministers. It was hoped that this would provide a "smarter, quicker and sharper government" (Scottish Daily Record: 2003 in SN/PC 3000 page 12)**.**

For the other parties the results showed similar trends to 1999 but were more pronounced. The SNP did better on the regional list vote and retained their position as both the second largest and official opposition party. The Conservatives also retained their seats this way. A smattering of independent candidates were returned and the minor parties were again more widely represented than they ever would be under SPS. In particular both the Green party and the new Scottish Socialist Party led by Tommy Sheridan did well. With two elections held it appeared that the emerging trend was that Scottish Parliamentary elections delivered more accurate representation of the views of the electorate. This ensured that the single party, majority government normally found at Westminster was not replicated at Holyrood. However much of the practice of politics at Holyrood had been decisively shaped by the BPT anyway.

The most recent elections to the Scottish Parliament were held on May 2007. More so than either of the previous elections these results may have far reaching consequences for the Union. These results demonstrate how the possibility for further challenges to the BPT is endemic in the process of devolution.

The 4th of May 2007 may come to mark a crucial moment in the history of the Scottish devolution. The victory of the SNP, obtaining forty-seven seats to Labour's forty six has seen a shift in Scottish politics. It has also heralded the potential beginnings of a major challenge to the BPT and the union itself. Labour and the Liberal Democrats found themselves some three seats short of the sixty five required to control the chamber. The Liberal Democrats Tavish Scott quickly ruled out a coalition with Labour, whilst Scottish Labour leader Jack McConnell stated that the SNP had the right to make the first attempts to form a coalition[214]. This left the way open for the SNP and Alex Salmond. It should also be noted that the SNP has increased its number of constituency seats dramatically at the expense of Labour.

The first task of the SNP was to see if they could form a workable coalition. The Liberal Democrats, their most likely coalition partners, found themselves unable to get over the stumbling block of the SNP's pro independence stance. Despite being committed to devolution, the Liberal Democrats were not separatists, believing instead in both the notion of

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[214] http://news.bbc.co.uk/1/hi/scotland/6629775.stm

Britain and the union. This faith in key aspects of the BPT, including the sanctity of the union and the virtue of British-ness, meant that a coalition with openly separatist SNP was simply untenable. Once again ideational factors influenced outcomes in the devolution process. Given the position of the Liberal Democrats it was left to the Green Party to forge a coalition with the SNP. Alex Salmond, therefore came to lead the first minority administration since Scottish devolution began.

The Scottish Parliamentary election of 2007

Party	Constituency Seats	Regional Seats	Total
Labour	37	9	46
Conservative	4	13	17
Liberal Democrat	11	5	16
Scottish National Party	20	26	47
Green Party	0	2	2
Scottish Socialist Party	0	0	0
Independent	0	1	1

Having formed a coalition, albeit a minority one, the SNP has sought to assert itself and its views ever since. They did this immediately by streamlining the number of departments to five, appointing all five 'cabinet secretaries' from the ranks of the SNP. On the 3rd of September 2007, Alex Salmond[215], announced that from that point on the Scottish Executive was being re-branded, significantly, as the Scottish Government[216]. The stated reason for this change was that research had suggested that the term 'executive' was meaningless to many people, whereas government would be understood far more widely. The significance of this move should not be underestimated. The fact that the first document to bear this name change was the SNP's legislative programme and that the change was roundly condemned in Westminster and Whitehall, notably by the Prime Minister and avowed unionist Gordon Brown, is worthy of note. Since its election the SNP has repeatedly referred to its intention to hold a referendum on independence. On August 14th 2007 Alex Salmond announced a

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[215] SNP leader Alex Salmond was their first successful leader in their 73 year history and became First Minister of Scotland.
[216] Salmond was not the first Scottish leader to use this phrase since 1998. Henry Mcleish received criticism from Westminster MPs for using the term 'Scottish Government' during Question Time in January 2001 and the procedures Committee had already suggested the change.

consultative exercise on Scotland's future constitutional position entitled *'Choosing Scotland's Future: The National Conversation'*. This document included three possible future directions for Scotland. These ranged from a continuation of the current settlement with at best only minimal change; extensions to the powers of the Scotland Parliament; and an independent Scotland. Undoubtedly the latter two options would raise major questions regarding the consequences of the devolution process. Independence would constitute the most profound challenge to the BPT to date. However it should be remembered that the ability to cede from the union is not held by the Scottish Parliament or the Scottish Executive. This remains one of the powers reserved for Westminster under the terms of the 1998 Devolution Act. The SNP favours holding a referendum on independence in the lifetime of this parliament, however the precise timing of this and the culmination of the national conversation have not been specified.

There is ample evidence therefore that the Devolution settlement has had a profound impact on party politics in Scotland. Adherents to a more participatory democratic tradition succeeded in getting the more proportional AMS electoral system used for Scottish Parliamentary elections. Once used, this led to major changes in Scottish politics. Since 1998 we have witnessed the emergence of coalition governance, the rise of the SNP and what might be termed an embryonic multi-party system in Scotland. That is not to say that there has not been continuity with the past. The Labour party remains the largest party and parties faithful to the BPT continue to win over more voters than the SNP. However ideational conflict between dominant and competing political traditions has resulted in both continuity and change in party politics. It has also opened up avenues for further contestation of the BPT in the future.

The emergence of coalition governance has had one hugely important impact that I will now turn my attention to, policy divergence since devolution.

The Legislative impact since 1999

A well know feature of Scottish Devolution has been policy divergence. The last ten years has witnessed some high profile examples of public policy diverging from that being followed at Westminster. To an extent a degree of policy divergence[217] was to be expected post devolution. The Scottish Parliament was given primary legislative powers and the ability to

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[217] Trench and Jarman (2007) correctly note that the phrase 'policy divergence' is itself loaded with assumptions from the pre-devolution era in that it suggests that there is a UK wide norm from which public policy in Scotland or Wales has diverged.

administer public policy in a range of policy areas. It was also afforded the power to vary taxation by 3p in the £[218]. Therefore there was some scope for Scotland to make its own policy, although as the Scotland Act 1998 allowed Westminster to continue to legislate for Scotland in devolved policy areas. It should also be recognised that to a certain extent Scotland had historically experienced a degree of 'policy divergence' through its separate legal and education systems (Kellas 1973: Paterson 1998)[219]. However the policy divergence since 1999 is notable given the wider range of powers afforded by Scottish Devolution.

A detailed evaluation of the full range of policy divergence in terms of outcomes cannot be conducted here (See for example Trench and Jarman 2007). Rather I will make some general comments on legislative differences between Scotland and the rest of the UK since 1999. Then I will turn to briefly discussing the two most famous examples, university student finance and free personal care for the elderly (Hazell 2003). I will then conclude by explaining why policy divergence has occurred and its potential consequences.

The legislative difference between Scotland and the rest of the UK since 1999 has been widely recognised. Keating, Stevenson, Cairney and Taylor (2003: 113-114) divide legislative differences into a range of categories. They note that in the first term of the Scottish Parliament there were thirty eights Acts of the Scottish Parliament that had no Westminster counterpart. For example on education the tradition of Scottish distinctiveness has been maintained via legislation such as *The Standards in Scotland's Schools Act (2000)* and *The School Education Amendment Act (2002)*. These demonstrated a resistance to centralisation, a commitment to the comprehensive ideal and antipathy towards opting-out of LEA control. Whilst education policy under New Labour has sought to continue and extend trends associated with the previous Conservative governments, Scotland has resisted much of this. For example there has been no Scottish equivalent of the much publicised 'Specialist Schools' introduced by Whitehall. As Trench and Jarman (2007) note, the historic differences across UK education policy have been built upon since 1999. This was furthered via the implementation of the McCrone Review (2000) of teachers pay and conditions. Another notable example was *The Protection of Wild Mammals Act* (2002) which banned hunting with dogs two years prior to the ban in England and Wales. At the same time there were also one hundred and forty-four pieces of Westminster legislation with no Scottish counterpart in the same period. There have however, been two high profile examples of policy divergence that require consideration. Firstly I will consider the issue of university tuition fees.

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[218] To date this power has note been used.
[219] Indeed Kellas (1973) suggested that there was a distinctive Scottish political system already working within the UK system

The issue of University Fees has been interwoven with Scottish Devolution since 1998. Westminster inadvertently highlighted the need for devolution when no account was taken in The Tuition Fees Bill (1998) of the fact that Scottish degrees last four years. A waiver from the bill for the fourth year was finally negotiated by the House of Lords. However that was far from the end of the issue. I have already shown that the issue of University Student Finance was significant in the formation of the first coalition government in 1999. Labour introduced upfront tuition fees of £1000 in 1998 and they were opposed at Westminster by the Liberal Democrats. As part of the coalition deal negotiated by Dewar and Wallace in 1999 it was agreed that a review of student finance was to be established. The Committee that reviewed the issue was chaired by Andrew Cubie and recommended that upfront tuition fees should be abolished and replaced with a Scottish Graduate Endowment of £3075[220] once they were earning £25,000 or more. This amounted in many cases to a deferment of tuition fees. When it was introduced in 2000, alongside income contingent bursaries and subsidised loans it marked an end to the uniform system of student finance that existed across the UK. The Labour-Liberal coalition in Scotland has subsequently allowed for further divergence through not introducing variable tuition fees as established in *The Higher Education Act* (2004) which came into effect in England in 2006. Policy divergence continues in this area as on the 27th March 2008 the Scottish Executive announced that from the 1st April 2008 it was abolishing the Graduate Endowment fee for university students. This action will further extenuate the differences in financial arrangements between university students in the UK[221].

The second controversial area of policy divergence has been the provision by the Scottish Parliament of free long term personal care. There has been significant policy divergence in Scottish health policy in terms of organisation, public health and medical quality (Greer 2007: 145-147). However the most high profile single example has been on the issue of long term personal care. This decision was the source of tension between the centre and periphery as we have already seen. The Scottish policy implemented the recommendations of a Royal Commission chaired by Sir Stewart Sutherland which had concluded that long-term care should be provided free at the point of use. The UK government decided not to implement this recommendation and to continue with charging. The Scottish decision undoubtedly appeared more generous and because it adopted a universalist approach to provision rather than the now dominant means-testing paradigm, it appealed to leftist sentiments. Issues

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[220] The actual payable figure stood at £2289 in April 2005.
[221] We should note here that there are differences in how university students are financed in Wales and Northern Ireland too (Trench and Jarman 2007).

relating to cost and considerable embarrassment led the UK government to vigorously oppose the Scottish decision. Trench (2007d: 165) states that:

> "discussion of such opposition took place mainly in private (and brutally direct) meetings between the politicians directly concerned, with limited involvement of civil servants, or official channels, and certainly not the JMC".

The eventual outcome of this dispute was stalemate[222].

Having outlined two examples of policy divergence I should briefly turn to explaining why policy divergence has occurred. The answer to this question can be found in the conflagration of a number of factors. Firstly the difference between nation-wide and national policy communities should be recognised (Greer 2007: 141-142). Furthermore, the fact that the UK "does not have a single, state-wide, party system" (Greer 2007: 140) any more is relevant. In Scotland the use of AMS has produced a Labour-Liberal coalition in an embryonic multi-party system which included the SNP as the official opposition and representation for minor parties such as the Greens and the Scottish Socialists (SSP). It should also be noted that Scottish politics is more centre-left orientated. The only traditional right wing party in the Scottish Parliament is the Conservatives and they are unlikely to be a party of government. Party competition in Scotland can be seen to reflect more collectivist, egalitarian tendencies and the ruling coalition (and the opposition) have to be mindful of losing support to the Greens and the SSP if they do not address these concerns. Clearly this is extenuated via the use of AMS as Labour and the Liberal Democrats do not have to worry about losing support to more leftist alternatives at Westminster because of the workings of SPS. Greer (2007) also notes that the nationalist dimension to politics in Scotland leads Labour and Liberal politicians who are unionists, to demonstrate their concern for their national interests via pushing policy divergence where appropriate within the devolution agenda. As such he concludes that the four parts of the UK "are already diverging in myriad policy decisions and why they are likely to continue to diverge" (Greer 2007: 150).

Amongst the arguments above I would develop two points in particular. Firstly, the notion that Scottish politics has a different, more left leaning complexion is an interesting one. It is also a point that has been identified by authors in the past (Brown, McCrone, Paterson and Surridge 1999). The suggestion is that the Scots are more collectivist in their leanings and

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[222] The UK government argued that although it considered the policy ill-conceived it would not interfere in what was a devolved matter.

more disposed towards state-intervention as a solution[223]. For example ESRC Devolution Briefing No.21 states that:

"public opinion in Scotland is in line with that in England on most issues, but with a

small but consistent bias towards more collectivist and egalitarian solutions"
(ESRC 2005: 3).

It goes on to suggest that: "most of the policy divergences so far show Scotland cleaving to liberal social values and social democratic welfare-state attitudes abandoned in England, rather than pioneering new ones" (ESRC 2005: 6). From this I suggest that in Scotland we can find different slightly different political traditions, identities and discourses (Kenny 1999) operating than those to be found in England. These will influence the options Scottish actors see and the choice they make, albeit within an environment that has been shaped by the BPT. Once devolution was given and with it a degree of self government, it was likely that these distinctive traditions would manifest themselves more fully. Here this has taken the form of policy divergence for the centre and will continue to do so. However we must recognise that it is only through the devolution of power that this has become possible.

I would also focus on the impact of the use of the AMS electoral system on this process. This resulted in both coalition governance and wider party representation at Holyrood, particularly for left leaning parties. This meant that the political terrain shifted to the centre-left when compared to Westminster and crucially brought the Liberal Democrats increased leverage. They used this to secure a review of tuition fees and push for other policies opposed by Labour at Westminster. ESRC Devolution Briefing No. 25 notes that although government at both Westminster and Holyrood between 1999 and 2007 was dominated by the Labour there was a notable difference in the policy style at Holyrood. A more consensual approach based upon negotiation was evident in Scotland as a direct consequence of coalition governance (Keating, Stevenson, Cairney and Taylor 2003).

Their coalition counter-parts in the Scottish Labour party have also come to advocate policies such as free long term personal care. Despite being largely convinced of the virtue of the BPT the Labour party has always had to fight to maintain party unity and the statecraft of the dominant tradition. Undoubtedly New Labour has sought to manage dissent within the party

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[223] We should note here as Brown, McCrone and Paterson (1996; 1999) do that such views are also widely found in the North of England and Wales. On views of long term personal care Simeon (2003) notes that Scottish and English attitudes are remarkably similar. This does not however detract from our argument. Rather it suggests once again that the Executive at Westminster are willing to follow the notion of the 'government knows best' and ignore English public opinion.

in a manner in line with what Bulpitt referred to as 'conservative statecraft' (cited in Marsh and Hall 2007). However devolution places a strain on their ability to always and effectively do so. With the SNP an increasingly important force in Scottish politics as a consequence of devolution, the Scottish Labour party is likely to continue to face problems. More broadly, the formation of the SNP minority government in 2007 makes instances such as the abolition of the Graduate Endowment fee far more likely.

Two further observations are relevant here. Firstly we should be wary of exaggerating the extent of policy divergence. Keating, Stevenson, Cairney and Taylor (2003: 130) suggest there are strong social and contextual pressures towards uniformity ranging from recent security concerns to the civil service as a unifying force. There have been high profile examples such as those discussed above, however in areas such as health policy the Scottish Parliament has been criticised for slavishly following Westminster (Mitchell 2003). This argument has built upon two observations. Firstly research by McGarvey and Shepard (2002) into policy statements from the Department of Health and the Scottish Executive highlights a significant degree of overlap, major policy differences such as free personal care notwithstanding. Secondly as we have already seen the use of Legislative Consent (Sewel) Motions whereby Westminster continues to legislate for Scotland on devolved matters has been far more extensive than expected. Thus there have been centrifugal forces driving policy divergence emanating in part from competition between dominant and competing political traditions, alongside a pull towards uniformity. The latter can be explained by the existence of a dominant tradition which has continued to influence institutions, practices and discourses. On other issues such as Terrorism which fall under the remit of Westminster, Scotland has shown itself to be willing to follow Westminster's lead (Trench and Jarman 2007)

It should also be recognised that the extent of policy divergence is undoubtedly limited by the centre's control of the majority of the finance for devolution. Mitchell (2003) and Trench and Jarman (2007) suggest that the most powerful constraint on policy divergence is the centre's control of finance through the Treasury. I have already shown that the Treasury's dominant position has helped to act as an integratory force in the devolution process and one that has assisted the continued influence of approaches linked to the BPT. Through the Barnett formula and the block grant Westminster can consciously or subconsciously constrain the options available to the Scottish Executive (Bell and Christie 2007). It can limit the resources at their disposal and thus perpetuate the dominance of the centre and its policy concerns over the periphery to a significant degree. Consequently the Scottish Parliament is limited in what it could do by its reliance on the centre for most of its finance. As Trench and Jarman (2007:

134) state if one of the main tasks of governance is about choices concerning resource allocation then "when there is no control of the amount of the resources available, the nature of the choice is different".

Finally, an artificial situation has existed in Scotland between 1999 and 2007 because Labour was in government in London and there was a Labour dominated administration in Scotland. Policy divergence has already occurred within this situation. This begs the question what will occur if more antagonistic parties get into power at either Holyrood or Westminster or both. The beginnings of this are being witnessed with the formation of the minority SNP administration in 2007. However the true test of the extent to which policy divergence is likely to occur will be when those most ardent supporters of the BPT, the Conservative party are returned to power at Westminster. ESRC briefing No. 25 notes that: "were different parties to dominate Holyrood and Westminster, intergovernmental relations would come under considerable strain" (ESRC 2005: 4). Given their views on the sanctity of the union, their adherence to a statecraft rooted in the BPT and their antagonism towards collectivist, social democratic policies, it is likely that further conflict over public policy will emerge if and when the Conservatives return to power. Indeed this might be termed the 'acid test' of the Devolution settlement. In this potential conflict we may again see the development of challenges and contestations of the dominant elitist tradition of British politics.

Conclusion

In this Chapter I have focussed on a number of aspects of Scottish Devolution since 1998. In doing so I have considered two claims often made about devolution, that Scottish devolution marks a rupture with the past and that 'a new politics' has emerged in Scotland. Undoubtedly there has been change and the first ten years of devolution have witnessed the emergence of policy divergence, coalition governance and an embryonic multi-party system. When compared to New Labour's other constitutional reforms Scottish Devolution undoubtedly appears radical, both in the fact that it was introduced largely unchanged and in the initial impact it has had. In a number of ways the British political system has been changed almost irrevocably by *The Scotland Act* (1998) and its consequences. This forms a major part of what commentators such as Marquand (1999) refer to as a constitutional revolution[224].

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[224] We should note here that despite referring to it as 'a constitutional revolution', Marquand (1999) considers what New Labour have done to be "a revolution without theory……a revolution of sleepwalkers who don't quite know where they are going or why".

However we should be wary of overstating the extent of change and ignoring the undoubted continuities with the pre-existing ideational, institutional and cultural norms of British politics. Scottish Devolution occurred within parameters shaped by the BPT and its related institutions and processes. Faced with increasing contestation of the constitutional position of Scotland, actors devised a solution within a discursive framework that dovetailed as neatly as possible with prevailing norms. In this way the asymmetrical power relations between the centre and periphery traditionally associated with the WM narrative continued to inform, albeit in revised fashion, territorial relations post 1998. Thus the creation of the Scottish Parliament does not demonstrate a break with the past and the development of 'new politics'. Rather it highlights the continued importance of the dominant ideas that have shaped British political life and long established patterns of dominance and asymmetry in updated form. Key discourses of the BPT such as continuity, gradualism, flexibility and stability (Evans 2003) remain hallmark features of the first ten years of devolution in Scotland. As such it is highly debatable whether a constitutional revolution has occurred. New Labour introduced *The Scotland Act* (1998) to preserve the territorial integrity of the UK and stave off the threat to it, and them, posed by the SNP. Thus it was not a revolution in an intentional sense at all. That is not to say that the unintended consequences of devolving power to Scotland may not open up further possibilities for change. This has already been the case as the use of AMS has undoubtedly led to developments that were at best, not fully recognised by Labour. Mitchell (2001) notes Scottish distinctiveness and its recognition in the union had historically had a ratchet like effect on territorial relations, driving small, incremental concessions over time. This process is likely to continue (Flinders 2006) and may be amplified by the devolution settlement. However the BPT remains a powerful integratory force and will continue to be so. It continues to influence the institutions and processes of the British political system, and crucially, it continues to inform the attitudes and responses of key actors. Central government still wields a unique set of resources in a political system whose hallmark features remain structured inequality and asymmetrical power relations. As such the BPT remains centrally significant in territorial relations post 1998.

However the current situation in Scotland is not one where stability and continuity with the past are set in stone. Rather the situation is evolving and change must be recognised and accounted for. The 'victory' of the SNP in Scotland in 2007 poses fundamental questions for the devolution settlement and the constitutional position of Scotland. Their paper *'Choosing Scotland's Future'* (2007) opens up the possibility of further contestation of the union and therefore, aspects of BPT. Their growing support may well highlight the failure of Labour's

strategy[225]. Whilst the possibility for further change in the devolution settlement through the extension of the powers of the Scottish Parliament may occur, the idea of an independent Scotland, the most fundamental break with the prevailing territorial relations and the BPT remains unlikely. This can be seen in the recommendations *The future of Scottish Devolution within the Union: A First Report* (2008) by the Calman Commission[226]. That said Scottish Devolution undoubtedly involves a dynamic that is likely to lead to further contestation and conflict of the dominant ideas of British politics over time.

Key questions about devolution do remain unresolved however. This can be shown through reference to two simple examples. Firstly the much cited 'West Lothian Question' raised by Tam Dalyell in the 1970s has yet to be dealt with. The Labour government have appeared unconcerned by this anomaly, perhaps unsurprisingly given that the ability of Scottish MPs at Westminster to vote on England and Wales only issues helped them pass *The Higher Education Act* 2004 in the face of backbench opposition and no small amount of public disquiet. Clearly with the New Labour government introducing an unpopular policy such as variable tuition fees, the ability of Scottish MPs to vote helped alongside the party system, facilitated executive dominance on that single issue. A resolution to the West Lothian Question looks unlikely so long as Labour retain power. How a Conservative government would respond, given their vocal criticism of Labour's inaction on the issue remains to be seen. More broadly it should be remembered that we have yet to witness the true test of the solidity and efficacy of the devolved settlement introduced by Labour. This will only come when the Conservative party, whose opposition to devolution was well known and whose faith in the core tenets of the BPT remains unshaken, are returned to power at Westminster. The possibility for further conflict and change in such a scenario remains a real and likely possibility.

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[225] It should be noted again that both the union and British-ness remain popular with the majority of the Scots post devolution. This was demonstrated in the elections of 2007 where over 60% of the seats at Holyrood went to pro-union parties.

[226] The Calman Commission was established following a debate in the Scottish Parliament on December 6th 2007 and received support from Whitehall in January 2008. It's remit was "to review the provisions of the Scotland Act 1998 in the light of experience and to recommend any changes to the present constitutional arrangements that would enable the Scottish Parliament to serve the people of Scotland better, improve the financial accountability of the Scottish Parliament, and continue to secure the position of Scotland within the United Kingdom" (http://www.commissiononscottishdevolution.org.uk/about/). Due to publish its final report on the future direction of Scottish Devolution in 2009, its interim findings suggested that devolving full fiscal autonomy to Scotland would be inconsistent with the Union. For details of the commission see http://www.commissiononscottishdevolution.org.uk/.

Conclusion

In considering the relationship between Political Traditions and Scottish Devolution this thesis has dealt with two major concerns. Firstly it has sought to consider and challenge some of the prevailing explanations of analyses of the British political system and its development. Secondly it has sought to offer an assessment and explanation of the development of Scottish Devolution to date.

The limitations of existing narratives of Britain's political development has been identified and discussed. Traditional narratives characterised by the Westminster Model (WM) and British exceptionalism are clearly inadequate. In particular I offer four key criticisms of prevailing approaches. Firstly traditional narratives largely ignore the ideational underpinnings of the institutions and processes of British government. In particular the link between dominant ideas and dominant economic interests is left unexplored in most analyses. Secondly, they offer insufficient conceptualisations of key meta-theoretical issues. Regarding change and continuity, traditional accounts of Britain's political development offer a perspective that is unpersuasive and overly focussed on continuity and the alleged gradual, peaceful evolution of the British political system. Thirdly, traditional accounts make little or no reference to the importance of structured inequality and asymmetrical power relations to British politics historically. Finally this has led to the perpetuation of a benign and uncritical self image of the British political system which masks the reality of British political life.

More recent approaches such as that developed by Rhodes (1997) and Bevir and Rhodes (2002; 2003; 2004; 2006a; 2006b; 2006c; 2008a; 2008b) fare no better when seeking to explain British political life. Bevir and Rhodes' 'new interpretivism' (Hall 2008a) has attracted much attention in recent times buts lacks heuristic value. It ignores notions such as dominance, hierarchy and asymmetry and offers flawed conceptualisations of both key meta-theoretical issues and notions such as tradition and dilemma. Above all, Bevir and Rhodes' conception of change and continuity is unconvincing and fails to account for the demonstrable continuities in British politics.

In response to the observations above I have sought to develop a conception of the political traditions operating in the UK that builds upon the critical conception of the BPT evaluated in Chapter One. Examining British political history we can clearly identify the existence of a dominant political tradition, referred to as the British Political Tradition (BPT). This dominant tradition is based upon five key notions: elitism and 'the government knows best'; executive dominance; centralization of power; discourses concerning continuity, gradualism, flexibility and stability; and a sense of British-ness that stresses both British exceptionalism and unionism.

The BPT underpins the institutions and practices of British government which are usually associated with the Westminster Model (WM) narrative. Central discourses such as parliamentary sovereignty and the unitary state are expressions of the BPT, underpinning and ensuring the dominance of the executive at the centre. Actors within and beyond the British state, have believed in and continue to believe in, the WM.

However, the WM narrative portrays parliamentary sovereignty and strong, centralised government benignly in that they are seen as democratic, desirable and effective. They have served the UK well and are a superior form of government. The BPT approach attempts to conceptualise them somewhat differently, portraying their limited and elitist nature. In this view the WM has always been a self image rather than an accurate description of British political life.

The BPT helps to establish and maintain institutional hierarchies and embodies power relations. This explains how patterns of behaviour at Westminster became replicated. The BPT established the set of institutions and practices described (albeit inaccurately) by the WM narrative. These then helped to inculcate and perpetuate patterns of elite dominance within the political system and outcomes that generally favoured their continued dominance. These institutions and processes also became the context for future debates and discourses, leading to a strategically selective environment that privileges certain ideas over others.

Finally I have sought to putatively suggest that the dominant political tradition was in reality, an expression of the ideas and interests of dominant socio-economic groups. The suggestion here is simple. The BPT is both a product of and supportive to the structured inequality and asymmetries of power in UK society. In particular this inequality led to a close relationship between dominant socio-economic interests and the political elite in the form of a power bloc. This power bloc has been supportive of the BPT because it allowed their dominance and narrated it as effective, and above all, allowed the pursuit of policies largely favourable to

them. The suggested link between political traditions and material groups and interests forms part of an agenda for further investigation, research and development.

Thus the BPT has been the dominant political tradition in British politics. However, it has not gone unchallenged over time. Contestation has occurred throughout British political history. Indeed there is a long lineage of challenges to the BPT and it is from these challenges that change can, and does emanate.

Examining British political history we can identify the existence of a competing political tradition based upon a more participatory conception of democracy (Tant 1993; Evans 1995). This tradition has a long lineage however it is not the only one that could be identified. Other political traditions exist for example, in regional or national contexts which can and do challenge aspects or the entirety of, the dominant tradition. For example the challenge to unionism and the territorial integrity of the UK by nationalists in Ireland, Scotland and more recently Wales forms a competing political tradition that stresses independence, self determination and competing national identities. It rejects the centralisation of power and executive dominance emphasised by the BPT. It also challenges the unionism and British-ness of the dominant tradition. In the case of Scotland this competing political tradition is embodied in the views of the SNP.

However the resonance of the BPT and the challenges to it has not been constant. Rather an asymmetrical resonance of traditions can be detected in two ways. Firstly, contingent events lead to competing traditions resonating at differing intensities in different time periods. Secondly, the dominant and competing traditions resonate asymmetrically in relation to the prevailing institutional, contextual and discursive environment. Thus whilst this contestation is continual it occurs in a context that privileges certain solutions over others. Furthermore it resonates to differing intensities in relation to contingent events. Integral to recognizing the asymmetrical political landscape in the UK is recognizing the asymmetrical resonance of ideas and traditions within that landscape. Consequently the BPT has and does resonate more fully. However, questioning and contestation of the BPT can and does lead to change.

Thus ideational conflict forms the backdrop to the British political system. This occurs at both a micro or macro level in the sense of challenging either aspects of the political system or, its entirety. Indeed the relationship between the dominant and competing traditions is interactive and iterative over time. Similarly these contestations can account for both continuity and change. However contestations of the dominant tradition occur within an institutional and

ideational context that privileges certain ideas and solutions over others. Hence a degree of path dependency in the British political system can be detected.

Having developed the idea of political traditions in the UK I have then demonstrated the utility of this approach through a discussion of the development of Scottish Devolution. Thus I argue that the history of devolution to date has been decisively shaped by the process of ideational conflict and contestation outlined above.

The creation of the Scottish Parliament at Holyrood was the culmination of a long term process of contestation of the territorial relations established by the Act of Union (1707). These were underpinned by elitist assumptions regarding democracy, British-ness and exceptionalism. The institutional relationships and discourses that developed and became synonymous with the WM narrative, in particular that of the unitary state, were products of the BPT. These fundamentally shaped Scotland's constitutional position for over two hundred and fifty years. Furthermore of crucial significance to the Scottish experience were the ideas of unionism and British-ness.

Despite the resonance of, and faith in the traditional constitutional position of Scotland, there were always those who favoured constitutional change. Their views were rooted in competing political traditions, conceptions of democracy and territorial relations. Although ever present, these views resonated to differing degrees over time, with variations in resonance being facilitated or negated by contingent events. They also resonated asymmetrically within the prevailing ideational, institutional and discursive environment established by the BPT. These competing views were facilitated by a sense of Scottish distinctiveness that was retained over time through separate legal and educational systems and the strong Scottish Protestant tradition. Faith in the union began to dissipate in the 1960s and 1970s as its efficacy was increasingly questioned in Scotland. This, in turn, led to rising levels of support for independence and the SNP, who had until then been on the fringes of Scottish politics.

Fearing the electoral consequences of growing support for the SNP and driven by a faith in the BPT and the WM narrative, Labour politicians in the 1970s offered a minimalist version of devolution that was largely consistent with existing ideas and territorial relations. Thus the prevailing institutional and ideational environment decisively shaped the nature of the proposals on offer and the motivations behind it. Devolution in the 1970s was designed to placate the Scots and, crucially, to preserve 'the Union'.

However the political realities of a small majority and intra party tension over devolution eventually saw these minimalistic proposals defeated in 1979. It was only the experience of Thatcherism in the 1980s and, in particular, the Poll Tax that reinvigorated demands for devolution. The work of the SCC, in both articulating and driving forward the demand for constitutional change in Scotland must be also recognised. However their proposals were largely similar to those which Labour had offered in the late 1970s.

In bringing forward devolution in 1998 Labour were still motivated by a fear of the SNP and a faith in the BPT and the WM narrative, albeit one increasingly based upon the idea of the 'union-state'. They also saw devolution as a way of protecting Scotland from the Conservatives and asserting the 'settled will' of the Scottish people. Groups such as Charter 88 and the Liberal Democrats were crucially important in helping to inform and intensify Labour's desire to introduce devolution. Despite notable differences in both rhetoric and the avocation of a tax varying power and AMS, the SCC proposals were largely consistent with the institutions and processes found at Westminster and, thus, the BPT. Labour sought to preserve the sovereignty of Parliament and the union state, which were linked to a faith in centralization and executive dominance. Thus outcomes were shaped by the pre-existing ideational, structural and discursive environment and the strategically selective bias that this imposes. Of the two notable differences from the 1970s the use of AMS came directly from the SCC and was driven, in part, by those operating from a more participatory conception of democracy.

Once agreed upon we can see further evidence of the impact of political traditions in the two key documents that established the Scottish Parliament, _The Scotland Act_ (1998) and the Standing Orders established by the Consultative Steering Group's (CSG), _Shaping Scotland's Parliament_ (December 1998). The former was decisively shaped by the ideas, institutions and processes associated with the BPT and the WM narrative. In response to political concerns about their electoral hegemony and the future of the union, Labour brought forward devolution legislation that was based upon the recommendations of the SCC, whose proposals were built upon the abortive attempt at devolution in 1979.

However the CSG did not see the traditional institutions and processes of Westminster politics as something to replicate. Rather, they were deeply critical of the elitist conception of democracy found there and operated from a more participatory view. The CSG brought forward proposals that challenged established notions such as executive dominance and the 'government knows best'. Therefore, it is possible to identify the process of continual

ideational contestation and the influence of competing traditions in the recommendations of the CSG.

Turning to the period since 1999 we can see the consequences, both intended and unintended of ideational conflict and contestation. Undoubtedly there has been change and the first ten years of devolution have witnessed the emergence of policy divergence, coalition governance and an embryonic multi-party system. When compared to New Labour's other constitutional reforms, Scottish Devolution appears radical, both in the fact that it was introduced largely unchanged and in the initial impact it has had. In a number of ways the British political system has been changed almost irrevocably by *The Scotland Act* (1998) and its consequences (McGarvey and Cairney 2008).

However we should be wary of overstating the extent of change and ignoring the undoubted continuities with the pre-existing ideational, institutional and cultural norms of British politics. Scottish Devolution occurred within parameters shaped by the BPT and its related institutions and processes. Faced with increasing contestation of the constitutional position of Scotland, actors devised a solution within a discursive framework that dovetailed as neatly as possible with prevailing norms. In this way the asymmetrical power relations between the centre and periphery traditionally associated with the WM narrative continued to inform, albeit in slightly revised fashion, territorial relations post 1998. Likewise Executive-Legislative relations have been conducted in a manner similar to that found at Westminster historically. Thus the creation of the Scottish Parliament does not demonstrate a substantial break with the past and the development of 'new politics' and MLG. Rather it highlights the continued importance of the dominant ideas that have shaped British political life and long established patterns of dominance and asymmetry in updated form.

Furthermore the key discourses of the BPT such as continuity, gradualism, flexibility and stability (Evans 2003) remain hallmark features of the first ten years of devolution in Scotland. As such it is highly debatable whether a constitutional revolution has occurred with regard to Scotland. Indeed Labour introduced *The Scotland Act* (1998) to preserve the territorial integrity of the UK and stave off the threat to it, and them, posed by the SNP. Thus it was not a revolution in an intentional sense at all.

That is not to say that the unintended consequences of devolving power to Scotland may not open up further possibilities for change. For example the use of AMS has undoubtedly led to developments that were at best, not fully recognised by Labour. Historically Scottish distinctiveness within the union had a ratchet like effect on territorial relations, driving small,

incremental concessions over time. This process is likely to continue and may be amplified by the devolution settlement. However the BPT remains a powerful integratory force and will continue to be so. It continues to influence the institutions and processes of the British political system, and crucially, it continues to inform the attitudes and responses of key actors. Central government still wields a unique set of resources in a political system whose hallmark features remain structured inequality and asymmetrical power relations. As such the BPT remains centrally significant in territorial relations post 1998.

Whilst the possibility for further change in the devolution settlement through the extension of the powers of the Scottish Parliament may occur, the idea of an independent Scotland, the most fundamental break with the prevailing territorial relations and the BPT remains, at this point, highly unlikely. That said Scottish Devolution undoubtedly involves a dynamic that is likely to lead to further contestation and conflict of the dominant ideas of British politics over time. Furthermore we have yet to witness the true test of the solidity and efficacy of the 1998 settlement. This will only come when the Conservative party are returned to power at Westminster. Their faith in the core tenets of the BPT remains unshaken, and how they respond to demands for further change if and when this occurs, remains to be seen. Recent events such as the victory of the SNP in Scotland in 2007 and the establishment of the Calman Commission (2008) serve only to highlight the fact that the possibility for further conflict and change exists within Scottish Devolution.

Appendix 1
Exploring Tradition

Of the criticisms that can be levelled at authors using the idea of a BPT, one that was identified in Chapter one requires further development. None of the authors utilising the concept discuss or theorise the concept of tradition itself. Rather the concept of tradition is usually treated as a given in the literature on the BPT and, indeed, more broadly in social theory (Shils 1981; McAnulla 2007). Clearly, it is somewhat surprising that authors who have appealed to the significance of a distinctive BPT have spent little, if any, time considering how the notion of a tradition may be conceptualised or why we should consider it as a significant factor in explaining political development.

For this reason in Appendix 1, I will briefly consider the concept of tradition itself. My contention here is that to adequately consider the role that tradition has played in shaping the British political system we must begin by establishing an understanding of (a) tradition.

What is tradition?

In many ways 'tradition' is a common sense term in that is it is often appealed to, but rarely defined, in political explanations, particularly in British politics. On a basic level, tradition can be defined simply as "the way we do stuff" (Finlayson: 2003: 664). The word 'tradition' derives from the Latin word *tradere*, meaning to transmit, deliver or hand down (Williams 1983). When discussing tradition, we are considering the heritage of the past or that which: "has been delivered to us by our forebears" (Finlayson 2003: 664). Therefore, tradition, in its most basic sense, can be defined as: "simply a traditum; it is anything which is transmitted or handed down from the past to the present" (Shils 1981:1)[227].

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[227] Indeed, it should be noted here that the notion of tradition is often used interchangeably in everyday language with words such as custom and habit.

McAnulla (2007: 7) identifies various definitions within academic inquiry of the word tradition, with many definitions focusing on tradition as something which remains of the past. Some scholars however define tradition in a more 'active' sense, as something that involves: "the active re-enactment of associations with the past" (McAnulla 2007: 7). Therefore, a tradition may be seen as fragments, or entire aspects, of the past nature of society existing in the present, or as those aspects of the past that are still utilised by actors. Hobsbawm (1983a: 2), in his influential study of 'invented traditions', suggests that we should distinguish between tradition and notions such as custom or habit[228].

The word 'tradition' can therefore be seen to be a contested term in social analysis. Undoubtedly, society, politics and culture are constituted of aspects of the past, and thus have traditions within them. These can be found everywhere. We can identify them in the relationships that pervade society or in the institutions that are all around us. We find traditions in theories, beliefs and attitudes that persist over time. We can see them in practices, pastimes and behavioural norms. However, there is no agreed definition of the substance of traditions. Nor do distinctions between material, ideational and cultural examples of traditions do justice to the concept. Rather, they overly simplify the complex and interwoven nature of traditions in society. Such distinctions do however help to illuminate the all-pervasiveness of tradition. In essence, we can identify traditions in all aspects of human existence. They are woven into the very fabric of human society. Tradition is therefore, by definition, of central concern to socio-political analysis, given the latter's aim to understand and explain human society.

However despite its centrality, discussion and theorisation of tradition has been sporadic in social analysis. McAnulla (2007) emphasises that, while there are simple observations about the meaning of tradition, there is no agreed definition of what forms the substance of tradition[229].

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[228] For Hobsbawm, tradition can be distinguished from custom by its invariance. He states that: "the past, real or invented, to which they (traditions) refer, imposes fixed (normally formalized) practices, such as repetition. Custom in traditional societies has the double function of motor and fly wheel. It does not preclude innovation and change up to a point, though evidently he requirement that it must appear compatible or identical with precedent imposes substantial limitations on it" (Hobsbawm 1983a: 3).He distinguishes between tradition and routine, convention or habit, suggesting that it has no significant symbolic or ritualistic function, although it may acquire it incidentally.
[229] He suggests four key strands within attempts to define tradition. These are: (1) Tradition as tacit knowledge that creates predispositions towards continuity with the past and the necessity of retaining connections with the past for the good of the present. This view is associated with conservative thinkers such as Oakeshott (1962). (2) Tradition as arguments or positions within debates in society. In this view advocated by Macintyre (1984) and Popper (1989) traditions can be found throughout society and are the context within which people think and act. (3) Tradition as wisdom via repetition. Giddens

Alongside the definitions identified by McAnulla (2007), it should be noted that we could see tradition as an integral part of the wider notion of culture. Defining what is meant by culture is notoriously difficult and certainly not the subject of the current discussion[230]. However, if we accept the broad definition offered by Jencks (1993) that culture is "all which is symbolic: the learned…..aspects of human society" (Jencks cited in Haramlambos & Holborn 2004: 790), then this raises two possibilities. Firstly, this suggests that tradition forms an integral part of culture. Secondly, it suggests we can see the ideational as integral to the cultural. In this view, traditions can be seen as acting as symbols and rituals transferring ideas, values and meaning in institutions, in social relations, in systems of belief and in material life more broadly. The notion that traditions, ideas and culture are linked raises a couple of possibilities for my analysis. Firstly, it presents the possibility of considering the relationship between tradition and two broader notions, identity and power. Secondly, it raises the possibility of developing a more sophisticated conception of the key meta-theoretical issue of the relationship between structure and agency, through the work of Archer (1995) and its discussion in McAnulla (2002; 2006b).

Discussions of culture in social theory often intersect with those concerning major issues such as identity and power relations in society. On the issue of identity, a diverse range of social theorists have seen culture as integral to the formation and maintenance of identity[231]. In particular, the importance of the work of neo-Marxists and discourse analysts should be recognised. As Frosch (1999) states:

> "recent sociological and psychological theory has stressed that a person's
> identity is in fact something multiple and potentially fluid, constructed through

(1994) suggests that the significance of tradition lies in the wisdom that is believed to be incorporated within a traditional idea or practice. Crucially in this view the accuracy or usefulness of tradition is not as important as its repeated usage. Influential studies such as Hobsbawm and Ranger (1983) adopt such a position suggesting that traditions perform functions by helping to legitimise actions, institutions and/or ideas. Indeed their very repetition can help traditions to develop an almost commons sense or given status. This in turn can help to perpetuate institutions, ideas and practices over time. It can also help actors to overcome the crises they face and legitimise the decisions they take. (4) Traditions as a source of change and continuity. Here the work of Sztompka (1993) is most interesting in that he attempts to address how traditions can promote both continuity and change. Sztompka (1993) suggests that traditions are often transmitted by the sheer force of habit or inertia, that is to say sub-consciously. Importantly they can act as powerful constraints on choice by suggesting to actors that 'ready-made' solutions exist. However they can also promote actors to adopt change and challenge the status quo. He see traditions as transmitted via both the material and the ideal and appealed to or modified by actors (McAnulla 2007).

[230] Williams (1983: 87) argues that: "culture is one of the two or three most complicated words in the English language. This is partly so because of its intricate historical development, in several European languages, but mainly because it has now come to be used for important concepts in several distinct intellectual disciplines and in several distinct and incompatible systems of thought".

[231] For an introduction to the diverse range of social theorists concerned with the relationship between culture and identity see Haralambos and Holborn (2004) Chapter 12.

experience and linguistically coded. In developing their identities people draw upon culturally available resources in their immediate social networks and in society as a whole. The process of identity construction is therefore one upon which the contradiction and disposition of the surrounding socio-cultural environment have a profound impact" (Frosch 1999 cited in Haralambos & Holborn 2004: 793).

Thus, traditions, as part of the societal environment, should undoubtedly be considered when considering identity construction.

Culture is also often seen as intrinsically linked to the notion of power and domination. Again, Marxists and neo-Marxists have focussed on the relationship between culture and power. In particular, the latter, influenced by the work of Gramsci (1971), have offered insights into the importance of culture in the maintenance of patterns of power and dominance. They have focussed on the notion of cultural hegemony to explain how dominant and subordinate cultures emerge and are inculcated and maintained over time. As I have argued throughout this study, notions of dominance and subordinate or competing cultures or aspects of culture such as traditions are fundamentally important to the replication of patterns of dominance and asymmetrical power relations. The strength of this approach is to suggest a link between culture and the structured inequalities found in capitalist society.

Other theorists have also considered the relationship between culture and power. For example, Swartz (1997: 6) notes that Bourdieu uses culture to consider:

> "how stratified social systems of hierarchy and domination persist and reproduce intergenerationality without powerful resistance and without the conscious recognition of their members….cultural resources, processes and institutions hold individuals and groups in competitive and self perpetuating hierarchies of domination".

Bourdieu develops the concept of 'habitus' to help answer this question[232]. He concluded that culture was both the ground for human interaction and a source of domination which helped

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[232] Bourdieu's defines the concept of 'habitus' as "the conditioning associated with a particular class of conditions produce conditions of existence, produce habitus, systems of durable, transposable, structuring structures predisposed to function as structuring structures, that is, as principles which generate and organise practices and representations that can objectively adapted to their outcomes without presupposing a conscious aiming at ends or an express mastery of the operations necessary in order to attain them" (Cited in Callinicos 2007: 295). We should however note two points here. Firstly that habitus is a notoriously difficult concept to define and utilise. Secondly, that it is unclear in the work of Bourdieu what position tradition occupies within 'habitus'.

establish and maintain social and institutional hierarchies, as well as embodying power relationships. Using Bourdieu, we can therefore ask important questions concerning the relationship between tradition and culture and the existing power relations in any given society. In particular, tradition should be considered in relation to the creation, maintenance and reproduction of asymmetrical power relations.

Culture has therefore been of major concern in the social sciences. If we accept that culture and tradition are linked in the sense that traditions form an integral part of the wider notion of culture, then we can ask what role traditions play in the formation and the maintenance of both identity and power relations. The significance of the idea that tradition can be seen to form part of a wider notion of culture has been explored in relation to the work of Preston and his notion of Political-Cultural Identity[233] (1997; 2004). Here, I would simply suggest that the idea of tradition and political tradition may form an integral part of the wider notion of political-cultural identity.

Perhaps the most thorough attempt to theorise tradition can be found in Shils' *Tradition* (1981). As we saw earlier, Shils suggests that tradition is everything that is handed down from the past (Shils 1981: 12). Tradition plays a key role in social life because it involves attachment to the past, convenience, accumulated wisdom and experience and a desire for connections with, or even reinstatement of, the past. Despite charges of essentialism[234], Shils attempts to move beyond simple conservative accounts of tradition and their preoccupation with continuity by discussing change within traditions. Here, he sees the opportunity for correction within a tradition as anomalies or contradictions are identified and overcome over

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[233] Preston defines political cultural identity thus: "The notion of political-cultural identity points to the way in which individuals and groups locate themselves with reference to the ordered political-communities (polities) within which they take themselves to dwell; the way they handle questions of power and authority. The immediate local will provide the person with a series of sources of practical knowledge: family, neighbourhood, organisation, institution and media. Thereafter, agents form networks and lodge themselves in dispersed groups, and these groupings of persons order their relationships with other groups within the wider community. Finally, individuals and groups order their understandings of contingent, shifting patterns of power and authority in continually reworked memory. This can take a series of forms: the material of folk traditions, commonsense and local ideology (the material of little traditions); the histories of organisations and institutions; the ideas of current in the public sphere and media; the official truths affirmed in the machineries of states; and ideas of nation (the material of great traditions). In these various spheres we are looking at the production, dissemination and practical effects of sets of ideas about how the polity and its inhabitants are ordered and might develop (the range of possibilities/permissible lines of prospective action. Over time, there will be a series of elite political projects, each way of reading and reacting to shifting circumstances, each shaping distinctive forms of life and patterns of understanding" (Preston 2004: 2-3).

[234] McAnulla (2007) notes that Shils has been criticised for offering an essentialist account of tradition that suggests that traditions have essential or unchanging characteristics. Shils (1981) does not account for what might make a particular characteristic essential or open to adaptation, however McAnulla (2007:12) suggests that we may read his work as being that: "in principle any particular element of a tradition could be open to challenge".

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time. Changes can also occur in the content of a tradition, as certain aspects of that tradition receive greater emphasis or are re-conceptualised. Shils does not however, adequately account for what might allow certain aspects of a tradition or traditions open to change at any given time, whilst other characteristics remain essential. This is clearly of central significance for both those discussing tradition and change.

Why discuss tradition?

The centrality of tradition to human society has been often recognised but usually underdeveloped. Shils explained the centrality of tradition to human society by stating that: "a society is a trans temporal phenomenon. It is not constituted by its existence at a single moment in time. It exists only through time. It is temporally constituted" (Shils 1981:327)**.** For Shils, the temporal nature of all societies meant that recognition of the importance of tradition was essential. However, as we shall see below, detailed theoretical discussion of tradition has been less than widespread, particularly with regard to the British political system.

Discussion of tradition in the existing literature in political analysis is neither uniform, nor thorough (McAnulla 2007). Whilst widely mentioned in political analysis, particularly by conservatives such as Burke (1790), Oakeshott (1962) and Gilmour (1978), tradition and its role is all too often left under-theorised and underdeveloped. Conservatives tend to only go as far as the contention that society is a partnership between "those who are living, those who are dead and those who are to be born" (Burke 1790: XIX), thus asserting the central significance of that which is passed down from previous generations. Tradition is, in this perspective, the accumulated wisdom of the past. On the basis of this assertion, they then argue that the traditional has value afforded by its longevity, in a quasi-Darwinian sense, because it has stood the test of time. In the conservative use of tradition, the length of time an institution, custom or practice has been in existence is the defining criteria by which its continued utility should be judged. For the conservative, tradition is important because it offers the surest guide for action by those in the present when confronting a "boundless and bottomless sea" (Oakeshott 1962: 60). For conservatives, the virtues of the traditional are such that broader critical reflection upon tradition is unwarranted. In fact, Oakeshott (1962) dismisses the idea that traditions are anything other than concrete social realities which are embodied in the behaviour of actors and established practices (McAnulla 2007). For Oakeshott, traditions are 'real' in every sense of the word.

We should note in passing here the influence of the conservative conception of tradition in traditional explanations of the British political system, such as the WM. That model and its

adherents frequently make reference to the survival of traditional practices such as Ministerial Responsibility and the ability of the UK's un-codified constitutional relations to embody traditional institutions and practices. Furthermore, as Tant (1993: 57) observes, these traditional behaviours and practices have often come to be seen as 'natural' British characteristics, conferring legitimacy and a degree of timelessness to them. Bevir (2000) correctly notes that conservatives often seek to promote a conception of tradition that attempts to naturalise certain social practices when they are in fact the product of social interactions and struggles in the past.

For those of a non-conservative persuasion, tradition was, until recently, all too often simply seen as the legacy of the past and left largely under-theorised or ignored. This is particularly true of critical political analysts who often ignore, or undervalue, its explanatory potential (Hay 2002; Miliband 2004). In particular, McAnulla (2007) argues that Marxists have seemed historically to neglect the role of tradition and its importance, a point I will return to shortly. They have left consideration of tradition to their conservative counter-parts such as Oakeshott (1962) and Shils (1981)[235].

Although this is not the place to develop a detailed explanation of the relative neglect afforded to tradition in socio-political analysis, I would argue, as McAnulla (2007) does, that scholars schooled in rationalist thinking have tended to downplay or undervalue tradition in their explanations. Rather, they have focussed upon concepts that can be linked to notions of progressive social change. Shils (1981) also suggests that scholars have tended to focus their attention elsewhere, believing it seems that the notion of tradition has little, if anything, to offer to an explanation. Therefore, before turning my attention to those scholars from a non-conservative view who have appealed to tradition, I need to consider why focussing on tradition has heuristic value for those of a non-conservative persuasion.

If tradition is a fundamental part of the fabric of human society, then those who seek to criticise that society, and advocate alternatives, must focus attention on how the current nature of society is maintained through, at least in part, tradition. It is here that detailed theoretical and empirical consideration of tradition becomes valuable. The study of tradition is intrinsic to political analysis and theorising, as much of the latter focuses on attempting to explain, and defend, the status quo or critiquing the manner in which things are presently done, and proffering alternatives (Finlayson 2003: 664). It is this that leads us to consider the impact of

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[235] It should also be noted here, as Giddens (1994 cited in McAnulla 2007) does, that, beyond these two examples, conservative theorists have themselves been surprisingly reticent in their theoretical reflections on the concept of tradition.

tradition on present and future developments. I would also suggest that tradition forms a key facet of the political-cultural identity (Preston 2004) of a nation and, as such, should be considered by those assessing ideas concerning national identity.

In any contemporary society or political system traces of the past can be detected. These elements of the past may have a causal impact on present and future developments. As Shils (1981: 328) stresses: "the connection that binds a society to its past can never die out completely; it is inherent in the nature of society". Thus whatever aspect of society are studied, we will find the residue of the past inscribed into the structures, practices and attitudes of that society. Attempts to offer alternative ways in which politics should be conducted will need to consider the actual existing traditions in a political system and whether their alternative can be easily accommodated into existing or traditional institutions and practices. Even perspectives that offer a radical rupture with the past, such as Marxism, must consider the role of tradition, if only to identify the impact it has on the perpetuation of the status quo and how to move beyond it (Hobsbawm and Ranger 1983).

If it is accepted that fragments or features of the past exist in the present in the form of traditional ideas, practices, institutions and norms of behaviour, then we should consider the basis on which these fragments have survived and what functions they perform in that society. Such an approach will necessitate consideration of the dimensions of these fragments and also the extent to which they resonate in society. Social analysts should also consider their potential causal impact on the future development of that society (Sztompka 1993).

Stzompka (1993) suggests that we should consider the potential causal impact of traditions in a material and an ideal (ideational) sense. In this sense, we should view traditions as both objective and subjective. Traditions can be seen in the physical environment that surrounds us, including the institutions themselves. For example, we can easily identify the traditional institutions of the British political system by visiting Central London and seeing the Westminster Parliament or Government Departments in Whitehall. We may also identify key symbols or practices in the British political system that act as signifiers of tradition. The State Opening of Parliament or the Speakers Procession' whilst performing practical functions', also serve to reinforce perceptions of the British political system and it historical development and basis. It is often these signifiers that help to sustain a sense of otherness[236] with regard to

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[236] The concept of 'otherness' or of the constitutive other is an increasingly appealed to idea in social theory. It refers to the construction of identity vis-à-vis that which it is not. Cahoone (1996: 159) describes the 'other' thus: "what appear to be cultural units – human beings, words, meanings, ideas, philosophical systems, social organisations – are maintained in their apparent unity only through an active process of exclusion, opposition and hierachization. Other phenomena or units must be

the British political system and its identity in relation to other political systems, in particular the EU.

However, we must also consider the ideal and subjective aspects of tradition. Ideas, beliefs, practices and memories, be they shared or individual, all facilitate the process of historical continuity and change based on an appeal to, or a negation of, tradition. For example, in political analysis we often find reference to tradition in relation to sets of ideas or ideologies, such as the conservative tradition or the socialist tradition (See for example Bevir and Rhodes 2003: 2006a). We also often find reference to traditions of thought, such as the radical tradition (Derry 1967). Indeed, we can also refer to the notion of tradition in relation to views of democracy, in both theory and practice. The idea of a political tradition has been dealt with earlier, however one key point should be recognised here. In each of these instances, political analysis should consider the process by which these have developed and been inculcated over time. Indeed, this is one of the most important tasks for a critical approach to 'tradition'. The manner in which traditions have been passed from generation, be it orally or in the form of customary patterns of behaviour, in the form of institutions or ideas, can tell us much about how a present day political system functions and may develop in the future.

Tradition functions as a one of the major source of authority in society (Weber 1958). Institutions and practices can be, and are, powerfully justified in society through appeals to tradition (Burke 1790). For example, institutions, such as the Monarchy or the House of Lords, are more often than not justified with some reference to their status as traditional institutions. Their authority and legitimacy is seen as being rooted in their historical basis (Norton 1984; Hanson and Walles 1990). Indeed, it is here that conservative usages of tradition have been most prominent, justifying the continued existence of institutions and practices through reference to tradition and history (Burke 1790: Gilmour 1978). Indeed, I argue that appeals to tradition have proven to be a key facet of the perpetuation of long established patterns of rule, power relations and inequality.

Moreover, critical political analysis should also consider the role that tradition plays in the wider context of structured inequality and power structured relationships which exist within society. Despite the shift to governance and the role played by policy networks, it must be remembered that inequalities of power remain a fundamental part of all contemporary societies (Miliband 1990: Marsh 2002; Hall 2008b). As Marsh, Richards and Smith (2001:

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represented as foreign or 'other' through representing a hierarchical dualism in which the unit is privileged or favour, and the other is devalued some way". In particular I will refer to this notion when discussing the creation of a sense of British-ness in Chapter Four.

250) suggest: "British politics may be characterised by plurality, but it does not reflect a pluralist power structure". It is in relation to these asymmetries of power that, for a non-conservative, tradition could be seen to play a fundamental role, given that traditional relationships or practices may assist in the perpetuation of asymmetries of power and the socio-economic inequality that underpins them.

In relation to structured inequality and asymmetrical power relations, we might also suggest that traditions themselves resonate in an asymmetrical manner. This point is worthy of brief repetition here. Asymmetrical resonance simply means that ideas and patterns of behaviour, in this instance, traditions, have resonated to different degrees over time. To explain why a particular tradition has resonated in a political system, we would need to analyse pre-existing and existing structures and institutions, power relationships, material interests and cultural factors. Therefore, this asymmetrical resonance occurs in relation to the environment within which traditions operate. That is to say some, traditions will resonate more fully within the environment because they better fit with, or support, the asymmetrical nature of that environment, its structure and relations. Indeed, the idea of asymmetrical resonance is linked to, and supports, the idea that we can find dominant and competing traditions in society.

As I have suggested, traditions embody key ideas. They also embody practices and behavioural norms. Their replication in the institutions and relationships that exist in society is indeed observable. Actors within the core executive and beyond may also subscribe to the tradition, be it consciously or subconsciously. For those in the core executive we can suggest, as Marsh, Richards and Smith (2001) do, that they appeal to tradition because: "it legitimises their authority and power". For those actors outside the core executive who seek influence, we need to consider the process of political socialisation and how the rules of the game are inculcated into their ideas and actions. For example, Tant (1993) offers insight into how the Labour Party was quickly 'constitutionalized'[237] as it became a serious contender for power in the early part of the twentieth century.

Similarly, the ways in which the traditional ideas and values of a nations' political system have been transmitted to the public should be considered. This will help us to better understand the perpetuation of aspects of that system over time, as well as challenges to it. For example, when assessing the British political system, we should attempt to identify both the traditional ideas and views that have shaped it and crucially, how these have been narrated

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[237] Tant uses the word 'constitutionalization' to describe the process by which the Labour party in its infancy, quickly went from being a party that viewed democracy in more participatory terms, to a party largely convinced of the virtue of the elitist conception of democracy referred to as the British Political Tradition (Marsh and Hall 2007).

over time. This brings us back to considering the role of the prevailing narrative of the British political system and its allegedly superior mode of development (Norton 1984; Punnett 1987) which has been a hallmark feature of much of the discourse regarding the British political system mentioned in the introduction.

Finally, we should consider the manner in which tradition forms an integral part of a wider notion of political-cultural identity (Preston 2004). According to Preston, both tradition and nostalgia, and common sense thinking play an integral part in the construction and maintenance of British political-cultural identity (Preston 2004: 95-96). In the light of the points made previously, we might ask a range of questions in relation to the political-cultural identity of Britain. Of paramount importance amongst these is the extent to which the development of British political-cultural identity can be seen to link to the broader structured inequalities in UK society. Or, to put it another way: how did the development of a distinctive British political-cultural identity help to maintain the position of the socio-economic and political elite over time? Relatedly, we might ask how the development of a distinctive British political-cultural identity might link to the asymmetries of power we find in British society (Marsh 2002). Indeed, we could ask how the development of a British political cultural identity was facilitated by notions such as the asymmetrical resonance of traditions and ideas generally, within a strategically selective environment. Finally, we should undoubtedly ask how the development of British political-cultural identity was assisted by the inculcation of distinctive tradition(s), including political ones, into the populace throughout Modern British history.

Analysis of the process by which a tradition develops and is inculcated will also need to address the potential construction or invention of that tradition (Hobsbawm and Ranger 1983). Indeed, it is on this idea that critical political analysts have developed some of their most detailed comments, offering persuasive insights into the manner in which a sense of nationhood and national identity was invented, and to what end (Hobsbawm and Ranger 1983: Anderson 1983). This contrived or imagined past need not be accurate. Rather it will perform functions in both a historical and contemporary sense. Hobsbawm (1983a) suggests tradition performs three functions. Firstly, it can symbolise and express social cohesion and unity. Secondly, it can legitimise institutions, values and ideas, thus conferring authority. Finally, it can socialise certain ideas, practices, norms and rules of behaviour within society.

Such a recognition of the role of tradition will undoubtedly help the political analyst explain a great deal. Miliband (1991: 142) puts in succinctly when he states that:

"tradition is something that is indeed 'invented', used, manipulated, and that it serves ideological and political purposes, and that where it does not exist it is contrived and affirmed by ceremonies, rituals, codes of behaviour, costumes, language, all of which are intended in one way or another to encourage the worship of what Aneurin Bevan once called 'the most conservative of all religions' ancestor worship".

Therefore, it is through an appreciation of the potentially constructed nature of tradition (Hobsbawm & Ranger 1983) that we can develop an understanding of the role that tradition plays in explaining the socio-political relationships we encounter, as well as any developments that may occur. In particular, it will also help us explain aspects of the development of broader notions concerning political-cultural identity.

The value of such an approach to critical political analysis can be demonstrated through reference to the development of the British political system in the nineteenth century. Miliband (1991: 142) suggests that we should consider tradition in the context of:

"the need felt by dominant classes to use it as one or more response to the rise of labour movements in the second half of the 19th century and the dangers that were thought to arise from the extension of suffrage to the working class".

Hobsbawm (1983b: 267-268) notes that: "the widespread progress of electoral democracy and the consequent emergence of mass politics…dominated the invention of official traditions in the period 1870-1914". He goes on to suggest that:

"after the 1870s therefore, and almost certainly in connection with the emergence of mass politics, rulers and middle class observers rediscovered the importance of 'irrational' elements in the maintenance of the social fabric and the social order" (Hobsbawm 1983b: 268).

Therefore, the invention of tradition was a key facet of the response of rulers or dominant groups to: "how to maintain or even establish the obedience, loyalty and co-operation of its subjects or member, or its own legitimacy in their eyes" (Hobsbawm 1983b: 265). More broadly, we should note the extent to which the emphasis on developing distinctive British traditions, including a political one, could be linked to the a range of problems faced by the political, social and economic elites of the 18th and 19th centuries (Colley 1993; Preston 2004).

In the context of this thesis, the above arguments of two Marxist scholars are most interesting and useful. Firstly, both imply the need for a historically-informed approach to the development of the British political system and, crucially, one that recognises the broader socio-economic relationships that informed that development. Indeed, through critically focusing on how the latter influenced the actions and intentions of actors within the dominant groups in UK society in the eighteenth and nineteenth century, both add a dimension often missing from mainstream analyses. It should be noted here that, whilst Miliband (1991) and Hobsbawm (1983b) are correct to identify the significance of the extension of the franchise and elite fears regarding this as a key moment in the development of traditions, I have widened the focus somewhat. Having dominated politics and society prior to the emergence of demands for democracy that developed at a pace from the late 18th century onwards, the elite was suspicious of all challenges to their dominance[238]. Consequently, in attempting to explain the development of a distinctive BPT, the demands of the Chartists, the Labour Party and the Women's Suffrage Movement should be considered as driving its development, narration and inculcation over time. Indeed, as Miliband (1982) suggests, the British political system and those who run state and other institutions of power, have proven remarkably successful at achieving "the containment and reduction of popular pressure" (Miliband 1982: 1) and tradition has been fundamental to this endeavour. In this containment of pressure, he also notes that, whilst 'deliberate management' is often responsible for continuity of existing power structures and the thwarting of challenges, so to are: "habits, traditions and constraints, which make for inertia and acceptance rather than for pressure and conflict" (Miliband 1982: 2).

Therefore, it is also essential to consider the impact that a tradition or the perception of a tradition may have on agency and outcomes. We can make a number of basic observations about the inter-action between traditions and the actions of actors. Firstly, the attitude or orientation taken by contemporary actors towards the past is of great significance for explanations of contemporary political outcomes. Secondly, as I have briefly mentioned, if a tradition supports or legitimises the power and authority of those in power, then they are likely to support or defend it (Hobsbawm 1983b; Miliband 1982; 1991; Marsh and Hall 2007). Finally, I would also suggest that, if a tradition is treated with reverence or awe, this may impact on options and potential outcomes when decisions have to be made. This can be explained through reference to the idea of 'strategic selectivity' (Jessop 1990).

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[238] Numerous examples of this suspicion could be cited from the eighteenth and nineteenth centuries ranging from Burke (1790) to the underlying motives on Earl Grey in bring the 1832 Reform Bill forward.

The importance of tradition is not however confined to those with power and influence. Tradition impacts upon actors outside the political and economic elite. Here, I make two basic observations. Firstly, no matter how widespread support for the dominant tradition is, it will never be total[239]. Some actors may have come to believe in, or have adopted, competing traditions or practices to those held by those in power. Indeed, these competing traditions will, in most instances, offer a critique of, and an alternative to, the dominant tradition. On this I would point to those advocating a more radical conception of democracy in the 19th century, such as the Chartists. They too have inherited ideas and values from there forebears and, in turn, have become key examples of that radical tradition for later generations. As I have suggested throughout, it is possible to argue that there has been a competing political tradition operating in Britain whose lineage dates back to thinkers such as Paine (1791) and before, who have always offered contestation to the elites' view of the British political system. Indeed, such a view opens up the idea of dominant and competing traditions which is of central significance to my narrative. It also raises questions regarding their resonance over time and across society. Finally it brings to the fore the idea that contestation and competition between traditions is both possible and likely within society.

Secondly, the broader impact of tradition on the populace at large must be considered. The extent to which the public accept, and adopt, traditional ideas and practices is of significance, if we are to explain the continuation of certain institutions, ideas and practices. In addition, if a tradition has been successfully inculcated, then we might ask why this has been the case and what sustains its resonance. Here again, an example will help to illustrate the point. The extent to which the British public accepted the British political system as democratic is important for any explanation of how the traditional institutions and practices of British government have persisted over time. As Merton (cited in Sztompka 1993: 59) argues: "if men define situations as real, they are real in their consequences". Therefore if British citizens believe that the British political system is democratic, they are likely to act as though it is. However, the fact that they believe it to be democratic does not mean that it is, or that they have conceptualised the nature of that democracy correctly. Rather, they have come to accept that it is, in part at least, because it has been narrated as such. Indeed, Beer (1965) argues that the BPT has found widespread support amongst the populace and Norton (1989:10) states that the British constitution "used to be a subject of praise but little discussion", suggesting the successful inculcation of a political tradition in the UK. That is not to say that the dominant political tradition in Britain has been uncontested, but, rather, to suggest that it has resonated more fully and widely with the populace than its competitor.

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[239] Here Gramsci's (1971) view of hegemony as a dynamic process which is constantly re-narrated, re-affirmed and re-negotiated is particularly helpful.

I should also note here that my notion of dominant and competing traditions could be applied more widely into debates concerning political-cultural identity. This might work in two ways. Firstly, the dominant and competing traditions themselves could form part of wider notions of identity within a nation[240]. Relatedly, we might identify competing senses of political-cultural identity existing within a nation. These may incorporate, or appeal to, differing traditions and, consequently, may be rooted in a sense of distinctiveness or otherness[241].

As has been suggested, critical political analysis can benefit greatly from a recognition of the importance of tradition. In particular, the idea of 'invented traditions' (Hobsbawm and Ranger 1983) can be helpful. Hobsbawm (1983a) defines 'invented traditions' as:

> "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 behaviour by repetition, which automatically implies continuity with the past. In fact, where possible, they normally attempt to establish continuity with a suitable historic past…However in so far as there is such reference to a historic past, the peculiarity of 'invented traditions' is that the continuity with it is largely factitious" (Hobsbawm 1983a: 2-3).

Two points are important here. Firstly, we should note the functional aspect of the concept. According to Hobsbawm (1983a), there are three overlapping types of 'invented traditions' which perform functions in society[242]. Similarly Sztomkpa (1993: 64) also devotes time to considering the functions performed by traditions[243]. However, he also stresses the potentially dysfunctional consequences of traditions[244].

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[240] For example, it could be argued that the notion of British political-cultural identity has, operating within it, both the dominant and the competing political traditions. When making such a suggestion, it is obviously important to recognise the extent to which the dominant tradition has been articulated and advanced by elite groups. Preston (2004) sees the development of British-ness as intrinsically linked to the needs and interests of the ruling elite in British society.

[241] For example, in the UK, we can find various national identities in existence linked to the constituent parts of the UK. We might reasonably ask how notions concerning a British political-cultural identity and a sense of Scottish-ness or Welsh-ness have co-existed and interacted over time. In particular, in the light of recent developments, we should consider the extent to which competing senses of political-cultural, and even national, identity within the UK have influenced the devolution project over time.

[242] These are: Firstly those that establish or symbolize social cohesion or the membership of groups, real or artificial communities; secondly those establishing or legitimizing institutions, status or relations to authority; finally those whose main purpose was socialization, the inculcation of beliefs, value systems and conventions of behaviour. (Hobsbawm 1983a: 9)

[243] For Sztompka (1993), the functions of tradition can be summarised thus: Firstly they place the beliefs, norms, values and objects created in the past within easy grasp of those in the present. In this sense, as conservatives have stressed that which is seen to be worthwhile from the past can easily be accessed by actors in the present. Secondly they give legitimation to existing ways of life, institutions, ideas and practices. Here we can identify the idea that because something has always been it should

Hobsbawm (1983a) also suggests another function of tradition. He believes that we should recognise the relationship between 'invented traditions' and the prevailing economic, social and political context and its elite. It is in the context of structured economic and social inequalities and the attendant asymmetries of power and influence that 'invented traditions' function. 'Invented traditions' help to mask, or distort, reality and can therefore assist in the maintenance of existing power relationships and inequalities in society. Certain ideas or practices may be afforded special status, whilst others are downgraded or even pilloried. As such, I would contend that 'invented traditions' also resonate in relation to the asymmetry of the environment which itself is indicative of the broader socio-economic inequalities in capitalist society. Undoubtedly, the process by which this may occur needs examination if the causal impact of tradition is to be better understood. However, this is a far broader project. Discussion of the BPT and its impact on UK politics forms merely one aspect of this broader project. In the context of the BPT, we should consider the way that this potentially false or distorted picture of the British political system has been developed and how it has been sustained over time. Suffice it to say here that, in the British political system, we can identify the existence of a contrived past. This has been based upon the perceived development of an increasingly democratic and representative system that has found expression and narration in relation to the WM and notions regarding British exceptionalism (Norton 1984: Punnett 1987).

Finally, I should briefly address the process by which a tradition can be challenged, changed, adapted or even removed over time. Indeed, this is of central significance for normative political analysis as one of its central concerns is how to affect or prevent change. Again, Sztompka (1993) offers a useful insight, contending that change in any tradition is agency driven. He suggests that: "sooner or later, any tradition starts to be questioned, doubted, re-

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continue to be so. Thirdly they provide persuasive symbols of collective identity and strengthen a sense of togetherness on a group, community or national level. Fourthly they can provide an escape route from grievances or dissatisfaction with the contemporary. Tradition can be appealed to in times of crisis and as Shils (1981: 207) suggests: "the past is a haven to the spirit which is not at ease in the present".

[244] Sztompka (1993) identifies a number of potentially dysfunctional consequences of tradition including: Firstly traditions may as a result of their content be dysfunctional or even harmful, in that negative aspects of the past are appealed to and recreated in the present. Secondly traditions may, independent of their content, prevent or restrain creativeness or innovation via the provision of apparent ready-made solutions to the problems that actors face. Thirdly there may be a tendency to place trust in the traditional when none is required or deserved. This can lead to inertia, ineffectiveness and ultimately, failure. Indeed we might note that at times faith or trust in a tradition can develop into what Sztompka (1993: 65) refers to as 'fetishization of tradition'. Finally traditions can be retained not by conscious choice but by the sub-conscious and in a sense a level of habit or inertia. In such instances it is not fondness for the tradition that leads to its retention but rather convenience.

examined and at the same time new fragments of the past are being discovered and validated as tradition" (Sztompka 1993: 62). If a tradition clashes with reality, is shown to be flawed or no longer satisfies the social reality or circumstances, then, according to Sztompka, it will be questioned. Sztompka is right to emphasise the importance of agents is the process of contestation of tradition as I argued earlier. However, it should also be noted here that actors are operating within the prevailing institutional structures and ideational context of which tradition(s) form a part. Crucially, actors are also influenced by pre-existing cultural and behavioural norms of in which tradition(s) play a fundamental role.

Here we encounter the structure-agency debate[245] whose importance has been increasingly recognised in political analysis in recent years (Hay 1995; 2002: Marsh et al 1999; Marsh, Richards and Smith 2001; McAnulla 2002). The centrality of this debate to social analysis leads me to inevitably consider whether adaptations to traditions are the result of the actions (intentional or otherwise) of agents or the product of structure, i.e. changes in the material context or environment. The ability of agents to change traditions will be a recurring theme throughout this narrative. It also forms a substantial facet of my earlier analysis of the existing literature on the BPT and the recent work of Bevir and Rhodes (2003; 2006a) on tradition(s). I argue that whilst agency is undoubtedly of importance when explaining political change and more broadly political outcomes, such a recognition does not undermine or negate the importance of the context[246]. Indeed, as Marsh, Richards and Smith (2001) suggest, a more nuanced perspective regarding the ability of agents to affect outcomes can be advanced by avoiding a simplistic dualism and adopting a dialectical approach to the structure-agency question. As they state: "agents operate within structured contexts that constrain or facilitate their actions" (Marsh, Richards and Smith 2001:10). Therefore, the relationship between structure and agency is best seen as interactive and iterative.

On this the strategic-relational approach developed by Jessop (1990), and Hay (1996) and the morphogenetic approach of Archer (1995) offers major insights regarding how change can and does occur. They also offer insight into the role of ideas within this process. The

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[245] McAnulla (2002: 271) defines the structure-agency debate as fundamentally concerning: "the issues of to what extent we as actors have the ability to shape our destiny as against the extent to which our lives are structured in ways out of our control; the degree to which our fate is determined by external forces. Agency refers to individual or group abilities (intentional or otherwise) to affect their environment. Structure usually refers to context: to the material conditions which define the range of actions available to actors".

[246] A point recognised by Marx's oft quoted but insufficiently utilised statement that: "men make their own history but they do not make it as they please nor under conditions of their own choosing…rather they make it under the circumstances they find before them, under given and imposed conditions. The tradition of all dead generations weighs like a nightmare on the brain of the living" (Karl Marx, The 18th Brumaire of Louis Bonaparte, 1851, in D Mclellan, Karl Marx: Selected Writings, 1977).

evolutionary approach advocated by Kerr (2001; 2002) builds upon these views offering persuasive insights for those attempting to explain how change and continuity occur. I shall return to the explanation of change and continuity proffered by these authors in detail in Appendix 2. Here, I should briefly make it clear how this perspective views the structure-agency issue. The strategic-relational approach suggests that: "action only takes place within a pre-existing structural context which is strategically selective, that is to say it favours certain strategies over others" (McAnulla 2002: 280). Archer (1995) suggests that the context in which action takes places is of paramount concern, even allowing for the role of agency. Structures are the context within which agents act and thus they can constrain or enable action. From this, we can make two further points. Firstly, certain actions fit with the context better than others. Secondly, if this is the case then a degree of 'path dependency' will be discernible whenever change occurs. Indeed, change is most likely when its proponents can demonstrate a degree of continuity with the pre-existing environment, as in Kerr's words (2002: 354): "institutional, contextual and discursive environments which are the product of past struggles and ideas…impose a selective bias in favour of some over others". Therefore, structures, in this case traditions, are not unchanging or unchangeable. Whilst agents may not control the structured context or environment or be able to act independently of it: "they do interpret it and it is as mediated through that interpretation that the structural context affects the strategic calculations of actors" (Marsh, Richards Smith 2001: 10).

Therefore, to return to the consideration of how change may occur in traditions, my narrative suggests that, although actors can and do adapt or change the traditions they find before them, they do not do so free from constraint. Rather, the traditions themselves and the broader structural context act as powerful enablers or constraints on their actions and ability to affect change. These constraints privilege certain adaptations over others and help to make evident both change and continuity within the traditions and the broader context over time. Thus, the process of contestation and adaptation or affirmation of traditions is a complex and continual one. In this process, change, be it macro or micro, is often, but not always, the result. Alongside this there will undoubtedly be major continuities within traditions and more broadly tradition(s) contributing to institutional and ideational continuities. I would also suggest that tradition(s) contribute to continuity in the structured inequalities we find in capitalist society.

If the idea that every tradition will be subject to challenge and potential adaptation or negation is accepted, then why this would occur must be considered. Traditions may be increasingly contested for a variety of reasons. Undoubtedly, questioning will be linked to growing criticism of that tradition and/or the increased resonance of a competing tradition or

traditions. Thus, we must recognise again the significance of the existence dominant and competing traditions. I argue that this is fundamental to explaining the process of change and continuity in the British political system. However the idea that the resonance of traditions is linked inexorably to contingent events is crucial here. A greater questioning of a traditional idea, institution or practice can and will be promoted by contingent factors. The recent work of Bevir and Rhodes (2003; 2006) on traditions has received a great deal of attention. Central to their conception of traditions is their notion of dilemmas. It is through facing dilemmas that traditions are adapted by actors. I dealt with Bevir and Rhodes approach to tradition in greater depth in Chapter Three. Suffice it to say here that their work focuses upon and explains the capacity for change in traditions in a stimulating manner, highlighting the importance of the contingent.

Two points should be noted here. Firstly, the impact of contingent events occurs within the prevailing institutional and ideational context generally privileges the dominant tradition (Marsh and Hall 2007: 220). Secondly, change in the substance or content of a tradition does not necessarily imply that the tradition will be entirely abandoned, or even adapted. Rather, it is to say that it will undergo reappraisal and examination and aspects of it will potentially change as a consequence of this contestation. Conversely, they may become re-entrenched or re-narrated in this process. In this sense, change in a tradition may be either macro or micro, substantive or minimal.

We should also recognise that this process of contestation and re-examination may occur through their interaction with competing traditions on various levels, that is to say local, national or global. Traditions may be compared to others beyond the boundaries of the community or nation of which they form a part[247].

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[247] For example, aspects of the British political system which are considered traditional such as the British Constitution (Norton 1984) are often compared to those to be found elsewhere in the world. In his widely read study *The British Polity* (1984) Norton draws direct comparison between the US Constitution, which is codified, and a British Constitution that: "is admired by Britons for reflecting the wisdom of past generations, as the product of experience – in short a constitution that stipulates what should be on the basis of what has proved to work rather than on abstract principles (Norton 1984: 59-60)".

　　　　The above statement is interesting on a number of levels. Firstly, it displays both Norton's' conservatism and the Oakeshottian anti-rationalism of this approach. Secondly, it is both interesting and highly questionable whether knowledge of the workings of the British constitution and revulsion for abstract principles has permeated into the populace to the extent that Norton and other Conservatives believe. However, here the UK constitution is compared favourably to the US Constitution. Conversely, we might note here that advocates of constitutional reform, such as Charter 88, often based their critique of the UK's traditional constitutional relationships on unfavourable comparisons with codified arrangements to be found elsewhere in the world.

Therefore, on the basis of this brief discussion I suggest that contestation and conflict in both a material and ideational sense can lead to a questioning of tradition. However, this only takes us so far. Political analysis must also address two further questions, if adequate conceptions of change and continuity are to be developed. Firstly, is the re-examination of traditions a continual process (Kerr 2002) or merely a punctuated moment in an otherwise long running pattern of stability (Hay 1996)? Secondly, we must explain and account for the outcomes of this re-examination of a tradition. On this latter point, a number of questions suggest themselves at this point which I will return to later. Firstly, is the tradition changed to nay degree or alternatively left untouched as part of this process? Secondly, are any adaptations that occur partial or extensive? Or to put it another way, has change occurred at the macro or micro level? Finally, what is the broader impact of this re-examination of a tradition on political institutions, behaviour and outcomes generally?

To answer such questions we must return to the relationship between structure and agency discussed earlier. The notion that contestation of tradition(s) leads to re-examination and re-evaluation of traditions and their efficacy and, crucially, the potential for change, clearly views agents as key actors within this process, as Sztompka (1993) suggests. However, as I have argued, traditions are both the context within which actors act and part of the broader structural and cultural context of society. This brings us full circle to the need for a more nuanced approach to explaining change and continuity and the need to move beyond a simplistic dualism (Marsh 2007). Only by adopting the strategic-relational approach favoured by Jessop (1990), Hay (1996) and Kerr (2001; 2002) can an adequate explanation of this process of contestation and re-examination and its outcome be developed. Here, another earlier point bears repetition. To adequately explain contestation and re-examination of traditions, we must also once again address the resonance and relative strength of different traditions. The status of a tradition and the extent of its articulation and pervasiveness in society are all relevant in this context. We must also consider the support that a tradition has from powerful groups and institutions in society and the extent to which it underpins the overriding nature of that society. Only then will we be able to fully account for the persistence of certain ideas and institutions over time.

Two final observations should be made. Firstly, until recently, the only widely held approach that offered no detailed comment on, or analysis of, tradition was Marxism. As we saw earlier, Marxists and Neo-Marxists have discussed culture, but not tradition. Marx's famous observation that: "the tradition of all dead generations weighs like a nightmare on the brains of the living" (Marx 1851, cited in McLellan 1977: 300) suggests that tradition should be a central concern for those attempting to explain and critique contemporary capitalist society.

However, historically, orthodox Marxists have paid scant explicit attention to it. Focusing on the centrality of economic relationships often led to an under-appreciation of the role of ideational and cultural factors in shaping social and political life (Marsh 2002b). The extent to which Marxists have ignored tradition, or at best taken it for granted, can be shown in a simple sense. *The Dictionary of Marxist Thought* contains no reference to tradition or a Marxist approach to the concept (Bottomore 1983). As such, Marxists have ignored a potentially fruitful avenue for explaining the continued existence of the capitalist system and the institutions and practices that support it. More recently, the influence of the work of Gramsci (1971) has led to an appreciation of the manner in which ideas function as part of the capitalist system. Hegemonic ideas and practices help to secure consent for capitalism in the sense that they become 'common sense' notions which are appealed to in an uncritical manner and are utilised to justify the continued existence of institutions, relationships and practices which perpetuate the capitalist system (Gramsci 1971; Boggs 1976). In this sense, a Marxist appreciation of the importance of tradition becomes both possible and a potentially fruitful avenue of analysis.

As we have already seen, some Marxists, notably Hobsbawm and Ranger (1983) and Miliband (1991; 2004), have more recently discussed tradition offering persuasive insights about the role it plays in capitalist society. Hobsbawm (1983) as we have seen, discussed the invented nature of tradition. If they applied Hobsbawm's concept of invented tradition to the British political system, political analysts would be able to trace the manner in which certain ideas, institutions and practices developed regarding the nature of British democracy and have been inculcated over time to the point where they have achieved an almost unquestionable or 'common sense' status. More broadly, this would help explain the continued existence of the capitalist system and the perpetuation of patterns of asymmetrical power and structured inequality.

Miliband (2004: 46) advocates the idea that there will be multiple traditions at work with capitalist society. Such an insight is both persuasive and important to my narrative. He suggests that in any society there will exist both a tradition of conformity and a tradition of dissent, or indeed several of each. Such an insight offers political analysts the opportunity to recognise the existence of various dominant and competing traditions working within any social and political system, a point which forms a central tenet of my analysis. It also helps me to explain both change and continuity over time.

However despite its potential explanatory value when considering the continued dominance of capitalism and capitalist ideas in Western societies, Miliband (2004) argues that the

polymorphous nature of tradition is not particularly helpful to Marxism because none of these traditions will prove particularly useful to the Marxist revolutionary project given "the Marxist notion of the most radical rupture with traditional ideas" (Miliband 2004: 46). Whilst Miliband is correct to emphasis that the radical break with the past would necessarily mean the most complete break with traditional ideas imaginable, such a suggestion does not negate the potential heuristic value of analysing tradition and its function from a Marxist perspective, if the project is to secure radical change. Thus, contra Miliband, I would suggest that a Marxist or Neo-Marxist approach necessitates a focus on the role and function that tradition plays in maintaining established relationships and patterns of behaviour in capitalist society. Only through understanding how political systems in capitalist economies have functioned and been legitimised, can a method for challenging them be identified. Given the centrality of tradition to social life, a Marxist appreciation of tradition would seem to be far more important than Miliband suggests.

Secondly we should recognise the importance of studying traditions for academic analysis. Finlayson (2003) correctly argues that political analysts must consider 'tradition' if they are to be self-reflective. All political analysis and theorising is itself the product of one or more traditions. As such, reflection on tradition can form an important part of academic enquiry generally. Such a view suggests the approach to tradition advocated by McIntyre (1984) and described above as 'tradition as argument'. I have already suggested that the view of tradition offered by an author can tell us much about their views more broadly. For example, Norton's view of the British constitution clearly demonstrates the influence of the conservative tradition. Hobsbawm's notion of invented traditions and his concern with the functionality of tradition is unsurprising given his Marxist credentials. The point here is twofold. Firstly, when approaching conceptions of tradition, much can be learned about the author's normative assumptions from how they conceptualise the concept. Secondly, self reflection on how our own research is informed and influenced by intellectuals and academic traditions can be of benefit when developing analyses and explanations.

Appendix 2
On Change and Continuity

Hay (2002) states all political analysis must necessarily acknowledge issues regarding continuity and change, even when attempting to offer a purely descriptive account of the present. Despite the fact that so much of the work of social and political analysts is concerned with explaining substantive changes and continuities in institutions, ideas and the behaviour of agents there has been comparatively little theoretical discussion of how we should conceptualise change and continuity in politics until recently. Clearly there have been longstanding classical approaches to change that social and political analysts have utilised. These range from evolutionary perspectives of early sociologists like Herbert Spencer, through the systems theory of Talcott Parsons to the historical materialism of Marxism.

In the context of British politics we can identify the decisive influence of Whig developmentalism (Kerr and Kettell 2006) and the Westminster Model (WM) generally. Widely read works including Norton (1984) and Punnett (1987) are classical examples of this approach. Butterfield (1965) identifies a number of key characteristics to the Whig interpretation of history[248]. In particular the Whig interpretation highlights notions of gradual development over time and peaceful progression. Indeed the words 'evolution' or evolutionary development are often, somewhat incorrectly[249] associated with the Whig view. However despite this, the Whig interpretation of history has been the dominant conception of change and continuity in the analysis of British politics. The Whig view also incorporates an

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[248] These include a tendency to interpret the past in the light present day British constitutional settlement and a view of British parliamentary democracy as the apogee of political development. The Whig approach can be summarised thus, "it is part and parcel of the Whig interpretation of history that it studies the past with reference to the present" (Butterfield 1965: 11).

[249] Kerr (2002: 331) notes that whilst political scientists often invoke evolutionary conceptions of change "these words are often invoked in an ad hoc way, rather than being embedded within a proper explanatory framework". In particular we might suggest that Norton (1984), Punnett (1987) and Hanson and Walles (1990) all do this.

idealist aspect, "seeing institutions as the expression of human purpose" (Bevir and Rhodes 2002: 145).

The Whig interpretation can also be found in numerous influential studies of the British political system such as Bagehot (1867), Dicey (1885) and Jennings (1936). It also underpins classic works such as Burke (1790) and McCaulay (1848). Gamble (1990: 409-411) argues persuasively that the political science profession in the UK "were largely sympathetic"; "convinced that change needed to be evolutionary" and celebrated "the practical wisdom embodied in England's constitutional arrangements".

In analyses of British politics the WM and the Whig interpretation have been intrinsically linked. Kerr and Kettell (2006: 7) argue that the WM:

> "was based on an intrinsically Whiggish conception of the political order dating from the Glorious Revolution of 1688, maintaining that this had bequeathed the nation a series of balanced, harmonious, and yet flexible constitutional arrangements, which had enabled it to adjust to social, political, and economic change in a gradualist and evolutionary manner and which had thereby enabled it to avoid the kind of upheavals and revolutionary politics that had been seen in other states".

Thus mainstream accounts of Britain's political development have appealed to the WM and Whiggish developmentalism.

Beyond the mainstream their have been those who have drawn inspiration from a Marxist approach such as Anderson (1964) Nairn (1964; 1976) and Miliband (1984). The Marxist approach to issues of change and continuity is well known and certainly does not require detailed explanation here[250]. Suffice it to say that Classical Marxists, adopting a 'base/superstructure' approach, attempted to change in the superstructure (for example social and political changes) through reference to changes in the economic base and offered a view that was associated with four 'isms' (Marsh 2002). These were economism, determinism, materialism and structuralism. It also posited a conception of change rooted in a dialectical view that focuses on conflict and contradiction as integral to any discussion of change and continuity. Over time Marxism has developed as a theoretical approach. In particular we should take account of the work of Gramsci (1971) and Poulanztas (1978) which has been particularly influential in shifting the Marxist position to a more nuanced approach[251].

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[250] For an overview of this see D Marsh, 'Marxism' in Marsh and Stoker (2002).
[251] Marsh (2002) argues that this change has been prompted by three factors: (i) theoretical critiques from both inside and outside Marxism (ii) the inability of economism to persuasively explain

However the application of modern Marxist insights to the study of the British political system remain largely outside the mainstream, despite the fact that the approach offers much to modern social science (Marsh 1999). Indeed Burnham (2006: 67) notes "a review of modern politics textbooks may lead the reader to conclude that Marxism has little, if anything, to contribute to understanding contemporary political issues in Britain". Contra this I would argue as Burnham does that modern Marxist or Neo-Marxist insights can offer much to analyses of British politics. In particular Jessop (1990) and the notion of 'strategic selectivity' offers a way to developing sophisticated explanations of change and continuity (Hay 1996; Kerr 2002).

Detailed consideration by a wider methodological and normative range of political analysts of the problems that explaining social and political change represents is a more recent phenomenon (Hay 2002). This critical engagement with conceptualising social and political change has brought issues regarding causality, temporality and the relationship between continuity and change to the fore. The need for a conceptualisation of social and political change that can provide a satisfactory account of the nature of British politics over time is long overdue (Marsh 2007)[252].

Why change and continuity?

The explanation of change and continuity is a central concern of all social science inquiry. Explaining the processes by which all facets of human society remain the same or change is also one of the most challenging for social and political analysis. Indeed as Hay (2002) argues focusing on "issues of transformation and change raise some fairly fundamental questions about the scope, legitimate content, scientific status and limits of political analysis (Hay 2002: 143). As Shils (1981: 327) argues "a society is a 'trans-temporal phenomenon. It is not constituted by its existence at single moment in time. It exists only through time. It is temporally constituted".

A political analysts' ontological, epistemological and methodological approach and their normative stance is of fundamental import for how they conceptualise change and continuity. Political analysts approach the explanation of change in differing ways. For those political

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economic, social and political developments (iii) economic, social and political developments in the world have stimulated new theoretical developments.
[252]The work of Bevir and Rhodes (2002; 2003; 2004; 2006a; 2006b; 2006c) discussed in Chapter Two has been notable in seeking to move beyond overly synchronic accounts of British political history. However their approach is ultimately unsatisfactory as we saw.

scientists adopting a naturalist approach, such as rational choice theory and behavouralism, the issue of social and political change is a complicating distraction (Hay 2002: 137). For those who would be categorised as normative or critical political analysts interrogating the process of social and political change is of central importance (Hay 2002). It is through the interrogation of existing institutions, practices and ideas that alternative approaches can be identified, advocated and advanced. Conversely political analysts of a conservative disposition (Burke 1790; Oakeshott 1962) interrogate the process of change in order to identify how best to defend the status quo. They have historically been concerned with identifying the processes through which demands for reform develop into more revolutionary demands. Consequently normative political analysts of all persuasions have to confront the issue of change and continuity over time and develop explanations that best explain the process.

Of all the meta-theoretical issues confronting social science the relationship between change and continuity holds a special significance as it can subsume other relationships such as structure and agency or material-ideational relationships (Marsh and Hall 2006; Marsh 2007). Whenever we discuss either structure-agency and/or material-ideational relationships, we necessarily have to discuss continuity and change. However such complex relationships provide a challenge for political analysts[253].

Attempts to develop more sophisticated approaches to continuity and change have been driven by the exigencies of the structure-agency debate and the seemingly ever changing world we now inhabit (Hay 2002). The inadequacies of both structuralism[254] and intentionalism[255] in explaining change and continuity can readily be identified, although

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[253] For example Blythe (2002) argues that structures and institutions account for continuity and stability whilst agency and ideational factors account for change. Whilst such a suggestion hardly seems to grasp the complexity of the problem, it does illuminate how even those with theoretically informed views of continuity and change such as Historical Institutionalists can over-simplify complex questions (Marsh 2007).

[254] Structuralism assumes that social and political change is confined to marginal modifications of behaviour within the context of a definitive set of rule or laws that structure social and political life and that crucially remain essentially static over time (Hay 2002). Although it is undoubtedly easier to assume that institutions, practices, structures and ideas exhibit some consistency over time, this leaves political analysis as the mapping of an essentially static, if at times uneven terrain. Thus structuralist accounts suffer most obviously from a lack of temporality, presenting a picture of structures as almost trans-temporal phenomena.

[255] Intentionalist or agency centric approaches fair no better when attempting to explain change and continuity. Focusing on the role of agency as the contingent factor promoting change implies the absence of constraints upon action. Thus we see a world postulated where many outcomes are possible because "there are essentially no rules of the game and there is no close correspondence between observed and intended outcomes" (Hay 2002:135). Taken to its purest form, intentionalism conceptualises time as "merely the unfolding of preferences instantiated in action (Hay 1997: 13). However the suggestion that constraints be they structural, material, ideational or cultural do not exist

overcoming them presents a far greater challenge for political analysis than such a recognition implies. Indeed focusing on continuity and change highlights the need to develop more sophisticated conceptualisations of causality than those found in essentially structuralist or intentionalist accounts (Hay 2002). It is here that both the work of Bevir and Rhodes and the critical realist approach are relevant. However of the two, critical realism offers the more persuasive alternative to key meta-theoretical questions.

Critical realists start with the premise that the relationship between continuity and change is the last meta-theoretical dualism confronting social and political analysts (Marsh 2007). Most political science literature sees the relationship between the two as an oppositional one where continuity and change are mutually exclusive. Critical realists (for example Kerr 2001; 2002; Hay 2002; Marsh 2007) see the relationship as dialectical in the sense of an interactive and interactive. Utilising this approach we can see that some aspects of the socio-political context may change whilst others remain the same. This may lead to the existence of contradictions that will themselves facilitate further change be it limited or extensive, although this is not necessarily the case. It is the interplay between continuity and change in terms of balance and potential contradictions that affects outcomes at any given time. Finally path dependency forms the context in which change occurs. Prior stability, the manner in which it is narrated and the way it is experienced by agents affects the likely nature, extent and permanence of change.

Discussion of continuity and change raises another key question for all social and political analysis, time. Hay (2002) identifies three analytical strategies for dealing with the process of social and political change, the synchronic, the comparative static and the diachronic[256].

The diachronic approach offers the most complete picture of change and continuity over time. This treats the developmental path, the pace and timing of change as empirical issues of import. It also crucially emphasises the process of change over time. Thus diachronic analyses will proceed historically, examining and explaining the process of change over time. Such an approach builds an empirically rich picture of change and allows us to develop and test theoretical hypotheses regarding the process of change. Recent advocates of such an approach can be found in Jessop (1990), Hay (1996) and Kerr (2001; 2002), with the latter two offering sophisticated evolutionary conceptions of change.

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or impact upon actions makes it difficult to explain outcomes when there is no close correspondence between intention and outcomes.

[256] For details of each approach and a critical evaluation see Hay (2002: 143-150).

A brief overview of evolutionary theories of change is necessary here for two reasons. Firstly because as we have seen, the dominant view of British political development, the Whig interpretation has often utilised the word 'evolutionary' (albeit inaccurately) to describe that development. Secondly the work of Hay (1996) and Kerr (2001; 2002) offers major insights into the process by which change and continuity should be conceptualised and explained.

Kerr (2002: 332) argues that: "evolutionary thinking has a long history in attempts by social scientists to explain institutional change"[257]. However, it has remained largely marginalised and discredited in social science research[258].

However in recent years renewed interest into evolutionary theorising in social science can be detected (Kerr 2002). Kerr identifies four broad themes that characterise the concerns of evolutionary theorising in the social sciences:

- A recognition of the dynamic and temporal dimensions of change

- An emphasis on the selection of variables

- A focus on adaptive processes

- A recognition of change as both path dependent and contingent

(adapted from Kerr 2002)

Hay (1996) and Kerr (2001; 2002; 2003) offer two stimulating approaches to theorising change and continuity from an evolutionary perspective.

Hay (1996) offers a sophisticated attempt to explain institutional transformation and public policy in post war Britain. Hay's evolutionary approach includes three defining components. Firstly, taking influence from Habermas's concept of 'legitimation crisis' he focuses on 'crisis' developing the idea that: "the crisis moment is the strategic moment in the evolution of things" (Debray cited in Kerr 2002: 343). For Hay, crises are contested constructs that can and are interpreted differently by agents. Thus change develops out of moments of crisis and the responses to them. Secondly, he offers the notion that change involves periodic moments of 'punctuated evolution' in which crises and the response of agents lead to an increase in the

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[257] He highlights the theories of Comte, Spencer and Durkheim as offering the first widely read usage of evolution. The approach then experienced a brief resurgence "between the 1950s and the early 1970s in the work of structural-functional theorists such as Talcott Parsons" (Kerr 2002: 332).
[258] This can be explained because it was seen as trying to incorporate the objective reasoning of the natural sciences into explanations of historical change over time and was damaged by its association with the social Darwinism and Nazism (Kerr 2002: 332).

pace and extent of change. In particular he highlights the likelihood of institutional development during a period of 'punctuated evolution' where during a crisis, state actors will intervene in order to attempt to overcome the crisis and the inability of prevailing institutional arrangements to deal with it. Finally he uses the notion of 'paradigm shifts' to explain how ideational factors influence the process of change and will create a degree of path dependency in the political environment. A policy paradigm for Hay constitutes an ideational package that limits the range of legitimate responses and thus helps impose a degree of continuity alongside change. Here we should note that Hay adopts the idea of strategic selectivity developed by Jessop (1990). For example Hay (1996: 32) echoing Jessop, argues that:

> "the state is a dynamic and constantly unfolding system. Its specific form at a given moment in time in particular national setting represents a crystallisation of past strategies which privileges certain strategies and actors over others".

Hay uses this approach to explain the changes of the post war period in the UK from a Keynesian, social democratic paradigm to a neo-liberal paradigm of the Thatcher period through reference to the perceived crisis of Keynesianism in the late 1960s and 1970s. Hay offers much to those attempting explain change and continuity over time. In particular he highlights major moments of change or adaptation through his focus on the three core concepts crisis, punctuated evolution and paradigm shift. However we should note here that Hay still leaves the reader with a picture of change that is largely characterised by a binary opposition between periods of stability and then periods of change (Kerr 2001).

Kerr (2001; 2002; 2003) offers a slightly different conception of evolutionary theorising and one that offers much if utilised. He suggests that: "a useful starting point for evolutionary conception of political change is to begin with the very essence of politics, that is to say political and ideological contestation" (Kerr 2002: 353). For Kerr, "it is the continual struggle for survival between competing sets of ideas and political strategies which provides the key dynamic for political change" (Kerr 2002: 353). Here it should be noted that he offers a view that incorporates agency in that the strategic conduct of actors acts to generate changes in institutions and policies. However Kerr does not offer an intentionalist analysis rather he adopts the dialectical approach to structure and agency we have argued for already, and insights from critical realism. He argues that ideational contestations occur:

> "within institutional, contextual and discursive environments which are the products of past struggles and ideas; the embedded-ness of which impose a selective bias in favour of some over others" (Kerr 2002: 354).

The influence of Jessop (1990) and the notion of strategic selectivity can again be identified. For Kerr, adopting the critical evolutionary approach involves a focus on the constant interaction between agents and their context or environment. He argues that:

> "we must acknowledge that selection mechanisms work at both levels; whilst the institutional and discursive environment exerts selective pressures for particular types of political strategy, so agents continuously reflect upon their own strategic conduct thereby ordering and filtering their strategic objectives on order to negotiate environmental constraints" (Kerr 2002: 354).

Adopting this approach highlights the notion of path dependency. Kerr has been criticised by Kay (2003) and Curry (2003), however his critical evolutionary approach offers a multi-layered and dynamic approach for explaining the process of change and continuity over time. In particular it offers a view that focuses on the continual dialectical relationship between change and continuity. As such it overcomes the tendency to characterise British politics in terms of a binary opposition between periods of change and periods of continuity (Kerr and Kettell 2006). It is this approach that informs the explanation of the development of the British political system historically and Scottish Devolution that I undertake in Chapters Four to Seven.

Some Key issues in the conceptualisation of change

Chapters Four to Seven of this study offer a diachronic approach that examines the relationship between the BPT and Scottish Devolution. Through this I develop a complex picture of the process by which the Scottish Parliament became a reality and identify those causal mechanisms at work that promoted the change. In doing so I seek to raise three further issues concerning conceptualising change and continuity over time.

Firstly political explanations need to highlight the temporal. Given that: "a study of human affairs in movement is certainly more fruitful because more realistic, than any attempt to study them in an imaginary condition of rest the importance of the temporal" (Toynbee cited in Sztompka 1993: 9-10) we should undoubtedly consider the need for temporality. Intentionalist analyses see issues concerning the temporal as "merely the unfolding of preferences instantiated in action" (Hay 1997: 13). Contra this, a more persuasive view of the issue of temporality is offered by critical realism. For example, Archer (1995: 64) argues "it is only through analysing the processes by which structure and agency shape and re-shape one another over time that we can account for variable social outcomes at different times".

By addressing the issue of temporality, political analysts will necessarily have to consider the pace at which change occurs and the resulting nature or shape of that change. Historically we could suggest that political analysts have appealed to revolutionary or 'evolutionary' conceptions of change. The British political system has traditionally been seen as exhibiting great amounts of continuity over time and this has been explained by mainstream political science, as we have seen, through the Whig interpretation of history and its rather loose allusions to the concept of evolution. However a more sophisticated view of change and continuity over time can be advanced if we adopt a critical realist approach and see the relationship between them as dialectical (Marsh 2007). To do this I take insights from the both Hay (1996) and Kerr (2001; 2002; 2003). From Hay, I draw on the "idea of punctuating moments of crisis" (Hay 2002: 163) when change occurs at a macro level and is dramatic. From Kerr, I draw the notion that we should consider the cumulative process of continuity and change at a macro and micro level in between points of crisis and major change.

Addressing change and continuity also focuses attention on causality. In this we need to identify causal mechanisms promoting or negating change. Here I suggest that notions such as crisis, perceived failure, contradiction and conflict are essential in any explanation of the process of continuity and change over time. In particular like Kerr (2001; 2002; 2003) I emphasise the importance of conflict in promoting change and continuity over time. The continual process of conflict between both ideas and interests in British politics is of central significance when attempting to explain change and continuity. This necessitates consideration of the relationship between both ideas and interests and the material aspects of British society. I would also suggest that we should identify scales of conflict in ideational terms, that is to say we should consider ideational conflict both at the macro and micro level.

Furthermore political analysis should focus on explaining the direction of change. As Kerr (2002) and Kerr and Kettell (2006) note change and continuity are all too often seen as uni-linear. In particular the Whig interpretation of history and the WM narrative offered a view of change that is "relatively static and incremental, uni-linear tradition" (Kerr and Kettell 2006: 19). Contra this, Kerr (2001; 2002; 2003) offers a multi-directional view of the process of change and continuity over time. It does this by focussing on the process by which change and adaptation develop at both macro and micro level. As Kerr (2002: 334) suggests one of the main mechanisms we can use comes by "directing our attention to what is not likely to occur", alongside what is likely to occur. This allows us to develop to comment fully on both the temporality of change and crucially, on any path dependency. It is through the latter in particular that we can highlight continuities with the past in ideas, in institutions, and in practices.

Finally political analysts concerned with change and continuity must consider outcomes. Here we encounter the notion of intended and unintended consequences. From its approach to various meta-theoretical issues critical realism opens up the possibility of seeing certain outcomes as the intended consequences of agents input and crucially the possibility that some outcomes, constrained or enabled by the context, were not intentional. Such a view itself is informed by the notion of strategic selectivity developed by Jessop (1990). He states:

> "strategic selectivity refers to the structurally mediated bias which means that particular forms of state privilege some strategies over other, some time horizons over others, some coalition possibilities over others. A given type of state, a given state form, a given form of regime will be more accessible to some forces than others according to the strategies they adopt to gain power. And it will be more suited to the pursuit of some types of economic and political strategy than others because of the mode of intervention and resources which characterise that system" (Jessop 1990: 209).

If we adopt this approach then we can see that agents will develop strategies within this strategically selective context. However agents will not have perfect knowledge of their context. Rather they will have ideas, amongst them, traditions, concerning their environment which informs the strategies they adopt. However given the selective bias of that context and the imperfection of knowledge outcomes will not always be what was intended by agents. It should again be noted here that these unintended consequences themselves may become very important as factors promoting further change in the future (Kerr 2002; Marsh and Hall 2007).

Analysing the BPT and Scottish Devolution offers the opportunity to test the approach detailed above. Approaching the tenth anniversary of devolution seems a more than appropriate time to consider how devolution has developed since 1998. Bogdanor (2003) suggests: "new institutions and organisational structures take at least ten years, and perhaps longer, to establish their own distinctive patterns" (Bogdanor 2003: 224). Thus for Bogdanor, only now can we effectively begin to assess the actuality of devolution in Scotland. Indeed political analysts steeped in the Whig interpretation of British politics have often made such arguments[259].

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[259] Such a suggestion can be traced back to that key narrator of the BPT, Walter Bagehot. In the second edition of the Whig classic, '*The English Constitution*' (1872), he suggested that: "a new constitution does not produce its full effect as long as all its subjects were reared under an old constitution, as long as its statesmen were trained by that old constitution. It is not really tested till it comes to be worked by statesmen and among a people neither of whom are guided by a different experience". In this view

Contra this, my approach suggests that if change and continuity are interactive and iterative then continual analysis of institutions and processes is required in order to explain and evaluate their past, current and potential future state. In the specific case of devolution, assessing the Scottish Parliament to date is essential for the following reason. If Scottish Devolution was the product of strategically selective environment in which the BPT was challenged by competing political traditions, then to test such a hypothesis I must necessarily focus post 1998 in order to see whether the influence of that dominant tradition or even mere residual traces of it, can be found in the institutions, practices and attitudes that have developed in Scotland since 1998. Thus contra Bogdanor (2003) the argument for providing a detailed assessment of devolution in practice and judgements thereof could be made from the moment it became reality as evidence of the path dependent imprint of the BPT is sought.

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some time, maybe even more than 10 years needs to pass before an effective assessment of the workings and effects of that constitution. However this view is flawed in two ways.

Firstly, no account is taken of the path dependent nature of change. If the original statesman drafting the constitution were themselves reared under the old constitution, then they would be influenced by it and their experiences. The old constitution, its ideas, structures and practices would inform how actors drew up the new constitution and thus impact upon the outcome. That is not to say that actors would simply replicate the old constitution as the impetus for constitutional reform would tend to derive from perceived failings of the old system and the impact of contingent events. However pre-existing ideas, institutions and practices would have a strategically selective impact. Nor would the new system be a facsimile of the old one given the potential for unintended consequences of change. Thus there would not be a moment when a generation of actors emerged who were completely free of the residual influence of the past. Bagehot's suggestion that politicians with a wholly different experience will emerge and that this would be an appropriate time to study new constitutional arrangements is thus misguided because the path dependent nature of change ensures that such a moment can never arise.

Secondly the BPT fits neatly with the interests of politicians and civil servants alike, and dominant economic groups. Even when confronted with the inexorable demand for or need for change, these groups will seek to adopt changes that privilege pre-existing structures, processes and attitudes either consciously or subconsciously to minimise the extent of change and preserve their dominance. Thus a degree of continuity with the past is identifiable.

Appendix 3
Economic interests and Political Traditions

Chapter Three raises the possibility of considering the relationship between political traditions and economic interests in the UK. Or to put it another way we should consider whether there is a material dimension to both the BPT and competing political traditions. In particular, Marsh and Hall (2007) suggest that the dominant political tradition is linked to the ideas and interests of dominant economic groups. Furthermore the argument is that the institutions and processes of British government privilege these groups and their interests.

Discussing the relationship between the political system and the socio-economic elite raises two central debates within socio-political analysis. Firstly we encounter debates concerning the relationship between socio-economic position and political power (Dunleavy and O'Leary 1987: Scott 2001)[260]. Secondly, we encounter discussions concerning 'the death of class' (Paluski and Waters 1996; Cannadine 2000).

The extent to which the capitalist state is run by and for dominant economic groups is one that has concerned political analysts of all persuasions throughout the post war period. In particular, 'left leaning' political analysts have asked how far is it possible to see the political elite as directly linked to the socio-economic elite. This question formed a key component of the famous Miliband-Poulanztas debate in the 1970s[261]. The views Miliband (1973)[262] and Poulantzas (1978) are well known and do not require detailed explanation here.

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[260] Marsh (2002a) discusses the relationship between economics and power in the capitalist system. He offers a more convincing explanation than the pluralism of mainstream analyses of British politics and suggests the idea that socio-economic factors enable and constrain agents through affording key resources unequally. They do not however determine it.

[261] For discussion of this debate see P Dunleavy and B O'Leary, Theories of the State (1987) and C Hay, Marxism and the State (1999c).

[262] Miliband (1973) argued that the British political elite was largely drawn from the socio-economic elite, that is to say, the capitalist class[262]. His contention was that there was direct control and interference by members of the ruling elite in the running of the capitalist state. They further entrenched their dominance through socializing those non-elite members of the state into the dominant

Miliband's view was criticised by Poulantzas (1973) for being instrumentalist, agency centric and for lacking empirical proof[263]. Poulantzas then developed the idea of 'relative autonomy'[264]. This view has itself, not been free from criticism, as Marsh (2002b) demonstrates[265]. However the notion that the state in capitalist society requires a degree of autonomy from the interests of capital can be a helpful one as I argued in Chapter Three.

Miliband (2004: 77) argued for consideration of "the character of (the state's) leading personnel, the pressures exercised by the dominant economic class and the structural constraints imposed by the mode of production". In doing so he sought to accommodate consideration of the personnel of the state alongside the idea of 'relative autonomy' for the capitalist state.

Similarly Scott (1991) takes account of Poulanztas when he suggests that in certain circumstances, for instance economic crisis, a government may develop policies that allow for the long term continuation of capitalism, contra the immediate interests of the capitalist class. He draws insights from Miliband, Poulanztas and Gramsci (1971) to consider *Who Rules Britain?* (1991). His work informs the discussion below.

Scott argues that there is a clear linkage between the political elite and the socio-economic elite based upon similarity of background and a series of networks which bind these groups together. He is however rightly wary of understating the political divisions and conflicts within classes. Scott uses the idea of power blocs or "alignments of social groups, generally under the dominance of one of them, which is able to monopolize the levers of political powering society over a sustained period (Scott 1991: 33). Furthermore, he argues that:

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values and ideas of the elite and manipulating the views of the populace so that they would support pro capitalist policies. Miliband is seen as having offered an instrumentalist view of the state in capitalist society (Dunleavy and O'Leary 1987; Hay 1999c) where the state acts as an instrument of the capitalist class.

[263] See for example the coverage in Dearlove and Saunders (2000).

[264] 'Relative Autonomy' offers a view in which the capitalist state seeks to regulate class conflict and perpetuate the capitalist system over time. To do so it requires a degree of 'relative autonomy' from the instrumental control of the capitalist class. Consequently rather than focusing on the personnel of the state, we should consider the state as a structurally selective environment predisposed to forward the interests of capital in general.

[265] Marsh (2002b: 161-162) whilst recognising the importance of Poulantzas's approach identifies four key criticisms of it: (i) There is no explanation of how the state knows what is in the best interests of capitalism (ii) the argument is still economistic and deterministic (iii) the argument privileges social class over other forms of structured inequality found in capitalist society such as gender and ethnicity (iv) the view fails to give an independent role to ideas and is thus essentially, materialist. We should also note that given his structuralism, Poulanztas views any policy that does not benefit the capitalist class directly as a mere concession to the workers. This does not attribute any power or influence to influence outcomes to the working class. Thus he negates agency.

"a ruling class exists where there is both political domination and political rule by a capitalist class. This requires that there be a power bloc dominated by the capitalist class, a power elite recruited from this power bloc, and in which the capitalist is disproportionately represented, and that there are mechanisms which ensure that the state operates in the interests of the capitalist class and the reproduction of capital".

He suggests that although the dominant class has changed somewhat in its social composition, it remains an exclusive group. This occurs through various strategies of class reproduction or social closure[266] which allow for the reproduction of class dominance over time. He (1991: 151) concludes that:

"Britain is ruled by a capitalist class whose economic dominance is sustained by the operations of the state and whose members are disproportionately represented in the power elite which rules the state apparatus".

In the early 19th century, the landed and commercial classes were the key elements in the power bloc that wielded political power. In the latter part of the 19th century powerful industrialists were incorporated into a new power bloc that was comprised of urban manufacturing, alongside landed and commercial capital. In the latter part of the twentieth century the UK witnessed the relative decline of manufacturing and the rise in power of 'the finance fraction' of the capitalist class (Coates 1984: 117). Relatedly some authors have pointed to the interwoven nature of the City of London, the Bank of England and the Treasury (Coates 1984; Ingham 1984) and the existence of 'the Treasury view' (Kerr 2001). Through his focus on the mechanisms that allow for the reproduction of patterns of dominance, in particular through the education system, Scott helps draw out the relationship between socio-economic inequality and political power in the UK. I will return to this shortly.

The notion of a power bloc within UK society unites the socio-economic and political elites referred to in Chapter Three. Scott (1991; 1997) argues that the process by which power blocs are constituted over time is a dynamic one and one whose membership has developed over time. In contemporary UK society Scott suggests that it includes the major landowners and industrialists, commercial capital and merchants who are centred around a power elite, often

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[266] These include inter-marriage and kinship connections; interconnected economic interests such as interconnected company directorships where individuals are directors of more than one company; exclusive educational background via attendance of certain public schools and universities; cross sphere contacts and linkages where individuals occupy various elite positions, for example MPs who are also company directors, former government ministers and civil servants who join the boards of private sector companies after they leave Whitehall, and business personnel who get appointed to Quangos.

referred to as the establishment (Scott 1991) in which the interests of the socio-economic elite are of paramount concern.

Power blocs will always face demands and challenges. This conflict and contestation could and does take the formal of ideational dispute. In order to maintain their dominance, these groups will have to offer concessions and create agreement from subordinate groups. This again points towards issues concerning conflict and change and continuity, suggesting that the process by which dominance is maintained is indeed a dynamic one and one that involves attempts to win support from subordinate groups (Gramsci 1971). Numerous social and political institutions and strategies might be employed by those within the power bloc to maintain their overall dominance and the centrality of their interests. Here I would point to the gradual extension of the franchise during the 19th and early 20th centuries, as the accommodation of concessions albeit on the elitist terms and at a timing of the socio-economic and political elites. The development of a political tradition that emphasizes British-ness and British exceptionalism might also be seen in this regard, through the invention of tradition (Hobsbawm 1983a; Miliband 1991). Consequently I argue the BPT was intrinsically linked to the desire of the socio-economic and political elites desire to maintain their dominance.

Furthermore another important contribution to this debate can be seen through the work of Jessop (1990) and his concept of strategic selectivity. He builds upon the notion of 'relative autonomy' offered by Poulanztas, but replaces the notion of structural selectivity, with the more persuasive notion of strategic selectivity. For Jessop, the state is inscribed with the outcomes of previous struggles between social forces, including social groupings. Contra Poulanztas, Jessop develops a dialectical approach to structure and agency as we have seen, because he offers the notion of strategy which clearly suggests that agents calculate their responses and develop strategies within the context of pre-existing structures. In this process, the structures and the overall aims of the state "are more open to some types of political strategy than others" (Jessop 1990: 260). These strategies then influence the future form of structures in an interactive and iterative process. Nor does Jessop privilege class, but rather allows for other forms of structured inequality such as gender, ethnicity and knowledge which are to be found inscribed in the state and which crucially, help to shape outcomes. The state is a strategically selective environment and we should also consider how and why some strategies are more likely to succeed than others. This necessarily brings us back to considering the relationship between ideas (and the actors who hold them) and the material interests in society. Consequently the position of dominant socio-economic interests within

the political system remains of central concern to those adopting Jessop's approach, as does the relationship between these groups.

Historically the British political system was dominated by those from a socially exclusive background (Garrard 2002). In this sense the personnel of the British political system were drawn from a socio-economic elite comprised initially of the Aristocracy and the commercial middle class, and then, in the 19th and 20th centuries from a power bloc that included these groups and the industrial middle class. The political elite, was then drawn from these groups through various networks including common social circles, attendance of certain educational establishments and membership of certain organizations and clubs. My argument then is that the ideas that shaped that political system, the BPT, were ideas that derived from and supportive to these groups. As such they were a reflection of the structural inequality in British society in terms of wealth, knowledge and power. In particular the BPT reflected the concerns of the socio-economic and political elites in the face of the major social upheavals of the late 18th and 19th centuries and their desire to retain, as best as was possible their dominant position in UK society. In turn the BPT came to narrate and reinforce the structured inequality of UK society, portraying it and elitism as both natural and desirable. Political institutions and processes developed that reflected these ideas and they came to be the context through which dominant and competing ideas were experienced and viewed.

Given my desire to explain change and continuity over time, I should briefly consider the extent to which structured inequality is still evident in UK society. If the BPT still dominates the UK political system, then we might properly ask to what extent the material interests and relationships historically associated with it can still be detected. On this I draw on the analysis offered by Marsh (2002a; 2008).

We also encounter the 'death of class' thesis (Paluski and Waters 1996). Whilst changes in the class structure in the UK are undoubtedly evident, my argument follows that of Roberts (2001) and the view that class still remains a key factor in shaping the lifestyles, opportunities and attitudes of people in the UK. Alongside other key social divisions, primarily gender and ethnicity, it can be suggested that UK society is characterized by structured inequality in terms of class. It should be noted here that the notion of structured inequality does not privilege class. Rather it seeks to identify patterns of inequality in society and how they are replicated and reinforced over time. From this, the argument proceeds that structured inequality continues to lead to inequalities of political resources which continue to privilege the ideas and interests of dominant socio-economic groups. It can also be suggested

that through various media the socio-economic and political elites are linked, not the least of which, is their faith in the BPT itself.

Marsh (2002a; 2008) demonstrates how structured inequality is a hallmark feature of British society at the end of the twentieth century. He suggests that in British society there is:

> "a persistent structural inequality that is reflected in access to money, knowledge and power; and these are the key resources used in the struggle for political influence" (Marsh 2002a: 29).

On this the persistent and in fact growing gap between the wealthiest and poorest sections of UK society in recent years (Westergaard 1995; Marsh 2002a 27-28) should be noted. Scott (1991: 10) argues that: "occupants of all capitalist locations are able to secure advantaged opportunities and life chances for themselves and for their families and they are able to live a life of privilege". Through a series of networks those with wealth, knowledge and power are able to advantage themselves and their life chances. Discussing the socio-economic elites, Crompton (2000: 198) argues that similarities of background, club membership and political affiliation sustain a situation where "the upper class in capitalist societies does manifest all the signs of being conscious of its material interests and capable of protecting them". In particular Marsh (2002; 2008) highlights the extent to which the political elites are overwhelmingly white males who are middle class or above, if not by birth then by education. Consequently I argue that the membership of the political elite is itself a reflection of the structural inequalities found in capitalist society in the UK[267].

Marsh (2002a; 2008) also suggests this view can be extended to other members of the political elite in the UK, most notably politicians at Westminster (see Table 2.3, ibid 30). Marsh highlights the extent to which British cabinets between 1970 and 1997 have been dominated by those from a middle class background or above, and by those who received a university education. In particular we should note the disproportionate influence of the middle

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[267] For example, Marsh and Hall (2007) point to the civil service and the extent to which its composition highlights an elitist social background. A similar point is in fact accepted by Bevir and Rhodes. Discussing the Northcote-Trevelyan Reforms of 1854, Bevir and Rhodes (2003: 163) concede that the reforms "sought not only to preserve the privileges of the gentry, but also to forge a link between the higher civil service and the humanities provided by Oxford". Their examination of the background of Permanent Secretaries between 1970 and 1998 (ibid: 171) highlights the narrow class and educational backgrounds of the occupants of these positions as well as highlighting the fact that in this period there were only five female permanent secretaries and no ethnic minority ones. We should also note here the length of service of these individuals as Bevir and Rhodes do. The average length of service for these individuals was twenty five to thirty years. Given this, it is likely that permanent secretaries will develop attitudes informed by the arrangements and institutional culture they find before them and these, are inscribed with the BPT.

classes and when the Conservatives are in power, the Aristocracy. Two observations can be made here. Firstly Pattie et al (2004) clearly demonstrate how those of higher socio-economic status are more politically knowledgeable (table 3.7), more interested in and likely to discuss politics (tables 3.1 & 3.9) and crucially, more satisfied with British democracy (table 2.17) generally. Thus they are more likely to be politically active (table 3.4) and to enter politics. Secondly we should also note the disproportional representation of those who have attended Oxbridge amongst UK politicians, which Marsh correctly identifies as an elitist educational background.

The current composition of the Westminster Parliament highlights a similar trend. For example of the 646 MPs, there are 126 females and 520 males. Women are significantly underrepresented in the Lords, Holyrood, Stormont and amongst the UK members of the European Parliament (Marsh 2008: 262). There are currently only 15 MPs from an ethnic minority background. In the Lords the figure is only four per cent, with the appointments procedure based upon 'the great and the good' criteria clearly acting as an impediment in a society where structured inequality creates both a glass ceiling for women and ethnic minorities. Similar trends for the under representation of women and ethnic minorities can be detected if we look at membership of quango's and local councils. One notable figure for the present discussion is that in 2005 women made up just 28 percent of the senior civil service.

On the educational background of MPs a disproportionate representation of those who come from an environment of wealth, knowledge and power can be identified. The Sutton Trust reported in December 2005 that almost 32% of MPs had attended an Independent school, whilst only 7% of the population was educated in this way and a further 25% had attended state grammar schools which were academically selective. This research is supported by House of Commons research (SN 1528: 2005). Only 42% of MPs had attended a comprehensive school even though such schools account for the education of the majority of the UK's youngsters. 72% of MPs had attended university as compared to 34% for the population as whole, with 43% of those having attended one of the leading 13 universities[268] and 27% having attended Oxbridge.

House of Commons research from 2005 suggests that in terms of previous occupation the main groups represented amongst the current crop of MPs are professional occupations and business. The research also notes the increase in the number of MPs coming from the

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[268] The Sutton Trust Report (December 2005) suggests these universities were the top ranked institutions in a range of publications including the Times and the FT. These are known as the Sutton 13.

politician/political organizer category (House of Commons SN 1528: 2005). On the basis of the evidence it can be concluded that the majority of politicians are drawn from a socially exclusive background in which wealth, knowledge and power are the key resources and these are more likely to be available to those who have attended certain educational institutions and/or entered certain occupations. This trend is accentuated when senior government positions are assessed.

Focussing on the socio-economic elites we find a largely similar educational background. Only 7% on UK children attend independent schools. Of the 'top' public schools the average live in fee is c. £25,000 per annum. It hardly needs saying that with schooling fees often higher than the national average income, independent schooling is open primarily to those with wealth and other key resources such as knowledge[269]. Turning to elite universities, research shows that whilst the percentage of those attending 'elite universities'[270] from state schools has increased since 1997, there remains a large degree of disproportionality of representation between fee paying and state schools. For example, 45% of those attending Oxford in 2002-03 had attended a fee paying school. At Cambridge the figure was 42%[271]. The Sutton Trust (2005b) notes the extent to which UK Judges and Barristers have also attended independent schools and/or Oxbridge, with in 2004 84% of Barristers and 81% of Judges having attended Oxbridge. Recent research has also highlighted the extent to which leading journalists can also be seen to have a similar educational background (Sutton Trust 2006) which over half of the UK's leading journalists having attended a fee paying school with 37% having attended the University of Oxford. Therefore the conclusion here is a simple one. There is a persistent pattern of structured inequality in relation to class, gender and ethnicity in UK society. In this socio-economic elites, due to their advantages in terms of wealth, knowledge and power are able to access educational institutions in far greater proportions. This in turn leads them to have greater life chances and sees them occupy key positions in UK society in far greater numbers.

Scott (1992) suggests that the socio-economic elites are bound together through networks "which stem from family and education. Such contacts are maintained largely in an informal

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[269] Informal networks and connections networks are integral to the recruitment from wealthier individuals who have themselves not attended either fee paying schools or elite universities. Amongst this a perception of the superiority of these establishments and a recognition of the impact they have on life chances leads to a pattern of self recruitment and closure amongst socio-economic elites.

[270] As earlier I use the Sutton 13 criteria here.

[271] We should also note that the term 'state school' employed in much of the analysis of this issue offers a broad and unsatisfactory categorization which homogenizes the array of different types of state school. A welcome addition to research of patterns of structured inequality and its replication via the education system would be a disaggregated approach to the term 'state school' as a staring point for analysis.

manner by membership of London clubs, by the social round of dinners and parties as well as more formally, in business meetings and at official events. The contacts which constitute this informal network of social relationships are important in the determination of the life chances of those who go through the public school and Oxbridge system. Their contacts both facilitate their careers and them to have more influence in the posts where they eventually land". The suggestion here is therefore that the networks and relationships (Abercrombie and Warde 2002) that bound the socio-economic and political elite to each other in the past, continue to operate today. Through kinship relations, marriage, financial and business relationships and common background, particularly education we can highlight two points. Firstly, the extent to which the socio-economic elite remains a socially exclusive group which has privileged access to key resources in capitalist society and greater opportunities generally[272] can be highlighted.

Secondly, the political elite is largely drawn from and connected to the socio-economic elites through educational and social networks rooted in the structured inequality of UK society. One point bears repetition here. Focusing on the networks that give rise to a high degree of self recruitment and social closure does not deny the notion of 'relative autonomy' because these elite groups accept the logic of the BPT and the idea that 'the government knows best'. Nor does it mean that their interests are inevitably favoured in policy outcomes. However as Marsh (2008) demonstrates this is more likely than not to be the case.

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[272] Whilst we could undoubtedly find examples of current members of the socio-economic elite who have not been socialised via these networks however as Abercrombie and Warde (2002) suggest commonality of outlook and frequent contact as well as a similar material position will help to inculcate those initially outside of networks into them.

Appendix 4
Multi-Level Governance

The notion of Multi-Level Governance (MLG) is an increasing feature of discussions of territorial politics and governance in the UK (Gamble 2000; Hay 2002; Flinders 2006). Indeed some authors have suggested that: "governing Britain – and indeed any other advanced Western democratic state – has thus become a matter of multi-level governance" (Pierre and Stoker 2000: 29).

MLG means an increasingly complex governmental and policy process where authority is distributed both vertically and horizontally across a variety of institutions at a sub-national, national and supra national level. The distribution of power across and between institutions is a hallmark feature of this new concept. It should also be noted that of equal importance in this 'disaggregated state' are both state and non state actors such as the private sector, voluntary organisations and community groups. Clearly authors who adopt advocate the existence of multi-level governance point to the devolution process as prima efface evidence of the trend (see for example Pierre and Stoker 2000)

Although this is not the place to develop a sustained analysis of the concept, MLG is characterised by dramatically different features to the Westminster Model (WM)[273] and

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[273] Flinders (2006) highlights the three areas of distinction between the two concepts. Firstly, The WM was based upon the general principles centralisation, control, hierarchy and clear lines of accountability, whereas MLG emphasises dis-aggregation, heterarchy, steering and multiple lines of accountability. Secondly the WM emphasised the absolute and inviolable sovereignty of the Westminster parliament whereas MLG emphasises relative sovereignty. Finally, the internal dimensions of the UK state identified by both models are also different according to Flinders. Whilst the WM stressed parliamentary sovereignty, a unitary state and a strong centralised executive who governed directly, MLG sees a Quasi-Federal State where new working practices and skills such as inter-institutional bargaining in a segmented executive, delegated governance and fragmentation are hallmark features. As such the two models stand in stark contrast to one another and MLG provides a major challenge to the WM which has been the dominant narrative of the British political system.

therefore requires some critical consideration. I suggest that when applied to British politics MLG is problematic in three ways.

Firstly MLG is conceptually problematic. Pierre and Stoker (2000) admit that MLG is: "a slippery concept" (Pierre and Stoker 2000: 31). In their view discussion of MLG is frustrating because it focuses too much upon 'government' and inter-governmental relations when it should cast its net wider to assess relationships between actors at a wide range of levels[274]. It is correct to suggest that the eclectic and varied nature of academic discussion of governance and related notions such as MLG is often the first focus for supporters and critics alike. With no agreed definition of MLG or governance generally, those who use it will continue to have to contend with an initial focus on this lack of clarity.

Moreover those who use MLG tend to use it: "not just as a descriptive or analytical term to describe change but also as a normatively superior mode of allocating authority" (Bache and Flinders 2004: 195-196) to the WM. MLG is seen as both an accurate description of recent political developments and: "a good, superior and beneficial mode of governance" (Flinders 2006: 132). Proponents of MLG see it as essentially superior to the WM[275]. Here we might ask on what other basis is this superiority of MLG grounded? Advocates of MLG offer no critique of the WM beyond the fact that it does not explain the complexity of relations today. In a sense they are guilty of not explaining their position fully. Flinders (2006) suggests MLG could be: "interpreted as limiting the power of British Government; creating new avenues for participation and popular control, which resonates with the Liberal view"[276]. However it is not evident that the advocates of MLG do so because of its potentially Liberal connotations. Rather we are left with an unanswered question as to whether it is merely its alleged heuristic value or some deeper normative point or both, that drives the advocates of MLG.

Proponents of MLG also ignore the ideational framework within which recent constitutional changes have developed. They do not explore the ideational underpinnings of the British political system, that is to say its political tradition(s). However these are of paramount importance to any discussion of the nature of the British political system. By considering the

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[274] The latter point is not hugely problematic if it is married to an appreciation of the hierarchy, asymmetrical power relations and structured inequalities that exist in UK society (Marsh, Richards and Smith 2001; 2003; Marsh 2008). However advocates of MLG would see this as detracting and distracting from the central argument of the 'governance thesis'; that is, the development of "a new process of governing; or a changed condition of ordered rule; or the new method by which society is governed" (Rhodes 1996: 652-3).

[275] It should again be noted that the WM never accurately described the British political system.

[276] Contra this I argue that a dominant political tradition steeped in doctrines of elitism and the 'government knows best' would be unlikely to deliver these anyway.

traditions that influence institutions, structures, actors and their attitudes, the ideational can be included and more persuasive explanations of outcomes and importantly, change and continuity can be developed[277], a point I will return to shortly.

Finally MLG fails to offer a convincing explanation of change and continuity. Analysts of Labour's Constitutional Reforms (see for example Oliver 2003; Johnson 2004; Flinders 2006) agree that, to a lesser or greater extent, change has occurred since 1997. However MLG focuses almost exclusively on change and ignores or fails to account for the substantial continuities that exist in the British political system.

Furthermore, on the issue of causation MLG offers an unsatisfactory account. This can be demonstrated in relation to Pierre and Stoker's (2000) account of the development of devolution. It is not clear from their brief account why key contingent events such as the Poll Tax or the attitude of the Conservative governments' post 1979 are omitted whilst the rise of nationalism and the SCC are not. In the case of the latter, the SCC was, as I demonstrated in Chapter Four, formed as the Poll Tax issue raged and it was this contingent event, more than any other that seemed to crystallise the need for change in the minds of Scots from across the party's and civil society more broadly. Given its undoubted significance to the formation and conduct of the SCC, it seems odd that it doesn't warrant inclusion.

Advocates of MLG argue that given the complexity of forces driving the process of MLG that future outcomes will necessarily be uneven and unpredictable. Undoubtedly there is the possibility for unintended outcomes born out of the dynamics of the process of change and continuity. However a degree of path dependency will also be evident in a strategically selective environment. That is not to say that further changes are not possible or likely. Rather it suggests that changes must be situated alongside continuities. It also suggests that we may be able to postulate possible future developments or directions.

The second major problem with MLG concerns its dismissal of the WM. The suggestion is that the WM is being replaced by: "the idea of a multi-level polity, which stresses the variety of institutions and processes through which societies are governed, so talks of governance, rather than government" (Gamble 2000: 290).

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[277] That is not to say that we should lose sight of the material. As I argued in Chapter Two the material-ideational relationship should be seen as dialectical (Marsh and Hall 2006). It is on this point that the approach of Marsh and Hall (2007) and Marsh (2008) has advantages over Bevir and Rhodes (2003; 2006).

The UK state does now has policy making apparatus at the regional (devolved assemblies), national (Westminster) and supranational (the EU) levels. As such some of the sovereignty of Westminster, the hallmark feature of the Diceyian view of the British constitution has been dispersed vertically. This has witnessed the transfer of a wide range of competencies and functions from Westminster and Whitehall to other institutions. However as Gamble (2000: 291) notes that in the multi-level polity:

> "the UK government is still the key source of legitimacy and authoritative decision making. It decides which powers and competencies to share with other bodies or transfer to them".

Thus asymmetries of power and hierarchy remain. Indeed as Marsh, Richards and Smith (2003: 332) argue there is "a predominantly asymmetric imbalance in most exchange relationships in British politics".

Furthermore proponents of MLG should also be wary of creating a simplistic dualism between their perspective and the WM. The dominance of the WM narrative[278] can and should be questioned. However the changes of recent years are not as: "sharp or simple" (Flinders 2006: 135) as they appear. The increasing complexity of governmental relations in the UK in recent years and the trend towards divergent public policy in key areas such as higher education is clear. However increasing complexity does not in itself mean a fundamental transformation in the British political system has occurred. It is for this reason that a more detailed analysis of each constitutional reform is required. As Gamble (2000) argues: "the extent of change should not be exaggerated, nor its unity. The changes have different logics…(and)…they operate at different speeds" (Gamble 2000: 290).

Nor does identifying the failings of the WM narrative alone mean that MLG has become a reality. It merely suggests the need to develop new and more sophisticated perspectives to explain both the differing fates of Labour's constitutional reforms and their impact (Marsh and Hall 2007) and the nature of the British political system more broadly. The WM narrative never accurately described the British political system. Nor did the unitary state capture the full flavour of territorial relations (Mitchell 2002). Consequently to suggest that there has been a shift from it to MLG is to somewhat misconceive the nature of territorial relations prior to devolution[279].

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[278] In this study I have argued that the WM is best viewed as a narrative (albeit an inaccurate one) of the British political system, that essentially proffered a self image of British political life. For more on this see Hall (2008a).
[279]Pre 1998 these involved assimilation and a degree of autonomy. They encompassed asymmetrical power relations through which the centre was able to dominate the periphery in most but not all

Furthermore MLG is but one interpretation of the reform process that has been offered (Flinders 2006). A diverse range of authors from varied methodological and normative perspectives[280] have found that: "New Labour has taken great care to implement its constitutional reforms, however precariously, within the traditional Westminster Model of British Government" (Flinders 2006: 133).

In Chapters Three to Seven I argued that the WM narrative still required consideration in analyses of contemporary British politics. The significance of the WM narrative for territorial relations lay in two inter-related points. Firstly the institutions and processes associated with the WM were underpinned by an elitist conception of democracy that reflected and supported structured inequalities and asymmetrical power relations in UK society. This dominant political tradition allowed for the replication of patterns of dominance over time, including the overall dominance of the centre over the periphery. Concessions were made to Scottish distinctiveness from the outset. However these nods to Scottish social and cultural autonomy were only made when they did not fundamentally threaten the broader project of Britain and the dominance of the centre.

Secondly the WM narrative was important because actors believed in that description and the efficacy of the institutions and processes it described. Thus the importance of the WM narrative lies in relation to how actors understand the British political system. The model and the political tradition that underpins it influenced how actors viewed the options for reform when the Scotland's traditional constitutional position came to be increasingly contested from the 1970s onwards. The ideas, institutions and practices of the British political system imposed a discursive selectivity (Kerr 2002) on how options for constitutional reform were viewed. Devolution was a product of this process. MLG fails to account for actors continued belief in the WM narrative and the BPT.

The third major problem of MLG is that it fails to capture the full flavour of Scottish Devolution. On this issue the idea of MLG is referenced by the transfer of a range of

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contexts and circumstances. The apogee of this can be seen under the Thatcher governments in the 1980s. Even in areas where Scottish distinctiveness was recognised autonomy was by no means total. Powerful constraints existed such as the Treasury or the limited time afforded to Scottish business at Westminster which placed Scottish autonomy with parameters established by the executive at centre. The executive, regardless of its political complexion, was convinced of the virtues of the BPT and its related institutions and processes.

[280] See the examples cited by Flinders (2006: 133) which include Norton quoted in Morrison (2001), Nairn (2000) and Flinders himself in various articles.

competencies over which the Scottish Parliament has primary legislative power, and its ability to administer its own public policy and vary taxes. Policy divergence in key areas such as education and health between Scotland and Westminster could also be used to highlight the existence of a multi-level polity. It is also linked to the idea that the devolution settlement would see the emergence of a 'new politics' in both Scotland and the UK. The use of a referendum in Scotland (and Wales) helped create a quasi-federal system (Bogdanor 2001; 2003) and thus negated, in real terms, the ability of the Westminster Parliament to remove the Scottish Parliament. Scottish Devolution has also created a need for Ministers at Whitehall and Edinburgh to co-ordinate policy, rather than it being simply directed from the centre[281].

The oft cited asymmetry of the various devolution settlements (Bogdanor 2001; 2003; Jeffrey 2006) is also seen as further evidence of the existence of MLG. In summary therefore Scottish Devolution is often seen as proving the existence of a shift to MLG. Or to put it another way British politics has changed dramatically in recent years and will to continue to do so.

However like most attractive propositions, on closer inspection things aren't quite that simple. Indeed image and reality are seldom the same. Firstly MLG fails to capture the process by which Scottish Devolution came into being. The realisation of the Scottish Parliament was a long run process whose origins can be traced back beyond the 1960s and 1970s and one that was spurred on by events and the responses of actors working within institutional and ideational parameters established by the BPT, as I demonstrated in Chapter Four.

MLG also ignores the ideational framework of British politics and how debates and discussions are framed by it. This is particularly true in the case of Scottish Devolution. To understand the rise of Scottish Nationalism or the actions of the SCC, consideration of the dominant ideas of British politics and their institutional expression is needed. For example, in the 1980s and 1990s the faith of the Conservatives in the BPT and the established institutions and processes of British government was a fundamental facet of both the process by which Scottish nationalism increased its support levels and in the formation of the SCC which contained a broad church of groups opposed to the Conservatives rule in Scotland.

Nor does MLG highlight the extent to which the devolution solution is framed within and consistent with the dominant political tradition. As I demonstrated in Chapters Five and Six

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[281] Lord Falconer, as Secretary of State for Constitutional Affairs noted as much in 2003, stating that: "devolution has, undeniably, made some decision making more complex….our new multi-layered state requires new skills which governments within federal or quasi federal structures have long had to master" (cited in Flinders 2006).

there was a great degree of continuity between the devolution proposals of the late 1970s and those developed by the SCC and subsequently adopted by Labour. We must surely account for this continuity if we are to explain the post 1998 practice of devolution. This can be done most persuasively through discussion of the BPT. The devolution proposals developed by the SCC and adopted by Labour, were largely identical to the ones offered over a decade before and as such largely consistent with the BPT. Again this brings us back to the central issue of change and continuity in politics. The suggestion that: "the British polity has changed not only in the way that it does business but in its institutional structures" (Pierre and Stoker 2000: 39) ignores the substantial continuities with the past that can be identified in both senses.

Not only does MLG fail to fully capture how the UK political system functioned prior to devolution, it continues to ignore the complexity of territorial relations since 1998. MLG suggests that since 1997 the unitary state has been replaced by a quasi-federal state[282]. Whilst change is undeniable it derived from and occurred within parameters in which executive dominance form the centre was the norm. Evidence of this can be found in *The Scotland Act* (1998). I have also demonstrated how 'old habits die hard' in the post devolution settlement. Policy divergence is undoubtedly a reality and will continue to be so, but so to is the centre's proclivity for continuing to legislate for Scotland. *The Scotland Act* (1998) provided for this and despite Donald Dewar's belief that it would be rare for this power to be exercised, it has been extensively used. Central government undoubtedly continues to command a unique set of resources via vie the Scottish Executive and Parliament.

This has been, and remains the case in territorial relations. Amongst these unequal resources the range of reserved powers, Sewel Motions and above all, control of finance (Trench and Jarman 2007) should be recognised. Ultimately MLG does not account for the continued existence of asymmetrical power relations between the centre and the periphery. It offers a perspective that over-emphasises change and fails to recognise clear continuities with pre 1998 institutions and processes. Despite the changes encapsulated in the devolution process, the BPT remains of undoubted significance in shaping British politics. Change has occurred, driven by contestation of that tradition. However a Scottish Parliament operating within parameters established by the dominant tradition, an embryonic multi-party system and a few high profile examples of policy divergence fall some way short of the 'new politics' that MLG implies. As that well known harbinger of doom for the British State Tom Nairn (2000) states, "the mainframe has remained sacrosanct".

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[282]It should again be noted that the unitary state never really captured the flavour of UK territorial relations.

Rather than the UK having replaced its traditional mode of government with a multi-level polity, it is more persuasive to suggest as Flinders (2006: 135) does that: "the reality is far more sophisticated and dynamic due to the fact that an embryonic MLG structure is evolving within and against the parameters of the Westminster Model". The Labour party's continued reverence for the BPT and the institutions and processes associated with it, have led to this evolving framework of territorial relations.

Asymmetry was always part of territorial relations in the UK (Mitchell 2002; 0'Neill 2004; Jeffrey 2006). As such MLG is labouring under a false premise in the sense that the unitary state paradigm was always questionable anyway. Rather centre and periphery relations are better conceived of as involving a degree of assimilation and autonomy within parameters established by the BPT and widely understood through the WM narrative. A historically informed inspection of the post 1998 workings of devolution suggests pre 1998 trends have persisted and thus a rupture with the past has not, in fact, occurred.

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