

# Past the Point of no Return:

## Scotland, Brexit and Independence

Klaus Stolz

*In his article, Klaus Stolz (Chemnitz) focuses on the Scots' decision in the Brexit referendum on June 23, 2016. For him, the result is not only representative of the relationship between Scotland and Europe, but also of the relationship between Scotland and the rest of Great Britain. That most Scots want to stay in the EU and thus deviate from the majority of the British is what he regards as part of a bigger domestic political division. Klaus Stolz does not consider Brexit as a cause, but as a possible catalyst for the disintegration of Great Britain.*

### Independence Day

On 23 June 2016, the day Nigel Farage and his fellow Brexiteers hailed as Britain's "independence day", the Scottish electorate rejected Brexit by a margin of 62 to 48. Unlike a (small) majority of citizens in England and Wales – and in line with the majority in Northern Ireland – Scots did not see leaving the European Union (EU) as the remedy for their political disillusionment. Instead, most Scots

still see the EU as part of the solution rather than the problem. In this short essay I will claim that Scotland's dissenting referendum vote is a reflection of a much deeper political divergence that has occurred between Scotland and the rest of the UK (especially England) over the last decades – a divergence that has little to do with the EU and much to do with the domestic arena and Scottish grievances against British democracy. Yet Scottish deviation over Brexit is not only a reflection of this divergence. The Brexit decision has, in turn, further accelerated this process. Thus, in retrospect, 23 June 2016 may well go down in history as the final straw that brought about the long-predicted break-up of Britain (Nairn 1977), and thus as a precursor of Scotland's rather than Britain's independence day.

### Emerging Divergence

In the immediate post-war times Scottish politics (unlike Welsh politics) were much in line with English politics. Table 1 shows the

**Table 1: General Election 1955 Results: England vs Scotland (% of vote)**

Party	England	Scotland	Deviation
Conservatives	50.4	50.7	0.3
Labour	46.8	46.7	0.1
Liberals	2.6	1.9	0.7
Others	0.2	1.3	1.1
Sum	100	100	2.2
			2.2: 2 = <b>1.1</b>

results of the British general election of 1955 in England and Scotland with hardly any disparity in terms of party-political support. The first major change to this situation came in the 1970s with the SNP's "oil-fired" electoral breakthrough. The subsequent debates about Scotland's constitutional status (finally ending in the abortive devolution referendum of 1979) coincided with Britain's accession to the European Community. At that time Scottish nationalism was distinctly anti-European, portraying the European Community as an additional layer of central government that removed Scotland even further from self-government. In the first European referendum in 1975 Scotland thus

exhibited the lowest levels of support for EC membership of all British nations. So much for essentialist notions of an inextricable link between Europe and Scottishness.

### Accelerating Divergence

An even more profound deviation of Scotland from mainstream British, or rather from English, politics, and a reversal of its position towards Europe occurred during the years of Thatcherism. Thatcher's neo-liberal agenda, her de-industrialisation, her privatization and austerity policies ran against the grain of much of Scotland's fundamental



**Table 2: General Election 2019 Results: England vs Scotland (% of vote)**

Party	England	Scotland	Deviation
<b>Conservatives</b>	47.2	25.1	22.1
<b>Labour</b>	33.9	18.6	15.3
<b>LibDems</b>	12.4	9.5	2.9
<b>SNP</b>	0	45.0	45-0
<b>Others</b>	6.5	1.8	4.7
<b>Sum</b>	100	100	90
			90: 2 = <b>45</b>

norms and values. Furthermore, her state centralization and attacks on local government and trade unions were perceived in Scotland as “an attack on Scotland itself” (McCrone 1992: 172) and thus as an explicit revocation of the historic compromise between Scottish society and the British state. As a result, Scotland rejected Thatcherism repeatedly and unequivocally at the ballot box, leaving the governing Conservatives in 1987 with just 24 per cent of the Scottish vote and only 10 Scottish MPs. Experiencing a complete impotence of their voice within the British system of government, Scots increasingly questioned the constitutional set-up. Westminster came to be seen as anachronistic and undemocratic.

### **The Europeanisation of the Scottish Question**

This new constitutional debate in Scotland was closely linked to and largely framed by the process of European integration. In contrast to the 1970s, though, the Scottish self-government movement now perceived Europe and the EC/EU as a potential ally in their opposition to the centralist forces at Westminster and Whitehall. Devolutionists mainly subscribed

to the “Europe of the Regions” vision, hoping that the ongoing Europeanisation process would automatically and perhaps inadvertently lead to regionalization within member states and thus to the establishment of a Scottish Parliament. The SNP, while remaining separatist, also changed tack with regard to Europe. At their 1989 party conference, they adopted a new slogan: Independence in Europe. This policy U-turn was informed by the role other small nations like Ireland and Denmark were able to play as independent members states. Furthermore, by framing the European Community as a new external support framework for an independent Scotland, the envisaged break-up of the British Union could be portrayed as far less radical and dangerous. “Independence in Europe” disburdened the independence vision from its isolationist connotations.

### **Devolution: Attempted Rescue of the Union**

Scotland’s subsequent path away from mainstream British politics, though, remained largely determined by domestic developments. It was an electoral calculus and an attempt to save the increasingly fragile United Kingdom from Scottish nationalism

rather than any Europeanisation that inspired New Labour's devolution policy. However, instead of killing nationalism in Scotland "stone dead" as then-Shadow Secretary for Scotland, George Robertson, had rather optimistically predicted, the establishment of a Scottish Parliament in 1999 created a new institutional arena that provided ideal conditions for Scottish nationalism to thrive. And so it did! Despite having created this new arena, the Labour Party in Scotland never really came to terms with the challenges devolution generated for devolved party organization and strategy. Helped by the introduction of a proportional representation electoral system for the Scottish Parliament (and later also for local government in Scotland), the SNP grew from being Labour's main competitor into the party of government (2007) and later (in 2011) into the first single-party-majority government in Scotland.

### **The 2014 Independence Referendum: Averted Break-Up**

The latest milestone on Scotland's route to political emancipation ironically was the abortive Independence Referendum in 2014. Initiated by the SNP government, the referendum campaign mobilized Scottish society like no other political event before. A plethora of grassroots campaign groups emerged on the Yes side and succeeded in substantially moving public opinion in favour of independence (from roughly 30 per cent in 2013 to 45 per cent at the referendum). While this result meant that the battle for independence was lost for the time being, the real impact of this campaign was only to be seen in the following years, in which the



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SNP, despite losing the referendum, quadrupled its membership and further extended its electoral dominance in Scotland from the Scottish arena to Westminster elections.

### **The Brexit Referendum: Deviating Scots**

Thus, when during the Brexit referendum campaign in 2016, Brexiteers from the Conservatives and the Labour Party canvassed British citizens to "take back control" and to restore British sovereignty, their message found little resonance in Scotland, where political debates had long been decoupled from Westminster and trust in the British system of government had been eroded for decades. Instead, the Brexit referendum campaign in Scotland was framed by an already existent constitutional debate in which political disillusionment with

**Table 3: General Election 2019 Results: Scotland**

Party	%	Change	Seats	Change
<b>SNP</b>	45.0	+ 8.1	48	+ 13
<b>Conservatives</b>	25.1	- 3.5	6	- 7
<b>Labour</b>	18.6	- 8.5	1	- 6
<b>LibDems</b>	9.5	+ 2.7	4	0

the Westminster system had left Europe to become the arena in which to envisage Scottish self-government. This debate was dominated by the governing party, the SNP, whose leadership appeared unequivocally pro-European, despite accommodating a substantial number of Euro-sceptics in the rank and files of the party. Labour and especially the Conservatives under Ruth Davidson also presented themselves much more pro-European than their counterparts south of the border. Scottish deviation from the British Brexit majority was thus hardly a surprise.

**Y**et Brexit is not only a blatant manifestation of the deep divisions between Scotland and England. The British decision to leave the European Union against the explicitly stated will of Scotland erodes this relationship even further, heavily endangering the integrity of the United Kingdom. There are at least two aspects that clearly point in that direction.

### **Brexit: the Restoration of Unitary Britain**

**F**irst of all, and perhaps most importantly, Brexit has openly revealed and finally confirmed the fundamentally unitary character of the United Kingdom. Without any clear-cut constitutional rules of how to involve the constituent nations of the UK in high-politics decision-making, the default mechanism is

always: England rules (if only by population numbers). This was to be seen in Cameron's offhand rejection of any notion of a national veto to Brexit, an idea introduced by Nicola Sturgeon in the run-up to the referendum. It has since been corroborated by the Westminster insistence that only the overall UK result holds any value and the complete neglect of the British government to engage with the deviant results in Scotland and Northern Ireland. Detailed propositions by the Scottish Government for Scotland to remain inside the EU or at least inside the Single European Market, while the rest of Britain would leave, have never been taken seriously, while Scottish government ministers and officials have never had any meaningful influence on the British Brexit negotiations.

**W**estminster's absolute sovereignty has recently been formally attested in the legal battle about the upcoming transfer of legislative competencies from the EU after Brexit. According to Westminster's EU Withdrawal Act 2018, European competencies, including those falling into the category of devolved matters, were to return to the UK level rather than to the devolved parliaments. Thus, for the very first time, the devolution process entails a loss of regional competencies rather than a further increase. What's more, though, a

**Table 4: EC/EU Referendums in UK constituent nations (pro EC/EU vote in %)**

Nation	1975	2016	Change
England	68.7	46.6	- 22.1
Scotland	58.4	62.0	+ 3.6
Wales	64.8	47.5	- 17.3
Northern Ireland	52.1	55.8	+ 3.7

Scottish bill legislating to the contrary was scrapped by the Supreme Court. Despite the incorporation of the so-called Sewel Convention into section 28 (8) of the Scotland Act, stating that “Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament”, the UK Government opted to legally enforce Westminster’s formal superiority over the Scottish Parliament. The idea that the Sewel convention would constitute a political, if not a legal, entrenchment of the Scottish Parliament has thus proved ill-founded. In fact, when the Westminster Parliament finally passed its legislation to take Britain out of the EU in January 2020 all three devolved parliaments withheld their consent. The final decision to leave the EU was thus taken against the explicit vote of the democratically elected representatives of Wales, Northern Ireland and Scotland. This is a serious flaw in the Brexit process and one that might haunt the British state in years to come.

### **Scotland’s Response: IndyRef2**

The second aspect that endangers the integrity of the United Kingdom is the issue of a second Independence Referendum (IndyRef2) that has been looming over Scotland ever since the Brexit referendum. Already on the first morning after the ballot, the Scottish First

Minister, Nicola Sturgeon herself had declared that after this result a second referendum “must be on the table”. The moral mandate for such a move springs from an assertion that is difficult to refute, namely that Brexit constitutes “a significant and material change in the circumstances in which Scotland voted against independence in 2014”. At that time, one of the key arguments was that only by remaining inside the UK would Scotland be allowed to remain part of the European Union. Given that it is now the UK that is about to drag Scotland out of the EU against its will, those who want to declare this vote null and void seem to have a strong point.

And indeed, in the Scottish independence movement there is no question whether this second referendum will happen. The debate is only about the timing. An early demand for a transfer of power to hold such a referendum (a so-called section 30 order) by the Scottish Government was rebuffed by Theresa May (“now is not the time”). Since then SNP activists and non-SNP grassroots groups have become increasingly impatient, while Nicola Sturgeon and the SNP leadership steer a rather cautious and legalistic course.





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### **The UK General Election 2019: Increasing Divergence**

The UK General Election in December 2019 and the subsequent formal exit from the EU at the end of January 2020 have hardened the opposing constitutional positions. In Scotland, the GE 2019 brought a tremendous victory for the SNP. Winning 48 of 59 Scottish seats, their anti-Brexit, pro-IndyRef2 stance was overwhelmingly confirmed by the Scottish electorate. By contrast, the Scottish Tories, who had almost exclusively campaigned on an anti-IndyRef2 ticket, lost more than half of their MPs, completely inverting their English result. Yet the most devastating defeat was suffered by the Labour Party. The party that had dominated

Scottish politics for decades was reduced to a single Scottish MP. Soul searching in the Scottish Labour Party has already begun as high-profile politicians have called for a more flexible stance on the constitutional issue. However, in order to survive in this post-devolution climate, Labour in Scotland will have to reinvent itself as a Scottish party severing its ties from its London headquarters.

### **Constitutional Standoff**

At the UK level, Boris Johnson's landslide victory of December 2019 established a strong Conservative majority government that had no problems passing its Brexit bill through Parliament. While solving the immediate Brexit crisis of late 2019, the election result reinforced

the constitutional impasse in Scotland. After the election, it took Scottish First Minister Nicola Sturgeon only a couple of days to reiterate her formal request for a section 30 transfer of power (this time in an unlimited, open-ended form). The re-elected UK Prime Minister Boris Johnson, however, made it very clear that he did not see any mandate for such a demand. This standoff is likely to continue for some time.

In this long endgame, Nicola Sturgeon is following a rather cautious approach that is informed by the firm belief in a constitutional course of action along with the conviction that a second failure would foreclose the road to independence for the time being. Thus, she will not budge to grassroots demands for non-cooperation with the UK Government, civil disobedience or even a Catalan-style non-official referendum. As opinion polls have so far indicated only minor gains for the independence camp, her rationale seem to be quite clear: keep the radicals in her own camp in check and let Johnson do the damage. The longer Johnson denies the Scottish people its perceived right to self-determination, the more voters will be convinced of the need to break off ties with the rest of the UK. While this part of her strategy may very well bear fruit, the real danger comes from increasing internal fissures. Sturgeon will need all her political talent to keep her troops happy.

For Johnson, Scotland is basically a distraction from his Brexit course. While some commentators expect him to call Sturgeon's bluff, the stakes for such a high-risk strategy seem too high, even for a chancer like him.

Being the optimist he is, he might instead simply hope that the high tide of Scottish nationalism will soon be over. In this context, the future of the Anglo-Scottish Union depends very much on the next year, that is, on the time before the next election to the Scottish Parliament in May 2021. This is the time during which we will see what kind of future relationship with the EU Johnson is willing and able to negotiate. It is also the time in which we will see whether he uses his comfortable majority to further transfer Britain into the European hub of global casino capitalism, or whether he really honours his campaign pledges of public spending and economic and social regeneration. The former would not only cost him dearly in the North of England, where traditional Labour voters have only reluctantly lent him their vote, it would also prove to be extremely unpopular in Scotland.

### **Scottish Parliament Election 2021: Decision Time**

All this will be setting the stage for the Scottish Parliament elections in May 2021. The more the SNP can fight this crucial election on detrimental Brexit effects and on Scotland being exposed to a hostile right-wing British government, the more it might be able to once more escape the voter backlash that usually awaits a party that has been in government for so long. Yet another majority for the SNP (or even a combined majority for the independence parties: SNP and Greens) would make the status quo almost untenable. Pressure will mount on Nicola Sturgeon to adopt a more radical strategy, while Johnson will find it increasingly difficult to defend his principled rejection of a second



Scottish referendum.

At this time, it is, of course, impossible to forecast the result of such a referendum. This is especially so because there are two opposing dynamics at work. First of all, the Brexit process has once and for all shown Scotland its subordinate role in the UK and has thus aggravated grievances and anger. Add some Brexit-induced economic hardship to this formula and the referendum result seems to be foregone. However, the stakes are much higher now compared to the last independence referendum in 2014, as there is no longer common EU membership to cushion the internal break-up. Quite to the contrary, leaving a post-Brexit UK in order to rejoin the EU (which is official SNP policy) would turn the English-Scottish border into an external frontier of the European Union. Whether a majority of Scottish voters is already prepared to make such a bold step remains to be seen.

### **Brexit: The Point of No Return**

Regardless of when a second independence referendum is called and irrespective of its outcome, with Brexit, Scotland seems to have passed a point of no return. Careful and sensitive territorial management by the British government (something that is not to be expected from Prime Minister Johnson) might postpone the final break-up of Britain for an unknown amount of time. Yet it is difficult to envisage any meaningful rapprochement that can substantially bridge the increasing Anglo-Scottish division and thus reverse Scotland's pathway out of the centuries-old Anglo-Scottish

Union.

### **References**

- McCrone, David (1992). *Understanding Scotland. The Sociology of a Stateless Nation*. London: Routledge.
- Nairn, Tom (1977). *The Break-Up of Britain*. London: Verso.