

National Diversity and Social Cohesion:

*The impact of Scottish devolution on social and
political cohesion in Britain*

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Abstract

Within a number of Western nation-states, internal national minorities are advancing demands for political recognition and a measure of autonomy short of full independence. General acceptance of democratic ideals places pressure on these states to accede to such demands and devolve political power to national minorities. This thesis examines the consequences that this process implies for political and social cohesion in nationally diverse states; does the formal political recognition of national diversity facilitate the integration of the state? Can nationally diverse societies generate and maintain the bonds of social solidarity that are necessary if they are to bind together effectively?

Part One of the thesis examines these issues from a theoretical perspective; drawing on a range of existing analyses, from both classical and contemporary literature, the concepts of state, nation, sovereignty, self-determination and social cohesion are subject to detailed examination with a view to understanding how they shape the political demands of national minorities and what the most implications of these demands are.

Part Two aims at further interrogating these theoretical claims through an empirical analysis of the Scottish devolution in 1999, established in 1999, and the impact it has on political and social cohesion in Britain. This involves an investigation into the historical development of a distinct Scottish nation, its evolving relationship with the British state and the concept of 'Britishness', and the factors accounting for the rise of Scottish nationalism in the second half of the twentieth century. Finally, the devolution settlement itself is made the central focus of analysis, and the questions of its impact on the future political stability of Britain as a single state and on the social cohesion of British society are examined with reference to existing literature on devolution, survey data provided by the British and Scottish Social Attitude surveys, and an analysis of significant discourses of nation-building in the speeches of a number of important political figures.

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Introduction

Evidence of the capacity of nationalism to confound the expectations of those who would predict its imminent demise is not difficult to unearth; nationalist movements of various stripes can be found operating across virtually every region of the globe, and the idea of the nation continues to occupy a central role in all states' attempts to construct and maintain a claim to political legitimacy. Perhaps most surprising of all, minority nationalist movements that contest the legitimacy of the state are to be found in a number of so-called consolidated nation-states of the Western world; states for which the task of state- and nation-building might have thought to have been completed. There is, moreover, ample evidence that a number of such movements are in fact gaining in strength as they display an ability to exploit opportunities provided by the growing interdependence of states in a global age. The states in which such nationalist movements operate, committed as they are to democratic ideals, find themselves under increasing pressure to respond by extending some form of political autonomy to national minority communities. Such political autonomy can take the form of devolution, in which functionally-specific powers are transferred from the centre to the periphery without affecting the constitutional superiority of the former, or federalism, by which a constitutionally guaranteed formal division of powers between central and regional levels of government is established that leaves neither subordinate to the other.

In its theoretical dimension, the objective of this thesis is to examine what some of the principle consequences of such a decentralization of political authority through the granting of a measure of autonomy to internal minorities are; how it contributes to the transformation of the nation-state model and whether it impacts upon political and social cohesion within the state? Does devolution, for example, foster friction and conflict between different levels of government representing different visions of nationality, thereby facilitating the disintegration of the state, or does it, by contrast, re-legitimize the state in the eyes of alienated minorities, thereby

strengthen political cohesion? Can states extending political recognition to a diversity of semi-autonomous national communities continue to generate the bonds of solidarity necessary for the maintenance of social cohesion?

The case of Britain, where a process of political devolution was initiated in 1999 in response to nationalist claims advanced by its internal minorities, provides our empirical focus. As a case study for an analysis of the consequences of granting political autonomy in response to the nationalist claims of internal minorities, Britain presents a number of idiosyncratic features, not the least of which is terminological in nature. The official title of the state is the United Kingdom of Great Britain and Northern Ireland – generally shortened to either the United Kingdom or the UK – and comprises four constituent territorial units; England, Scotland, Wales and Northern Ireland. Britain, the term is used in this study, properly refers only to the three territorial units that together form the British mainland; England, Scotland and Wales.

With its distinctive division between a Protestant Ulster community committed to membership of the United Kingdom and a Catholic Irish community that reject the legitimacy of the UK state and instead favour their incorporation into a united Irish state, the historical and political experience of Northern Ireland is markedly different from mainland Britain. Northern Ireland is, for example, the only territorial unit of the United Kingdom in which the three major political parties – Conservatives, Labour and Liberal Democrats – are without parliamentary representation. Given the specific issues associated with Northern Ireland's integration in the United Kingdom, and the history of political violence that this has engendered, its analysis is beyond the scope of the present study, which instead is restricted to a concern with mainland Britain alone.

Although reference is made to England, Scotland and Wales, it is on the case of Scotland that the major weight of the empirical analysis falls, a approach justified on account of the relative strength of nationalist sentiment in Scotland and the greater extent of the political autonomy it possesses as part of the 1999 devolution settlement. Given that the nationalist movement is significantly stronger in Scotland than in Wales, and that the autonomous powers of the Scottish are considerably greater than those granted to the devolved Welsh Assembly, it is reasonable to

assume that any consequences as the process of devolution might bring about will be most pronounced in the Scotland. That being said, where the impact of devolution on social cohesion is concerned, the asymmetrical nature of the devolution settlement means that its impact on the English population is a factor of considerable importance. Whilst the overall objective is therefore an analysis of the impact of devolution on political and social cohesion in Britain, the weight of empirical arguments fall on Scotland and, to a lesser degree, the effect of devolution on English attitudes toward the Union.

A fundamental assumption underpinning this study is that Britain is accurately described as a state exhibiting national diversity; it is, and has been from its foundation, a multinational state.¹ To describe Britain as a multinational state is to draw an analytical distinction between nation and state that rejects the observed tendency to treat them as synonymous or interchangeable (as is done, for example, by the use of the term 'International Relations' or in the title 'United Nations', both of which are actually concerned with states rather than nations). Since the significance of maintaining an analytical distinction between nation and state is discussed in depth at various point throughout this study, it is sufficient here to note simply that nation and state, whilst intimately linked in the modern era, are not synonymous and that exclusive possession of an independent state is not a *sine qua non* of nationhood. Thus one can, for example, understand Scotland and Wales as nations despite the absence of an independent Scottish or Welsh state.

Additional concerns arise in the British case with regard to the status of England and Britain. At the risk of pre-empting the analysis, despite the absence of an independent English state, it would be somewhat misleading to describe the England as a 'stateless' nation in a manner analogous to pre-devolution Scotland or Wales, given England's historic dominance of the British state and the tendency of the English to conflate England and Britain. Furthermore, there are strong grounds for regarding 'Britishness' as itself referring to a national identity since a significant proportion of the English, Scots and Welsh evidently regard it as such (see chapter seven).

Finally, in addition to therefore being a national diverse state, Britain as, principally as a result of power-war immigration flows, both ethnically and religiously diverse. In considering the impact of diversity on political and social

cohesion, ethnicity and religion are without doubt salient categories. However, given the distinctive concerns associated with ethnic and religious diversity, and the different demands that ethnic and religious minorities make on the polity as compared to national minorities, the analysis of the former's significance lies beyond the scope of the present study. That being said, it should be noted that the interaction between national and ethnic diversity in the context of devolution is itself an interesting area of concern, not least as it raises the question of how the devolution of political power to national minorities impacts upon ethnic minorities living within the devolved territories.

Central questions and structure

This study has three principle aims. First, by drawing on an account of the principle assumptions underpinning the ideal-typical nation-state model, the significance of the recognition of internal national minorities through political autonomy arrangements is assessed, in particular the likely implications for political and social cohesion. Second, on the assumption that the specific historical circumstances in which a distinctive Scottish national consciousness evolved, and the manner in which Scotland was integrated into the British state, both have an important bearing on the nature of contemporary Scottish nationalism, an analysis of the distinctive Scottish experience of nationhood is developed. Third, the consequences of the 1999 devolution settlement for both the future cohesion of the British state and the cohesion of British civil society are analyzed.

This thesis is divided into two parts; chapters one, two and three provide a theoretical examination of the key theoretical themes, followed by an analysis of Scotland and the British state as an empirical case study in chapters four, five, six and seven.

Chapter One examines a number of leading theories of the modern state on the one hand, and the nation on the other. Rather than an examination of the historical development of the nation-state, the analysis contained in Chapter One seeks to draw out the fundamental assumptions that underpin the nation-state as a model state form. The interpretation that emerges is thus oriented toward the nation-state's ideal-typical aspects and is not an empirically accurate description of actually-existing nation-states. Given the acknowledged importance of maintaining

an analytical distinction between the concepts of nation and state, both are dealt with separately via an exploration of a selection of dominant theoretical interpretations.

Chapter Two interrogates the relationship between the nation-state and national minorities residing within its borders, taking as its central theme the concept of sovereignty. The concept of national minority is defined, amongst other things, as a collectivity that contains a substantial portion of members who do not identify exclusively with the dominant or 'core' national identity of the state within which they reside, but instead define themselves either as belonging to a separate and distinct nation or as possessing a 'dual' identity. The evolving doctrine of sovereignty is used as a lens through which to analyze the motivations of national minorities claiming a right to political autonomy, and the challenge that these claims pose to what has hitherto been the dominant interpretation of sovereignty in the context of the nation-state. In addition to a critical engagement with the idea of sovereignty as it is expressed in classical political thought the chapter also takes up the issue of the relationship between sovereignty, the nation-state and national minorities.

Chapter Three analyzes the concept of social cohesion and considers its relationship to national identity and the nation-state. Following a definition of the term social cohesion, its interpretation in classical social theory is examined through an analysis of the work of Alexis de Tocqueville, Ferdinand Tönnies, Émile Durkheim and Max Weber. Contemporary approaches to the concept of social cohesion are then considered, with a particular emphasis on the significance of national identity as a resource implicated in the generation of the types of social relationship capable of best sustaining social cohesion.

Chapter Four adopts a long-term historical perspective in order to analyze the origins and development of a distinctive Scottish national consciousness from the initial consolidation of a limited Scottish identity under the impact of institutional reforms of the twelfth and thirteenth centuries, through to Scotland's integration into the British state. Of particular interest are the impact of the historical origins of Scottish nationality on the character of that identity; the nature, evolution and significance of Anglo-Scottish relations; and the form taken by the newly created British state following the Treaty of Union 1707.

Chapter Five examines the rise of modern Scottish nationalism, from the creation of the Scottish Home Rule Association (SHRA) in 1886 to the establishment of an autonomous Scottish parliament in 1999. Again the focus is primarily on the distinctive nature of the national consciousness underpinning Scottish political nationalism and how this interrelates with the evolving British state.

Chapter Six analyzes the consequences of the 1999 devolution settlement for the political cohesion of the British state, addressing the question of whether, and to what extent, the devolution of political power from the centre to the periphery introduces centrifugal forces that undermine state's future capacity to remain a unified entity. Devolution's consequences are divided into three main categories; legal-constitutional (where the issue of sovereignty dominates), political-institutional (in which the major controversies involve the asymmetrical nature of British devolution), and economic (where fiscal autonomy and equity are of paramount concern).

Chapter Seven focuses on the social cohesion of post-devolution Britain using data collected by the British Social Attitudes survey (BSA) and the Scottish Social Attitudes survey (SSA) as rough indicators of resources such as trust, identity and shared values considered to be implicated in the reproduction of social cohesion. This is supplemented by an analysis of the types of nation-building discourse and devolution in the speeches of five prominent public figures; Tony Blair, Donald Dewar, Alex Salmond, Gordon Brown and David Cameron.

PART ONE: THEORETICAL FRAMEWORK

1

The Nation-State

The demand for a right to exercise national self-determination emanating from contemporary minority nationalist movements represents a challenge to the nation-state model in so far as it rejects a) the notion that the state must be the political expression of a single national identity; and b) that final political authority within a particular territory must inhere in a central state. To the extent that both a) and b) are features of the nation-state model, that model can be said to contain a two-fold commitment to unitariness; the state requires a *single* national identity and a *single* source of ultimate political authority. Both of these requirements are contested by minority nationalist movements, which assert the existence of a plurality of national identities within the state, and contest that state's claim to ultimate political authority. Such is particularly the case where the minority nationalist movement in question does not seek to use a right of national self-determination to secede and form an independent nation-state of its own but instead wishes to alter the structure of the existing state so as to accommodate internal national diversity.

A minority nationalist movement may choose to exercise its right to self-determination via a number of mechanisms that fall short of independent statehood; from measures such as language rights designed to guarantee cultural recognition, to forms of political autonomy such as devolution or federalism.² Such measures aim at altering the structure and assumptions underlying the hitherto pre-eminent state form of modernity - the nation-state. In place of the nation-state, these nationalist movements seek to construct an alternative state type better able to accommodate national diversity; a model that has been termed the 'plurinational state'³ or the 'post-traditional nation-state.'⁴

It thus follows that if we are to form an adequate understanding of contemporary minority nationalist movements, we must first consider the context within which they have developed and which they seek to alter: that context being

the nation-state. Therefore the objective of this chapter is to analyze the nature and form of the nation-state. In recognition of the importance of maintaining an analytical distinction between two concepts that are often (erroneously) treated either as interchangeable, or at least subject to varying degrees of analytical confusion, we examine theories of the state and nation separately. Only by so doing can an adequate understanding of the compound term nation-state be developed.

We begin by examining and comparing the influential theories of the state developed by Max Weber, Anthony Giddens, Michael Mann and Gianfranco Poggi respectively. Because their primary focus is on the state, none of these four authors construct a fully developed theory of the nation within their writing. We therefore subsequently examine the work of Ernest Gellner, Eric Hobsbawm, John Breuilly and Anthony D. Smith, all of whom advance detailed theories of nations and nationalism. As well as presenting an accurate description of each theoretical explanation, the aim of our analysis is to elucidate the potential points of conflict between the nation-state model and the political demands of national minorities residing within the state's borders.

Before proceeding it is first necessary to say a few words about the use in this chapter of the terms modern state and nation-state. Although we use the term modern state when examining the four different theories of the state, it should be recognized that I understand the nation-state to be the pre-eminent form of modern state. We restrict ourselves to the term modern state only because the theories reviewed are themselves primarily concerned with the state rather than the nation, and so as to avoid the confusion of referring to the nation-state before having defined what is meant by the term nation. Thus, subsequent to the first section we use the term nation-state when talking of the modern state. Rather than a description of actually-existing congruency between nation and state, the term nation-state is a reflection of the state's aspiration to bring about such congruency, an aspiration which it pursues by means of nation-building policies.

Theories of the State

Max Weber

Perhaps the most influential modern definition of the state is that developed by the German sociologist Max Weber (1864-1920). Weber's classic definition is intended as an accurate description of the state-in-general in the sense that it is held to apply equally to all of the otherwise very different organizations that are called states. However, as we shall see, Weber does also go on to address the question of what is distinctive about the modern state.

Weber defines the state as 'a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.'⁵ The first striking feature of this definition is that it makes no reference whatsoever to the functions or the ends to which states typically orient themselves. It is instead an entirely 'institutional' definition of the state, adopted by Weber in recognition of the extreme multiplicity of ends that have variously been pursued by political organizations reasonably described as states. Weber therefore emphasizes the peculiar *means* by which all states exercise authority, rather than the *ends* that they serve. This is not to say that Weber, in placing coercion at the centre of his definition of the state, considers physical force as either the normal or the only means employed by the state in exercising its authority. Rather, he aims to suggest that physical force is the means *specific* to the state; the method to which only states can legitimately turn as a last resort.

This definition appears as the culmination of a lengthy discussion of the 'fundamental concepts of sociology' in which Weber outlines his methodological approach and pursues a rigorous definition of various sociological terms.⁶ Two elements of Weber's methodological approach are of key importance in understanding his theory of the state. First, his understanding of sociology as a science concerned with interpreting the *subjective meaning* of social action prompts him to assert the necessity of an 'individualistic' method. For Weber, the subjective meaning of any social action – social action here defined as any subjectively meaningful human action that is oriented in such a way as to take into account the behaviour of others – derives only from the individual undertaking that action. Such

an individualistic methodology has important consequences for the way in which collective concepts such as the state are to be understood from a sociological perspective. It is common for authors to treat the state as a pseudo-individual, as is done for example when it is treated as the possessor of rights and duties. Weber, however, rejects such a characterisation of the state: Owing to the fact that sociology is concerned with the subjective meaning of social action, and that subjective meaning can only exist in the behaviour of individuals, collective concepts such as the state must, from a sociological perspective at least, be understood as a type of *social relationship between individuals*, and agents in themselves. A social collectivity such as the state exists only as a 'complex of social interaction of individual persons'.⁷ In this way the state can only be said to exist in so far as a group of relevant individuals orient their behaviour toward a belief in the existence and validity of the particular state. As we shall see later, this methodological consideration has important consequences for the way in which Weber understands legitimacy as a concept relating to the prevailing belief orientation of individuals.

The second aspect of Weber's methodological approach that is of crucial relevance to understanding his definition of the state is the concept of the 'ideal-type', the employment of which he sees as emblematic of the distinction between sociology and history. Unlike the discipline of history, which is concerned with causal analysis and explanation of culturally significant phenomena, sociology 'seeks to formulate type concepts and generalized uniformities of empirical process.'⁸ In this way, historical phenomena, according to Weber, can only be understood sociologically by reference to an analysis that abstracts from reality to construct ideal-types against which the real phenomena can be compared. Rather than an adequate description of reality, the Weberian ideal type is a 'conceptually pure type of rational action.'⁹ By this is meant that it signifies what would be the result were the relevant individuals to have been guided in their action by perfect rationality. The ideal type is thus a hypothesis of purely rational action (rationally oriented to either discrete ends or to absolute values) against which actual action can be compared in terms of its degree of 'deviation' from the ideal type accounted for by the myriad irrational factors that enter into individual behaviour. Moreover, ideal types are constructed so as to be clearly understandable and unambiguous, in contrast to the infinite complexity of reality. All of the sociological definitions that

Weber develops, including those of the state and the bases of legitimacy, are intended as ideal types rather than descriptions of concrete reality. Indeed, it is very unlikely that any real phenomenon could ever correspond exactly to a single ideal type. Finally, it is important to say that the two methodological considerations discussed above – the individualistic method and the rational character of ideal types – in no way imply the predominance of an ‘individualistic system of values’ nor a ‘positive valuation of ‘rationalism’’.¹⁰

As we have seen, the state, like all social collectivities, is understood by Weber as an example of a social relationship rather than as an agent itself. By conceiving the state solely as an expression of individual action, so that its very existence consists entirely of the probability or otherwise of a course of social action oriented to a belief in the state’s existence and validity prevailing, Weber intends to avoid the ‘reification’ of the state. The state is the expression of a particular social relationship, and as such cannot be regarded as an autonomous actor in its own right. Moreover, the state as social relationship is based upon observable empirical uniformities of social action or ‘typical modes of action.’ The existence of the state implies the existence of a certain uniformity in the orientation of social action, whereby the attachment of a particular subjective meaning to the state on behalf of the relevant individuals is widespread. According to Weber, such a uniformity of social action can be appropriately described as an ‘order’ when it is based upon an orientation to ‘certain determinate ‘maxims’ or rules.’¹¹ It is from the nature of these maxims that the state in question derives its legitimacy. Legitimacy exists in the fact that a widespread uniformity of social action exists owing to a recognition on the part of relevant individuals that the maxims or rules of an order are recognized as either binding or desirable. According to Weber, in the vast majority of cases the fact of the submission of actors to an order implies that they ascribe to it some form of legitimacy. We return to the concept of legitimacy below when analyzing Weber’s characterization of the distinctiveness of the modern state.

The concept of social relationship, of which the state is perhaps the most important example, can be further divided into ‘communal’ and ‘associative’ social relationships – a distinction that deliberately echoes Ferdinand Tönnies well-known distinction between ‘*Gemeinschaft*’ and ‘*Geßellschaft*’ (see chapter three).¹² The distinction between communal and associative relationships refers to the principle

from which its legitimacy is derived. A communal social relationship is one in which legitimacy is based upon a subjective feeling of belonging or togetherness, in contrast to an associative social relationship, in which agreement is the product of ‘rationally motivated adjustment of interests.’ An important feature of the modern state, according to Weber, is that it tends toward being an associative social relationship, whose legitimacy is a product of a rationalised acceptance of its authority. The subjective feelings of belonging characteristic of communal social relationships decline markedly in importance with the development of the modern state, whose ‘rational-legal authority’ requires little in the way of these subjective bonds. We return to this point below through an examination of Weber’s conception of the modern state and its implications for the topic of contemporary minority nationalism.

In addition to being either communal or associative, social relationships can be characterised as either ‘open’ or ‘closed’; an open social relationship permits participation from any individual who so wishes, whereas a closed social relationship is one in which ‘participation of certain persons is excluded, limited, or subjected to conditions’.¹³ The distinction between open and closed social relationships has no necessary correspondence to that between communal and associative. Importantly for our present purposes, Weber views the state as tending toward being a closed social relationship, participation in the order of which is limited to those individuals fulfilling a certain set of criteria, relating as we shall see primarily to territoriality.

Moreover, the state as closed social relationship is described as a ‘corporate group’, meaning that it has at its head a chief whose regular function is to enforce the state’s order, something that is carried out in conjunction with a dedicated administrative staff. Weber draws a further set of distinctions within the category of corporate groups based upon their relation to the concepts of autonomy, heteronomy, autocephaly, and heterocephaly. First, the distinction between autonomy and heteronomy refers to the corporate group’s (in this case the state’s) having either established its own authority in the case of the former, or having had its order imposed by an outside agency in the case of the latter. That between autocephaly and heterocephaly refers to whether the state’s chief and administrative staff acts by the autonomous authority of the corporate group itself, or by the authority of outsiders.

Interestingly for our present purposes, Weber explicitly states that neither autonomy and heterocephaly, nor heteronomy and autocephaly are mutually incompatible. He cites the example that a member of the federal German Empire is an autocephalous corporate group that is heteronomous in the sphere of authority of the Reich, but autonomous in the sphere of religion and education: ‘All of these elements may be present in the same situation *to some degree*’.¹⁴ Thus, in Weberian terms there is no contradiction in a state consisting of different spheres of authority in which a mix of autonomous and heteronomous authority exist side-by-side. This is similar to the conception of the state advanced by a number of contemporary minority nationalist movements, according to whom the fact of national diversity necessitates that the centralised and unitary nature of the nation-state be replaced with a state form that encompasses a system of divided authority in recognition of the existence of internal national diversity.

As already indicated, territoriality is afforded a central role in Weber’s theory of the state, as it forms the basis for the criteria on which the state’s status as a closed corporate group is based. According to Weber, the state possesses ‘territorial validity’, meaning that the criteria by which its system of order is imposed on non-members relates to residency or birth within a given territorial area. The order of the state is considered binding over all those individuals to whom this criterion applies. It is in this sense that the state is conceived by Weber as a ‘compulsory association.’

We now turn to the distinctive features of the *modern* state as understood by Weber. Two features are considered; the nature of legitimacy in the modern state, and the type of administrative staff typical of the modern state. As indicated earlier, Weber’s approach to the concept of legitimacy is intimately tied up with his methodological approach, in particular his insistence on the necessity of adopting an individualistic method in sociological analysis. He writes; ‘the legitimacy of a system of authority may be treated sociologically only as the probability that to a relevant degree the appropriate attitudes will exist, and the corresponding practical conduct ensue’.¹⁵ In the case of the modern state, legitimacy is predominately based upon the widespread existence of a belief in the ‘legality’ of its order, norms and rules. This form of legitimacy Weber terms ‘rational-legal’ authority, and is contrasted against alternative types of legitimate authority – ‘charismatic’ and ‘traditional’ – which are more typically found in pre-modern states. The modern

state tends toward the associative end of the corporate group spectrum in which, as we have seen, agreement is the product of rationally motivated adjustment of interests rather than subjective feelings of belonging. The rational-legal character of the modern state is expressed to the degree that 'every body of law consists essentially in a consistent system of abstract rules which have normally been intentionally established'.¹⁶ Only in the modern state is this statement true to a significant degree.

By emphasizing the legal-rational basis of its claim to legitimacy, Weber downplays the extent to which the legitimacy of the modern state is related to the affective bonds of national identity. The extent to which this is a fair assessment of legitimacy in the modern state is directly apposite to the analytical concerns of this study. From the perspective of national minorities, the state is often perceived as deriving its legitimacy from a particular interpretation of national identity that it seeks to impose upon the entire population using its considerable institutional resources. To the extent that national minorities do not identify with the state-supported national identity, or perceive it as a threat to their own distinct national identity, the legitimacy of the state is subject to contestation regardless of the legality of its order, norms and rules understood in terms of rationality.

The second distinctive feature of the modern state, according to Weber, is its employment of an administrative staff structured according to the bureaucratic model. Weber identifies ten constituent elements of bureaucratic administration including the tenet that individuals making up the administrative staff are separated from ownership of the means of administration; are organized according to the principle of hierarchy; selected on the basis of technical qualifications; and operate in a spirit of formalistic impersonality. The bureaucratic nature of the modern state's administrative apparatus is closely related to the rational-legal character of its legitimacy in the sense that; 'Bureaucratic administration means fundamentally the exercise of control on the basis of knowledge. This is the feature of it which makes it specifically rational'.¹⁷

Anthony Giddens

The definition of the state advanced by Anthony Giddens is somewhat similar to the classic Weberian one encountered above, in particular with regard to the prominent role it accords to coercion and territory. Giddens, however employs an analysis of power in order to demonstrate that Weber's definition of the state as a political organization that successfully claims a monopoly of the means of legitimate violence is a valid description only of the modern state, rather than the state-in-general. Indeed, it is precisely the ability to *successfully* claim such a monopoly that is a key distinguishing feature of the modern state as compared to its pre-modern counterparts.

According to Giddens; 'A state can be defined as a political organization whose rule is territorially ordered and which is able to mobilize the means of violence to sustain that rule'.¹⁸ Similarly to Weber, Giddens chooses to define the state with regard to the means it adopts in order to enforce its authority rather than any particular ends or functions that states orient themselves toward.

More so than Weber, Giddens emphasises the importance of the state's exercise of military power in addition to its internal monopoly of coercion. This is part of Giddens' broader claim that warfare and international relations must be at the heart of any analysis of the development and nature of the state. He criticizes, for example, classical social theorists such as Spencer, Durkheim and Marx for failing, as he sees it, to provide any systematic interpretation of the association between military violence and the rise of the modern state. Whilst such a criticism clearly cannot be made of Weber, who after all defines the state by reference to its association with physical force, nevertheless Giddens argues that Weber projects to all states features that are properly exclusive to modern states. This reflects Giddens' emphasis on the radically 'discontinuist' nature of the modern state as compared with its predecessors, meaning that the differences between the modern state and *all* forms of pre-modern state are significantly more profound than the differences between various types of pre-modern states. Giddens therefore criticizes Weber for tending to 'minimize the differences between traditional and modern states'.¹⁹

Two factors are of particular importance to Giddens' argument in this regard; first, only the modern state *successfully* claims a monopoly of the legitimate use of

force, primarily because the chronic segmentalism of all pre-modern states precludes it, or any other organization, from projecting its administrative power wide enough to enforce such a claim. Second, whilst all states are political organizations whose rule is territorially ordered, only in the context of the modern state is this territory clearly defined by ‘borders’, in contrast with pre-modern states whose territory is always somewhat ill-defined and characterised by more fluid ‘frontiers’.

As already indicated, Giddens places an analysis of power at the centre of his theory of the state, using it to further expand upon the nature of the modern state’s distinctiveness. In Giddens’ terms, power in a general sense refers to ‘transformative capacity’ and is fundamentally related to the *RESOURCES* available to agents exercising power - resources which can be understood as forming aspects of the structural properties of a given social system. These resources do not, however, insert themselves into the structural properties of a social system in any automatic manner. Rather, they come to form an overarching ‘mode of domination’ as ‘they are drawn upon by contextually located actors in the conduct of the day-to-day-lives’.²⁰ Domination thus provides the key to understanding the role of power in social systems, all of which exhibit forms of domination expressed as ‘relations of autonomy and dependence between actors or collectivities of actors’.²¹ Influenced by Foucault, Giddens is careful to emphasize the importance of what he terms ‘non-decision making power’, capable of asserting itself silently through the interactions of everyday routine. *Pace* Foucault, Giddens argues that power and domination in any given social system are always to a significant degree sustained by routine practices and the unconscious influences they are capable of asserting over the activities of subordinates. Day-to-day routines provide a ‘predictability’ upon which all social systems are grounded.

Owing to the nature of the resources available to it, the modern state stands in a radically different relation to power as compared with all forms of pre-modern states. According to Giddens, we can understand this relation by dividing systems of rule into two facets, dealing with its ‘scope’ on the one hand and its ‘intensity’ on the other. In Giddens’ terms, the ‘scope’ of rule refers to the size of the area over which superordinates are able to enforce their authority, whilst the ‘intensity’ of rule refers to the sanctions at their disposal.

All pre-modern states, whilst they invariably reserve for themselves the most intense sanctions for securing compliance, are nevertheless chronically unable to generate a high degree of scope to their rule. This being the case, the degree to which the administrative centre of pre-modern states is able to penetrate its rule throughout its territory is limited. It is this that prevents the state from successfully claiming a monopoly of the legitimate use of force within a given territory. Instead, the pre-modern state must always contend with competing organizations, operating politically outside the scope of the state. It is only with the development of the modern state that a vast expansion in the scope of rule is achieved, evidenced by the increased capacity of its administration to penetrate society and its successful monopolization of legitimate coercion: 'One of the major characteristics of the modern state...is a vast expansion of the capability of state administrators to influence even the most intimate features of daily life activity'.²²

The expanded administrative capacity of the modern state entails important implications for the operation of what Giddens terms the 'dialectic of control'. Power relations, depending in part as we have seen on the 'predictability' of everyday routine, are intimately associated with reciprocity. Power depends upon securing a necessary amount of compliance from others. Giddens argues that the ubiquity of reciprocity within power relations leads to the operation of a 'dialectic of control', meaning that, 'No matter how great the scope or intensity of control superordinates possess, since their power presumes the active compliance of others, those others can bring to bear strategies of their own, and apply specific types of sanctions'.²³ Thus, all systems of rule contain certain 'openings' available to subordinates to influence superordinates: Control is a dialectical process.

According to Giddens, the increased scope of rule that the modern state wields increases the availability of these openings in the dialectic of control, so that the intensity of the state's rule is necessarily decreased. When the administrative centre of the state expands its reach, as occurs with the development of the modern state, it inevitably relies on a greater level of reciprocity between governors and governed. Thus, the low intensity of the modern state's system of rule reflects the fact that the subordinate population has greater opportunities for influencing the activities of their superordinates, as compared at least with all pre-modern states.

Giddens takes this as evidence of the inherently polyarchical nature of the modern state, a feature that derives directly from its expanded administrative capacity.

Giddens defines the state as a political *organization*, a term for which he intends a very specific meaning. The day-to-day routines that serve to sustain social systems are themselves sustained by what Giddens terms ‘non-discursive practical consciousness’. This term refers to the fact that ‘actors routinely monitor reflexively what they do in the light of their complex knowledge of social conventions, sustaining or reproducing those conventions in the process’.²⁴ In other words, social reproduction is a process guided by the ‘reflexive monitoring’ of agents. Giddens intends to reserve the term organization to refer to collectivities that are implicated in the process of reflexive monitoring. The distinctiveness of the modern state lies in the fact it displays these organizational features to a hitherto unprecedented degree. System reproduction in the context of the modern state is far more grounded in the process of reflexive monitoring than in previous eras. Moreover, not just the state itself, but social life in general, is, in modern societies, more highly characterized by organization in the above sense as compared with all forms of pre-modern society. This is another expression of the discontinuity of modernity.

Finally, Giddens employs the concept of ‘power-container’ to further identify what is distinctive about the modern state. To understand how the state can be described as a power-container, we must look first at Giddens use of the concept of ‘locale’ which refers to the ‘settings of interaction, including the physical aspects of setting – their ‘architecture’ – within which systemic aspects of interaction and social relations are concentrated’.²⁵ In other words, locales facilitate the concentration of resources which, as we have seen, are fundamentally related to the exercise of power. It is in this sense that locales are always potentially power-containers. The state is an important example of a power-container, although in its pre-modern manifestation it exists within a milieu of competing power-containers. However, with the expansion of administrative scope that is a feature of the development of the modern state, the state becomes *the* pre-eminent ‘bordered’ power-container, permitting of no rival power-containers within that territory; hence the successful claim to the monopoly of violence. Whereas all pre-modern states encounter rival power-containers within their territories, such as castles and manorial estates for example, for the modern state, with its wide scope of rule, all such rival power-containers are eliminated.

The modern state, this suggests, is of necessity a unitary and centralized authority, in contrast to the system of divided and overlapping authority that is characteristic of pre-modern states. Contemporary minority nationalist movements that seek to modify the state so as to structurally recognize its internal national diversity therefore confront a state committed to an ideal of unitariness antagonistic to their demands, the satisfaction of which implies the establishment of divided and separate spheres of political authority in recognition of national diversity.

Michael Mann

In contrast to both Weber and Giddens, Michael Mann offers a two-fold definition of the state, supplementing an institutional definition with a functional analysis of the state in which certain ‘higher-level crystallizations’ are taken as constitutive of a definition of the (modern) state. First, Mann’s institutional definition of the state is as follows:

- ‘1. The state is a differentiated set of institutions and personnel
2. embodying centrality, in the sense that political relations radiate to and from the center, to cover a
3. territorially demarcated area over which it exercises
4. some degree of authoritative, binding rule making, backed up some organized physical force’.²⁶

Again following Weber, Mann makes explicit reference to the use of physical force in his institutional definition of the state; ultimately it is the state’s potential to deploy force in the exercise of its rule that distinguishes it from other organizations wielding power. Like Giddens, Mann rejects Weber’s definition of the state as successfully claiming a monopoly over the legitimate means of force, insisting instead that this is a distinctive feature of the modern state, and is associated with the latter’s expanded administrative capacity.

According to Mann’s definition, the modern state embodies centrality in the sense that ‘political relations radiate to and from the center’. Whilst the central state may choose to decentralize political power to regional levels of government, the latter remain constitutionally subordinate with their powers revocable by the central

state at will. Minorities advocating the establishment of a divided system of political authority that recognizes their distinct and separate claim to national self-determination therefore oppose a fundamental interest of the state; its commitment to centrality and a unitary conception of political authority.

All forms of state, both modern and pre-modern, have, according to Mann, four fundamental features; they are (uniquely) territorially centralized, both place and actor, differentiated and lacking coherence, and involved in geopolitics.²⁷ One area in which the modern state can be differentiated from its predecessors is the changed nature of state-society relations. Mann accepts Weber's argument that the modern state, more so than its predecessors, is able to use routinized, formalized, and rationalized institutions to extend its law and administration deeper into its territories. However, whilst Weber saw this as evidence only of the state's increased capacity to penetrate society, Mann argues that the reverse is also true: In the context of the modern state, society is increasingly able to penetrate the state. For Mann, this is evidence of a tightening state-society relationship, and is a key feature of the modern state's distinctiveness for it transforms the nature of the state's legitimacy. Because the state now confronts society directly, it is forced to conceive of itself as responsible for 'representing citizens' internal sense of community'²⁸, with the result that its legitimacy becomes increasingly dependent on the relations between itself and its subjects.

Mann uses a similar framework as Giddens in his elaboration of the reasons for this altered state-society relation that accompanies the development of the modern state. By distinguishing between two facets of power, Mann is able to dispute Weber's claim that the modern state's use of bureaucracy to increase its penetration represents an overall increase in power. Rather, for Mann it represents an increase in one aspects of power, namely 'infrastructural power', but an increase that is bought at the cost of a diminution of another aspect of power, 'despotic power'. The terms infrastructural and despotic power are somewhat analogous to Giddens' scope and intensity of rule in that infrastructural power refers to the central state's institutional capacity to implement decisions, whereas despotic power refers to the distributive power of state elites over civil society.

The process of bureaucratization, so carefully analyzed by Weber, increases the state's infrastructural power but actually weakens its despotic power. This is

explained by the idea that, ‘Infrastructural power is a two-way street: It also enables civil society parties to control the state’.²⁹ In other words, an expansion of infrastructural power, by bringing the state into a more direct relation with civil society, inevitably decreases the state’s ability to govern without some measure of consent from that civil society. The modern state then is infrastructurally strong but despotically weak. Whilst state elites are now part of a state institutional machinery that is able, for the first time, to logistically implement its decisions throughout the entirety of its territory, at the same time state elites are ineluctably forced into negotiation and compromise with civil society. The result of this process, according to Mann, is that social relations become ‘caged’ over the national terrain at the expense of more local or transnational levels, and that more than ever before, social life is politicized.

Despite recognizing the difficulties associated with defining the state by reference to the ends it typically pursues, Mann nevertheless argues that a functional analysis of the state can be undertaken if we recognize that state’s ‘crystallize’ as the centre of a number of power networks.³⁰ These crystallizations represent the state’s underlying functions. Mann identifies four such crystallizations that are fundamental to the modern state, such that they can be legitimately termed the modern state’s ‘higher-level’ crystallizations. The modern state crystallizes as *capitalist*, *militarist*, *representative* and *national*. It is the last of these two crystallizations that is of particular relevance when speaking of the politics of national minorities residing within the states borders. According to Mann, the history of the state’s representative and national crystallizations has been one of struggle between centralized and local-regional powers which, far from having been uncontroversially resolved, are struggles that are still woven into the fabric of the modern state.

The expanded administrative capacity of the modern state, as we have seen, compelled it toward more extensive negotiation with civil society in order to maintain its legitimacy. The results of this are seen in the gradual expansion of citizenship rights. However, in identifying the representative and national crystallizations as fundamental to the nature of the modern state, Mann argues that citizenship has from its foundation consisted of two disputed facets: The questions of *who* should enjoy it, as well as *where* it should be located. Therefore, any theory of the state must recognize the essentially contested nature of relations between central

and local-regional levels of government. The continued salience of minority nationalist movements from within 'consolidated' nation-states such as the United Kingdom, Canada and Spain would seem to provide empirical support for Mann's statement that, 'politics in the modern state fundamentally concerned the distribution of power between levels of government'³¹.

Gianfranco Poggi

According to Gianfranco Poggi, the state should be recognized as itself constituting a distinctive social force, capable of operating autonomously according to its own vested interests. The definition of the state upon which he constructs his analysis is as follows:

'An organisation which controls the population occupying a definite territory is a state insofar as (1) it is differentiated from other organisations operating in the same territory; (2) it is autonomous; (3) it is centralized; and (4) its divisions are formally coordinated with one another'.³²

Poggi analyzes the relationship between power, politics and the state. Subscribing to a tripartite division of social power into economic, political, and normative facets, he argues that the state is situated in the sphere of political social power, meaning it is concerned with the 'material and organizational facilities for sustained coercion'.³³ In other words, *pace* Weber, the state can be defined according to its ultimate means of exercising authority; its control of the means of coercion. Again, this is not to suggest that political social power consists entirely or normally of the exercise of coercion, merely that coercion is 'conceptually intrinsic' to political power and by extension the state.

Whilst political power is therefore ultimately grounded in coercion, within the context of the state it becomes both stabilized and standardized, expressing itself as the issuing of commands. The issuing of commands must always be associated with an element of intersubjectivity and contingency, owing to the fact that the act of commanding contains within it the implication that the person subject to that command must both understand and be willing to obey it. Along lines similar to those followed by Weber, Poggi argues that political power is therefore intimately

associated with the concept of legitimacy, a term that refers to the manner by which commands are reciprocated by obedience, based upon a belief in the moral entitlement of the command-giver to expect obedience. In other words, legitimacy stems from moral value orientations of those subject to political power. This reflects Poggi's belief that, whilst coercion may be conceptually intrinsic to the political power wielded by the state, any political authority that relies exclusively on the threat or actual use of coercion is likely to be highly unreliable and unstable. In the context of the state, political power is stabilized, something that is only made possible by the development of the state's legitimacy in the above sense of the word.

Related to the stabilization of political power effected by the state is what Poggi describes as the state's 'institutionalization' of political power via the depersonalization, formalization, and integration of power relations. The process of institutionalizing political power in this way is largely distinctive of the modern state, so much so that Poggi is reluctant to use the term state to describe political authority in pre-modern societies. Pre-modern societies, rather than effecting the institutionalization of power relations through a differentiated state, 'were structured as loose confederations of powerful individuals and their group of followers and associates, with uncertain or varying spatial boundaries', the conduct of which, 'lacked those characteristic of intensity, continuity and purposefulness which follow from entrusting such activities to an expressly designed, territorially bounded organisation'.³⁴ Poggi therefore restricts his analysis to the defining features of the modern state.

An important aspect of the modern state's distinctiveness, according to Poggi, lies in the fact that it is a highly differentiated organization. The term differentiation is used by Poggi to refer to the extent that the state undertakes all and only political activities. Thus, to say that the modern state is a highly differentiated organization is to suggest that a large proportion of all political activity within the relevant bounded territory is coordinated through the state, which in turn restricts itself to activity considered to be political.

Moreover, the modern state is 'concerned and committed to a distinctive, unified and unifying set of interests and purposes',³⁵ in contrast to the various conflicting and competing interests and purposes typical of the less centralized states of pre-modern society. Again, we can see the difficulty that this presents for the

nationalist project of changing the structure of the modern state so as to make it more representative of the national diversity found within the population. Such minority nationalist challenges inevitably come into conflict with the modern state's commitment to a unifying set of interests, and its use of nation-building policies intended to homogenize its population.

The high degree of organizational differentiation displayed by the modern state implies the existence of a separation of state and society whereby the state recognizes a sphere of non-political activity (most notably, although not exclusively, that of economic activity) in which individuals are to be substantially free from state interference. Within the modern state, therefore, there is a more or less clear distinction between the public and private sphere.

To say, as Poggi does, that the modern state is an autonomous political organization is to point to the fact that it alone is considered the body within which sovereignty resides. The modern state owes its power to no other organization, and answers to no higher organization with respect to the operation of that power. Poggi relates the autonomous nature of the modern state to its structure as both centralized and formally coordinated. According to Poggi, the modern state is of necessity a unitary organization from which all political activities either originate or refer to. Furthermore, the distinct parts of the state must be formally coordinated, in the sense that they work toward asserting the state's power on behalf of the state as a whole, rather than operating as independent power centres. Again, by defining the modern state as one in which independent power centres are anathema, Poggi not only highlights the contrast between the modern state and pre-modern states (in particular the feudal states of medieval Europe), but also gives an indication of the degree to which state's can be expected to resist claims advanced by internal minorities for political autonomy.

Prior to the development of the modern state, law possessed a degree of autonomy from rulers in the sense that its validity was often explicitly oriented toward religious and other 'traditional' practices. The modern state on the other hand possesses the exclusive prerogative for making law within its territory: No autonomous sources of law other than the state exist. Moreover, in addition to thus possessing a monopoly over the right to create law, the modern state, according to Poggi, increasingly carries out its political activities by means of law. This highly

juridicised nature of the modern state is related to another of its central features; its adherence to bureaucratic principles in its organization. Influenced by Weber's theory of the state, Poggi identifies three basic principles underpinning the bureaucratic model. First, it requires that the activities of the state 'consist either in the framing of general directives, or in the articulation of these into less general ones, or in the implementation of the latter'³⁶; second, qualification for state office is dependent upon demonstrating a command of the appropriate technical knowledge; and third, considerable significance is attached to the complex body of public law designated 'administrative law'.

In addition to the institutional analysis of the modern state examined above, Poggi advances a normative appraisal of the achievements of the modern state, identifying three features that, he argues, demonstrate its evident superiority as compared to the states of the *ancien regimes* that preceded it. First, in the context of the modern state, organized coercive power is both enhanced but also considerably tamed, meaning that political life is to a considerable degree 'civilianised'. Whilst this does not alter the fact that the political power of the state is ultimately grounded in control over the means of coercion, nevertheless the modern state makes little direct reference to coercion in the day-to-day exercising of its authority. This reflects the modern state's replacement of violence with juridicial instruments; power within the modern state is 'normalised by means of law'.³⁷

Second, the modern state, whilst enlarging the scope of political power, at the same time significantly reduces the opportunity for its arbitrary exercise. This is largely as a consequence of the depersonalization of power that is associated with the bureaucratic model upon which the modern state's administrative apparatus is based. By separating the state official from the means of administration, the exercise of power must be justified according to law and objective circumstances rather than personal interests.

Third, there is a far greater breadth to the scope of social participation in the context of the modern state as symbolized by the creation of citizenship as the cornerstone of the relationship between state and society. The political equality that citizenship represents is, according to Poggi, markedly superior to the situation found in pre-modern state in which political rights were distributed unequally, unevenly and often arbitrarily across different groups within the population. Here

we see that Poggi understands citizenship under the modern state to be a status that is uniformly applied to all members of the population regardless of their specific identities or attachments. There is thus likely to be difficulty in reconciling the modern state to the idea of different and perhaps asymmetrical 'national' citizenship rights such as is demanded by some minority nationalist movements.

Summary

The four theories of the state examined above adopt a similar sociological approach and consequently emphasize similar features in their attempt to identify what is distinct about the state as an organization and how modern states in particular differ from older state forms. Starting from different premises, alternative approaches would emphasize other dimensions of the state. In the tradition of Western political theory, for example, writers such as Hobbes, Locke and Rousseau construct essentially normative accounts of the state in which ideas such as the social contract and the possibilities of freedom in association figure prominently. There are, moreover, a variety of more recent accounts of the modern state that bear the distinctive stamp of the authors' ideological predilections and arrive at markedly different conclusions from the four theories examined in this chapter. The modern state has, for example, been analyzed from a Marxian class perspective as essentially a capitalist state operating structurally to privilege the dominant position of the ruling class(es)³⁸; from a 'pluralist' perspective as essentially a liberal state that operates as a neutral arena for political contestation between a multiplicity of countervailing interest groups³⁹; and from a 'statist' perspective that focuses on the state as a potentially autonomous 'macro-structure.'⁴⁰

The decision to examine the theories of the state developed by Weber, Giddens, Mann and Poggi respectively is motivated by the objectives of the present study; namely an analysis of the consequences associated with the devolution of political power to sub-state national minorities. Although it must be acknowledged that, as is true of all such decisions, an element of arbitrariness is unavoidable and alternative theories equally relevant could have easily been chosen instead, the four theories examined are especially apposite to the subject matter of this thesis and the question of the relationship of national minorities to the modern state. Through their emphasis on the modern state's expanded administrative capacity, its commitment to

a unitary and centralizing structure of political authority and the distinctive nature of its claim to legitimacy, the significance of the political demands of national minorities are brought into sharper focus.

The first thing we learn from the analysis contained in this chapter concerns the distinctness of the modern state in a number of significant areas. Giddens, Mann and Poggi are particularly concerned to emphasize the uniqueness of the modern state (Giddens, for example, goes so far as to describe his as a 'discontinuist' theory of the state in recognition of the radically different nature of the modern state as compared with *all* previous models of state), and although Weber intends his basic definition as a description of the state-in-general, he also focuses on what is unique about the modern state in his analysis of its claim to legitimacy and its reliance on the bureaucratic model of administrative organization. What is implied by the concept of state is, then, not static over time but is rather a historically contingent ideal, and an understanding of what marks the modern state as distinct from previous models of state is of central importance for any analysis of the relationship between the state and national minorities residing within its borders.

At a basic level, all four authors acknowledge the necessity of defining the modern state in institutional terms; that is, by focusing on the means by which it exercises political authority rather than the ends that it pursues. In this respect, the influence of Weber is decisive; as he notes, what ultimately distinguishes the state from all other forms of organization is its claim to a monopoly of the legitimate use of coercion. As Giddens and Mann are careful to point out, what makes the modern state unique is the success with which it advances this claim; the modern state alone comes close to realizing the ambition of monopolizing the legitimate use of coercion.

From this basic idea of the modern state's relationship to physical force follow a number of important associated ideas which help us understand the significance of contemporary minority nationalist movements. Bound up with the modern state's monopolization of legitimate coercion is the importance assumed by the notion of territoriality. As Weber himself makes clear, there is a territorial dimension to the concept of the state; the state is described as a closed corporate group possessing 'territorial validity', meaning that it is residency or birth within a given territorial area that provides the criteria for identifying who is subject to its system of order. The scope of the relevant territorial order is made substantially

more definite with the development of the modern state and its subordination of rival sources of legitimate coercion. As Giddens observes, the territorial area over which such a state rules must be unambiguous and clearly defined, a fact that receives expression in the replacement of the indefinite 'frontiers' characteristic of pre-modern states with the definite 'borders' of the modern era.

The far greater degree of success with which the modern state is able to monopolize the legitimate use of coercion enables it to exercise direct rule over its population. By contrast, pre-modern states, lacking the requisite administrative capacity, can only exercise rule indirectly and rely to a greater or lesser degree on the co-operation of intermediate 'power-containers'. Pre-modern societies are, as a result, best described as segmental. Having access to a far greater degree of what Mann terms 'infrastructural power', modern states are able to overcome the chronic segmentalism characteristic of pre-modern states and effectively govern directly across the entirety of their territory. This is expressed by Giddens in the statement that within its territorial borders the modern state stands as the 'pre-eminent power-container', meaning that the presence of rival power-containers is eliminated. The significance of this aspect of the modern state for understanding the demands of sub-state national minorities is substantial for it implies that the destruction and/or marginalization of autonomous sites of political power is constitutive of the modern state form itself. This helps account for the reluctance most modern states display when confronted with internal minority groups' demands for some measure of political autonomy, since such demands are interpreted as undermining the power of the state itself.

The commitment to a unitary structure of political authority described above is further expressed in the modern states tendency toward centralization and functional integration. According to Mann's definition the modern state is a set of institutions 'embodying centrality', whilst for Poggi it is both 'centralized' and made up of divisions 'formally coordinated with one another.' The centralized nature of the modern state is manifest in the idea that in it, as Mann observes, 'political relations radiate to and from the centre.' The demand for political recognition advanced by some national minorities is based on their claim to constitute a distinct community with its own right of political self-determination. Insofar as this is accepted, the central state's position as the ultimate source through which all

political relations radiate is fundamentally contested. If national minorities are granted a measure of political autonomy in recognition of their distinct claim to national self-determination, then it is the latter rather than the central state that is the source of political authority. This is a clear challenge to one of the core attributes of the ideal-typical modern state as theorized by Weber, Giddens, Mann and Poggi and we should expect state's to resist the demand so far as politically possible.

Weber's conception of sociology as a science concerned with interpreting the subjective meaning of social action underpins his insistence in the necessity of adopting an individualistic method, according to which the subjective meaning of social action can derive only from individuals. The significance of this for his theory of the state is that it underpins his insistence that the state be understood not as an agent in itself but as a 'complex of social interaction of individual persons.'⁴¹ Weber's intention is to avoid the reification of the state, and in doing so an important idea about the concept of legitimacy is introduced that is similarly examined in the theories of Giddens, Mann and Poggi. The basic idea is that the exercise of political power implies some sort of relationship between the subject and object, so that the subject exercising power elicits obedience from the object because of the latter's belief in the validity of the former.

Giddens, for example, employs the concept of the dialectic of control as a way of expressing the idea that power and domination depends upon securing a necessary amount of compliance from others. Along similar lines, Poggi asserts that commands are always associated with inter-subjectivity and contingency; commands elicit obedience on the basis of a belief in the moral entitlement of the command-giver to that obedience. Applied to the concept of the state, this shows that state's can expect to receive the obedience from their citizens to the extent that the latter accept its legitimacy. Where a system of order endures for a substantial amount of time, where political power is institutionalized, it is rare that coercion alone sustains it. Instead, it is because that system enjoys some form of legitimacy.

Whilst legitimacy is therefore a generic condition of statehood, not all states derive their legitimacy from the same source. In considering the relationship between the modern state and internal national minorities, the specific form of legitimacy associated with the former is of considerable significance. Weber's well-known theory of legitimacy is based upon his understanding of the basic types of

social action; rational, affective and traditional. The modern state, he argues, is unique in the overwhelming predominance of the rational-legal type basis of its legitimacy and the extent to which it depends upon a bureaucratic form of administration. It is interesting to note that whilst Weber is critical of the process of bureaucratization associated with the development of the modern state, arguing that it threatens to replace the dynamic, passionate leadership of the politician who bears responsibility for his actions with a leaderless ‘civil-service-rule’, Poggi interprets it as a form of depersonalization that aids the elimination of the invidious arbitrariness characteristic of the exercise of political power in pre-modern states.

Whereas Weber locates his analysis of legitimacy in the context of the basic types of social action, Giddens and Mann focus on the manner in which the modern state’s expanded administrative capacity alters the relationship between state and society. According to Giddens, the modern state operates a system of rule with a uniquely wide scope, meaning that it is capable of successfully enforcing its authority over a large area. The increased scope of the modern state’s rule enables it to increasingly penetrate the intimate and day-to-day lives of its citizens in a manner unthinkable in previous eras, but is achieved at the cost of a decrease in the intensity – of the sanctions available to it – of the state’s rule. This is explained in terms of the operation of the dialectic of control; the wider the scope of the state’s rule, the greater the extent of openings available through which citizens can influence the state. Mann constructs a similar account in terms of two dimensions of power; infrastructural and despotic. Largely owing to the superior efficiency of its bureaucratic model of administration, the modern state wields a far greater degree of infrastructural power as compared with any pre-modern forms of state. An inevitable corollary of this expansion of infrastructural power is a decrease in despotic power; that is, the capacity to rule without reference to the interests of the population. Mann describes this process as a tightening of the state-society relationship. Henceforth, legitimacy is more than ever constructed with reference to the relationship between rulers and ruled (although he rejects Giddens’ suggestion that the modern state is therefore inherently polyarchic, pointing instead to the significant degree of continuity in distributive power relations).

The changed nature of legitimacy in the context of the modern state is significant for the understanding of the relationship between the state and national

minorities for three reasons. First, more so than previous state forms, the modern state's legitimacy derives from its relationship to its population. It adheres to the ideal of popular sovereignty (see chapter two for a detailed analysis of the concept of sovereignty). Second, the unitary character of the modern state is mirrored by its commitment to a unitary conception of the demos from which its legitimacy derives. Third, as Mann recognizes, the modern state's legitimacy is intimately associated with its ability to represent its citizens' internal sense of community. The transformation of legitimacy in the context of the modern state into something dependent upon the state representing the internal sense of community of its population, gives it an intrinsic interest in promoting homogenization aimed at instilling a common culture amongst all the groups within its territory.

National minorities question the legitimacy of the state precisely because of its perceived failure to represent their internal sense of community and a rejection of the unitary conception of nationality to which the state adheres (see below). From the perspective of the state, acceding to the demands of national minorities is seen as itself undermining its legitimacy, for it implies the acceptance of alternative sources of political authority and legitimacy. Mann examines this issue when he describes the essentially contested nature of the modern state's crystallization as a national state. The development of modern citizenship, Mann argues, was always concerned with both *who* should enjoy it and *where* it should be located. The resulting conflict of interests is manifest in the struggle between central and local-regional powers which, far from having been uncontroversially resolved, are woven into the fabric of the modern state. Acknowledgement of the essentially contested nature of the modern state's claim to represent a unitary national population from which its legitimacy is derived is paramount if we are to understand the forms of minority nationalism currently prevalent in the so-called consolidate states of the Western world.

In analyzing the nation-state it is of crucial importance that we maintain an analytical distinction between the concepts nation and state, which unfortunately are often used in such a way that they become virtually interchangeable. Only by presenting a clear understanding of the difference between the nation – a human community sharing a common culture, values and symbols – and the state – an institution that seeks to

create such a common culture via the pursuit of nation-building policies – can we hope to explain the role and importance of stateless nations in the contemporary world. The following section is thus dedicated to the examination of four competing theories of the origins and nature of nations and nationalism.

Theories of the Nation

Ernest Gellner

In his book, *Nations and Nationalism* (1983), Ernest Gellner defines a ‘nation’ as a collective group, the members of which share two essential elements – a common culture, and a subjective recognition of shared national identity. Thus defined, he argues, the nation is part *cultural* and part *voluntaristic*.⁴² However, as Gellner points out, these two elements can also be found in various social collectivities that we would not want to recognize as nations, and that to arrive at an accurate theory of the nation we must enquire further into the conditions of industrial society, within which alone nations emerge. For nations are not, according to Gellner, inherent attributes of humanity, but are rather contingent categories of human association – contingent upon certain conditions pertaining to industrial society. Prior to the process of industrialisation, no social collectivities recognizable as nations existed, whereas subsequent to industrialisation the development of nations was both necessary and inevitable. It is only within the context of industrial society that the two elements *will* and *culture* become fused within the polity to form nations. For it is industrial society that makes possible the standardised, homogeneous and centrally sustained high cultures that are the foundations of nationhood.

According to Gellner, human history can be divided into three principal stages; pre-agrarian, agrarian, and industrial. Since Gellner argues that a nation cannot develop in the absence of a state, which acts as the political shell within which the common culture of nationhood develops, it is self-evident that nations are absent in pre-agrarian society where no such thing as the state existed. Why then, asks Gellner, are nations similarly absent in agrarian societies which, after all, often have significantly developed state structures? It is, he concludes, because the division of labour found in agrarian society engenders a social structure that systematically favours internal cultural differentiation rather than cultural

homogeneity. This is true both with regard to the ruling classes and for the great majority of the subject population engaged in direct agricultural production.

In agrarian society, the various sub-strata of the ruling class are separated from each other, and from the mass of the peasantry, by horizontal lines of cultural cleavage. Cultural differentiation between the various sections of the ruling class is maintained as a desirable means by which to reduce 'friction' and 'ambiguity', as well as helping to further their position of power and privilege vis-à-vis the subject population. The conditions of the peasant communities that constitute this subject population similarly militates against the development of cultural homogeneity, as they live within 'laterally insulated' communities whose inward-turned lives preclude the possibility of more extensive cultural identification. For its part, the agrarian state has little interest in promoting cultural homogenization either within the subject population or between it and themselves, since the agrarian state is by and large content to restrict its activities to extracting taxes and maintaining a minimal peace.

Moreover, not only is the maintenance of horizontal cultural cleavages between the ruling classes and subject populations desirable – it is actually feasible in the context of the relative stability that agrarian society represents. Sharp differentiation between sections of the population are experienced less as an intolerable inequality and more as a balm that soothes the undeniably radical inequalities 'by endowing them with the aura of inevitability, permanence and naturalness'.⁴³ The 'invisibility' of a peasant culture that is necessarily inward-turned excludes any inclination on their behalf for attaching any political pretensions to that culture such as is required for the development of nationhood. In such a context the development of an overriding and homogeneous 'national' culture is impossible.

The social structure of industrial society is, however, very different. Whilst he accepts that the causes and origins of industrialism (its aetiology) are, and are likely to remain, essentially disputed, Gellner nevertheless posits an analysis of the 'new spirit' of industrialism. Taking his cue from Weber, Gellner understands the concept of rationality, and its commitment to the twin ideals of orderliness and efficiency, as emblematic of the new spirit of industrial society. This new spirit, according to Gellner, is expressed in the philosophy of David Hume and Immanuel

Kant and their philosophical project of cognitively ordering the world according to a 'universal conceptual currency'.⁴⁴ Gellner terms this the 'equalization and homogenization of facts', and uses it to argue that industrial man is the first to understand facts as analyzable according to a single universal logic. Gellner relates this cognitive process to profound changes in the forms of social organization that occur within industrial society; changes that make the development of nations inevitable.

According to Gellner, industrial society is based upon a commitment to perpetual economic and cognitive growth. This perpetual growth implies a commitment to the ideals of progress and continuous improvement that can only be satisfied by a social structure in which human roles are themselves 'optimal and instrumental'. Continuous economic growth demands a commitment to innovation and efficiency, things that are incompatible with the rigidly stable social structure of agrarian society. Instead, what is required is the far greater degree of mobility and egalitarianism which is characteristic of industrial society.

This is also reflected in the nature of specialisation present in the division of labour of industrial as compared with agrarian society. In industrial society, specialists, whilst more numerous in total, are possessed of a greater 'mutual affinity of style' than their agrarian counterparts as a product of their shared grounding in a preceding generic and universally standardized form of training. The implementation of standardized and unspecialized education that industrial society demands places the responsibility for social reproduction firmly in the hands of the central state as the only body capable of providing such an education.

For continuous economic growth to become a reality, then, the state must take possession of a monopoly of the means of education in a manner that excludes the possibility of 'self-reproductive' sub-communities such as are commonly found in agrarian society. The fusion of will, culture and polity that the nation represents now becomes a reality under the direction of a state charged with the implementation of centralized 'exo-education'. We can relate this to the terms used by Giddens by saying that, according to Gellner at least, the nation develops as a result of the state taking primary responsibility for the reflexive monitoring of system reproduction, via the institution of compulsory state education, in response to the demands of the industrial division of labour. Thus, the only way that a common national culture can

be sustained, according to Gellner, is under the direction of a centralized state possessing a monopoly of education within its boundaries. Only such an education system can perform the function of producing a 'standard culture' that lies at the heart of the formation of the nation.

Gellner's theory of nations and nationalism, involving the argument that national identity and common culture are produced and sustained by a centralized state, struggles to account for the existence of stateless nations and minority nationalist movements. The continued existence of stateless nations such as Scotland, Catalonia and Quebec suggests that a common culture can be sustained by means other than a centralized state using its monopoly of education to homogenize its population. Whilst Gellner recognizes the possibility of such state-less collectivities to persist for some time, in keeping with his overall theory he predicts that such groups must inevitably seek their own independent state, for without such a state their survival is made impossible. Thus he writes;

'A culture can and now often does will itself into existence without the benefit not only of a dynasty, but equally of a state but in this situation, when devoid of its political shell, it will then inevitable strive to bring such a state into being, and to redraw political boundaries so as to ensure that a state does exist, which alone can protect the educational and cultural infrastructure without which a modern, literate culture cannot survive.'⁴⁵

Eric Hobsbawm

The concept of nation cannot, according to Eric Hobsbawm, be satisfactorily defined purely by reference to either *objective* criteria, such as language, ethnicity, or culture, nor by *subjective* criteria such as a sense of shared group attachments. The former because closer analysis so often reveals their arbitrary or 'invented' character, and the latter because it leads to tautology and extremes of voluntarism. Given these considerations, Hobsbawm's theory of the nation contains no *a priori* definition of what constitutes a nation.⁴⁶ Instead, he focuses on the historical circumstances surrounding the development of the concept, arguing that to understand the nation we must look at a particular historical period, late eighteenth and early nineteenth century Europe, during which the idea of nationhood was founded. Hobsbawm argues that nations did not, and indeed could not, have existed prior to the

‘revolutionary-democratic’ events that occurred in America in 1776 and France in 1789.

As indicated, then, Hobsbawm argues that it is a mistake to analyze nations in terms of their cultural aspects alone, since so-called national traditions are most usually the product of invention. Hobsbawm’s theory of the nation instead focuses on the concept’s relation to the modern territorial state, arguing that to discuss nationality in any way other than its relation to the ‘nation-state’ is meaningless. In saying this, Hobsbawm does not suggest that prior to the development of the modern state human beings did not belong to extensive communities of popular identification. Rather, he posits that such communities as did exist have no necessary relation to modern national communities which, crucially, are territorial political organizations. Thus, according to Hobsbawm, there can be no nation without a state.

The discontinuity that exists between pre-modern group attachments (what Hobsbawm somewhat confusingly terms ‘popular proto-nationalisms’) and modern nations, can be demonstrated by looking at the role of language in identity formation. Whilst it is undoubtedly true that linguistic traits act as an aspect of communal self-identification in all eras, it is only under certain modern conditions that language can become associated with extensive national communities. Language in pre-modern societies lacked the level of standardization to which we are now accustomed. Rather, it took the form of a ‘complex of local variants of dialects intercommunicating with varying degrees of ease or difficulty’.⁴⁷ Therefore the concept of a national language should be seen as more a product of artifice than an objective foundation of national identity. Criticizing those who would posit a ‘mystical’ identification of nationality with language, Hobsbawm suggests that the very idea of national language is a ‘literary’ rather than an ‘existential’ concept. We shall have cause to return to Hobsbawm’s account of the role of language in the development of nations below.

The roots of nationhood do not, according to Hobsbawm, lie in the ‘popular proto-nationalisms’ around which group identification coalesced prior to the late-eighteenth century. This is because nowhere did these proto-nationalisms carry the particular political implications that are central to the contemporary understanding of the term nation. It was in the success of the ‘revolutionary-democratic’ movements

of the later eighteenth century, in particular the American Revolution of 1776 and the French Revolution of 1789, that the ideal of popular sovereignty asserted itself as the most important legitimating principle amongst Western European states. This, for the first time, allowed the idea of 'the people', meaning the group of citizens in which collective popular sovereignty ultimately inheres, to be equated with the state to whose authority they are subject.

The increasing importance of popular sovereignty led to the state being seen as the political expression of its citizens, such that the latter could now be legitimately described as a nation. The important thing to note about this process is that nationality referred to a human collectivity united by their common citizenship status under the authority of a state seen as their political expression. It did not imply anything about the level of cultural homogeneity or otherwise of those individuals constituting the nation. According to Hobsbawm, there is no intrinsic connection between nationhood and culture. The fact that nation and culture have become so intimately linked in contemporary times is, according to Hobsbawm, largely a product of elite manipulation in the service of power and privilege.

The nation was thus originally conceived as the ideal at the heart of a unifying and expansionist political project indicative of the historical evolution of mankind toward larger and larger organizational units. Nationality represented an opportunity to overcome the myriad of particular (and hence divisive) identities and interests and work instead toward the common good. Prior to the development of a modern state rooted in the discourse of popular sovereignty there could be no such thing as nations, and when the concept of nation was born it asserted the primacy of citizenship over the particularist attachments of culture. Hobsbawm thus argues that nationality, in its original liberal incarnation, referred to one's status as a citizen residing within a particular state. From such a perspective the peripheral nationalisms of stateless nations are particularistic and divisive political movements and as such are an affront to efforts at working toward the common good. By emphasizing so strongly the association of nation and state, Hobsbawm's theory concludes by asserting the civic and progressive potential of state-supported nationalisms, as opposed to the inevitably particularist, because founded upon culture, nature of minority stateless nationalisms. Hobsbawm analyzes the process by which the initially 'civic' nature of the concept of nation, as developed in the

context of the 'democratic-revolutionary' politics of later eighteenth and early nineteenth century Europe, was transformed by the end of the nineteenth century into an 'ethno-linguistic' concept. According to Hobsbawm, this transformation was largely a product of the activities of various elites whose interests and access to power could be promoted by the invention of ethno-cultural nations. The development of the modern state changed the nature of state-society relations. Similarly to Giddens and Mann, Hobsbawm argues that the development of the modern state brought ruler and ruled much 'closer' than ever before so that they were now 'inevitably linked by daily bonds'.⁴⁸ The increasingly direct relationship between state and citizen raised the hitherto relatively unimportant issue of citizens' loyalty higher up the political agenda of the state. This at the same time as traditional sources of loyalty, such as religion and social hierarchy, were losing much of their traditional potency. Within this context governments increasingly turned toward the concept of a 'civic religion' in the form of 'state-based patriotism' as a way of strengthening the loyalty of its citizens. Moreover, 'states and regimes had every reason to reinforce, if they could, state patriotism with the sentiments and symbols of 'imagined community' wherever and however they originated, and to concentrate them upon themselves'.⁴⁹

In other words, governments themselves found that constructing the nation as an ethno-cultural group was essential if they were to inspire the feelings of loyalty that, because of the changed nature of state-society relations, had become an important part of the political agenda. The ethno-cultural nation that emerged from this process differed from its civic predecessor in at least three respects; first, the 'threshold principle', according to which only such groups as were large enough to form viable units of economic development could qualify as nations, was abandoned, thus paving the way for 'mini-nations'. Second, ethnicity and language became defining features of nationality, and third, the discourse of nationality shifted away from its liberal progressive roots towards the political right.

The role of language in the transformation from a civic to an ethnic conception of nationalism is linked by Hobsbawm to the class nature of nationalist movements. He argues that linguistic nationalism is largely the preserve of a petty bourgeois stratum for which there is a clear material interest in raising their language to the status of official 'national' language requiring political protection. Linguistic

nationalism was attractive to a lower-middle stratum whose opportunities for social mobility were potentially advanced if their vernacular language could be upgraded to the medium of secondary education. There is thus a clear class interest in the promotion of linguistic nationalism that is a more important explanatory factor than any supposed inherent association between language and identity. Moreover, according to Hobsbawm, in the hands of the petty bourgeoisie, nationalism, ‘mutated from a concept associated with liberalism and the left to a chauvinist, imperialist and xenophobic movement of the right’.⁵⁰

Not only is the conception of the nation as an ethno-cultural community a social construction which serves the material interests of the dominant class(es), the very principle of nationalism – that the political and the national unit be congruent – is doomed to failure on the grounds that unscrambling the diverse mix of ethnic and language groups found within most states is evidently impossible. Hobsbawm writes; ‘The logical implication of trying to create a continent neatly divided into coherent territorial states each inhabited by a separate ethnically and linguistically homogeneous population was the mass expulsion or extermination of minorities’.⁵¹ Such a conclusion flows naturally from Hobsbawm’s insistence that the nationalist principle can only be realised by the creation of independent nation-states for every nation. However, by maintaining a clearer conceptual distinction between nation and state, it becomes possible to view national self-determination as realisable in ways that fall short of independent statehood.

John Breuilly

John Breuilly also rejects the notion that the concepts of nation and nationalism should be understood primarily from a perspective that views them as cultural phenomena, but departs from Hobsbawm’s analysis by rejecting as equally invalid the argument that nationalism is the expression of ‘deeper’ phenomena such as class interest or social structure. Instead, nations and nationalism, according to Breuilly, should primarily be understood as *forms of politics*. Appealing to the ideal of nation presents itself as a peculiarly appropriate form of political behaviour for opposition movements operating in the context of the modern state. Within Breuilly’s theory, the concept of nation is described as an ‘institution’, meaning that it is a device for

achieving other ends, namely the capturing of state power on behalf of political opposition movements. Breuilly defines nationalism as follows:

‘The term ‘nationalism’ is used to refer to political movements seeking or exercising state power and justifying such actions with nationalist arguments. A nationalist argument is a political doctrine built upon three basic assertions:

- a) There exists a nation with an explicit and peculiar character.
- b) The interests and values of this nation take priority over all other interests and values.
- c) The nation must be as independent as possible. This usually requires at least the attainment of political sovereignty.’⁵²

Defined in this way, nationalism did not exist prior to the development of the modern state which provides the only context within which such a form of politics makes sense. Breuilly identifies the development of the modern state with a number of general changes in the economic, political and cultural spheres, all of which make possible the type of ‘mobilisation’ that nationalist politics implies. Because nationalism is, by definition, a form of ‘mass’ politics, it relies on the prior existence of these changes which have the effect of mobilizing attitudes at the popular level that previously were contained by more local barriers. In terms of economic changes, Breuilly highlights the increasing penetration of market relationships and the creation of an urban working class; politically, the modern state entails a greater centralization of authority and the spread of bureaucracy; and culturally, changes such as the introduction of state-controlled education, mass-literacy, ‘print capitalism’, and new methods of communication, all ‘provide the basis for new popular political attitudes and demands’.⁵³ Breuilly employs the term ‘mobilisation’ to describe the combined outcome of these changes, ultimately arguing that nationalism develops as an effective political response to mobilisation thus conceived.

To understand exactly why nationalism emerged as an appropriate form of political behaviour in coping with mobilisation, Breuilly suggests that we must look to the changed nature of the relationship between state and society that the development of the modern form of state entails. The growth of the administrative power of the state saw its authority extended at the expense of other institutions such

as churches, estates and guilds, resulting in a state that resembled a 'nation-state'. It is only following such an extension of state authority that the idea of nation could attain any political relevance.

Breuilly argues that the expansion of the state's administrative power, with its effect of turning the state into a nation-state, paradoxically brings about a 'separation' of state and society. He explains this as the replacement of 'horizontal' distance with 'vertical' distance, to describe the way in which the state, as it intervenes more and more in the intimate activities of its citizens, actually appears more rather than less detached from them. Moreover, the claim to 'absolute' sovereignty advanced by the state implies the existence of a 'public' authority standing above the 'private' interests of civil society. This separation of public and private, unknown in the context of the pre-modern state, brings forth the question of how exactly the two realms should be connected. Nationalist ideology, influenced by the historicism of writers such as Herder, offers to resolve the separation of state and society by integrating the cultural nation as a political nation, thereby protecting the nation's 'authenticity'. Breuilly, argues that the claim of nationalist ideology 'to link cultural distinctiveness with the demand for political self-determination'⁵⁴ is only plausible in the context of the separation of state and society (or public and private) that accompanies the development of the modern state and the modern states system.

The success of the nationalist 'solution' to the separation of state and society lies in its ability to perform the functions of co-ordination, mobilisation and legitimation. Nationalist politics can provide a unity of purpose and values for an opposition movement otherwise possessed of a variety of diverse interests; it can bring in hitherto uninvolved or unorganized sections of society into politics; and, in the context of an international states system built around the principle of state sovereignty and national self-determination, can engender support from outsiders. The success with which nationalist politics is able to perform these three functions accounts for its pervasive prevalence in the modern era.

Like Hobsbawm, Breuilly argues that, in its original manifestation, the ideal of nation was not so much conceived as a cultural entity, but was rather a by-product of the modern state's embrace of the principle of popular sovereignty. Once the modern state was seen as deriving its sovereignty from the 'people', the occupants of

the clearly defined territory could begin to imagine themselves as a nation. It is only subsequently that nationhood began to acquire specifically cultural connotations. Particularly in the case of weak opposition movements, appealing to the cultural characteristics of the nation offered the best opportunities for mobilizing support against the existing state authorities. Echoing Hobsbawm, Breuilly writes, ‘Once the claim to sovereignty was made on behalf of a particular, territorially defined unit of humanity, it was natural to relate the claim to the particular attributes of that unit’.⁵⁵

In sum, Breuilly identifies three essential premises upon which nationalist politics build, all of which are closely associated with the development of the modern state and the modern state system; the concept of a ruled society definable according to its private character, the sovereign territorial state, and the existence of an international states system of competing sovereign states. Breuilly argues that nationalism developed as a form of politics that was appropriate within this context, and, moreover, is a form of politics that remains tied to these conditions. Nationalism is an ideology of opposition – it can play no distinctive role in the actual exercise of state authority, precisely because its claim to reintegrate the separation of state and society is impossible in the context of a modern state that is founded on just such a separation.

Anthony D. Smith

The starting point for Anthony D. Smith’s theory of the nation is that there are important continuities between modern nations and pre-modern ‘*ethnie*’. That the form and content of *ethnie* are both durable and intimately linked with those of modern nations provides the ‘underlying motif’ of his analysis. He argues that national identities are to a significant degree dependent on the memories, myths, values and symbols that provide the content of pre-modern ethnic identity. It is only by recognizing the historical continuity that exists between nations and *ethnie* that we can explain the intense emotional power engendered by nationalist sentiment, and the ardent nature of individuals’ attachment to their national identity.

Smith defines *ethnie* as ‘named human populations with shared ancestry myths, histories and cultures, having an association with a specific territory and a sense of solidarity’.⁵⁶ These qualities exert a ‘binding’ influence over the members

of the *ethnie* in the manner by which they condition the interactions and perceptions of the community, and provide shared meanings. Moreover, the memories, symbols and values of *ethnie* adopt a ‘historicity’ which conditions the form that subsequent communal expressions will take. There is therefore a significant degree of continuity between *ethnie* and modern nations. This is because the form and content of *ethnie* constitute the raw material from which national identity is formed.

According to Smith, ethnicity so defined represents a ‘central axis of alignment and division’ in the pre-modern world, in which the existence of *ethnie* is ‘widespread and chronic’.⁵⁷ The complex of myths, memories and symbols that lie at the heart of these *ethnie*, what Smith refers to as the ‘myth-symbol complex’, endow the community with a distinctive political mythology – a ‘mythomoteur’. Whilst this political mythology remains largely implicit and assumed, it nevertheless plays an important role in shaping goals and ideals toward which the members of the *ethnie* strive. Furthermore, different forms of mythomoteur are associated with different types of *ethnie*. *Ethnie*, according to Smith, can be either ‘lateral-aristocratic’ or ‘vertical-demotic’. Membership within lateral-aristocratic *ethnie* is largely limited to an elite class, with the bonds of ethnic identification rarely penetrating further down the social scale. Vertical-demotic *ethnie* are both more intensive, exclusive and diffuse throughout the social scale.

What distinguishes Smith’s argument from those advanced by Gellner, Hobsbawm and Breuilly is his assertion that numerous examples of vertical-demotic *ethnie* can be found in pre-modern societies. Although it is true that many pre-modern *ethnie* are of the lateral-aristocratic kind and hence limited to a small strata of society, it is not the case, as the theories of Gellner, Hobsbawm and Breuilly suggest, that these represent the only type of identification community in pre-modern society. Rather, according to Smith, even in pre-modern societies, *ethnie* can be found in which ‘a single ethnic culture permeates in varying degrees most strata of the population’.⁵⁸

Ethnie, whilst providing much of the cultural material from which nations develop, are not the same as nations. It is, according to Smith, the ‘triple revolution’ of modernity that plays the pivotal role in transforming *ethnie* into nations. The three aspects of this triple revolution being; first, the transition to capitalism with its implications of a single territory-wide occupational system; second, the

transformation of military and administrative methods of control, in particular the rise of the bureaucratic ‘rational’ state; and third, a revolution in the sphere of culture and education whereby the bureaucratic state comes to replace ecclesiastical authority as the ‘active principal of cultural change’.⁵⁹ According to Smith, the relevance of these three revolutions is that they all ‘revolved around the fashioning of centralized and culturally homogeneous states’.⁶⁰ Within this context *ethnie* were gradually transformed into political nations.

The term nation is defined by Smith as ‘a named human population sharing an historic territory, common myths and historical memories, a mass, public culture, a common economy and common legal rights and duties for all members’.⁶¹ Nations, therefore, can be distinguished from *ethnie* with respect to the former’s relationship to political and economic organization. Following the triple revolution of modernity, *ethnie* can only survive by becoming ‘activist, mobilized and politically dynamic’: In other words, in the context of the emerging European and colonial inter-state system, *ethnie* are forced into the political arena, to become politicized nations.

Asymmetries in the timing and form of the triple revolution of modernity play an important role in the direction that nation formation takes. As in Hobsbawm’s theory of the nation, Smith distinguishes between two types of nation; the ‘territorial nation’ and the ‘ethnic nation’. However, Smith’s account fundamentally differs from that developed by Hobsbawm insofar as he argues that the boundary between these two categories cannot, upon closer inspection, be maintained. For Smith, there is an inherent dualism in the concept of nation, so that all nations must inevitably possess *both* territorial *and* ethnic elements. According to Smith, a territorial nation consists of three basic elements; a sovereign, geographically-bounded state, the inhabitants of which constitute the nation, a common code of laws and legal institutions, and a set of common citizenship rights. It is the fact that the concept of citizenship carries implications of ‘solidarity and fraternity through active social and political participation’⁶², that the distinction between territorial and ethnic nations cannot be clearly maintained. The enactment of citizenship rights led to an assumption that citizens had a will to participate, and hence were ‘predicated upon an attachment to the land and an affiliation with the community’.⁶³ In other words, owing to the fact that citizenship implies a sense of solidarity which cannot exist in the absence of some shared myths, memories and

symbols, territorial nations cannot survive without *also* being cultural communities. Recognition of this fact explains the role of mass state education in consciously promoting cultural homogeneity.

Just as territorial nations are thus driven toward the project of promoting cultural homogeneity as a foundation for a sense of solidarity, so too are ethnic nations compelled to take on aspects of the territorial nation, such as a common division of labour and the legal rights associated with citizenship. Smith thus argues that the concept of nation is driven ‘back and forth between the two poles of *ethnie* and state which it seeks to subsume and transcend’.⁶⁴ This dualism inherent in the concept of nation is, according to Smith, evidence of the importance of the myth-symbol complexes of *ethnie* for the formation of nations. Nations, compelled by the triple revolution of modernity to become territorially centralized, politicized and legally and economically unified, nevertheless remain solidary communities rooted in the myths, memories, symbols and values of pre-existing *ethnie*. Nations thus face simultaneously forward to a political future, and backward to a cultural past. It is wrong, according to Smith, to suppose that nations are radically new categories of human association. Instead, he stresses the continuities between *ethnie* and nations, arguing that nations simply ‘extend, deepen and streamline the ways in which members of *ethnie* associated and communicated’.⁶⁵

Summary

The concept of the nation is one of the most contested in the social sciences and as such there are a plethora of alternative accounts from which this section could have drawn that would have emphasized alternative dimensions. The four theories examined are, however, especially well known and influential accounts of nations and nationalism, and together provided much of the foundations for the considerable advances in the specialist field of nationalism studies that occurred in the final decades of the twentieth century. Three principal themes emerge from the above analysis that are pertinent to our understanding of the political demands of contemporary minority nationalists; the relationship of the concept of nation with modernity, the cultural dimension of nationality, and the significance of the state for nations and nationalism.

A prominent debate in the field of nationalism studies concerns the relative modernity of nations; that is, the extent to which collectivities with the qualities associated with nationhood are present only in the modern era. On this question, Gellner, Hobsbawm and Breuilly unequivocally support the view that nations are indeed found exclusively in the modern era; the formation of nations, they argue, is dependent upon certain developments associated with modernity, although which features of modernity act as the catalyst enjoys less agreement. For Gellner the key factor is the establishment of the industrial mode of production and the specific division of labour with which it is associated. His is a structural account of the formation of nations according to which it is the social mobility required by a system of production based upon continuous economic growth that provides the impetus for the creation of nations. Rather than industrialization, Hobsbawm understands the triumph of the ideal of popular sovereignty following the democratic-revolutionary events in late eighteenth century North America and France as providing the impetus for the creation of nations. Finally, Breuilly focuses on specific qualities of the modern state which, he argues, create conditions in which nationalist ideology for the first time an effective political strategy. For all of three of these authors, nations are essentially modern phenomena with marked discontinuities compared to all forms of pre-modern collectivity.

With a greater emphasize on the symbolic significance of historical myths and memories in constituting national consciousness, Smith rejects the view that nations are entirely modern. Instead he argues that there are important continuities between pre-modern cultural communities – *ethnie* – and modern nations. Although he accepts that a revolution in the spheres of politics, economics and culture occurring initiated in the eighteenth century contributed to the transformation of pre-modern *ethnie* into modern politicized nations, the myth-symbol complex of the latter continue to significantly shape the former. Whilst the political claims that are partly constitutive of nationhood are, Smith argues, largely a product of modernity, the form and content of nations as cultural communities is constructed around pre-existing myths, memories, symbols and values.

This debate concerning the relative modernity of nations is apposite to the study of contemporary minority nationalist movements for the manner in which it enables us to consider why these communities continue to advance political claims.

From the perspective of Hobsbawm's theory of the nation, for example, the assertion of nationalist claims on the part of minority groups in opposition to the existing state is a reflection of the material interests of certain elites within that minority. The distinct attributes that such minorities attach to their national identity are, Hobsbawm argues, merely the products of invention and serve only to promote the interests of actual or potential elites. From the very different perspective of Smith, by contrast, nationalist appeals to the historicity of their distinct community are to be taken seriously on their own terms.

The authors examined in this section offer different interpretations of the relationship between nationality and culture; in broad terms, we can say that Hobsbawm and Breuilly reject the contention made by both Gellner and Smith that nations are necessarily cultural communities. Gellner, for example, understands the demand for continuous economic growth peculiar to industrialized societies as dependent upon a culturally homogeneous, mobile population. It is then the assumption by the state of the responsibility for mass education that acts as the principal means of cultural homogenization. Smith also argues that a cultural dimension is constitutive of the concept of nation since both 'civic' and 'ethnic' nations are always to some extent founded on a set of common myths, memories, symbols and values. It is impossible, Smith suggests, to maintain a strict analytical distinction between the idea of the civic and the ethnic nation. So-called civic nations are principally defined according to a set of shared citizenship rights, but the concept of citizenship itself implies the existence of bonds of social solidarity capable of motivating the active social and political participation of citizens. For this reason the extension of citizenship rights fostered the assumption that citizens shared an attachment to a common cultural community.

Hobsbawm and Breuilly are much less inclined to understand the cultural dimension as constitutive of the concept of nation. According to Hobsbawm, the assertion and gradual spread of the principle of popular sovereignty following the revolutionary-democratic movements of the late eighteenth century meant that the state was for the first time seen as the political expression of its citizens, who were thus constituted as a nation. Common membership of a territorial state thus defined nationhood. It was only in the nineteenth century that the concept of the nation acquired cultural connotations of homogeneity, and even then this was as a result of

the invention of tradition on the part of political elites for whom the promotion of the spurious idea of the nation as a cultural community served definite material and class interests. For Breuille, the appeal of nationalism is to be explained by reference to its capacity to perform the functions of co-ordination, mobilization and legitimation in the context of the bureaucratic modern state rather than by the extent of cultural homogeneity exhibited by any national group.

The demand for political recognition advanced by some contemporary national minorities is based upon an assertion that they constitute a separate and distinct national community understood as containing a 'civic' and an 'ethnic' dimension. Whilst on the one hand, only by defining their nation in inclusive civic terms can a minority nationalist movement satisfy democratic norms, they nevertheless also claim to embody distinct cultural values from the majority national identity; cultural values that are given insufficient protection in the absence of political autonomy. Moreover, as Smith observes, citizenship implies corresponding bonds of social solidarity that depend to some extent on a sense of shared culture and identity. The emotional bonds of membership in a national minority are a significant source of social solidarity which, from the perspective of minority nationalists, foster greater civic and political participation where that identity is afforded political recognition.

How we conceptualize the relationship between nation and state impacts considerably on how we understand the political demands of internal minorities. In different ways and to a varying extent, all four of the theories examined in this section equate nation and state, implying both that all nations seek independent statehood without which they could not survive as distinct national communities. In this regard Hobsbawm is most trenchant; he baldly argues that the concept of nation has no independent significance outside of the context of the nation-state. From a different perspective Gellner arrives at a similar position; the nation can only survive within the 'political shell' of the nation-state, since it is the monopoly of education possessed by the latter which alone is capable of sustaining the literate high culture of nationality. Although more sensitive to the historical, cultural and symbolic aspects of nationality, by including in his definition of the nation factors such as common economy and legal framework, Smith also suggests that possession of a nation-state is a *sine qua non* of nationhood. Finally, according to Breuille's theory

of the nation, it is only in the context of the modern bureaucratic state that the concept of nation and the ideology of nationalism make sense as forms of politics. Whilst he acknowledges that nationalism is an ideology of opposition movements, he argues that such groups appeal to nationalist arguments in the pursuit of a nation-state of their own.

From the perspective of national minorities, this equation of nation and state serves the interest of existing states and majority national communities. By equating nation with common membership in a state – i.e. citizenship – the distinct identity of minority groups is denied and/or marginalized. The continued existence of territorially-concentrated historic communities whose members self-identify as a nation suggests that it is not only the possession of an independent nation-state that can sustain a sense of nationhood. Historical myths, and symbols, distinct civil society institutions, and memories of lost political independence are some of the factors that are capable of sustaining a sense of distinct national identity in the absence of an independent nation-state. Moreover, despite the assertion by the four authors examined in this section that the desire to form an independent nation-state is constitutive of the concept of nation, a number of contemporary national minorities explicitly eschew the goal of secession in favour of a measure of political autonomy short of independent based on a claimed right of national self-determination.

We have seen that the nation-state is characterized by its possession of a monopoly of the means of legitimate force and is ‘concerned and committed to a distinctive, unified and unifying set of interests and purposes.’⁶⁶ Through its prominent role in the reflexive monitoring of social reproduction, in particular its control of education, the nation-state thus aims at the promotion of homogeneity within its boundaries, as a way of reinforcing its legitimacy. It is when the nation-state fails in its attempts at homogenization that we see the continued existence of internal minority nations - what have been termed ‘nations without states.’⁶⁷ These minority nations, by opposing the unitary and centralist nature of the nation-state, enter into a dialectical power relationship with it, and call into question its legitimacy. Therefore, to understand contemporary peripheral nationalist movements arising from within stateless nations, we must look closer at the way in which the nation-state, rather than being the institutional expression of a unitary nation, in reality actively seeks to build a nation. When such nation-building efforts are unsuccessful,

and we find the continued existence of internal national minorities, the legitimacy of the state, based upon a claimed link between nation and state, is called into question.

2

National Minorities Within the Nation-State

In the previous chapter we analyzed a number of influential theories of both the (modern) state and the concept of nation, with a view to elucidating some of the central attributes of what was described as the pre-eminent state form of modernity; the nation-state. Within this analysis were interspersed a number of comments oriented toward exposing potential points of conflict between the nation-state model, as it is most commonly interpreted, and national minorities residing within the state's borders. It was suggested that the highly centralized (and centralizing) nature of the nation-state model, combined with the fact that legitimacy is therein grounded in the presumed link between nation and state, functions to problematize the existence of national diversity. The existence of substantial numbers of individuals who do not self-identify with the dominant 'core' national identity, and claim the right to be recognized as a separate and distinct nation, is inherently in tension with the centralizing and homogenizing ambitions of the nation-state.

The objective of the present chapter is to further interrogate the relationship between the nation-state and national minorities included within the state's territory. It is only having highlighted the points of tension in this relationship that the task of theorizing how best they can be reconciled within a democratic framework can be undertaken. First, however, we need to clarify what exactly is meant by the term national minority.

What is a National Minority?

As should at this point be evident, a basic assumption at work within this study is that there exists a certain congruency shared between state-bearing and stateless nations; that is to say, national minorities, despite lacking a state of their own, can nevertheless quite properly be considered as nations. Such an equation of national

minority with nation is not, however, uncontested, owing to the already observed tendency for much of the relevant literature to treat as nations only those collectivities in possession of a unified nation-state. We have already seen a most strident statement to the effect that nations are to be considered as such only where they either possess, or actively strive to possess, a nation-state of their own in Hobsbawm's insistence that a nation 'is a social entity only insofar as it is related to a certain kind of modern territorial state, the "nation-state", and it is pointless to discuss nation and nationality except insofar as they relate to it.'⁶⁸ The implication of Hobsbawm's claim would seem to be that what are treated in this study as national minorities are in fact merely regions or ethnic groups. A less normatively loaded version of Hobsbawm's claim can be found in Giddens' insistence that, 'A 'nation'...only exists when a state has a unified administrative reach over the territory over which its sovereignty is claimed.'⁶⁹ In claiming that to qualify as a nation a collectivity must be subject to a unitary administration within a clearly demarcated territory, the thrust of Giddens argument is not to argue that no analytical distinction can effectively be made between nation and state, but rather to highlight that their typical connection in the context of the modern state is a major aspect of the latter's distinctiveness vis-à-vis pre-modern forms of state. Thus he writes; 'Both the nation and nationalism are distinctive properties of modern states and in the context of their original emergence as well as elsewhere there is more than a fortuitous connection between them.'⁷⁰

Whilst accepting the reality of the intimate link between the concept of nation and the modern state identified by Giddens, we nevertheless feel justified in treating as nations certain minority groups that neither possess, nor in some cases seek to attain, full statehood. Observing that the conventional alignment between nation and state referred to by Giddens increasingly fails to recognize the social reality in a number of contemporary Western states that contain territorially concentrated minority groups, an overwhelming proportion of whose members self-identity as a distinct nation without however aspiring to independent statehood, a number of contemporary scholars of nationalism reject the identification of the nation with the independent state.⁷¹ Following this approach allows us to analyze the political claims of national minorities *as* nations, whatever their expressed attitude as to the desirability of forming an independent nation-state.

It still remains, however, to distinguish the concept of national minority from other categories of minority group that inhabit contemporary Western nation-states. In particular, it is important that, whilst recognizing that all conceptual definitions in the social sciences are to some extent theoretically rooted and thus unable to be adequately captured in a single universal definition⁷², the concept of national identity is distinguished from regional and ethnic minorities, since the different attributes pertaining to the latter largely account for the different types of claims they typically make on the polity as compared to the former.

A national minority is a collectivity that contains a substantial number of members who do not identify exclusively with the dominant 'core' nationality of the state within which they reside, but instead define themselves either as a separate and distinct nation, or as having a 'dual' identification (i.e. individuals who self-identify with both the core nationality and a minority national identity). Kymlicka identifies three dimensions – territorial, cultural and political – of the concept of national minority that together serve to highlight their distinctiveness *vis-à-vis* regional and ethnic minorities.⁷³ Unlike various immigrant groups, national minorities are more or less territorially concentrated within a geographic area that is considered to be a *territorial 'homeland.'* Their status as a minority is therefore usually a result of the historic incorporation of this homeland within the territory of a larger state, by means of conquest, colonization or federation, rather than as a consequence of migration.⁷⁴ The concept of national minority, unlike that of region, implies a cultural dimension, in the sense that significant portions of its members consider themselves *culturally distinct* from the majority population of the state. Finally, a national minority, by definition, does not possess its own nation-state, but invariably seeks to establish some measure of *political autonomy*, however conceived.

The Concept of Sovereignty in Classical Political Theory

The doctrine of sovereignty, so familiar to the political discourse of both antiquity and modernity, was almost entirely absent from the political thought and practice of medieval Europe.⁷⁵ As a doctrine of the unity of states and their internal governmental functions, sovereignty found little resonance in the context of the divided and overlapping structure of political and religious authority that was characteristic of European feudalism. It was only following the collapse of the

medieval order in the sixteenth century, with its attendant political and religious conflict, that the doctrine was revived and reinterpreted. The emerging doctrine of sovereignty was conceived as offering a political solution to chronic problems of instability and insecurity that were increasingly seen as inevitable consequences of the absence of a state monopoly over the means of violence.

The development of the modern doctrine of sovereignty proceeded in tandem with the sociological developments associated with the rise of the modern state charted in the previous chapter. Whilst here is not the place to embark upon a discussion of the relative weight of structure versus agency in the social sciences, it is worth noting Giddens' comment that the individuals and groups involved in developing and articulating the modern doctrine of sovereignty, 'were not only describing a series of changes, nor even only making policy recommendations; they were helping to constitute what the modern state *is* as a novel concept ordering administrative power'.⁷⁶ The construction and articulation of the modern doctrine of sovereignty is thus indicative of the reflexive monitoring of social reproduction that, as previously indicated, is a pervasive aspect of social and political development under conditions of modernity.

Sovereignty is a historically contingent political concept, and the relationship between sovereignty, state, and nation has been interpreted in a variety of ways throughout the historical development of the idea. It is the French philosopher Jean Bodin (1530-1596) who is usually credited with coining the first modern interpretation of sovereignty in his book *On Sovereignty*. In it, Bodin defines sovereignty as the 'absolute and perpetual power of a commonwealth', and argues that political stability, security and good governance are all dependent on the existence of a single central authority invested with absolute and unlimited power.⁷⁷ By arguing that sovereign power is of necessity indivisible and unlimited, Bodin's interpretation of the doctrine of sovereignty seeks to construct a justification of political absolutism.

Thomas Hobbes

Of perhaps greater importance, however, to the history of the modern idea of sovereignty is the work of Thomas Hobbes (1588-1679) who, in his famous book *Leviathan*, argues that the imperatives of 'Peace and Common Defence' require for

their satisfactory protection the creation of a sovereign ‘Common Power’ endowed with the unlimited power of a ‘Mortall God’.⁷⁸ Hobbes’ political philosophy is grounded in an account of human nature that proceeds from the profoundly modern assertion that ‘Nature hath made man so equall’, and that consequently, ‘From this equality of ability, ariseth equality of hope in the attainment of our Ends’.⁷⁹ Unfortunately, owing to the fact that human nature is such that men are everywhere motivated in their actions by ‘Competition’, ‘Diffidence’, and ‘Glory’, this equality of hope, in the absence of ‘the feare of some coercive Power’, leads inexorably to a situation of ‘Warre of every one against every one’.⁸⁰ Justice, Hobbes argues, has no meaning outside the framework of law, and law cannot exist in the absence of a single sovereign power: ‘Where there is no common Power, there is no law: where no law, no injustice’.⁸¹

Stability and security are dependent, according to Hobbes, on the establishment of ‘Civill Society’, in place of the anarchic state of nature, by means of a social contract. The nature of the social contract is determined by what Hobbes terms the ‘Fundamentall Laws of Nature’, which, when reflected upon, reveal the wisdom of transferring the entirety of one’s rights to a central sovereign power. According to the first Law of Nature, all men ought to seek peace, but are, in its absence, justified in defending themselves by whatever means possible. From this Hobbes infers a second Law: ‘That a man be willing, when others are so too, as farre-forth, as for Peace, and defence of himselfe he shall think it necessary, to lay down his right to all things; and be contended with so much liberty against other men, as he would allow other men against himselfe’.⁸²

Men, Hobbes argues, must covenant to transfer all of their natural rights to a powerful common power in whom absolute sovereignty would henceforth reside. Individuals thus enter into a social contract expressing their consent to the following principle: ‘I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner’.⁸³ By entering into this ‘mutual covenant’ individuals agree to transfer sovereignty to a central authority, in the process retaining no rights whatsoever in respect of their relationship with that sovereign power.

If sovereignty were anything other than absolute, indivisible and self-perpetuating, individuals would immediately lapse back into a state of nature, with all its attendant insecurities. Having entered into a social contract to erect a sovereign authority, the individual forfeits all right of resistance to the exercise of that authority:

‘Besides, if any one, or more of them, pretend a breach of the Covenant made by the Sovereigne at his Institution; and other, or one other of his Subjects, or himselfe alone, pretend that there was no such breach, there is in this case, no judge to decide the controversie: it returns therefore to the Sword again; and every man recovereth the right of Protecting himselfe by his own strength, contrary to the designe they had in the Institution’.⁸⁴

By characterizing any challenge to the foundation or practice of the sovereign power’s authority to be a declaration of war threatening the renewal of a state of nature, Hobbes’ doctrine of sovereignty clearly leaves no room for any form of minority group protest. Moreover, by denying the right of any sub-state entity to exercise political authority, the significance of the state is vastly inflated according to this conception of sovereignty. As compared with the medieval conception of political authority, this greatly imperils the position of sub-state minority groups⁸⁵ who wish to retain a degree of political autonomy from the central state. Thus, *in terms of its implications for state-minority relations, the principle significance of Hobbes’ doctrine of sovereignty lies in the vastly inflated importance it attaches to the idea of a unitary centralized state.*

Whilst the doctrine of sovereignty advanced by Hobbes, in its denial of all individual or collective rights vis-à-vis the central power, may strike the modern reader as profoundly illiberal, Hobbes himself understood it to be grounded in the liberal concepts of consent and representation. Despite exercising absolute power over its subjects, the authority of Hobbes’ sovereign stems from a social contract initiated by the people, and can in this sense be said to be based upon their consent. Hobbes writes; ‘A Multitude of men, are made One Person, when they are by one man, or one Person, Represented; so that it be done with the consent of every one of that Multitude in particular. For it is the Unity of the Representer, not the Unity of the Represented, that maketh the Person One’.⁸⁶

David Held summarizes Hobbes' position in this regard as follows; 'Through the sovereign a plurality of voices and interests can become 'one will', and to speak of a sovereign state assumes, Hobbes held, such a unity'.⁸⁷ Because the sovereign represents the will of the people, the latter cannot logically dissent against the former's actions, for to do so would be to dissent from one's own opinion, an act contrary to natural law.⁸⁸ The limitations of Hobbes' interpretation of consent and representation are clear. Despite having no means by which to influence them, the individual is considered the author of all of the sovereign's actions, so that consequently howsoever the sovereign chooses to act, never can he logically be said to have committed an injustice. Furthermore, *the assumption that the plurality of interests prevailing in a given society can be represented as 'one will' effectively denies the existence of significant group interests at the sub-state level and is in direct conflict with national minorities' claim to constitute a separate nation with distinct interests.*

Hobbes' doctrine of sovereignty introduced a powerful new idea into the history of political thought; that of impersonal state power. Sovereignty, according to Hobbes, is a public concept that inheres in the *office* of head of state rather than the individual *personality* of the ruler.⁸⁹ In other words, Hobbes boldly declares the state, rather than the king, to be sovereign; in the process replacing political authority based upon individual allegiance to a personality with the idea of political authority based upon possession of land areas. Such a novel conception of state sovereignty has the effect of greatly increasing the salience of territory, as something capable of fixing limits to the spatial extent of sovereignty.⁹⁰ *The existence of national minorities claiming possession of a distinct territorial homeland within the borders of the sovereign state thus conflicts with this new conception of political authority.*

John Locke

The idea of sovereignty as public and impersonal provided the framework within which progressively more inclusive interpretations of the doctrine could be developed. The emerging debate surrounding sovereignty focused on two fundamental questions; where should sovereignty be *located*, and what is its legitimate *scope*?⁹¹

The uncompromising state sovereignty of Hobbes was rejected by, among others, John Locke (1632-1704), according to whom it offers insufficient protection from the threat of tyranny and oppression. Locke too founded his analysis of the origins of government and the nature of sovereignty on the modern premise that all men are by nature equal. However, according to Locke, the state of nature, despite its absence of government, is nevertheless 'governed' by the law of reason, which he understands to be a fundamental law of nature, and is consequently not the state of brutal anarchy that Hobbes suggests. The law of reason implants in men an understanding of, and respect for, the principle that 'no one ought to harm another in his Life, Health, Liberty, or Possessions'.⁹² As such, every individual, be he in the state of nature or political society, is obliged to do whatsoever he can to preserve himself and the 'rest of mankind'.

The principal feature of the state of nature, as Locke describes it, is that every individual is charged with the task of implementing the law of nature (reason), in the sense of possessing the right to punish those who transgress its bounds; 'in the State of nature,' he writes, 'every one has the Executive Power of the Law of Nature'.⁹³ Whilst Hobbesian anarchy is by this means avoided, nevertheless the tendency for 'Ill Nature, Passion and Revenge' that inclines men toward impartiality leads to a significant level of 'Confusion and Disorder', in which property in particular is inadequately protected. It is with the aim of remedying these inconveniences that men enter into a social contract to establish political society, the principal feature of which is that individuals renounce the executive power of the law that they held in the state of nature, by transferring it to the state:

'there and there only is Political Society, where every one of the Members hath quitted this natural Power ['to preserve his property, that is, his Life, Liberty and Estate, against the Injuries and attempts of other Men'], resign'd it up into the hands of the Community in all cases that exclude him not from appealing for Protection to the Law established by it'.⁹⁴

The argument that political society is established when men transfer the right to restrain and punish those who offend against the dictates of reason to a common sovereign power is broadly similar to that advanced by Hobbes. The distinctiveness

of Locke's interpretation of the idea of sovereignty lies in his interpretation of why the social contract is entered into, and the relationship that this implies to the idea of consent. According to Locke, the principle objective of the establishment of political society – the *raison d'être* of government – is the 'preservation of the property of all the members of that Society, as far as is possible'.⁹⁵ The scope of sovereignty is limited by this principle, meaning that only such activity as is oriented toward this goal is considered legitimate for the state to undertake. Sovereignty is therefore not absolute, but circumscribed within clearly defined boundaries.

By limiting the legitimate authority of the sovereign state to activity related to the protection of property, Locke seeks to draw a distinction between a public sphere, in which the state can legitimately exercise sovereign powers, and a private sphere from which state power is excluded. The classical liberal interpretation of the distinction between a public and a private sphere, of which the Lockean model is symptomatic, has important consequences for the way in which the political demands of national minorities are received. Within such a framework, the private sphere is usually conceived as encompassing the myriad phenomena that can be grouped under the rubric of 'culture'. As a result, *national minorities are likely to find any demand for political recognition of their separate and distinct national status dismissed on the grounds that the domain of culture belongs to the private sphere.*

However, the claim that issues of culture are private concerns, and thus not legitimate topics for state legislation, can be subject to serious question. It is hard to see, for example, how a 'cultural' phenomenon such as language, can be entirely relegated to the private sphere given the inevitable linguistic implications of public administration and education. The question of which language public administration or education should be conducted in has profound consequences within a multilingual society, so that its relegation to the 'private' sphere of culture appears somewhat absurd. Moreover, there is no *a priori* reason for suspecting the domain of language to be a singular anomaly in respects of the otherwise private nature of cultural concerns. It is highly likely that various aspects of religious and cultural identity are potentially of public significance in much the same manner.

In addition to thus restricting its scope, Locke's doctrine of sovereignty also offers a distinctive answer to the question of where it is located. Whereas for

Hobbes the significance of consent is restricted to the social contract that establishes political society, subsequent to which it plays no part in legitimating political authority, for Locke the principle of consent is fundamental to the continuing exercise of sovereign power. He writes, for example; ‘Men being, as has been said, by Nature, all free, equal, and independent, no one can be put out of his Estate, and subjected to the Political Power of another, without his own Consent’.⁹⁶ In other words, the exercise of legitimate authority by the state is conditional upon the consent of the majority of the governed, in whom is retained the right to withdraw their consent should the state fail in its primary duty to protect the property of the individual. Sovereignty, by implication, ultimately resides in the people; it is *popular sovereignty*.

Locke writes;

‘there remains still *in the People a Supream Power* to remove or *alter the Legislative*, when they find the *Legislative* act contrary to the trust reposed in them. For all *Power given with trust* for the attaining an *end*, being limited by that *end*, whenever that end is manifestly neglected, or opposed, the *trust* must necessarily be *forfeited*, and the Power devolve into the hands of those that gave it, who may place it anew where they shall think best for their safety and security. And thus the *Community* perpetually *retains a Supream Power*’.⁹⁷

Sovereignty is popular – it resides ultimately in the people – in the sense that the political authority of the state is a gift of trust from the people, and remains legitimate only insofar as that trust is retained. Significantly, however, who or what exactly constitutes the ‘people’ is left undefined. This is particularly cogent given the various interpretations that the term has been subject to throughout history. As a result primarily of intense struggle from those excluded, the idea of the ‘people’ - once consisting of only a thin strata of propertied men – only slowly evolved into a term signifying the entirety of the adult population. Furthermore, it is important to recognize that despite his emphasis on the importance of the consent of the governed for the exercise of legitimate political authority, Locke is not an advocate of representative democracy. Locke is content to defend the more limited notion of ‘tacit consent’, by which he means that consent to the political authority of the state

could be inferred from such passive acts as possessing land, ‘lodging only for a week’, or even ‘travelling freely on the highways’.⁹⁸

Montesquieu

The question of the appropriate scope of sovereignty was taken up in the eighteenth century by Charles Louis de Secondat, Baron de Montesquieu (1689-1755), according to whom the institution of *constitutional government* is the best means by which to limit the scope of sovereignty according to the principle of the *balance of powers*. Although it is true that Locke defends the partial separation of the different branches of government⁹⁹, his willingness to afford the ruler a power of ‘prerogative’, whereby he is authorized to act contrary to the law so long as such action promotes the ‘public good’, and his stipulation that the power to call parliament should rest with the executive, indicate the unsystematic nature of his thinking in this regard. It is in the writing of Montesquieu that we find the first systematic analysis of the role of constitutional government in limiting the scope of the state’s legitimate exercise of sovereign authority.

As befitting a philosopher of the Age of Enlightenment, Montesquieu believes that the world embodies order rather than chaos.¹⁰⁰ Montesquieu’s analytical approach has been described by Raymond Aron as the search for intelligible order from meaningless facts by grasping the underlying causes which account for the seemingly accidental course of events.¹⁰¹ This analytical orientation, combined with Montesquieu’s interest in the interrelations between social life and forms of power, persuades Aron of Montesquieu’s status as one of the great theorists of sociology, despite his predating the coining of the actual term by Auguste Comte.

Influenced by the classical Greek tradition of Aristotle and Plato, Montesquieu’s political theory is grounded in an account of the different forms of government; in his case, Republicanism, Monarchism, and Despotism. This classification, Aron observes, is informed by two fundamental criteria; who holds sovereign power, and by what method this sovereign power is exercised.¹⁰² In the case of Republican government, sovereignty is popular, in the sense of being held by the people: Republican government is ‘that in which the people as a body, or only a part of the people, have sovereign power’.¹⁰³

The answer to the second question – by what method is sovereign power exercised – is contained in Montesquieu’s famous analysis of the eighteenth century English Constitution, the ‘direct end’ of which, he argues, is the defence of political liberty, an end which it achieves through the device of the institutionalized separation of powers. In this association of political liberty with the separation of powers, Montesquieu advocates the following principle: ‘So that one cannot abuse power, power must check power by the arrangement of things’¹⁰⁴ – the arrangement of things here referring to the constitution.

Political liberty, Montesquieu argues, is incompatible with a political structure in which the power of the legislative and the executive are combined within one individual or organization since, ‘one can fear that the same monarch or senate that makes tyrannical laws will execute them tyrannically’.¹⁰⁵ Similar would be the result were the power of the judiciary not separated from both the legislative and the executive.¹⁰⁶ It is only in the presence of a constitutional government, in which the powers of the executive, legislative, and judiciary are clearly separated, that the liberty of the people is guaranteed: ‘All would be lost if the same man or the same body of principal men, either of nobles, or of the people, exercised these three powers: that of making laws, that of executing public resolutions, and that of judging crimes or the disputes of individuals’.¹⁰⁷

According to Montesquieu, it is constitutionalism, rather than democracy *per se*, that is the guarantor of political liberty. He advocates the principle of ‘moderate government’, and argues that this could be equally well achieved by the existence of a strong aristocracy within a monarchical form of government as by republicanism. Even in the case of democracy, its ‘duration and prosperity’ requires the division of society into unequal social classes, principally because, as he writes; ‘The lesser people must be enlightened by the principal people and subdued by the gravity of certain eminent men’.¹⁰⁸

There can be detected a certain degree of ambiguity in the doctrines of popular sovereignty advanced by writers such as Montesquieu and Locke with regard to the central question of where exactly sovereignty is located. On the one hand, sovereignty, it is claimed, ultimately resides in the people, for the legitimate exercise of political authority by the state is dependent upon their consent. On the other hand, the idea of the social contract involves the transferral of sovereign

powers to the state. Sovereignty is on the one hand the possession of the state, and on the other the possession of the people. ‘In a democracy’, Montesquieu writes, ‘the people are in some respects sovereign, and in others the subject’.¹⁰⁹ To the extent that what is at issue is simply the fact that the people, though sovereign, must employ representatives to undertake the practical business of politics, this observation is unremarkable. However, *when the definition of the ‘people’ is itself the source of conflict, as it is in the case of the political demands of national minorities, the popular nature of sovereignty is potentially compromised by the state’s capacity to deny the legitimacy of any collective action not organized through it.*¹¹⁰

Jean-Jacques Rousseau

According to the doctrines of popular sovereignty examined above, the people are able to alienate their sovereignty to the state, which henceforth acts as their political representative. They are thus predicated on a separation of state and society. According to Jean-Jacques Rousseau (1712-1778), the device of political representation, and the separation of state and society upon which it relies, is incompatible with genuine popular sovereignty. The proper function of the social contract, Rousseau argues, is ‘to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, *may still obey himself alone*, and remain as free as before’.¹¹¹ By rejecting categorically the possibility of the people alienating their sovereignty, Rousseau arrives at the conclusion that popular sovereignty and political representation are fundamentally incompatible. Rather, Rousseau argues, the principle of popular sovereignty demands that the people retain the power of self-government through their active and direct participation in political authority.¹¹²

Contrary to the view propounded by Hobbes, the state of nature is, according to Rousseau, one in which man, guided by his innate instincts for love of self and compassion for others, enjoys freedom, equality and security. Being mutually independent, man in this condition is free from the threat of systematic oppression:

‘every one must see that as the bonds of servitude are formed merely by the mutual dependence of men on one another and the reciprocal needs that unite them, it is impossible to make any man a slave, unless he be first reduced to a situation in which he cannot do without the help of others: and, since such a situation does not exist in the state of nature, every one is there his own master, and the law of the strongest is of no effect’.¹¹³

Historically speaking, the establishment of political society was preceded by the slow development of phenomena such as language, agriculture, communal living, and property, which combined to push men into relations of mutual dependence and inequality. Contrary to its promise of securing liberty, however, political society according to Rousseau in fact ‘subjected all mankind to perpetual labour, slavery and wretchedness’.¹¹⁴

Rousseau’s aim in *The Social Contract* is to advance a conception of political society embodying a conception of popular sovereignty capable of leaving men as free as they had been in the state of nature. To this end, the concepts of tacit consent and political representation are rejected in favour of the ideal of direct citizen participation. In addition to implying that sovereignty ultimately resides in the people, Rousseau argues that the people must actively exercise sovereign powers if the ideal of popular sovereignty is to be fully realized.

Rousseau’s ideology is, according to G.D.H Cole, concerned with the idea of sovereignty in its philosophical sense, as opposed to the legal or political sovereign of ‘fact and common sense’.¹¹⁵ Sovereignty, in its philosophical sense, is not something that inheres in an institution such as the state, but is rather ‘the embodiment of the notion of social contract’.¹¹⁶ The philosophical ideal of popular sovereignty is thus championed over the state sovereignty of political practice. However, as will be presently demonstrated, *this radical democratic vision rests on a conception of national unity that seeks to deny the political significance of national minorities.*

‘This formula’, Rousseau writes,

‘shows us that the act of association comprises a mutual undertaking between the public and the individuals, and that each individual, in making a contract, as we may say, with himself, is bound in a double relation; as a member of the Sovereign he is bound to the individuals, and as a member of the State to the Sovereign’.¹¹⁷

This line of argument bears a striking similarity to Hobbes' contention that no individual can logically dissent from the sovereign's actions owing to the fact that, as a consequence of the social contract, the former is considered the author of everything the latter does. Although Rousseau emphatically rejects Hobbes' conception of state sovereignty in favour of a radically popular sovereignty, he nevertheless follows Hobbes in arguing that sovereignty implies a unity that obviates the need for the individual to be guaranteed protection from sovereign power: 'the sovereign power need give no guarantee to its subjects, because it is impossible for the body to wish to hurt all its members'.¹¹⁸

This 'double relation' that binds all individuals within Rousseau's idea of popular sovereignty implies, Held suggests, 'a society in which the affairs of the state are integrated into the affairs of the ordinary citizen'.¹¹⁹ If it is to be an alternative to the device of political representation, popular sovereignty, according to Rousseau, requires that the sum of individuals be merged into a single social unity. Whereas Montesquieu argues that political liberty results from the 'action and reaction between social groups'¹²⁰, Rousseau's political philosophy is based upon a vision of society as a unified collective being, capable of expressing its unity through the articulation of the general will.

The unity of the people is based upon their membership in a shared *national* community; popular sovereignty is interpreted as *national sovereignty*. 'Every act of Sovereignty', Rousseau argues, 'i.e. every authentic act of the general will, binds or favours all the citizens equally; so that the Sovereign recognizes only the body of the nation, and draws no distinction between those of whom it is made up'.¹²¹ Interpreted in this way as national sovereignty, the idea of popular sovereignty implies that the people must constitute a single, homogeneous national community, within which no identity cleavages are recognized as politically significant.

The existence of national minorities is thus seen as inimical to the proper functioning of popular sovereignty, and remains an obstacle to democracy so long as they remain unintegrated into the dominant national identity. *Rousseau's theory of popular sovereignty, and the Jacobin conception of democracy for which it is a direct inspiration, whilst insisting that the people are sovereign and must actively exercise sovereign powers, nevertheless excludes a priori the recognition of national*

minorities as distinct and separate nations. National diversity and democracy are thus seen as incompatible. By implication, the problem of national diversity can be resolved in one of two ways: Either the national minority relinquishes its distinctiveness through successful assimilation into the dominant national identity, or else it separates from the existing state to form its own independent state within which it would no longer constitute a national minority.

This assumption has exerted a powerful influence over much literature on the topic of the politics of national minorities up to the present day, underpinning as it does the widely expressed conviction that nationalism *by definition* aims toward the establishment of an independent nation-state. According to this perspective, only an independent state can function as the formal expression of popular sovereignty – to be sovereign is to possess one's own state. By failing to maintain an analytical distinction between state and sovereignty, this line of argument effectively collapses the two into a single conceptual idea.

John Stuart Mill

The idea that popular sovereignty necessitates the triumph of unity over diversity, of the community over the individual, is explicitly rejected by John Stuart Mill (1806-1873). According to Mill, the Rousseauian doctrine that the interest and will of the ruler are ideally the same as the interest and will of the people, is fatally flawed owing to its failure to provide adequate safeguards for the protection of individual liberty. Arguing on similar lines to his contemporary Alexis de Tocqueville, Mill argues that the subordination of the individual will to the will of the 'People' (constituted as a nation), represents nothing less than the 'tyranny of the majority', and the 'despotism of society over the individual'.¹²²

In contrast, Mill interprets popular sovereignty as *individual sovereignty*: 'Over himself, over his own body and mind, the individual is sovereign'.¹²³ Human individuality, Mill contends, is an irreducible value, and must therefore be secured against the stifling threat of customary opinion and norms, which threaten to subject it to the 'tyranny of prevailing opinion and feeling'.¹²⁴ Grounded in a belief about the intrinsic value of human individuality, Mill's political theory goes considerably further than both the political rights theory of Locke, and the constitutionalism of

Montesquieu, in its assertion that liberty is equally under threat from the *both* state *and* society. As such, strict limits must be placed upon the legitimate exercise of power over the individual by both the state and the community. There ought, Mill argues, to be ‘a limit to the legitimate interference of collective opinion with individual independence’.¹²⁵

The principle according to which this limit should be set is, according to Mill, that of self-protection. The sovereignty of the individual can only be legitimately compromised in such instances as self-protection requires it;

‘That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any number of a civilized community, against his own will, is to prevent harm to others’.¹²⁶

Mill identifies three dimensions of individual liberty, the protection of which from infringement by the state or any collectivity must be guaranteed in a free society: liberty of conscience, thought, and feeling (including the liberty to express one’s opinions); liberty of tastes and pursuits; and liberty of association.¹²⁷ To the extent that the activity of an individual does not cause harm to others (to the extent that it is ‘self-regarding’), it should remain outside the power or authority of the state and society.

In contrast to the national sovereignty advocated by Rousseau, *Mill’s doctrine of sovereignty argues against the cultivation of social unity and homogeneity, and in this sense, and this sense alone, leaves individual members of national minority groups free to preserve culturally distinctive traditions and practices should they so wish.* If well-being is directly related to diversity, then national diversity, it would seem, is conducive to human development. However, Mill’s individualism prevents him from advocating that a collective form of diversity such as national diversity should be afforded any form of political protection. This is because he is equally inclined to view the concept of national culture as a potential constraint upon human individuality.

‘Human nature’, Mill writes, ‘is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree, which requires to grow and

develop itself on all sides, according to the tendency of the inward forces, which make it a living thing'.¹²⁸ External influences on human nature such as custom, tradition, and cultural norms, suppress this essential human individuality, and serve only to create a 'deficiency of personal impulses and preferences'¹²⁹, within society. For this reason, *Mill denies for collectivities such as national minorities the rights which he advocates for individuals.*

More significantly in terms of the implications of Mill's political thought for the politics of national minorities, is that, despite the emphasis he otherwise places on the value of diversity, Mill argues that *national* diversity and free institutions are incompatible:

'Among a people without fellow-feelings, especially if they read and speak different languages, the united public opinion necessary to the workings of representative institutions cannot exist...[it] is in general a necessary condition of free institutions that the boundaries of governments should coincide in the main with those of nationalities'.¹³⁰

As a result, *the forced assimilation of national minority groups into a common national identity is a justified objective of the state, a process that is in any case beneficial to the supposedly primitive and backward cultures of smaller nationalities.* It is, Mill argues, far better for a Scottish Highlander or a member of the Basque nation residing in France to be assimilated into the superior British and French nation respectively, rather 'than to sulk on his own rocks, the half-savage relic of past times, revolving in his own little mental orbit, without participation or interest in the general movement of the world'.¹³¹

Sovereignty, the Nation-State, and National Minorities

Characteristic of the nation-state, as Weber indicates, is its successful claim to a monopoly of the legitimate exercise of violence within a clearly demarcated territory¹³² and its commitment to a unitary and centralist conception of sovereignty, a commitment expressed in the nation-state's ambition to homogenize its subject population by means of various 'nation-building' policies'.¹³³ The nation-state's desire to homogenize its population is a direct consequence of the fact that it derives its legitimacy from a supposed linkage between state and nation. In its ideal-typical

form the nation-state is regarded as the ‘institutional affirmation’¹³⁴ of a single and unified nation.

One logical consequence of the association of legitimacy with common nationality is that internal national diversity represents at least a potential threat to the state’s legitimacy.¹³⁵ The members of a nation-state are understood to constitute a single demos based upon a shared national identity. It is thus commonly interpreted as being incompatible with the aspiration of national minorities to be recomposed as a separate demos with the right to decide on their own political future. *The dominant interpretation of the doctrine of sovereignty within the nation-state constructs the idea of a single unified demos as the necessary counterpart to the central state. It thus problematizes the issue of internal national diversity in a way that was not apparent prior to the revival of sovereignty as a theory of political authority.*

What is the relationship between sovereignty, the nation-state and national minorities? It is first important to note that sovereignty and the nation-state, despite certain conceptual affinities, are *not* the same thing, although they are frequently used in a way that treats them as virtually interchangeable. Moreover, the specific manner in which the idea of sovereignty is interpreted affects the nature of the relationship between the nation-state and national minorities residing within its borders.

According to its dominant interpretation, the contemporary doctrine of sovereignty is a theory of legitimate power or authority which expresses the idea that ‘there is a final and absolute political authority in the political community’.¹³⁶ As has already been indicated, the revival and reinterpretation of the doctrine of sovereignty from the seventeenth century onwards played an important role in the modernization and development of the unitary nation-state in place of the politically fragmented structure of European feudalism.¹³⁷ The intimate association that therefore exists between sovereignty and the nation-state has to some degree resulted in a tendency to collapse the two terms into a single ideal of ‘state sovereignty’.¹³⁸ Morgenthau, for example, argues that the modern doctrine of sovereignty ‘referred in legal terms to the elemental political fact of [the] age – the appearance of a centralized power that exercised its lawmaking and law-enforcing authority within a certain territory’.¹³⁹ Sovereignty, for Morgenthau and many ‘realist’ scholars of

International Relations, is the ‘political fact’ of the centralized nation-state converted into a legal theory, whereby sovereignty is taken to be an intrinsic property of statehood.

This perspective, by appropriating sovereignty on behalf of the consolidated nation-state, is open to criticism for its failure to distinguish both the ‘popular’ dimension of sovereignty, and the historically contingent and changeable nature of the nation-state as a structure of political authority.¹⁴⁰ Moreover, as Keating observes, the failure to maintain an analytical distinction between the concepts of nation-state and sovereignty reinforces the constellation of power that is the existing state system by endowing it with a ‘powerful normative principle’.¹⁴¹ Rather than assuming sovereignty to be an intrinsic property of statehood, Keating argues, it is more useful to interpret it as a right to self-determination potentially invested in a variety of subjects.¹⁴² This interpretation has the advantage of clearly distinguishing between the *institution* of the state, and the *idea* of sovereignty, at the same time as emphasizing the popular foundation of the latter.

Popular Sovereignty and Self-determination

The argument that popular sovereignty can be interpreted as a right to self-determination is based upon the presumption that the latter is intimately linked to, and inseparable from, democracy. Such a position is adopted by Daniel Philpott, for whom self-determination should be considered a basic liberal democratic right, owing to the fact that self-determination, democracy, and liberalism are commonly rooted in the principle of individual moral autonomy, and Kai Nielsen, who understands national self-determination to be implied by the basic liberal democratic right of a people to political self-governance.¹⁴³

For Philpott democracy is the activity of exercising one’s autonomy in the political realm.¹⁴⁴ It is, as such, intrinsically valuable. Autonomous individuals, according to this argument, must have the freedom and opportunity to take part in shaping their political context – to be self-governing. Self-determination is one manifestation of the democratic right to self-government, and as such should be considered a *prima facie* right. In other words, the denial of a right to self-determination is incompatible with the principle of autonomy from which democracy derives its justification. Although it should be noted that Philpott does specify the

following important qualifications to the right of self-determination; the self-determining group must ‘be at least as liberal and democratic as the state from which they are separating, to demonstrate a majority preference for self-determination, to protect minority rights, and to meet distributive justice requirements’.¹⁴⁵

Kai Nielsen constructs a somewhat similar argument when he writes that the ‘egalitarian belief in an equal respect for persons and for autonomy’ leads to the conclusion that ‘the right of a people to political self-governance is so deeply embedded that it cannot be easily overridden’.¹⁴⁶ According to Nielsen, nationality is of fundamental importance in the sense that, as an encompassing culture, it provides the ‘context of choice’ within which all of one’s life plans are carried out. The association of nationality with self-identification and self-definition mean that; ‘Without nationhood involving necessarily self-governance in some form, people will be psychologically crippled or at least seriously disadvantaged’.¹⁴⁷

The equation of popular sovereignty with a right to self-determination is not, however, unproblematic. In the light of the human rights violations and economic dislocations that have historically resulted from secessionist attempts, Buchanan argues that we should be cautious in our defence of the principle of self-determination.¹⁴⁸

Buchanan raises a number of direct objections to Philpott’s moral case for self-determination. First, the interpretation of democracy as ‘self-government’ is, he argues, an inaccurate description of *majority rule* government, which, by definition, ‘excludes self-government for every individual’.¹⁴⁹ Second, the scope of individual autonomy is not exhausted by the realm of politics, and as such there is no reason to suppose that it is fatally compromised when individuals lack the capacity to ‘participate in the higher levels of *state* politics’.¹⁵⁰ Buchanan’s point in making these two objections is to suggest that democracy and self-determination, rather than being ‘inextricable’, are grounded in quite distinct justifications.

More significantly, however, Buchanan argues that interpreting the doctrine of popular sovereignty as a *prima facie* right to self-determination, in actuality tends toward undermining democratic values by encouraging destructive strategic behaviour in place of the ‘principled political participation’ required for a flourishing and deliberative democracy.¹⁵¹ An insufficiently qualified right to self-determination could be used by territorially concentrated minorities as a ‘strategic bargaining tool’,

effectively granting them a veto over majority decisions, thus undermining political cohesion. Democracy requires that citizens be prepared to work toward principled, rational consensus; a requirement that is undermined by the perception that ends can be achieved other than by the threat of exit. This is perhaps a moot point, given the fact that from the perspective of national minorities, democratic values are themselves already compromised by the absence of a right to self-determination. In other words, the democracy that the threat of exit allegedly undermines, is, in the absence of a right to self-determination, incompatible with the democratic value of self-government.

Buchanan's final criticism of what he terms the plebiscitary right to self-determination is that it betrays 'an attempt to avoid the messiness of political disagreement by drawing a boundary around oneself and those who agree with one'.¹⁵² The best political society, Buchanan contends, is not the most homogeneous one, but is one in which 'democratic decision-making and the institutions they support take diversity as a given and are designed to use it constructively'.¹⁵³ In other words, self-determination's promise of maximizing homogeneity within a political community is not one that finds support in democratic principles.

Given the problems associated with a view of self-determination that equates it directly with the idea of popular sovereignty, Buchanan advances an alternative theory, which he terms the 'remedial-right only' view of self-determination. According to this approach, the right of self-determination exists only in cases where the minority group in question has been subjected to 'serious and persistent grievances' – violations of human rights; exclusion from democratic participation; or unjust annexation of previously autonomous territory.¹⁵⁴

The objective of such an approach is to protect *legitimate* states from the threat of self-determination claims, where the idea of legitimacy is based upon democratic governance. Citing the Copenhagen Agreement of 1990 in support of his argument, Buchanan suggests that a state ought to be recognized as a legitimate member of the international state system if it satisfies accepted standards of democratic governance and human rights protection. To guard against the dangers associated with self-determination identified above, a right to self-determination should only be recognized in the case of illegitimate states, thus defined.

It was argued above that the idea of sovereignty should be clearly distinguished from the institution of the state. So as to avoid the collapsing of the two concepts into a single ideal of state sovereignty, Keating has suggested that sovereignty instead be interpreted as a right to self-determination. There is a large literature dealing specifically with the topic of self-determination, the examination of which is beyond the scope of the present discussion. It is enough at this stage to note the essentially contested nature of the relationship between self-determination and democracy.

Although the interpretation of the idea of sovereignty as a right to self-determination is an attractive one, for reasons already indicated, the objections put forward by Buchanan are important ones that need to be taken seriously. Moreover, his assertion that an unfettered right to self-determination is likely to undermine political cohesion is directly relevant to the purposes of the present study. This being the case, a number of points in response to Buchanan's approach will be useful.

First, the object of Buchanan's analysis is secession, implying independence, rather than self-determination, which can be achieved through a variety of measures of political autonomy that fall short of independent statehood. It is reasonable to assume that self-determination is likely to have a less de-stabilizing effect on the functioning of democratic decision-making when interpreted as implying political autonomy rather than independent statehood. Self-determination, according to this perspective, is less easily characterized as a 'threat of exit', since the self-determining minority would remain attached to the same state, albeit with a greater degree of political autonomy. Moreover, the belief that a right to self-determination could lead to interminable political instability, with a plethora of groups preferring to exploit the threat of secession rather than engage in democratic decision-making, underestimates the high costs involved in secession. Few minority groups in society are capable of supporting a claim to self-determination. As Philpott observes; 'Can one conceive of a random collection of individuals...yearning to govern itself? Why would it want such a thing?'¹⁵⁵

Second, the assumption that self-determination necessarily betrays a desire to create a more homogeneous political society – 'to banish diversity by reconfiguring the political map'¹⁵⁶ – misrepresents the political aims of some

national minority groups who profess a desire to exercise self-determination, even in the cases where full independent statehood is sought. Where nationality is defined in civic rather than ethnic terms, the claim for self-determination should not be understood as an attempt to promote homogeneity. There is, for example, no reason to suspect that an independent Quebec, Scotland or Catalonia would have, or seek to create, a more homogeneous citizenry than contemporary Canada, Britain or Spain respectively.

Third, the suggestion that self-determination should be considered impermissible for minority groups residing within legitimate states, where legitimacy is inferred from the existence of democratic institutions and respect for human rights, fails to account for the fact that the political authority of existing nation-states is in large part legitimated by a supposed linkage between state and nation – the existence of which is the very thing that is contested by national minorities seeking self-determination. The nation-state model is based upon the idea that its members constitute a single, unified demos based upon a shared national identity, which the state seeks to create through various nation-building policies. Thus, the democratic rights of national minorities are always potentially undermined as, unlike the members of the dominant ‘core’ nation, they lack the state institutions with which to pursue their own nation-building project. According to this perspective, national minorities that claim a right of self-determination do so in *response* to the homogenizing aspirations of the existing nation-state. Analyses such as Buchanan’s that seek to define the legitimacy of a state according to the existence or otherwise of democratic governance, and to protect states thus qualified as legitimate from self-determination claims, fail to appreciate the degree to which national identity is itself a fundamentally constitutive part of state legitimacy.

Summary

Sovereignty, it has been presently argued, is not a universal principle of political authority but a historically contingent doctrine subject to a variety of differing interpretations. It is in the writings of Bodin, and especially Hobbes, that we find the first attempts to revive and reinterpret the idea of sovereignty for the modern world. Hobbes constructs a justification for the centralization of political authority in the organization of the state, as the best way to guarantee stability and security. The

medieval political structure of divided and overlapping sites of authority was for Hobbes the major cause of the religious and political instability that bedevilled Europe during his lifetime.

The rediscovery of the idea of sovereignty provides a justification for the process of the expansion of the administrative power of the state alongside which it developed. As the power and significance of the central state is asserted, the position of national minorities becomes increasingly precarious. No longer is it deemed possible for national minority groups to exercise political powers autonomously of the central state.

Hobbes' also introduces the concept of the impersonal state to the political thought of seventeenth century Europe. This idea was later taken up by thinkers such as Locke and Montesquieu who nevertheless challenged Hobbes' advocacy of political absolutism. Sovereignty slowly came to be conceived as residing not in the central state, but in the people subject to the jurisdiction of that state; the doctrine of popular sovereignty was declared. The exercise of political authority by the state was seen as dependent upon the consent of the governed, although the nature of that consent was often very narrowly defined.

The idea of popular sovereignty is carried to its logical extreme by Rousseau, who marries it to a conception of direct participatory democracy, dependent upon the possibility of the people as a unified nation being capable of expressing a general will. The significance of the general will for the exercise of popular political authority demands that all national minority groups be forcibly assimilated into a common national identity. A shared national identity is the spring from which a democratic 'general will' flows. Any aspiration toward political recognition as a separate and distinct nation that national minority groups may harbour must therefore necessarily be rejected.

The potential for tyranny that Rousseau's doctrine of radical popular sovereignty possesses is a starting point for Mill's alternative interpretation of popular sovereignty as individual sovereignty. After declaring the liberty of the individual to be the supreme political value, Mill concludes that the power of the state and society over the individual must be limited to instances when the liberty of another individual is threatened.

Although members of national minorities are thereby protected from the ‘tyranny of the majority’, nevertheless Mill’s focus on the internal development of human individuality and his critique of the ‘despotism of custom’, excludes any possibility of the active political recognition of national minorities. Moreover, as was common amongst liberal thinkers of his time, Mill argues that the assimilation of ‘backward’ smaller nationalities into larger national identities is a necessary part of ensuring that all the members of a democracy share the sense of political allegiance that is the necessary foundation of free institutions. Mill thus gives explicit voice to the argument that national diversity and political cohesion are incompatible.

The doctrine of sovereignty, as it is interpreted in the context of the nation-state model, has both an internal and an external dimension. As has already been indicated, in its internal dimension, the doctrine of sovereignty asserts the existence of an ultimate political authority within a given political community in which alone is invested the constitutional power to make law.¹⁵⁷ By contrast, it is precisely the existence of such an ultimate authority that the external dimension of sovereignty denies with respect to the international sphere. Thus, whereas in respect of the sphere of internal political relations, sovereignty is considered the source of political stability, in its external implications it is the source of political instability – hence the ‘anarchy’ of the international states system.

Moreover, the location and scope of sovereignty differs between its internal and external dimensions. In the sphere of internal political relations, sovereignty is interpreted as popular sovereignty: the people as a nation are its ultimate source, and the scope of the state’s political authority is limited by the requirement of ensuring the consent of the governed. Externally, in the sphere of international relations, sovereignty is invested in states, and is to a significant degree unlimited in scope. The apparent paradox is, however, only superficial. In fact, the external dimension of sovereignty is logically implied by the doctrine of internal sovereignty, in the sense that a political organization’s internal sovereignty is dependent upon the mutual acknowledgement of similarly sovereign powers. It is to this mutual acknowledgement of sovereignty claims that Giddens refers in his observation that there is an important element of equity in the international system of states, despite

the obvious inequalities of power manifested within.¹⁵⁸ The internal and external dimensions of sovereignty are, Hinsley observes, the ‘inward and outward expressions, the obverse and reverse sides, of the same idea’.¹⁵⁹

What relevance does the distinction between internal and external sovereignty suggest for national minorities? First, the statist assumptions embedded in the doctrine of external sovereignty function to blur the distinction between the institution of the state and the idea of sovereignty. As the basic unit of international relations is almost exclusively the sovereign state¹⁶⁰, the popular element of sovereignty is easily subordinated to a statist interpretation. Second, according to the doctrine of external sovereignty, national minorities lacking their own state are denied the opportunity to act in the sphere of international relations. The only form of collective action oriented toward external relations considered legitimate is that which is organized through the central nation-state. Lacking their own state, national minorities are denied access to channels through which to articulate their collective interests in the international sphere.

The dominant statist interpretation of the doctrine of external sovereignty is therefore in tension with the interpretation of internal sovereignty as popular sovereignty. Whilst in the sphere of internal political relations the idea of popular sovereignty is the source of democratic governance, in its external dimension, sovereignty, because it is attached exclusively to the state, escapes democratic accountability.

Furthermore, when we examine the issue from the perspective of national minorities, the doctrine of internal popular sovereignty stands in a complicated relationship to democracy. Popular sovereignty provides the justification for modern democratic governance, expressing as it does the principle that ‘all political and legal power ought to rest on the will and consent of those among or over whom power is exercised’.¹⁶¹ However, as MacCormick points out, in terms of its democratic implications, this principle begs two fundamental questions: ‘Who are the people? Of what group must the majority be a majority?’¹⁶² Precisely because democracy requires that the majority acquiesce to the will of the majority, MacCormick argues, there needs to be an answer to the question of ‘within what group does a majority vote constitute a genuine mandate for legislation or executive policy-making?’¹⁶³

In the context of the nation-state model, the answer is clearly the ‘nation’, which encompasses the entire citizenry of the state and is usually, although not always, defined in unitary terms. It is therefore given to the nation-state to define the identity of the nation that is taken as the principle unit of political discourse and practice. The state employs the principle of popular sovereignty to assert itself as a nation-state in the sense of being the property of a sovereign people conceived of as a pre-political entity.¹⁶⁴ National minorities are thus denied the right to decide upon their own political future as a separate and distinct nation.

According to the doctrine of sovereignty, all levels of local decision-making power are the ‘creature and delegate of central sovereign power’.¹⁶⁵ As such there is an inherent bias toward the dominant national identity, which represents the ‘holistic majority’ of the state. Such measures of political autonomy as national minorities exercise are considered the voluntary, and reversible, grant of the central state. Thus, the decision as to whether or not a national minority can legitimately exercise sovereignty through the act of self-determination is ultimately in the hands of the state. Speaking of the specific case of secession, Nielsen observes that whether ‘a nation can legitimately secede from [the existing state] is a matter of *noblesse oblige* on the part of that state’.¹⁶⁶ From the perspective of the national minority this is easily interpreted as an affront to the principle of popular national sovereignty upon which political legitimacy is formally grounded.

At issue here is the concept of ‘demos’ and how it is interpreted according to the nation-state model. Majoritarian democracy requires that a relevant demos be identified that henceforth engages in the activity of democratic decision-making. In the nation-state model, the demos is formed by all citizens of the state, and as such is a single and indivisible unit. This conception of the demos is most clearly illustrated in the Jacobin model of democracy. National minorities, therefore, are not considered a demos in themselves but are a *part* of a larger demos. This interpretation is contested by national minorities wishing to decide on their own political future, to constitute themselves as a separate and distinct demos; majoritarian democracy can thus be said to discriminate against their democratic will.

The argument can be restated thus: According to the doctrine of popular sovereignty, although it is the state that exercises sovereign powers of government, it

does so only as the representative of the people, who in this sense, and this sense alone, remain sovereign. We can therefore say that the people are sovereign because they possess the right and the means by which to change the government should the manner of its exercising power be considered unsatisfactory. However, the people are possessed of neither the means, nor the right to define, or re-define, the nature or scope of the demos. This power remains exclusively in the hands of the state. Therefore, the dominant interpretation of the doctrine of popular sovereignty is found wanting in respect of its failure to invest in the people the power to define the demos, for in this regard we find sovereignty to be the exclusive prerogative of the state.

By arguing that democracy requires centralization and uniformity in the form of a single and unitary demos, the dominant interpretation of sovereignty, despite its formal adherence to the doctrine of popular sovereignty, in practice treats sovereignty as an intrinsic property of statehood. Despite the rhetoric of the nation-state, sovereignty derives not from the nation(s), but from the state. However, the claim that democratic politics must by necessity be underpinned by the centralized, unitary and sovereign nation-state, consisting of a single (national) demos is, at the very least, subject to contestation.

3

Social Cohesion and National Diversity

The analysis contained in the previous chapter employed the concept of sovereignty as a lens through which to interrogate the relationship between the nation-state and national minorities residing within the state's borders. It was suggested that the dominant interpretation of sovereignty as an attribute primarily of states, because of its denial of a popular right to re-define the nature or scope of the demos that is taken as the principle unit of government, fails to satisfy the ideal of popular sovereignty that underpins democratic rule. It was further noted that critics of an unqualified principle of national self-determination such as Buchanan argue that such an ideal undermines the stability and coherence of a polity by investing in national minorities a strategic bargaining tool capable of being used to veto majority decisions. It is to this final point – the stability and cohesion of polities - that we now turn our attention, with a view to examining in what relationship the existence of internal national diversity stands to the concept of social cohesion.

In examining the relationship between national diversity and social cohesion, the following questions are of key significance: What effect does internal national diversity, and in particular the formal political recognition of that diversity, have on the achievement and quality of social cohesion within a state? Does the devolution of political power to sub-state national minorities undermine the bonds of solidarity that unite civil society and (allegedly) make the maintenance of social cohesion possible? Is social cohesion dependent on a congruence of citizenship and national identity? Or does the political recognition of sub-state national minorities foster a greater sense of commitment to the state and enhance the quality of social cohesion therein?

What is Social Cohesion?

Of all the conceptual categories thus far analyzed, that of social cohesion is perhaps the most ambiguous, controversial and (therefore) most problematic. In Western Europe at least, the modern intellectual history of the idea of social cohesion was most decisively shaped by the experience of the Industrial Revolution and the dramatic social dislocations that followed in its wake. In its capacity to overturn long-held traditional social relations with an unprecedented rapidity, the coming of the industrial age transformed the manner in which the distinctly social dimension of political life was understood and theorized. In England, as Raymond Williams persuasively argues, one manifestation of this change was an emerging intellectual concern with, and re-interpretation of, the notion of culture: ‘What in the eighteenth century had been an ideal of personality...had now, in the face of radical change, to be redefined, as *a condition on which society as a whole depended*. In these circumstances, cultivation, or culture, became an explicit factor in society, and its recognition controlled the enquiry into institutions.’¹⁶⁷

Though it does not provide the central focus of his analysis, Williams’ statement contains two ideas that serve as a useful introduction to what is meant by the term social cohesion. On the one hand, in its most general meaning, social cohesion refers precisely to a condition on which society as a whole depends; that is to say, it is concerned with the specifically social bases upon which alone a stable and coherent society is produced and maintained. On the other hand, social cohesion stands in some important, although as yet unspecified, relationship to the idea of culture as ‘a whole way of life’¹⁶⁸; to the values, customs and mores embodied in that culture and the role that these play in ‘holding together’ society.

The image of ‘holding together’ is in fact the central motif of the idea of social cohesion, which is often popularly expressed in terms of the ‘glue’ that binds society together. A definition of cohesion that expresses this essential idea is suggested by Jonathan Joseph, who defines it as ‘the way in which a group, bloc, order or system is able to maintain itself. It may refer to a process of unification, ‘hanging together’, maintenance and reproduction.’¹⁶⁹ On the one hand, social cohesion thus understood is a very broad concept subject to a wide diversity of potential interpretations depending on the theoretical predilections of the interpreter. For example, where some might identify the cohesive glue that binds society in the

monopolistic political authority of the state, for others the spontaneous order of the free-market economy might be considered the best guarantee of social cohesion. On the other hand, the use of the term *social* cohesion to some extent implies the existence of a more or less autonomous role for the specifically social dimension as distinct from the political or the economic in accounting for the coherence of societies.

It is this second interpretation of social cohesion that informs the approach of the present study, which can therefore be described as proceeding from an assumption that the coherence of societies depends to some extent on certain specifically social or cultural factors; in other words, to factors not reducible to political or economic relations (this should not, of course, be taken as denying the inevitably interrelated character of social, political and economic relations). Having described cohesion as being concerned with the forces that bind society together, we can therefore say that one of the key objectives of the present study is to enquire into the specifically social conditions that facilitate collective integration and action. This final aspect – the link between social cohesion and collective action – is especially pertinent for it suggests that a society that exhibits low levels of social cohesion will experience difficulty in undertaking forms of extensive collective action manifest in, for example, broad-based social welfare policies.¹⁷⁰

Of necessity, collective action demands that individuals sacrifice their immediate personal interests in order that a potentially more abstract collective interest be furthered from which personally unknown others might directly benefit to a greater degree. Thus, if collective action is not to be enforced by the coercive power of state institutions against the will of its subject population, civil society must to some extent be activated by a sense of solidarity underpinning individuals' willingness to make sacrifices in pursuit of collective goals. As it is here conceived, social cohesion is synonymous with this element of social solidarity that it is suggested is imperative for the successful pursuit of collective goods and objectives.

The present chapter takes the form of a theoretical enquiry into the forms of social relationship most conducive to the flourishing of social solidarity in modern Western societies. Thus it is concerned with the social conditions that foster feelings of generalized trust and reciprocity that represent an index of social cohesion and solidarity. Given the analytical focus of the present thesis, of particular interest is

the relationship between identity (especially national identity) and social cohesion; that is to say, the extent to which forms of shared identity foster bonds of solidarity that promote social cohesion.

The Concept of Social Cohesion in Classical Social Theory

As already indicated, the question of what holds a society together is in some respects a distinctively modern one, or at least one connected to a broad set of dislocations associated with industrial society. This is not to suggest that instability, disintegration or a tenuous sense of coherence could not be found in pre-modern societies but, rather, to indicate the fact that such societies were considerably less dynamic and subject to slower processes of change when compared to modern societies. The acceleration of processes of social change in modern societies is, in Giddens' terms, connected to the suffusion of the notion of reflexivity throughout the institutions of modernity and the radical reorganization of time and space that this implies.¹⁷¹ Because modernity is a 'post-traditional order'¹⁷² it is far more open and susceptible to innovation of all kinds, including with respect to those aspects that underpin social cohesion.

Social cohesion, like the idea of sovereignty, is not therefore an unchanging static condition but a historically contingent concept. Just as the widespread political and religious conflict consequent on the collapse of the medieval European order in the sixteenth century facilitated a revival in the doctrine of sovereignty, so the issue of social cohesion takes on an increased salience with certain developments associated with the transition to a modern industrial society. Given that, as already suggested, an interest in social cohesion implies certain claims with regard to the potentially autonomous significance of a specifically social dimension, it is in the founding texts of social theory that we find the first systematic attempts to construct a theoretical account of the production and maintenance of social cohesion in modern societies. It is therefore to a selection of these texts that we now turn.

Alexis de Tocqueville

The social and political thought of Alexis de Tocqueville (1805–1859), most notably in his famous publication *Democracy in America*, takes as its principle focus of analysis the question of what type of political institutions are most conducive to

producing and maintaining a condition of liberty in a democratic society. Implicit in this approach is the idea that democracy, at least as Tocqueville himself defines it, is potentially at variance with, and thus presents a threat to, political freedom. We shall have cause to return to Tocqueville's analysis in this regard, but first we might ask why, when so much of his political thought is dedicated to the analysis of political institutions and constitutional law, we should look to Tocqueville in our present enquiry into the problem of social cohesion, which we have already defined as one that properly concerns the specifically social dimension?

The answer is that Tocqueville, in addition to his detailed understanding of the effect of laws and institutions on the possibility of safeguarding liberty, is also highly sensitive to the role played by collective sentiments in advancing the interests of society. In the final chapter of the first volume of *Democracy in America* Tocqueville writes the following; 'If, in the course of this book, I have not succeeded in convincing the reader of the importance I attach to the practical experience, behaviour, opinions, and, in a word, the customs of Americans in maintaining their laws, I have failed in the main objective I set myself in writing it.'¹⁷³ It is Tocqueville's acute understanding of the significance of 'the usages, habits, opinions and beliefs'¹⁷⁴ for modern democratic societies that justifies our present interest in his political thought. Moreover, although, as already indicated, Tocqueville is principally concerned with the possibilities for achieving political liberty under conditions of democracy, much of what he writes about the former bears directly on the problem of social cohesion, defined in terms of the collective sentiments necessary to maintain a sense of unity within civil society. He writes, for example, that 'the reign of liberty cannot be established without morality, nor morality without beliefs.'¹⁷⁵

As a young French aristocrat and civil servant in the early part of the nineteenth century, Tocqueville witnessed first hand the difficulty with which post-1789 France struggled to prevent its democratic revolution from eroding political freedoms. He thus travelled to America with a view to examining what he saw as America's special, and in some senses unique, capacity to combine democracy and liberty, the one reinforcing the other rather than, as he thought the case in France, the former undermining the latter. This question is especially pertinent for Tocqueville since he is convinced that democracy was *the* principle fact of modern society, the

advance of which was irreversible since providentially ordained.¹⁷⁶ Therefore, for a society such as France where liberty was a fragile achievement, the only hope for its future prosperity lay in discovering how to make democracy and liberty compatible; the option of overturning the democratic revolution and returning to an aristocratic political order is discounted.

In order to understand how Tocqueville conceives democracy and liberty as, at least potentially, in tension with one another, it is imperative that to look at Tocqueville's particular definition of democracy as it is some respects quite unconventional. For Tocqueville, democracy is defined less by the existence of popular participation in a government elected on a wide suffrage, than by the marked erosion of social inequalities. A democratic society, according to this perspective, is one in which social conditions are significantly equalized in the sense that the rigid distinctions of orders and classes characteristic of aristocratic society are replaced by a social structure in which all individuals are socially equal.¹⁷⁷

Tocqueville cites a wide variety of reasons why democracy thus understood can under certain conditions represent a threat to liberty. At the centre of all of these particular reasons lies one fundamental principle. 'It is not the exercise of power,' writes Tocqueville, 'nor the habit of obedience that degrade men but the exercise of a power which is regarded as unlawful, or obedience to a power seen as wrongly held and oppressive.'¹⁷⁸ Whereas under the old aristocratic order widespread acquiescence to the legitimacy of political authority was built on acceptance of a rigid social structure looked upon as an immutable natural order, the eradication of social inequalities brings a greater potential for dissatisfaction with constituted political authority. In a passage typical of his literary style, Tocqueville writes the following of the potentially anti-liberal consequences of democracy;

'The dividing up of fortunes has reduced the distance separating rich from poor but as the gap has grown smaller they have discovered fresh reasons for mutual hatred; casting terrified and envious glances at one another, each seeks to deprive the other of power for both of them equally, the concept of rights does not exist and power appears as the sole reason for action in the present and the only guarantee for the future.'¹⁷⁹

The restless flux of a democratic (i.e. socially equal) society paradoxically gives individuals novel reasons to regard as illegitimate the authority charged with exercising political power, lending succour to those who would attack liberty in the name of their grievance. We can see that Tocqueville's characterization of the fragile nature of liberty under democratic conditions has a marked affinity with the problem of social cohesion, since the former is explained as emanating from the dissolution of the long-standing social ties that bind together aristocratic society. It is, therefore, not unreasonable for us to suggest that where Tocqueville sees liberty as under threat so by implication is the achievement of social cohesion.

For democracy to flourish without undermining liberty there must occur, Tocqueville argues, certain 'changes in laws, ideas, customs, and manners.'¹⁸⁰ We will presently be concerned to examine what the nature of these changes must be, but first it is interesting to again note the resemblance that this idea has with the problem of social cohesion. Just as the achievement of liberty cannot be assumed to flow automatically from the institution of democracy but, rather, depends upon certain sentiments and beliefs prevailing within society, so too we can say that social cohesion depends upon the value orientations of actors within civil society.

As already indicated, the bulk of *Democracy in America* is given over to an analysis of American laws and their contribution to the successful protection of political liberty, much of which does not fall within the analytical concern of the present chapter. Nevertheless, a number of Tocqueville's remarks about America's legal structure are pertinent to the problem of social cohesion. In particular his analysis of localism and decentralisation encouraged by American laws; its federal constitution; and the importance of public participation.

Decentralization and a vigorous localism are, Tocqueville argues, important because of the civic pride they foster. Such a sense of civic pride is an indispensable element in safeguarding liberty because it unites individual citizens by affective bonds rather than bonds of a purely administrative type. Tocqueville writes;

'In Europe, governments often bewail the absence of this community spirit, for everyone agrees that it is an ingredient in public order and tranquillity, even though they do not know how to create it. By making the township strong and independent, they are afraid they might disintegrate the social fabric and expose the state to the forces of anarchy. Once

you remove the strength and independence of the township, you will reduce the citizens to administrative units.¹⁸¹

Along somewhat similar lines, Tocqueville praises America's federal constitution as that form of government most sensitive to local variations. From this perspective it is decentralized, rather than centralized, government that offers the best guarantee of political liberty, and for reasons that apply equally to social cohesion. 'In great civilized nations,' Tocqueville argues,

'the legislator has to give laws a uniform character which disregards the variations of place and custom. Since he has not studied individual cases, he can only proceed to general rules. So, men are obliged to bow before the needs of legislation, which is in no position to adapt itself to the needs and ways of man; from this stems much trouble and wretchedness.'¹⁸²

In Tocqueville's discussion of the benefits of the republican form of government, in which active public participation in the affairs of government is pronounced, we find the idea expressed that the internal division of sovereignty expressed through federalism and manifested in strong municipal institutions together fuses the dual allegiances of individuals – local and national – into a harmonious unity. 'The public spirit of the Union,' Tocqueville writes, 'is not itself anything other than a summing up of provincial patriotism. Each citizen of the United States transfers, as it were, the concern inspired in him by his little republic to the love of his homeland.'¹⁸³ This idea is relevant to our present purposes for it suggests that local attachments need not of necessity conflict with or undermine an individual's attachment to the wider community of nation or state. Citizens, this suggests, can possess dual allegiances and identities without that fact jeopardizing either the stability of the state or its capacity to uphold political liberty.

Looking more closely at the influence on American democracy that Tocqueville attributes to customs, two ideas stand out as being of particular import. On the one hand there is the role played by religious sentiments and on the other the importance attached to collectively held beliefs and opinions.

The essentially sociological idea that Tocqueville expresses with regard to the function of religion in democratic societies focuses in the moral disciplinary

power it exerts over individuals. This moral function is, moreover, especially important for democratic societies, since the latter are characterized by radical questioning of political authority by independent individuals.¹⁸⁴ Religious sentiment, then, is seen by Tocqueville as a cohesive counterweight to the potentially centrifugal tendencies inherent in democratic societies. ‘How,’ Tocqueville asks, ‘could society avoid destruction if, when political ties are relaxed, moral ties are not tightened?’¹⁸⁵ To put this argument in another way, what Tocqueville is saying is that one cannot expect civil society to hold together in a democratic society unless the individual citizens that comprise civil society have over them some moral disciplinary force capable of restraining their desires and calming the force of disputes: ‘while the law allows the American people to do everything, religion prevents their imagining everything and forbids them from daring to do everything.’¹⁸⁶ Social cohesion, this suggests, relies upon the existence of certain types of belief or sentiment, in this case religious ones, being widespread amongst the population, so that in the absence of these collective values individuals will be unable to overcome divergences of interest in order to act for the common good.

Finally, related to the above idea is that expressed by Tocqueville concerning the importance of collectively held opinions that are, by their very nature, in some way beyond the rational investigation of individuals. Or rather, it is more accurate to say that Tocqueville recognizes that no society can function in a cohesive manner where individuals are expected to generate their own opinions from individual reflection on all subjects. ‘No social grouping,’ Tocqueville argues, ‘can prosper without shared beliefs or rather there are none which exist in that way; for, without commonly accepted ideas, there is no common action, and without common action, men exist separately but not as a social unit.’¹⁸⁷

Ferdinand Tönnies

The problem of social cohesion, as defined above, occupies centre stage in the analysis of the German sociologist Ferdinand Tönnies (1855-1936). According to Tönnies’ conception, the objective of sociology is precisely ‘to study the sentiments and motives which draw people to each other, keep them together, and induce them to joint action.’¹⁸⁸ Social Cohesion, then, is understood by Tönnies to constitute one

of the fundamental concepts that define the scope of enquiry of sociology as a scientific discipline.

Tönnies organizes his analysis of the sentiments and motives underpinning social cohesion and collective action around the central distinction between *Gemeinschaft* (community) and *Gesellschaft* (civil society), which together represent ‘the modal qualities of the essence and the tendencies of being bound together.’¹⁸⁹ As Tönnies employs them, *Gemeinschaft* and *Gesellschaft* are ‘normal’ or ‘ideal’ types in comparison with which reality can be recognized and described. Whilst the implication of this ideal-typical status is that no society could exist that was exclusively based around either category, nevertheless Tönnies is explicit in arguing that an irresistible tendency evident within modern societies is the progressive replacement of *Gemeinschaft* with *Gesellschaft*.¹⁹⁰ This change, Tönnies argues, has profound, and ultimately destructive, implications for the possibilities of achieving social cohesion in modern societies.

The typological distinction between *Gemeinschaft* and *Gesellschaft* operates on (at least) two dimensions. On the one hand, we find a highly abstract analysis of the fundamental qualities of *Gemeinschaft* and *Gesellschaft* social relations, and on the other an examination of *Gemeinschaft*- and *Gesellschaft*-like social organizations, including the state. In addition, some of the factors accounting for the shift from *Gemeinschaft* to *Gesellschaft* are delineated.

At its most abstract level, *Gemeinschaft* is defined by way of analogy as a ‘living organism’ in contrast to *Gesellschaft* which is a ‘mechanical aggregate and artifact.’¹⁹¹ *Gemeinschaft* is conceived as a ‘natural condition’ the roots of which are found in the fact that individuals ‘are and remain linked to each other by parental descent and by sex, or by necessity becomes so linked.’¹⁹² The most intense forms of *Gemeinschaft* relationships are, therefore, the relation between mother and child, husband and wife, brother and sister; in short, kinship relations.¹⁹³ The concept of *Gemeinschaft* is not, however, restricted to kinship relations but consists of two further pillars; *Gemeinschaft* of place (neighbourhood) and of mind (friendship).¹⁹⁴

Gemeinschaft social relations are intimate ones in which the related individuals or collectivities explicitly or tacitly ‘affirm each other’s existence, that ties exist between [them], that [they] know each other and to a certain extent are sympathetic toward each other, trusting and wishing each other well.’¹⁹⁵

Gemeinschaft implies the existence of common values – expressed in shared language, folkways, mores and beliefs – from which result an acknowledgement that definite mutual action is regularly required. The mutuality of *Gemeinschaft* relationships lends them a quality of equilibrium and a unity which, in *Gemeinschaft*-like societies, is the basis upon which living together rests: ‘Reciprocal, binding sentiment as a peculiar will of a *Gemeinschaft* we shall call understanding (consensus). It represents the special force and sympathy which keeps human beings together as members of a totality.’¹⁹⁶ Social cohesion is, therefore, the regular and normal condition of *Gemeinschaft* as a natural unity of individual wills. The reciprocal, binding sentiments that link individuals within the *Gemeinschaft* are the very foundation on which the unity of the latter is expressed and by which *Gemeinschaft*-like societies ‘hold together.’

Having established the basic features of the *Gemeinschaft* in the abstract, Tönnies analyzes its distinctive manifestation in a number of societal contexts, including home life, the village community, the town and town-country relations. Three examples will suffice in painting a picture of *Gemeinschaft*-like society. Within the culture of feudal village life, argues Tönnies, all realities of life are dominated by the idea of a natural distribution determined by a sacred tradition and it is from this idea, rather than the concepts of exchange and purchase, that harmony is achieved.¹⁹⁷ Similarly, the relationship between town and country within the *Gemeinschaft* is regulated by non-contractual ties. Of the latter, Tönnies writes;

‘The presumption seems justified that, in spite of the natural desire to keep one’s own or to obtain the largest possible quantities of other people’s goods, a brotherly spirit of give and take will remain alive in the relationship of town and country, which, outside of those barter activities, is fostered by manifold bonds of friendship and kinship, and for which shrines and meeting places provide the rallying points.’¹⁹⁸

Finally, the concept of land within the *Gemeinschaft* is endowed with a profound and spiritual significance insofar as it embodies the ‘unity of contemporaneous generations’ and ‘links the living to the dead.’¹⁹⁹ Tönnies’ description of the emotional resonance of land for individuals within the *Gemeinschaft* contains strong echoes of the perspective of romantic nationalism:

‘[The land] signifies the close interrelationship of a group of human beings living at the same time who have to obey the rules embodied, so to speak, in the land itself.’²⁰⁰

In Tönnies dichotomous typology, *Gesellschaft* possesses antipodal qualities to those displayed by *Gemeinschaft*. We have already seen that, in contradistinction to the organic unity of *Gemeinschaft*, the *Gesellschaft* is no more than an artificial aggregate of individuals ‘essentially separated in spite of all uniting factors.’²⁰¹ Rather than being bound together by reciprocal binding sentiments, each individual in the *Gesellschaft* ‘is by himself and isolated, and there exists a condition of tension against all others.’²⁰²

In explaining both the progression toward *Gesellschaft* and its defining characteristics, Tönnies’ places a strong emphasis on the importance of contractual relations: ‘The law of contracts is the adequate expression of a relationship characteristic of the *Gesellschaft per se*.’²⁰³ The transition from a general household economy and the predominance of agriculture on the one hand, to a general trade economy and the predominance of industry on the other, is a key marker of the progress of *Gesellschaft*, which to a certain extent can be defined by reference to the idea of commerce being lodged within the process of production.²⁰⁴ In his emphasis on the overwhelming significance of contractual relations within *Gesellschaft*-like societies, Tönnies expresses a similar idea, albeit within a radically different framework, to the contractualist sociologist Herbert Spencer, for whom the most important sociological tendency at work in the development of modern industrial society was the substitution of contract for status.²⁰⁵ Where impersonal contractual relationships dominate, as in the *Gesellschaft*, nothing can be said to possess any intrinsic value beyond the temporary fact that it is owned by one individual and desired by another.²⁰⁶ As well as the introduction of commerce into the productive process and the corresponding rise of contractual relations, Tönnies sees the adoption of Roman law as an important source of the progress of *Gesellschaft* in Northern Europe.²⁰⁷

The most typical manifestations of *Gesellschaft* are bourgeois and capitalist society, both of which Tönnies describes in dyspeptic tones. There are strong overtones of Marx in Tönnies’ analysis of the relationship between capitalism and the *Gesellschaft*. He writes, for example, that capitalists are ‘the natural masters and

rulers of the *Gesellschaft*' which exists for their sake, and that the freedom enjoyed by workers is purely nominal since, in the absence of any independent means of sustenance, they are compelled to sell their labour for money.²⁰⁸

Most interesting, however, in terms of the problem of social cohesion within the *Gesellschaft* is Tönnies' description of 'bourgeois society', which he takes as a prototypical example of *Gesellschaft*. The absence of 'mutual familiar relationships' and their replacement with temporary contractual ones that is indicative of bourgeois *Gesellschaft* society sets up a latent tension within it which, we can assume, threatens the achievement of social cohesion therein. 'In *Gesellschaft*', Tönnies writes, 'every person strives for that which is to his own advantage and he affirms the actions of others only in so far and as long as they can further his interest. Before and outside convention and also before and outside each special contract, *the relation of all to all may therefore be conceived as potential hostility or latent war.*'²⁰⁹

The transition from *Gemeinschaft* to *Gesellschaft* brings about the liberation of the individual from the natural ties of kinship, blood and place which previously bound together society as a natural organism. However, from Tönnies' essentially conservative perspective, the price paid for this liberation can be measured in the retreat of social cohesion understood as natural harmonious relations. The following extended quote expressed well Tönnies' pessimistic opinion of modern *Gesellschaft*-like society and the likely future prospects for social cohesion:

'a rational scientific and independent law was made possible only through the emancipation of the individuals from all ties which bound them to the family, the land, and the city and which held them, to superstition, faith, traditions, habit and duty. Such liberation meant the fall of the communal household in village and town, of the agricultural community, and of the art of the town as a fellowship, religious, patriotic craft. It meant the victory of egoism, impudence, falsehood, and cunning, the ascendancy of greed for money, ambition and lust for pleasure.'²¹⁰

According to Tönnies, the principle obstacle to the achievement and maintenance of social cohesion in *Gesellschaft*-like societies and the source of the latter's progress are one and the same thing. There is, therefore, a tragic quality to

his interpretation of modernity. Tönnies' expresses profound scepticism toward the possibilities for success of any project to arrest the decline of social cohesion through the reinvigoration of *Gemeinschaft* qualities, although he predicts that such a project will in all likelihood be attempted by states seeking 'to create moral forces and moral beings.'²¹¹ Nonetheless, Tönnies does argue that the resuscitation of family life and other forms of *Gemeinschaft* is a 'moral necessity' for modern societies, and identifies a potential source of such resuscitation in co-operative associations of workers and the ideology of British Guild socialism with its demand for a return to *Gemeinschaft* in the form of c-operative production.²¹²

Emile Durkheim

In terms of classical social theory, the writer perhaps most associated with the concept of social cohesion is the French sociologist Emile Durkheim (1858-1917), who takes as the leading themes of his sociological project the relationship of the individual to the collectivity and the possibilities for securing consensus within complex modern societies.²¹³

What are the conditions providing for social cohesion in modern industrial societies which display a developed and complex division of labour is the central focus of Durkheim's analysis in *The Division of Labour in Society*. In it Durkheim is concerned with how the social bonds and moral values that are essential to achieving social cohesion could be maintained and reinforced in these highly differentiated societies in which the concept of individual autonomy was a defining ideal.

Rather than seek to identify a set of universal moral principles conducive to social cohesion in the abstract, Durkheim adopts a scientific and empirical approach to the study of morality which recognizes that different societies have been animated by widely divergent moral codes, none of which are *a priori* superior in safeguarding social cohesion. Changes in moral codes occur 'not as a result of philosophical discoveries', but rather 'because changes have occurred in the social structure that have necessitated this change in morals.'²¹⁴ Because moral codes are thus rooted in the social structure, the task of sociology is to undertake an empirical analysis of actual social conditions to determine the distinctive morality most appropriate to them.²¹⁵ In other words, we should not expect the achievement of social cohesion in

modern societies to be based on the same moral values that underpin it in the very different conditions pertaining to pre-modern or archaic societies.

The most striking difference between the social conditions of archaic and modern societies is, argues Durkheim, the rudimentary nature of the division of labour in the former as compared to the widespread and highly developed form it takes in modern societies. Modern societies alone exhibit the social phenomenon of the division of labour to any significant extent. Expressed simply, the division of labour refers to a situation in which occupations are heavily separated and specialized. The tendency toward the progressive development of the division of labour in modern societies can be observed within all sectors of society, including the economic, political, administrative, judicial, scientific and aesthetic.²¹⁶ The division of labour, then, refers to a general process of social differentiation not limited to the economic sphere.

The existence of a complex and pervasive division of labour exercises a profound influence on the type of moral code required to ensure social cohesion as compared with archaic societies in which little division of labour is evident. In the latter, social cohesion is a product of what Durkheim calls ‘mechanical solidarity’, meaning that its cause ‘can be traced to a certain conformity of each individual consciousness to a common type which is none other than the psychological type of society.’²¹⁷ The common type to which this quote refers is designated by the term ‘collective consciousness’, which is defined by Durkheim as ‘the totality of beliefs and sentiments common to the average members of a society.’²¹⁸ The collective consciousness is most strongly defined in archaic societies which exhibit little or no division of labour. That is to say, in terms of its extent, the intensity with which it is felt, and the determinacy of its content, the collective consciousness exerts a dominant influence over individuals within these societies, who are, as a result, only marginally differentiated from one another.²¹⁹ Because common beliefs, sentiments and values dominate in this way, individuals in archaic societies closely resemble each other, and it is upon this resemblance that social cohesion is achieved. As Anthony Giddens observes; ‘Where mechanical solidarity is the basis of social cohesion, social conduct is controlled by shared values and beliefs: the collectivity dominates the individual, and there is only a rudimentary development of individual self-consciousness.’²²⁰

Consonant with his proposition that changes in the social structure precipitate changes in the moral code of society, Durkheim argues that the progressive development of the division of labour associated with the rise of modern industrial societies fundamentally alters the basis upon which social cohesion rests from mechanical to 'organic' solidarity. Whereas mechanical solidarity refers to a social cohesion based on the absence of meaningful differences between the moral values held by undifferentiated individuals, organic solidarity denotes a cohesion born of the interdependence of differentiated individuals in systematic relations of exchange with one another.²²¹ The relations between individuals in a society of organic solidarity are, Durkheim argues, analogous to those found between the component parts of a biological system. The organs of a human body, for example, are mutually dependent at the same time as each performs a unique and differentiated function and it is in this sense that they form an organic (as opposed to a mechanical) unity.²²²

It is, therefore, the division of labour itself that is the principle source of social cohesion in modern industrial society: '[The division of labour's] true function,' writes Durkheim, 'is to create between two or more people a feeling of solidarity.'²²³ For such a situation to arise, however, presupposes that individuals have to a significant extent been liberated from the constraints of the collective consciousness, which becomes less extensive, more feeble and more vague.²²⁴ Here then, we encounter one of the key themes of Durkheim's analysis of social cohesion; that modern societies which exhibit a complex division of labour by definition contain individuals over whom the collective consciousness – the totality of shared collective sentiments – exerts a relatively weak influence. Moreover, since this progressive weakening of the collective consciousness is an inevitable and hence 'normal' feature of modern complex societies, it is not, Durkheim argues, in conflict with the achievement of social cohesion therein. On the contrary, modern societies achieve social cohesion *because* of the division of labour. That is, solidarity rests precisely on the social differentiation of individuals.

This point forms the substance of Durkheim's critique of both Auguste Comte and the anti-Dreyfusards²²⁵ for whom the weakening of collectively held moral sentiments represented the gravest threat to the social cohesion of modern societies. For Durkheim, by contrast, the declining importance of the collective consciousness in modern societies is accompanied not by a general collapse in the

conditions necessary to sustain social cohesion but, rather, by a shift from one type of cohesion (mechanical solidarity) to an alternative type (organic solidarity) more consistent with the social conditions of modernity. In other words, the achievement of social cohesion in modern societies is not, Durkheim suggests, dependent on there existing an intimate resemblance between all individuals within society or the predominance of collectively held sentiments over individual idiosyncratic ones.

It is at this point essential to recognize that, although it is true that Durkheim understood the weakening of the collective consciousness to be an inevitable concomitant of the progressive development of the division of labour, he maintained that collective sentiments, values and beliefs nevertheless continued to play an important role in the social structure of modern societies. Indeed, one particular facet of the collective consciousness, that relating to the respect of society for the individual, is actually strengthened in modern societies. The collective consciousness, this shows, does not disappear altogether under modern conditions but rather contracts in scope and transforms in content.²²⁶ Modern society remains, Durkheim insists, a moral society in which collectively held beliefs, values and sentiments, though radically changed in nature from those found in simple societies, are necessary elements of social life. Durkheim writes;

‘even where society rests wholly upon the division of labour, it does not resolve itself into a myriad of atoms juxtaposed together, between which only external and transitory contact can be established. The members are linked by ties that extend well beyond the very brief moment when the act of exchange is being accomplished...Men cannot live together without agreeing, and consequently without making mutual sacrifices, joining themselves to one another in a strong and enduring fashion...Every society is a moral society.’²²⁷

Durkheim’s remarks concerning the continuing importance of moral authority and certain collective sentiments are directed in opposition to the ‘contractualism’ most famously associated with Herbert Spencer, utilitarianism and classical political economy. In his sociological diagnosis of modern society, Spencer emphasizes the prevalence of contractual exchange between autonomous individuals. Modern ‘contractualist’ society, Spencer and the economists argue, has liberated itself from the constraints of collective imperatives altogether, replacing them with a

social structure made cohesive by the free decision of individuals.²²⁸ It should be clear that from such a perspective the problem of social cohesion, at least as it is posed in this chapter and in the work of Durkheim, is largely subordinated to the ideal of individual autonomy.²²⁹

Durkheim devotes a considerable amount of space in *The Division of Labour* to refuting the contractualist position.²³⁰ Characterizing Spencer's thesis, Durkheim writes, 'Individuals would only be dependent upon the group to the extent that they depended upon one another, and they would not depend upon one another save within the limits drawn by private agreement freely arrived at. Thus social solidarity would be nothing more than the spontaneous agreement between individual interests, an agreement of which contracts are the natural expression.'²³¹

Were society actually to resemble such a description, Durkheim argues, it would be the case that 'every harmony of interests conceals a latent conflict, or one that is simply deferred.'²³² In reality, however, the increase in the prevalence of contractual relationships in modern societies does not, as Spencer suggests, imply a decrease in the sphere of *social* action, as is evidenced by the expansion of legal regulation that accompanies the rise of contracts. Contracts themselves, moreover, are fundamentally dependent on the law of contracts which is, after all, a phenomenon belonging to the sphere of social action. More significantly in terms of the present discussion, the concluding of contracts cannot in reality be separated from custom and collective moral values: 'In the way in which we conclude and carry out contracts, we are forced to conform to rules which, although not sanctioned, either directly or indirectly, by any legal code, are none the less mandatory.'²³³

Durkheim's assertion in *The Division of Labour in Society* that 'the contract is not sufficient by itself, but is only possible because of the regulation of contracts, which is of a social origin'²³⁴ expresses an idea that is central to his discussion of the methodological basis of sociology that can be found in *The Rules of Sociological Method* and *Suicide*. The relevant Durkheimian idea here is the objective reality of 'social facts' as things external, and not reducible, to the individuals that compose society. Spencer's failure, Durkheim suggests, lies in the refusal to recognize the objective reality of social phenomena, a lacuna that leads him to incorrectly suppose that the social fact of contractual exchange can be adequately explained by reference to the free interplay of individual interests. Durkheim, by contrast, argues; 'To

understand the way in which society thinks of itself and its environment one must consider the nature of the society and not that of the individual.²³⁵

As well as their status as objectively real ‘things’ not amenable to change by a simple act of human will, Durkheim attributes two other properties to social facts. They are *external*, in the sense that they are qualitatively different from the sum of their individual parts, and they serve to *constrain* human activity.²³⁶

In terms of the present analysis of social cohesion, Durkheim’s conception of the objective reality of social facts serves as an important reminder that all societies, even those of organic solidarity, exhibit collective social phenomena that operate externally to individual consciousness, constraining their behaviour. The collective nature of social facts is, Durkheim writes, ‘conspicuously evident in those beliefs and practices which are transmitted to us ready-made by previous generations; we receive and adopt them because, being both collective and ancient, they are invested with a particular authority that education has taught us to recognize and respect.’²³⁷ Recognition of this idea that the individual is always dominated to some degree by an external collective reality greater than himself justifies a concern with social cohesion that is not possible from the individualist perspective of contractualism/utilitarianism/classical political economy.

Max Weber

As is well known, the sociological and political thought of Max Weber (1864-1920) is permeated with an interest in such concepts as power, domination and conflict, and as such it might be thought that he was relatively unconcerned with ideas of cohesion and consensus. To conclude thus would, however, be an error. It is true that Weber’s position with regard to the possibilities for achieving social cohesion is very far from that of Durkheim, for whom cohesion is understood as the normal default setting of all societies so long as certain pathological developments are kept at bay. Weber, by contrast, considers conflict and coercion to be endemic features of social and political organization. It is, however, precisely within Weber’s conceptualization of the nature of domination and authority that can be found his distinctive understanding of what constitute the principle bases upon which the achievement of social cohesion stands.

For Weber, social cohesion is, to a significant extent, a question of the relations of domination and obedience pertaining in any given social structure and the kind of legitimacy claimed therein. Society, according to this view, coheres or 'holds together' through the obedience of its members to authority. Consequently, if we wish to understand the bases of social cohesion, the relevant questions to ask are; "When and why do men obey? Upon what inner justifications and upon what external means does this domination rest?"²³⁸

Before examining the link between Weber's theory of legitimate domination and the concept of social cohesion, it is worth first noting the relevance of his work on the sociology of religion, in particular the famous *The Protestant Ethic and the Spirit of Capitalism*. Social cohesion, it has been suggested, is a phenomenon intimately related to, and hence inseparable from, the sphere of (individual and collective) values, beliefs and sentiments. To put this in another way, the sources of social cohesion, whilst not exhausted, are nevertheless significantly affected by what are generally termed 'cultural' factors.

An awareness of the significance that such non-material cultural factors can have for the direction and character of historical development animates *The Protestant Ethic and the Spirit of Capitalism*. In direct opposition to Marx's materialist conception of historical development, Weber argues that a key factor in the development of capitalism was the shift in value-orientation that occurred as a by-product of Protestantism. The ethic of Protestantism, Weber argues, is a combination of puritan asceticism and worldliness. This ethic encouraged amongst its adherents, albeit as an unintended consequence, a world-view peculiarly suited to the development and spread of a capitalist economy, the 'spirit' of which is the desire for 'the pursuit of profit, and forever *renewed* profit, by means of continuous, rational, capitalistic enterprise.'²³⁹

The desire to pursue continuous profit for its own sake, an attitude indispensable to the early development of capitalism, is only rational, Weber argues, for individuals possessed of a particular world-view; it is not inherently rational in and of itself. The implications of such a conclusion are profound and, as already indicated, run directly counter to orthodox Marxist historical materialism. It suggests that the economic activity of individuals can only be understood within the context of their subjective value-orientations and world-view. The 'rationality' of

any given economic activity is significantly dependent on the ultimate ends that individuals' value and these ends are conditioned by ethical and cultural factors not reducible to material ones. Hence, Weber demonstrates that all social action – including economic activity that is traditionally seen as the most purely 'rational' – takes place within an ethical framework that structures the means and ends individuals' pursue. The aim of Weber's interpretative sociology is to arrive at objective statements concerning the subjective meanings individuals attach to their social conduct. One implication of this perspective is that the achievement of social cohesion in any given society will be intimately related to the subjective meanings that underpin individual and social action.

As already indicated, it is in relations of domination and obedience that Weber locates the principle bases of social cohesion. This is not to suggest that cohesion can be reduced to coercion since it is the case that in most cases obedience is forthcoming because the commanding authority is considered in some way legitimate: 'So far as it is not derived merely from fear or from motives of expediency, a willingness to submit to an order imposed by one man or a small group, always implies a belief in the legitimate authority of the source imposing it.'²⁴⁰ This implies that the achievement of social cohesion rests to some extent on the validity of the social order, where validity is an expression of the probability that action is actually governed by a belief in its legitimacy.²⁴¹

The types of legitimacy claimed by social orders fall into three ideal-typical categories; rational, traditional and charismatic. At issue in distinguishing between these types are the nature of political leadership and the (administrative) means by which the politically dominant powers manage to maintain their domination.²⁴² In the case of traditional authority, legitimacy 'rest[s] on an established belief in the sanctity of immemorial traditions'²⁴³ and obedience 'is owed to the person of the chief who occupies the traditionally sanctioned position of authority and who is...bound by tradition.'²⁴⁴ Such an authority is maintained by an administrative staff linked to the ruler by personal loyalty. The restrictions of innovation inherent in such an order mean that it is impossible to deliberately create law through legislation, and the development of rational economic activity is seriously hindered.²⁴⁵

In the case of charismatic authority, legitimacy ‘rest[s] on devotion to the exceptional sanctity, heroism or exemplary character of an individual person’ who is obeyed ‘by virtue of personal trust in his revelation.’²⁴⁶ This emphasis on the extraordinary qualities of a charismatic individual creates a large space for legislative innovation but is directly opposed to everyday routine structures of domination. As a consequence, social orders whose legitimacy is of the charismatic type are inherently unstable and struggle to produce and maintain social cohesion. Charismatic authority therefore becomes either traditionalized or rationalized, or a combination of both.²⁴⁷

Finally, and most importantly for our understanding of social cohesion within contemporary states, legal-rational authority ‘rest[s] on a belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue commands.’²⁴⁸ Obedience to such an order is owed to the ‘legally established impersonal order’ which maintains its domination by means of a continuous administration characterized by the separation of officials from the means of administration. The modern state represents the most complete approximation of this type of authority to have existed. ‘In the contemporary ‘state’...the ‘separation of the administrative staff, of the administrative officials, and of the workers from the material means of administrative organization is completed.’²⁴⁹

The predominance of legal-rational authority as the basis upon which legitimacy is claimed within modern societies (and their states) is reflected in a concomitant increase in the reliance on bureaucratic administration across a wide diversity of organizations: ‘The development of modern forms of organization in all fields is nothing less than identical with the development and continual spread of bureaucratic administration.’²⁵⁰ The reasons for the dominance of bureaucratic organization lie in its technical superiority and greater efficiency as compared to any other form of administration. It is therefore completely indispensable for the needs of mass administration in complex modern societies; far from being exclusively a product of capitalism, a socialist state would require an even greater reliance on bureaucracy.

Weber’s views about the significance of bureaucratization within modern societies are relevant to the issue of social cohesion and what factors account for its production and maintenance. According to Weber, the overwhelming predominance

of the bureaucratic model of administration makes it one of the principle forces involved in 'holding together' society. Bureaucracy, in other words, provides an important contribution to the achievement of social cohesion. As Joseph writes, bureaucratization, 'brings a new degree of stability and cohesion since, unlike previous forms of domination which rely on more volatile personal and political relations, bureaucracy represents a continuous form of administration carried out by trained professionals who operate 'impartially' according to prescribed rules.'²⁵¹

However, far from endorsing bureaucracy, Weber, as has already been indicated in Chapter One, condemns what he describes as 'control by officialdom' as a phenomenon that obstructs the rise of quality political leaders. Bureaucratization creates an 'iron cage' from which modern states struggle to free themselves. The answer, as Weber sees it, lies in the use of democratic institutions as the most appropriate arena from which charismatic political leaders can emerge.

	Alexis de Tocqueville	Ferdinand Tönnies	Émile Durkheim	Max Weber
Basis of social cohesion in pre-modern societies	Widespread acceptance of rigid and hierarchical distinctions of order and classes (aristocratic). Social structure as an immutable natural order.	Ties of kinship, fellowship, custom, history and communal ownership of primary goods binding individuals together in an 'organic' Community (Gemeinschaft).	Shared values, sentiments, and beliefs of undifferentiated individuals (mechanical solidarity) against the backdrop of rudimentary division of labour	Belief in the legitimacy of a social order sanctioned by a reverence of immemorial traditions or devotion to charismatic leader.
Basis of social cohesion in modern societies	Civic pride fostered by vigorous localism and decentralization; moral disciplinary force provided by religious sentiment and shared beliefs and opinions.	Individual interaction through self-interest and commercial contracts, in the context of formally enacted laws (Gesellschaft).	Interdependence of differentiated individuals in systematic relations of exchange.	Belief in the legitimacy of a legally established impersonal order buttressed by bureaucratic administrative organization.
Typical features of modern societies	Erosion of social inequalities accompanying establishment of democratic political rule.	Penetration of productive process by commerce; dominance of contractual relations; development of rational scientific law.	Highly developed division of labour; the 'cult of the individual'	Dominance of legal-rational authority; the 'disenchantment' of the world'; bureaucratization.
Principle threats to social cohesion	Political centralization; relaxation of moral ties.	Absence of mutual familiar relationships the basis of potential and latent hostility.	'Abnormal' development of division of labour leading to anomie, conflict between labour and capital, commercial crises.	Bureaucratic administration obstructing the emergence of quality political leaders.
Suggested remedies	Federalism; proliferation of voluntary associational groups in civil society.	Resuscitation of family life and other forms of Gemeinschaft; cooperative production.	Re-moralization of division of labour through secondary professional associations; strengthening of shared values through collective ritual, symbols;	Use of democratic institutions to encourage the emergence of charismatic political leaders motivated by ethic of responsibility.

The four authors examined above share an interest in analyzing the underlying bases upon which social cohesion is built in different types of society. Each, moreover, structures his analysis around a central distinction between ‘simple’, ‘traditional’ or ‘pre-modern’ societies on the one hand, and ‘complex’ or ‘modern’ societies on the other, with the clear implication that what ‘holds together’ society in a pre-modern context is of a different order to that which performs the same function in modern ones. This in itself is an important insight and one that, as we shall see shortly, has profound consequences for our understanding of the changing context within which national identity and social cohesion interact in the contemporary world. To put it simply, the authors are united around the basic contention that the means by which a given society attains a stable coherence change as a result of deeper structural transformations affecting it. Complex industrial societies, for example, produce and maintain social cohesion in different ways, and upon different underlying foundations, than simple agrarian ones. To this could be added that social cohesion, to the extent that its achievement is a reality at all, will rest on a distinctive support in ethnically diverse as opposed to ethnically homogeneous societies. We will have cause to return to this point below.

Whilst Tocqueville, Tönnies, Durkheim and Weber are broadly united around the essentially sociological conviction that modern societies, because of certain specifiable and fundamental structural differences, unite as coherent wholes in ways that are clearly distinct from their pre-modern counterparts, their interpretations of the essential differences between pre-modern and modern societies are markedly different. It is worth, therefore, taking a brief comparative look at the different picture of modern society that each author constructs and how these differences impact upon their understanding of the prospects for social cohesion therein. By doing so it will be possible to assess the degree to which the features that allegedly characterize modern society still hold for contemporary society and if not, what implications this holds for social cohesion.

Consonant with his more overtly political, as opposed to sociological, emphasis, Tocqueville locates the distinctiveness of modern society in the political sphere; in the change from aristocratic to democratic government. If the mechanism of change is therefore political, the most pertinent fact is pseudo-structural – modern societies are distinctively egalitarian. That is to say, they are incompatible with the

existence of significant social inequalities, certainly when compared to the rigid and hierarchical distinctions of order characteristic of aristocracies. By contrast, Tönnies, Durkheim and Weber place the major weight of their emphasis on the strictly structural changes associated with industrialised production.

For Durkheim in particular industrialism, and the complex division of labour with which it is associated and upon which it depends, is the defining feature of modern societies. Durkheim is careful to point out that the highly developed economic division of labour associated with industrialism is replicated across all spheres of social life, from the administrative to the scientific and aesthetic. A number of pertinent facts flow from the dominance of the division of labour in modern societies. Human beings are themselves highly differentiated from one another and are less beholden to the constraining influence of the collective consciousness and respect for the autonomy and dignity of the individual is widespread and endemic.

In the analysis of Tönnies, and to a lesser extent Weber, the influence of Marx is more evident as the impact of capitalism on the structure of modern societies is explicitly theorized. For Tönnies especially, features associated with the development of capitalist economies – the penetration of productive processes by commerce and the dominance of contractual relations – are key to understanding the distinctiveness of modern societies. Such developments serve to irredeemably shatter the ‘organic’ bonds of kinship and fellowship characteristic of the social order of pre-modernity by substituting natural will with a rational will defined by a strict separation of means and ends. Similarly, for Weber it is rationalization in its numerous guises that largely defines modern society as reverence of immemorial traditions and charismatic leaders wanes leaving the world ‘disenchanted.’ At the same time, the most rational form of administration – bureaucracy – rises to predominance and henceforth provides a formidable buttress to authority.

With each of these developments associated with the emergence of modern society, important consequences follow for social cohesion. So, the achievement of social cohesion cannot be based upon the same elements in a democratic-egalitarian society as compared with an aristocratic-hierarchical one; in an organic *Gemeinschaft* as compared with an artificial *Gesellschaft*, in a segmental agrarian society as compared with a complex and interdependent industrial one; in a society

where legitimacy is based on an appeal to tradition as compared to one where legal-rational authority dominates. Moreover, the likelihood that the attainment of social cohesion will be robust and long-lasting is itself subject to change depending on the type of society under consideration. Modernity, in other words, brings with it new challenges for the maintenance of cohesion in modern societies

Tocqueville's personal admiration for aristocracy is reflected in his conviction that such societies derive their social coherence from a widespread acceptance of aristocratic power as lawful and acquiescence to a social order seen as immutable and natural. It is incompatible with the very nature of democracy for social cohesion to be constructed on the foundations of hierarchy and rigid immobility in social structure, for democracy is, according to Tocqueville, precisely the absence of social inequalities. The destruction of rigid distinctions of order and classes brings fresh dangers of instability and the breakdown of social cohesion, dangers which are best avoided in circumstances where strong religious sentiment acts as an effective moral disciplinary force and citizens are united by a store of shared beliefs and opinions. For Tocqueville, it is upon these two conditions that social cohesion in modern societies is based.

If Tocqueville offers a qualified but fairly optimistic view of the possibilities for the safeguarding of social cohesion in modern societies, Tönnies paints a picture that is almost entirely pessimistic. Social cohesion is, from his perspective, a necessarily exclusive condition. That is to say, its successful achievement depends on the 'organic' bonds that unite kith and kin in communities governed by reciprocal ties of sentiment rather than the artificial ties of contract. Since modern society is defined precisely by the severance of such intimate and personal bonds, cohesion therein is necessarily a precarious achievement. Individuals in the *Gesellschaft*, recall, exist in a relation of 'potential hostility or latent war'; a situation clearly not conducive to society 'holding together' with any stability. The implication of Tönnies' analysis is that a society formed of strangers – meaning individuals not united by shared personal understanding – is one in which social cohesion is fundamentally imperilled. It is in this sense that social cohesion is interpreted as an exclusive condition; its achievement depends on the exclusion of strangers not sharing in the same *Gemeinschaft*. What such an understanding augurs for the social

cohesion of contemporary societies marked by significant national and ethnic diversity is a point that we shall return to shortly.

As is well known, Durkheim understood consensus and social cohesion to be the ‘normal’ condition of all societies and conflict a symptom of ‘pathological’ developments. He was therefore confident that the social cohesion found in simple pre-modern societies would be replicated in the very different circumstances of modern industrial societies, even if the foundations on which such cohesion would be based diverged significantly. The defining feature of modern societies, recall, is the existence of a complex division of labour across all sectors of social life, a situation that is incompatible with a strong and tightly defined collective conscious – the very thing that provided the framework for social cohesion in pre-modern societies. Consensus nevertheless remains the normal condition of modern societies as the division of labour itself performs the function of holding together society. The interdependence of differentiated individuals in systematic relations of exchange ensures that consensus triumphs over conflict except where certain ‘anomalies’ emerge.

Weber’s assessment of the security of social cohesion in modern societies provides an interesting counterpoint to Tönnies’ pessimism and Durkheim’s optimism. Put rather simply, Weber saw modern society as perhaps uniquely well-placed to reproduce the conditions of its own cohesion owing to the efficiency, predictability and ‘impartiality’ of bureaucratic administration, but saw in this fact the danger of a society lacking inspired, principled political leadership and thus incapable of breaking out of the stultifying and de-humanizing influence of the ‘iron cage’ of bureaucratization. In other words, the problem facing modern societies, according to Weber’s perspective, is less the safe-guarding of a fragile social cohesion and more the preservation of spheres of social life in which action other than that motivated by rationality could occur.

All four authors address the question of what are the principle threats to the social cohesion of modern societies based on their understanding of the foundations upon which it is built. Thus, for Tocqueville it is political centralization and the relaxation of moral ties and shared customs that present the greatest danger to modern democratic societies. Political centralization is feared for its potential to turn citizens into ‘mere administrative units’, whilst a weakening of the sphere of shared

beliefs and opinions threatens to render collective action impossible. For Tönnies the only hope for the restoration of lasting social cohesion lies in the resuscitation of family life and other forms of *Gemeinschaft* increasingly marginalized by the forces of capitalism, industrialism and rational law. The removal of commerce from the productive process by means of the establishment of co-operative production along the lines recommended by Guild Socialism represents the only tangible recommendation made by Tönnies.

It is in Durkheim that we find perhaps the most interesting and elaborate diagnosis of the most important threats to the social cohesion of modern societies, which result, he argues, from the 'abnormal' development of the division of labour such as is particularly characteristic of 'transitional' periods. Evidence of such abnormal developments can be found in such 'pathological' phenomena as widespread '*anomie*', conflict between labour and capital, and commercial crises. Rejecting the Marxist assumption that such phenomena are rooted in the very nature of capitalism itself, Durkheim argues that they are the result of individuals lacking consciousness of their involvement in a collective endeavour. The re-moralization of the division of labour can be effected most efficiently, Durkheim argues, via associational life since only secondary professional organisations are close enough to the individual to effectively tackle *anomie*. Here we find a direct parallel to the work of Tocqueville, for whom the proliferation of voluntary associational groups in civil society was the key to maintaining cohesion and liberty in the context of the restlessness of democratic society.

For Weber it is not the threats to social cohesion that are the primary danger facing modern societies but, rather, the oppressive colonisation of all spheres of human activity by the bureaucratic form of organisation. By way of a remedy, Weber offers an instrumentalist defence of democracy as the system of government most suited to the development of charismatic political leaders alone capable of resisting 'control by officialdom.'

Classical Social Theory and National Identity

Thus far the relationship between social cohesion and identity, and national identity in particular, has not been commented on directly. Whilst none of the four authors here considered develop a systematic theory of national identity, it is nevertheless

the case that their contrasting accounts of social cohesion are implicitly concerned with issues that we might describe as related to national identity.²⁵² In particular, the implications that the foregoing analysis suggests as to the relationship between social cohesion and diversity will serve as a useful jumping-off point for a subsequent analysis of more contemporary analyses of social cohesion that are more directly concerned with questions of identity.

As already indicated, all four of the authors considered in this chapter structure their analysis around a central distinction between pre-modern and modern societies, showing how certain features associated with the emergence of the latter transform the basis upon which social cohesion rests. By questioning some of the assumptions about modern society made by the four authors, it should be possible to generate some tentative insights into the conditions for the maintenance of social cohesion in contemporary societies.

The most fundamental assumption that all four authors share (although to differing degrees) is that diversity and social cohesion are locked in an essentially antagonistic relationship. That is to say, all agree that there is a certain amount, and certain type, of diversity that when reached represents an intractable problem for the maintenance of social cohesion. Tönnies' is the most extreme position in this regard as he essentially argues that the *Gesellschaft* is anathema to social cohesion, since only a more or less exclusive community can generate the reciprocal ties of sentiment which alone can 'hold together' society. Thus, it is not diversity *per se* that undermines social cohesion, but rather the impersonal relations of individuals whose interactions are conducted through the prism of self-interest and contractual exchange alone. There must, Tönnies argues, exist myriad interpersonal bonds not rooted in contractual exchange if hostility and war are not to dominate societal relations.

To some extent Durkheim's position is constructed in opposition to the dark picture painted by Tönnies. It is a mistake, Durkheim argues, to believe that diversity and social cohesion are diametrically opposed conditions. Such was the case in pre-modern societies where the absence of individual differentiation provided the cornerstone for the achievement of social cohesion, but cannot possibly be true of modern societies since a widening of diversity is an inevitable, and hence normal, accompaniment to the complex division of labour. It is, however, significant that

despite his conviction that a strongly defined collective consciousness is incompatible with the modern division of labour, Durkheim nevertheless insists that modern society remains a moral society that cannot re-produce itself or engage in collective action in the total absence of collective sentiments, values and beliefs. This reflects Durkheim's insistence on the logical priority of society over the individual and his belief that the former requires of the latter a willingness to engage in mutual sacrifice.

Moreover, a shared *national* identity is, it seems, singled out by Durkheim as one of the most important sources of such collective sentiments, and he recommends the inculcation of a patriotic commitment through civic education and the propagation of collective rituals and symbols. In this way, Durkheim's recommendations conform to the classic French model of unitary civic national identity, according to which national identity is inclusive in the sense of not being defined according to ethnic criteria, but imposed on all citizens residing within the state's territory.²⁵³ *Social cohesion, from a Durkheimian perspective, requires for its successful reproduction a shared commitment to a single national identity defined in civic and territorial terms.*

Whilst Tocqueville also stresses the importance of shared beliefs and customs for the maintenance of social cohesion in modern societies, he is nevertheless more inclined than Durkheim to support sub-national local identities as conducive to the vitality of civil society. The individual's commitment to the wider United States is understood by Tocqueville to emanate first and foremost from his 'provincial patriotism.' It is from the recognition that participation in a wider Union represents the most effective safeguard for the future prosperity of 'his little republic' that the public spirit of the union derives.

These differences in the interpretations of the relationship between diversity and social cohesion are highly pertinent to the study of contemporary societies in which diversity of all kinds is significantly greater than was the case at the end of the nineteenth/beginning of the twentieth century, the time at which all four authors were writing. Contemporary societies display an even more highly developed and complex division of labour, and are more than ever characterised by the intrusion of commerce and capitalistic relations into all spheres of social life. Migration and globalisation have produced far greater levels of ethnic diversity in contemporary

societies, and the continued rise of individualism in the context of de-regulated capitalism has further eroded the extent to which individuals defer to a shared moral authority. The triumph of the bureaucratic ‘rational’ modern state as the only viable state form remains perhaps the most important fact of contemporary international politics.

Whilst it may therefore seem that contemporary society is more than ever defined by the marginalization of the *Gemeinschaft* by purely *Gesellschaft* relations, the continued popularity of nationalism and the fact that the modern state everywhere remains a nation-state suggest that *Gemeinschaft*-like conceptions of society and political legitimacy are very much still a going concern. If the state is everywhere legitimated by reference, either explicitly or tacitly, to nationalism and national identity, then society continues to be conceived in more or less exclusive terms.

From Tönnies’ perspective, contemporary society faces insurmountable obstacles in the way of securing long-term social cohesion. The further entrenchment of capitalism combined with the large increase in the quantity and quality of diversity of all kinds is simply incompatible with the resuscitation of *Gemeinschaft* relations that alone offer the prospect of a rediscovery of social cohesion. However, even from the more moderate perspective of Durkheim, developments associated with contemporary society represent a considerable challenge to social cohesion. The continued existence of national diversity across virtually all Western so-called nation-states, and the more recent rise in support for sub-state nationalist movements, are testament to the failure of the kind of nation-building policies explicitly recommended by Durkheim. If the resilience of national minority communities is accepted as a given for the foreseeable future, the unified civic-territorial patriotism of the type that Durkheim extols is unlikely to provide fertile ground for the safe-guarding of social cohesion. If, as Durkheim’s analysis suggests, the collective sentiments, values and beliefs upon which all societies depend are best fostered in the context of an overarching unified civic national identity, then it would seem that national diversity, such as can be found in, for example, Britain, is a serious threat to the achievement of social cohesion.

The idea that national diversity is antagonistic to social cohesion need not, however, be the inevitable conclusion to our discussion of the concept of social

cohesion in classical social theory. We have already seen how Tocqueville praises decentralization and localization as forces that lend themselves to fostering responsible political and social interaction. This suggests an alternative way of looking at the relationship between national diversity and social cohesion; that is, by focusing on associational life and the ways in which the formal political recognition of national minorities might encourage it to flourish. Both Tocqueville and Durkheim agree that the modern state is too large and remote from the ordinary citizen to act as the principal agent for the re-integration of isolated individuals into the collective endeavour of society. For this reason they support the establishment of strong voluntary associational groups in civil society as a way of revitalizing democracy and safeguarding social cohesion. From this perspective, political recognition of sub-state national minorities might be seen as a way to bridge the gap between the individual and the remote state. In this sense such minority national identities represent the ‘provincial patriotism’ that Tocqueville saw as the bedrock of the public life of the wider Union.

This is a vision of alternative identities being complementary rather than antagonistic with the development of ‘dual identities’ contributing to overall social cohesion by encouraging more active participation in local civil society. Moreover, if the modern rational state is overwhelmingly *Gesellschaft*-like, as represented most fully in its monopoly over the granting of formal citizenship rights, sub-state national minorities perhaps retain a greater element of *Gemeinschaft* in their greater reliance on language, culture, tradition, and custom. The ‘*Gemeinschaft*’ of national identity thus complements the ‘*Gesellschaft*’ of citizenship.²⁵⁴

Social Cohesion in Contemporary Thought

Having been largely superseded by alternative concerns for much of the twentieth century, the concept of social cohesion has more recently re-emerged within political and social thought as evidence of growing political disengagement, and the challenges presented by increasing diversity of all kinds, prompts a re-examination of the integrative qualities of the so-called consolidated nation-states of Western Europe. In what follows two alternative approaches, both of which recall some of the principle themes associated with classical social theory, are analyzed. The first approach, social capital theory, takes as its principal focus of analysis forms of

associational life and group membership that, it is alleged, foster norms of generalized trust and reciprocity that it has already been suggested are key components of social cohesion. The second approach adopts a political philosophy approach to examine the significance of national identity as an important source of the shared values, morals and customs upon which bonds of social solidarity depend.

Social Capital Theory

That a wide proliferation of voluntary associational groups within civil society is an asset and a resource in facilitating the social integration of the individual into the collectivity is, it has been noted, a key insight claimed in the classical social theory of Tocqueville and Durkheim. This idea – that voluntary associations formed in the interstices between the state and the individual are essential for the maintenance of social cohesion in modern societies – has received a revived emphasis in the field of social capital theory that gained considerable influence across the social sciences in the 1980s and 1990s. Notwithstanding the often substantial differences separating alternative interpretations of social capital theory, a shared commitment to the socially-specific dimension of collective action unites the field and provides a thread linking it with the tradition of classical social theory analyzed above.

Much of the social capital theory literature is oriented toward an examination of the significance of associational networks as valuable resources implicated in individual and collective economic development. Pierre Bourdieu, for example, examines the manner by which asymmetric access to social capital in the form of durable social connections or networks can operate to reproduce class inequality, social stratification and existing power relationships.²⁵⁵ From a different political perspective, James Coleman places the notion of social capital within a framework of rational choice theory and methodological individualism in order to argue that the expectation of reciprocity generated by social capital makes it a valuable resource in overcoming collective action problems and ‘externalities.’²⁵⁶ Significantly, Coleman’s analysis, in stark contrast to that of Bourdieu, suggests that poor and marginalised communities can also benefit from investment in social capital.

It is, however, in the work of Robert Putnam that we find an interpretation and examination of social capital theory that is apposite to the analytical concerns of the present study. Putnam defines social capital as ‘connections among individuals –

social networks and the norms of reciprocity and trustworthiness that arise from them.’²⁵⁷ Reciprocal social relations embedded in membership in voluntary associations acts generate civic virtue and promote social cohesion. According to Putnam’s theoretical framework, there are two distinct dimensions to the concept of social capital (though in practice the line dividing them is often blurred). *Bridging* (inclusive) social capital refers to social networks that are ‘outward looking and encompass people across diverse social cleavages’, and can be contrasted with *bonding* (exclusive) social capital which is ‘inward looking and tend[s] to reinforce exclusive identities and homogenous groups.’²⁵⁸

The idea that the maintenance of strong social capital depends upon the extent of active civic engagement contains strong echoes of Tocqueville’s celebration of the salutary effects of Americans’ enthusiasm for forming voluntary associations on the quality of democratic governance in the United States. Based upon extensive empirical data, Putnam concludes that the vibrant civic associational life identified by Tocqueville during his travels through America has been significantly diminished and impoverished.:

‘In effect, the classic institutions of American civic life, both religious and secular, have been “hollowed out.” Seen from without, the institutional edifice appears virtually intact – little decline in profession of faith, formal membership down just a bit, and so on. When examined more closely, however, it seems clear that decay has consumed the load-bearing beams of our civic infrastructure.’²⁵⁹

Putnam draws on the concept of generalized reciprocity in order to examine the relationship between ethnic diversity and social capital theory. The former’s significance is understood in the following terms:

‘Each individual act in a system of reciprocity is usually characterized by a combination of what one might call short-term altruism and long-term self-interest: I help you out now in the (possible vague, uncertain, and uncalculating) expectation that you will help me out in the future. Reciprocity is made up of a series of acts each of which is short-run altruistic (benefiting others at a cost to the altruist), but which together typically make every participant better off.’²⁶⁰

Proceeding from an assumption that, owing to immigration and birth rate differentials between immigrants and native citizens, the extent of ethnic diversity present in Western nation-states can be predictably forecast to increase, Putnam surveys a range of quantitative data designed to explore the possible consequences for social capital. The wealth of evidence points in the direction of ethnic diversity and social capital being negatively correlated: ‘In the short to medium run...immigration and ethnic diversity challenge social solidarity and inhibit social capital.’²⁶¹

Putnam’s explanation for the negative correlation found between ethnic diversity and social capital makes use of the distinction between bridging and bonding social capital in order to critique dominant assumptions about the relationship between in-group and out-group trust. According to Putnam, it is not the case that, as might be suspected, increased ethnic diversity fosters out-group distrust and in-group solidarity, thus intensifying conflict between ethnic groups over scarce resources. For this supposition to hold, it must be assumed that bridging and bonding social capital are mutually incompatible which, Putnam claims, is not the case: ‘once we recognize that in-group and out-group attitudes need not be reciprocally related, but can vary independently, then we need to allow, logically at least, for the possibility that diversity might actually reduce *both* in-group *and* out-group solidarity – that is, both bonding *and* bridging social capital.’²⁶²

This is, in fact, precisely what the empirical evidence suggests, leading Putnam to conclude that increasing ethnic diversity is associated with a generalized reduction in the social integration of the individual into the collective for which Durkheim argues is a symptom of *anomie*, a pathological condition to which modern societies are uniquely vulnerable. ‘Diversity,’ Putnam writes, ‘seems to trigger not in-group/out-group division, but *anomie* or social isolation’ manifested in the fact that ‘inhabitants of diverse communities tend to withdraw from collective life, to distrust their neighbours, regardless of the colour of their skin.’²⁶³

Whilst this suggests that identity occupies an important position with regard to the generation of social capital, Putnam declines to offer any systematic theory as to why this should be so. However, his optimistic assertion that ‘in the medium to

long run...successful immigrant societies create new forms of social solidarity and dampen the negative effects of diversity by constructing new, more encompassing identities'²⁶⁴ indicates that it is the salience with which exclusive elements of social identity are associated that determines their effect on social capital. According to this view, the malign effects of diversity on social capital diminish as the salience of (say) ethnicity for social identity decreases. By way of illustration, Putnam offers the example of religious differences in America writing that

‘for most Americans their religious identity is actually more important to them than their ethnic identity, but the salience of religious differences as lines of social identity has sharply diminished. As our religious identities have become more permeable, we have gained much religiously bridging social capital, while not forsaking our own religious loyalties.’²⁶⁵

It is, therefore, the prevalence of unitary conceptions of social identity that threatens the generation of social capital in ethnically diverse states. For social capital to be safeguarded, it is essential that individuals and communities within civil society possess some level of shared identity, but a shared identity that encourages the existence of diverse dual identities. Social capital, Putnam argues, depends upon policies that foster ‘permeable, syncretic, ‘hyphenated’, identities; identities that enable previously separate ethnic groups to see themselves, in part, as members of a shared group with a shared identity.’²⁶⁶

In the various guises in which it appears, social capital theory has been subject to a range of criticisms expressing serious doubt as to its explanatory power. An early criticism directed toward social capital theory concerned its alleged neglect of the potentially destructive effects of social capital; its so-called ‘dark side.’ That the idea of community implicitly promoted by social capital theory might potentially carry destructive consequences is a well-rehearsed one. Before the term social capital rose to prominence within the social sciences in the 1980s and 1990s, the sociologist Richard Sennet argued that, rather than promote social cohesion, the type of community it celebrates threatens to undermine the possibilities for meaningful social action through the corrosive effect it has on the character of the public sphere.²⁶⁷ According to this perspective, attempts to re-construct a sense of

community around shared identity merely facilitate the penetration of the public sphere by the principle of (collective) personality that serves as an obstacle to genuine collective action:

‘The community idea involved here is the belief that when people disclose themselves to each other, a tissue grows to bind them together. If there is no psychological openness, there can be no social bond...What has emerged in the last hundred years, as communities of collective personality have begun to form, is that the shared imagery becomes a deterrent to shared action. Just as personality itself has become an antisocial idea, collective personality becomes group identity in society hostile to, difficult to translate into, group activity. Community has become a phenomenon of collective being rather than collective action.’²⁶⁸

According to Sennet, the possibilities for collective mobilization in the service of collective interests depends not upon the promotion of common *Gemeinschaft*-like values, but on the legitimacy and coherence of the public sphere, which require for their realization the existence of ‘common codes of belief’ presented in impersonal social interaction ‘which protects people from each other and yet allows them to enjoy each other’s company.’²⁶⁹

Putnam acknowledges two distinct aspects of a potential ‘dark side of social capital’; in respect of its effects on liberty and tolerance on the one hand, and on equality on the other.²⁷⁰ The classical liberal critique of communitarianism rests on the proposition that support for strong *Gemeinschaft*-like social bonds restricts freedom and thereby fosters intolerance. Social capital, according to this view, is as likely to impose conformity and social division as reinvigorate democratic participation. Along similar lines, the social networks that generate social capital, rather than facilitate the social integration of individuals into civil society, may in reality reinforce social stratification and undermine attempts to promote egalitarian ideals. As we have seen, this is precisely the function that Bourdieu associates with social capital.

Based on an empirical analysis comparing trends in social capital with changing attitudes toward tolerance and the equality of income distribution, Putnam argues that little evidence can be found in support of the claim that social capital is generated at the expense of individual liberty and/or equality. Rather, in the post-

war United States at least, data suggests that social capital is positively correlated with both tolerance and egalitarianism.²⁷¹ Once again, Putnam's explanation for this evidence rests on the proposition that bridging and bonding social capital are not mutually exclusive resources whereby the price paid for in-group solidarity is a reduction of out-group solidarity. Whilst he acknowledges that forms of bonding social capital rooted in homogeneous associational networks are generally less well suited to democratic public deliberation, he nevertheless argues that generalised social disengagement and the decline in social capital that this brings about, represents the graver threat to liberty and equality.

Additional theoretical, empirical and methodological criticisms have been levelled at social capital theory in general and the work of Putnam in particular. Ben Fine, for example, argues that Putnam's analysis of his own quantitative data is methodologically flawed, writing; 'although Putnam does run simple regressions, there are the questions of how variables are measured, omitted variables, model specification..., relating cross-section with time-series analysis..., and the relationship between correlation and causation.'²⁷² Theoretical criticism focuses on the absence within mainstream social capital theory of an adequate account of broader structural and historical factors, in particular the role of the central state and economic restructuring, that induce the context within which social capital is created.²⁷³ Without examining the content of such criticisms in depth, we conclude this discussion of social capital theory with a few remarks concerning the significance of the structuralist lacuna within social capital theory as it relates to the issue of identity and diversity.

As we have seen, in his analysis of the relationship between ethnic diversity and social capital, Putnam concludes that increased diversity is, at least in the short run, associated with social isolation and declining social capital. Both bonding and bridging social capital are undermined as individual's 'hunker down' and retreat from broader civic participation. If this trade-off between diversity and community is to be redressed in the longer term, as Putnam confidently asserts is possible, policies that strengthen a sense of shared identity are recommended. However, Putnam's strong emphasis on the significance of identity conceals a relative neglect of the political, historical and structural factors that create much of the context within which social identities are articulated and acquire meaning. The problems associated

with this neglect are amplified where it is national rather than ethnic identity that it is of concern, if for no other reason than the state's self-definition as a nation-state with all the implications that this entails (see Chapters One and Two). Whilst it may be true that a sense of shared identity is positively correlated with social capital (and social cohesion), its analysis cannot be divorced from the structural and political context within which sub-state social identities operate. Where, for example, the political demands advanced by sub-state national identities seeking greater autonomy are denied by a central state professing a unitary conception of national identity, measures designed to promote a sense of shared identity must be understood within the context of the latter's interest in nation-building as a means by which to strengthen its legitimacy.

Communitarianism, National Identity and Social Cohesion

Described by Putnam as a 'conceptual cousin' of the idea of community, social capital theory represents one response to the problem of declining social cohesion in modern societies that, as we have seen, shares some of the concerns of classical social theory, in particular an interest in the importance of reciprocal ties of '*Gemeinschaft*' (community) sentiment and the significance of civic associational life. Continuing with the idea that community is a key concept for theorizing the conditions of social cohesion, we now turn to the communitarian critique of rights-based liberalism as a final approach to understanding the concept of social cohesion. The breadth of communitarian thinking is such that an extensive analysis of communitarianism falls beyond the scope of the present analysis. Rather, our primary focus is on those insights generated within communitarian theories that have a bearing on the problem of social cohesion as it has been defined in this chapter, and on the relationship in which social cohesion stands to national identity. In terms of this final point, the work of two authors – Yael Tamir and David Miller – are examined in detail as prominent examples of analyses that employ some of the insights of communitarian thinking to the specific issue of nationality and argue that a shared national identity encompassing the entire population of a state is a *sine qua non* of social cohesion.

The essence of rights-based liberalism is the construction of a neutral institutional framework conducive to the free pursuit of individual conceptions of the

good life consistent with a similar liberty for others. The state, according to this perspective, refrains from actively promoting any particular moral values or conceptions of the good, preferring instead to maximize individual freedom of choice. This is achieved by the protection of certain basic individual liberties through a system of inviolable rights: ‘A just social system,’ writes John Rawls, ‘defines the scope within which individuals develop their aims, and it provides a framework of rights and opportunities and the means of satisfaction within and by the use of which these ends may be equitably pursued.’²⁷⁴

The liberal contention that, in Ronald Dworkin’s words, ‘political decisions must be, so far as is possible, independent of any particular conceptions of the good life, or of what gives value to life’²⁷⁵ relies on a certain interpretation of selfhood that is contested by communitarians. The liberal self is separate, autonomous and free-choosing. Individuals are not constituted by the aims and attachments they hold, since these are always potentially subject to assessment and revision. Thus Rawls writes; ‘The self is prior to the ends which are affirmed by it; even a dominant end must be chosen from among numerous possibilities.’²⁷⁶ A society made up of such ‘unencumbered’ selves holding a plurality of contingent values and attachments is held together through contractual relationships established between individuals and through the political obligations generated by political institutions that protect basic rights and liberties. A ‘well-ordered society’, Rawls argues, is synonymous with ‘a society in which institutions are just and this fact is publicly recognized.’²⁷⁷ It is, therefore, common membership in a just state, rather than (say) affective ties of sentiment or shared values, that is the principal source of social cohesion. Additional social bonds as may exist between some or all fellow citizens bear no independent weight since the ties of mutual obligation that they imply can under no circumstances override the basic rights of citizenship, from which alone are the political obligations upon which social cohesion depends derived.

Communitarians reject the image of the unencumbered self underpinning rights-based liberalism and construct an alternative account of what is required for the maintenance of social cohesion. Contrary to Rawls’ assertion that the self is prior to the ends it affirms, communitarianism proceeds from the assumption that particular relationships, attachments, memberships, and the common aims and values that are associated with these, are partly constitutive of our selves. That is to say, the

notion of an unencumbered self existing prior to particular aims and attachments is unintelligible. Thus Alasdair MacIntyre argues; ‘We cannot...characterize behaviour independently of intentions, and we cannot characterize intentions independently of the settings which make those intentions intelligible to agents themselves and to others.’²⁷⁸ Selfhood is, according to this perspective, intrinsically and inevitably situated within a wider context; individuals are embedded in communal memberships and institutional roles that are morally significant as sources of personal identity. As Sandel argues, an appreciation of the situatedness of the self greatly increases the significance of community as a constitutive aspect of social identity:

‘in so far as our constitutive self-understandings comprehend a wider subject than the individual alone, whether a family or tribe or city or class or nation or people, to this extent they define a community in the constitutive sense. And what marks such a community is not merely a spirit of benevolence, or the prevalence of communitarian values, or even certain ‘shared final ends’ alone, but a common vocabulary of discourse and a background of implicit practices and understandings within which the opacity of the participants is reduced if never finally reduced.’²⁷⁹

One cannot understand the forces that bind society together, that lend it cohesion, without reference to the mutual bonds of obligation generated by communal ties. By proceeding as if universal maxims alone constitute the essence of selfhood, rights-based liberalism, argues Michael Walzer, ‘limits our understanding of our own heart’s habits and give us no way to formulate the convictions that hold us together as persons and that bind persons together into a community.’²⁸⁰ As Spragens argues, contractual relationships and shared citizenship, whilst perhaps necessary, are not sufficient as sources of social cohesion: ‘A properly ordered society...cannot be merely a congeries of contractual relationships among self-interested individuals. Instead, it must be at least in part the product of public-spirited behaviour by citizens who possess the requisite capacities and self-restraint for cooperation and self-governance.’²⁸¹

In his analysis of the principle of nationality, David Miller argues that national identity is a justifiable and distinctive source of personal identity capable of

exercising a pervasive influence on people's behaviour even where it remains unarticulated. Building on the communitarian assumption 'that memberships and attachments in general have ethical significance'²⁸², Miller asserts that nations are ethical communities, meaning that one legitimately owes obligations to one's fellow nations that are not owed to other human beings. As an ethical community, the nation engenders mutual bonds of reciprocity conducive to mutual aid and social cohesion: 'because of the loose reciprocity that characterizes the ethics of community, a person who acts to aid some other members of his group can be sustained by the thought that in different circumstances he might expect to be the beneficiary of the relationship.'²⁸³ For Yael Tamir, the nation as 'imagined community' fosters social solidarity and togetherness amongst its members: 'Living within a community where members share an "imagined" sense of togetherness engenders mutual responsibilities.'²⁸⁴ With their source in identity and relatedness, these mutual responsibilities generate binding 'associative obligations', defined as, 'obligations generated by social associations that induce among their members feelings of membership and belonging, as well as the belief that the preservation of their society is a worthy endeavour.'²⁸⁵

For Miller and Tamir, social cohesion and the pursuit of redistributive justice depend on the formal bonds of citizenship being complemented and reinforced by the communal bonds of national identity and the associative obligations generated by shared national membership. If we are concerned with the conditions that make for a cohesive society capable of supporting the mutual sacrifices required by redistributive policies, it is necessary to look beyond the contractual view of society that underpins traditional rights-based liberalism. For Tamir, political obligations must be justified in part by reference to associative obligations grounded in feelings of belonging and identification with the association: 'The process by which we assume political obligations to a particular state, our state, can only be understood in light of their nature as associative commitments, whose moral importance is derived from the notion of membership rather than from general moral duties.'²⁸⁶ According to Miller, such associative commitments as nationality generates are essential if the levels of generalized trust and reciprocity required to support the voluntary cooperation of citizens are to be sustained: 'Trust requires solidarity not merely within groups but across them, and this in turn depends upon a common

identification of the kind that nationality alone can provide.²⁸⁷ Where trust is not sustained by communal bonds of nationality, rational egoism and mutual disinterestedness threaten to predominate and ‘politics at best takes the form of group bargaining and compromises and at worst degenerates into a struggle for domination.’²⁸⁸ Shared nationality, in other words, is a fundamental condition for the maintenance of social cohesion in modern societies.

Where political obligations are seen as, in part, necessarily associative in nature, and where nations are understood as ethical communities supporting mutual cooperation, there are instrumental benefits to be gained where political institutions recognize national membership. For Miller this means that ‘political communities should as far as possible be organized in such a way that their members share a common national identity, which binds them together in the face of their many diverse private and group identities,’ and that national communities therefore have a good claim to political self-determination.²⁸⁹ Where the boundaries of nation and state coincide in the form of a genuine nation-state, citizenship delineates a communal associative relationship as well as a formal legalistic one: ‘Communal solidarity,’ writes Tamir, ‘creates a feeling or an illusion, of closeness and share fate, which is a precondition of distributive justice...Consequently, the community-like nature of the nation-state is particularly well-suited, and perhaps even necessary, to the notion of the liberal welfare state.’²⁹⁰

The idea that national homogeneity is a necessary condition for the maintenance of society as a continuous coherent framework is, as was noted in the previous chapter, the opinion of John Stuart Mill where he writes; ‘Among a people without fellow-feelings, especially if they read and speak different languages, the united public opinion necessary to the workings of representative institutions cannot exist...[it] is in general a necessary condition of free institutions that the boundaries of governments should coincide in the main with those of nationalities.’²⁹¹ There are two fundamental ways of bringing about a greater coincidence of nation and state such as is recommended by Mill, Miller and Tamir; promoting an overriding single national identity through a project of nation-building, or by re-drawing state boundaries. Where one holds to a teleological conviction that the historical tendency of human associations is moving in the direction of progressively larger consolidated states, and/or a belief in the inherent superiority of large nations, nation-building will

recommend itself as the most appropriate course of action for a state wishing to provide a secure basis for social cohesion. As was noted in the previous chapter, this is essentially the view held by Mill when he asserts the benefits to be gained by members of peripheral nations from assimilating into the larger nationalities embodied within by consolidated nation-states.

Despite concluding that nationalities have a good claim to self-determination, Miller's thesis has been criticised for failing to give due consideration to the *de facto* national diversity of the overwhelming majority of nation-states, and for upholding a state-centric perspective on the claims of national minorities. Miller, as we saw, argues in favour of drawing political boundaries in such a way as to ensure that the bounds of nationality and state coincide as far as possible. Where nation and state coincide, Miller suggests, a number of substantive benefits will accrue. As Margaret Moore argues, the nature of these benefits fall into two distinct, albeit closely related, categories; on the one hand internal national homogeneity is desirable owing to the intrinsic value of nations as ethical communities. On the other hand, a coincidence of nation and state is instrumentally valuable for the benefits that accrue in terms of implementing social justice, securing social cohesion, protecting a common culture, facilitating deliberative forms of democracy and fostering collective autonomy.²⁹² According to Moore, 'Miller's two justificatory arguments point in different directions: the intrinsic justification suggests that national attachments are intrinsically valuable; the instrumental justification points to the importance of national ties in supporting a state which is attempting to realise traditional social-democratic goals.'²⁹³ The latent tension between these two different justificatory arguments surfaces in the course of Miller's application of his nationality principle to a selection of specific political problems, where instrumental justifications are deployed in defence of existing large states that are erroneously treated as though they were nationally homogeneous.²⁹⁴ This charge is repeated by James Kellas who contends that, by reasoning as if existing states in fact display a coincidence between nation and state, 'much of [Miller's] discussion on nationality and sovereignty is actually about states.'²⁹⁵

As Brendan O'Leary argues, the implicit statist bias in Miller's theory is most clearly evident in his chapter on national self-determination where he rejects the idea of a *right* to national self-determination in favour of a qualified defence that

nations have a *good claim* to self-determination.²⁹⁶ However, having put forward arguments in favour of a good claim to national self-determination, Miller goes on to specify a number of qualifications: only nationalities as defined by Miller have recourse to the claim; the nation in question must be large enough to form a 'viable' state; the self-determining territory cannot be essential to the state's military security; and the claim is weakened where any act of self-determination would create new minorities. The unnecessarily conservative character of Miller's qualification 'effectively grants to existing states, not nations...the right to determine which groups are nationalities, and which ones should be free to exercise self-determination.'²⁹⁷ As Kellas notes, given the jealous manner in which states can be expected to defend their sovereignty, this renders anti-state nationalisms 'essentially out of order.'²⁹⁸ Miller's theory is, therefore, biased in favour of the legitimacy of states over nations.²⁹⁹

Proceeding from the assumption that the ideal of the homogeneous nation-state is increasingly a practical impossibility, Tamir argues that the imperative for political institutions to reflect national membership can best be satisfied by abandoning the nation-state model altogether: 'although it cannot be ensured that each nation will have its own state, all nations are entitled to a public sphere in which they constitute the majority. The ideal of the nation-state should therefore be abandoned in favour of another, more practicable and just.'³⁰⁰ In order for the benefits of national solidarity to be harvested without resort to state-oriented nation-building programmes, 'requires us to redefine concepts like sovereignty, independence, and national self-determination.'³⁰¹ This is best achieved, Tamir suggests, by conceiving of nationality claims in cultural rather than political terms. So, she argues; 'The right to national self-determination...stakes a cultural rather than a political claim, namely, it is the right to preserve the existence of a nation as a distinct cultural entity.'³⁰² Thus understood, national self-determination is most effectively realized within the context of broader supranational political alliances, of which the European Union is a prototypical example.

Summary

What are the implications of the above for the social cohesion of multinational states; that is, for states containing one or more national minorities claiming a right

to political self-determination? Furthermore, what are the likely consequences for the social cohesion of the state as a whole of devolving some measure of political autonomy to territorially concentrated national minorities?

The basic condition of social cohesion, it has been suggested, is that individuals in civil society should feel united by effective ties of mutual trust, obligation, reciprocity and solidarity. Where such ties are weak or absent, individuals' social integration into the collectivity is threatened, fostering social disengagement and *anomie*, in the process undermining attempts at sustaining social cohesion. In such circumstances, effective collective action in pursuit of social justice objectives requiring redistributive policies is especially imperilled.

One factor implicated in the reproduction of the integrative bonds of social cohesion concerns the horizontal relations of civic associational networks. Where these flourish and encompass a significant portion of citizens they act as resources promoting civic engagement that in turn fosters greater levels of mutual obligation and social capital. Leaving aside the more explicitly political and economic factors bearing on the shape of civic associational life and instead focusing on the specifically social dimension, a number of variables have been identified as potentially significant. Chief among these is the existence of shared values, sentiments and beliefs which function to promote generalized trust and reciprocity. The relationship between these common sentiments and civic participation cuts both ways; associational networks are likely to flourish in societies that exhibit strong value-consensus, and membership in associational networks facilitates converging value-consensus.

For social cohesion to be maintained, some means must be found of reconciling diverse political cultures around a shared public culture capable of supporting mutual cooperation. This suggests that an overriding common identity is needed in order to sustain the ties of mutual obligation and solidarity that are the building blocks of social cohesion. National identity possesses a distinctive significance in this regard given that, by definition, it contains a public political dimension. A single encompassing national identity has therefore been historically viewed as an essential element in diffusing social solidarity throughout the population of the state. Nation-building has been the principle means by which states have striven to achieve this ideal of common identity and common

membership seen as underpinning social integration and cohesion. As Anthony Smith observes;

‘The nation is...called upon to provide a social bond between individuals and classes by providing repertoires of shared values, symbols and traditions. By the use of symbols – flags, coinage, anthems, uniforms, monuments and ceremonies – members are reminded of their common heritage and cultural kinship and feel strengthened and exalted by their sense of common identity and belonging.’³⁰³

Traditionally understood, nation-building is one means by which to bring about a coincidence of state and nation, one of the objectives of which is, as we have seen, social integration and cohesion. The benefits with which the successful achievement of such a coincidence is associated are the subject of Miller’s philosophical analysis of the idea of nationality examined above. However, of more direct concern to the present study are the implications that the association between shared identity and social cohesion suggest for situations where two or more distinct nationalities co-exist within the territorial boundaries of a single shared state.

Of course, on one level such a condition of national diversity is precisely the target of nation-building, which employs the considerable infrastructural power of the modern state in order to refocus the loyalty of its citizens away from pre-existing local attachments, which might have as good a claim to being a *national* identity as the state-supported identity. The demonstrable fact, however, that the vast proportion of contemporary states are not nationally homogeneous (are not, in other words, true nation-states in the empirical sense of the term) provides strong evidence to suggest that nation-building has been unable to bring about the kind of coincidence between nation and state that Miller recommends as the most fertile condition for the maintenance of social cohesion. Given this fact, and if we accept as legitimate the claim that a shared identity *is* important for social cohesion, two possible courses of action recommend themselves; either a renewed pursuit, via continued attempts at state-led nation-building, of national homogeneity, or the redrawing of political boundaries with a view to creating more nationally homogeneous states.

The survival of territorially-concentrated minorities that maintain a distinct and separate national identity within a number of long-established Western states paints a sobering picture for any would-be nation-building state, suggesting as it does the significant limitations of the nation-building project. Nationally homogenous states are not, it would seem reasonable to assume, likely to be brought into being by persuading national minorities, some of which have retained their distinctive identity for centuries of 'statelessness' and often in the face of violent suppression, to adopt the preferred nationality of the state. As Guibernau observes, such national minorities often 'regard the state containing them as alien, and maintain a separate sense of national identity generally based upon a common culture, history, attachment to a particular territory and the explicit wish to rule themselves.'³⁰⁴ These attachments will not generally be relinquished in response to the nation-building efforts of a central state regarded as alien.

The creation of nationally homogeneous states requires, therefore, the boundaries of existing states to be re-drawn around existing nationalities. To the extent that they genuinely are nationally homogeneous, the populations of the new states thus created will be united by stronger bonds of social solidarity and thus better placed to produce and maintain social cohesion. This supports a case for a *prima facie* right to claim national self-determination.

How though should we understand cases where conflicting claims to self-determination are advanced or where a national minority expresses a desire for a form of self-determination that falls short of independent statehood? Defending the principle of national self-determination even in such instances, O'Leary argues that 'in circumstances where reasonable and rival claims to national self-determination clash, the relevant nationalities must be granted a right to co-sovereignty' that can take a variety of forms including federalism, devolution or consociation.³⁰⁵ As a method of accommodating the demands of internal national minorities, political autonomy arrangements such as these have the benefit, by according political recognition to sub-state national identities, of reinforcing citizenship with the stronger solidaristic bonds of national identity. This reduces the national minority's perception of the central state as alien, thereby removing a significant obstacle to social integration.

From the perspective of social cohesion, it may be objected that the political recognition of national minorities increases the visibility of national diversity and, by emphasising the differences separating citizens rather than the similarities uniting them, undermines the capacity of sustaining mutual bonds of recognition and solidarity between the state's constituent nationalities. At this point it should be noted that the validity of such claims can ultimately only be assessed through empirical research (see chapters Seven and Eight). The following remarks concerning the conditions of social cohesion where national minorities exercise some measure of political autonomy will suffice. Such a state, rather than promoting social integration through a single overarching nation-building project, would instead be one in which several nation-building projects are advanced simultaneously. Whether, and to what extent, such nation-building projects are antagonistic to one another, and hence potentially damaging to social cohesion, in large part depends on their specific character. In particular, social cohesion is less likely to be imperilled where they promote a democratic, inclusive and 'civic' conception of national identity rather than an exclusive 'ethnic' one. Furthermore, the cohesiveness of the 'post-traditional nation-state'³⁰⁶ is significantly dependent on nation-building programmes that facilitate and foster 'dual identities' that reflect the complex relationship between nation and state that exists therein.

Within the post-traditional state, issues of fairness and equity between the various national communities become of heightened significance. Political autonomy arrangements are most likely to undermine cohesion where they are perceived as unfairly privileging one national community at the expense of another. Whilst it is important the political autonomy enables national minorities to pursue genuinely distinct policies and decide on their own political future, it is equally important that this is not achieved at the expense of inter-national (in a literal sense) equity. Any political autonomy settlement must therefore be capable of commanding the assent of all national communities on the basis that power and resources are distributed fairly and in such a way that reflects the 'settled will' of any particular national community. This does not necessarily mean that political autonomy arrangements must express perfect 'symmetry', but it does mean that provisions for the satisfaction of future adjustments in national sentiment (be they in the direction of more or of less political autonomy) be made.

PART TWO: THE CASE OF SCOTLAND
AND THE BRITISH STATE

4

The Scottish Nation, 1057-1886

A central theme of traditional nationalist ideology is an emphasis on the importance of continuity with the past as an essential element in the project of future national regeneration. According to this ideology, the nation's distinctive moral values and its sentiment of forming a community with a shared project for the future all have their roots in the nation's common past.³⁰⁷ Important events in the nation's historical development are therefore examined for their relevance to the contemporary political challenges facing it. For example, the image of a 'golden age' in the nation's historical development, during which it achieved particular distinction in the spheres of politics or culture, is held up as evidence of the nation's greatness and looked to as a source of inspiration for nationalist renewal. Not only past national successes, but also past defeats and injustices are invoked as symbols of national solidarity and sacrifice. Romantic nationalism is concerned with reviving and celebrating historic and folkloric traditions which are seen as expressions of the nation's unique identity.

Nationalist ideology is not solely confined to an interest in the nation's specific history and cultural traditions, but given the fact that these elements feature to some degree in the discourse of all nationalist movements, an inquiry into the origins of national identity, the emergence of the nation as a political community claiming the right to rule itself, and the pivotal historical events in the nation's development inevitably forms an essential part of the analysis of contemporary minority nationalisms. The objective of this chapter is to undertake precisely this type of inquiry with regard to the specific case of Scotland. The explanatory theories of the state and of nations and nationalism explored in previous chapters are employed as an analytical framework within which to examine the historical origins of the Scottish nation, and the mechanisms by which it emerged and evolved. The analysis contained within this chapter is not intended as a systematic or exhaustive

account of the historical development of the Scottish nation. Such a task is well beyond the scope of the present study. Rather, what is offered is a discussion of the most pivotal historical events in the development of Scottish national consciousness and an examination of the implications that the interpretation of these events contain for the nature of contemporary Scottish national identity and Anglo-Scottish relations.

The Institutional Roots of Scottish National Identity, 1057-1286

The existence of a single Scottish kingdom dates back to at least 1057, with the union of Scotland's main ethnic groups, the Picts, Britons, Angles and *Scotti* under the monarchical authority of Prince Malcolm Canmore. However, whilst the majority of the Scottish population owed nominal allegiance to the king, this should in no way be taken to imply the existence of a Scottish state presiding over a unified or homogeneous people. Rather, as was common to all European 'states' during the middle ages, the Scottish kingdom consisted of segmentally autonomous political and cultural units amongst whom differentiation rather than uniformity was the norm. Scotland in the eleventh century was 'much less an identifiable state than a confederacy of peoples with distinct characteristics and traditions, each prone to rebellions and to internecine war.'³⁰⁸

That neither a unified state nor a homogeneous nation existed in eleventh century Scotland should come as no surprise given the theories of the state examined in Chapter One. According to Anthony Giddens, for example, within all traditional states 'the administrative reach of the political centre is low, such that the members of the political apparatus do not 'govern' in the modern sense.'³⁰⁹ In similar fashion, Michael Mann argues that the pre-modern state 'had considerable autonomy in its own private sphere but little power over or through society', and that consequently the king's rule was 'indirect, depending on the infrastructures of autonomous lords, the church, and other corporate bodies.'³¹⁰ This was certainly the case in eleventh century Scotland where, despite the nominal existence of a single kingdom, the authority of the central state was minimal and loyalty was owed first and foremost to clanship ties. In other words, Scotland in the eleventh century possessed neither a coherent state nor a unified national identity

It was in the twelfth and thirteenth centuries that a more comprehensive Scottish identity started to emerge, primarily as a result of reforms enacted by the central monarchical state beginning with the accession of David I in 1124. David I and his successors embarked upon a series of institutional reforms oriented toward the extension of monarchical power, the success of which brought a dramatic increase in the infrastructural power of the central state, which in turn helped forge a greater sense of shared identity amongst its subject population.

The monarchical reforms that facilitated the emergence of a distinct Scottish national identity – albeit one in which significant divisions remained, most notably between the ‘Lowlanders’ and the ‘Highlanders’ – contained four main elements; the establishment of Anglo-Norman style feudalism, innovations in royal administration, church reform, and the establishment of Burghs.³¹¹

Sovereignty and Territoriality

More than any other factor, the establishment of feudalism in Scotland laid the foundations for the emergence of the twin concepts of sovereignty and territoriality. The Anglo-Norman model of feudalism that was introduced was a form of political authority based upon territorial units, whereas the traditional Scottish tribalism that it replaced was based upon kinship ties between every free man and the head of his tribe.³¹² For this reason, the introduction of feudalism represented a significant step toward the territorialisation of political authority, as its source now stemmed from possession of a fief rather than membership of a clan. Moreover, as feudalism was established across the majority of Lowland Scotland ‘a concept emerged that the king was lord of all the land and fountain of all justice.’³¹³ In other words, the concept of sovereignty, although it remained an unrealized ideal, took root for the first time within Scottish political society.

The entwined development of sovereignty and territoriality is a distinctive feature of the nation-state model. As the case of Scotland clearly demonstrates, both territoriality and sovereignty are historically contingent principles of political authority. Territory possessed little significance within the social and political structure of the medieval era, as political authority was there based upon individual allegiances – in the case of Scotland those of clan membership – and a unity of faith, rather than possession of land areas.³¹⁴ Moreover, the meaning of territory was itself

ill-defined during the pre-modern era, in which states were separated by frontiers rather than borders. As already indicated, a frontier, according to Anthony Giddens' definition, is an area of the state's periphery which eludes the regularized control of the central authorities. The fact that pre-modern states are separated both externally *and internally* by such frontiers is an indication of the weak level of 'system integration' they exhibit. It is only with the emergence of the nation-state model that frontiers are gradually replaced by geographically drawn borders capable of precisely demarcating sovereignty, reflecting the fact that the nation-state, whatever its degree of internal regionalization, and in direct contrast to the pre-modern state, is a 'territorially-bounded administrative unity.'³¹⁵

Nation-Building in Medieval Scotland

The entwined development of sovereignty and territoriality that the introduction of feudalism facilitated, contributed enormously to the obliteration of the old distinctions between the different ethnic groups residing in Lowland Scotland.³¹⁶ As a result of institutional reforms initiated by a central monarchical state seeking to expand its capacity to govern effectively, a greater degree of *political uniformity* was established, which in turn had the effect of increasing the degree of *cultural homogeneity* within the population. The state, in other words, was the principle agent of nation-building, although this was a largely unintended by-product of the successful attempt to increase the scope and effectiveness of the state's rule.

The dominant ideology of nation-building in American post-war political science, observes Walker Connor, assumed that the multiplicity of pre-modern ethnic identities 'will unquestionably give way to a common identity uniting all inhabitants of the state...as modern communications and transportation networks link the state's various parts more closely.'³¹⁷ The perspective that nation-building occurs as an inevitable outgrowth of modernization processes is most closely associated with Karl Deutsch who, in *Nationalism and Social Communication*, argues that the assimilation of previously diverse ethnic communities into a single national identity results from the increased level of social mobilization that accompanies the development of modern communication and transportation networks.³¹⁸

The evidence of nation-building in twelfth and thirteenth century Scotland contradicts Deutsch's thesis that ethnic diversity spontaneously withers away under

the assimilating pressures of modernization. First, the emergence of a distinctive Scottish identity can be traced back to changes that significantly pre-date processes commonly associated with modernization. Second, rather than the catalyst being an increase in social mobilization, in the case of Scotland the principle agent of nation-building was the state.

The institutional reforms introduced by the central monarchical state during the twelfth and thirteenth centuries in Scotland were not limited to the introduction of feudalism. Institutional innovation at this time included the establishment of sheriffdoms as new units of government based upon the king's castles, and changes in legal procedure aimed at ensuring the uniform application of law. All of these reforms were similarly oriented toward the goal of 'holding down' the outlying parts of the kingdom.³¹⁹

Because feudalism was only successfully introduced across the Lowland area of Scotland, whilst in the Western Highland and Islands clan membership continued to be the basis of political authority, the scope of the central monarchical state's political authority remained limited outside of the Lowlands. For this reason it is in the twelfth and thirteenth centuries that the division between the Lowlands and Highlands first emerged. T.C. Smout describes the Scottish state in the thirteenth century as essentially 'tripartite' in structure, divided between an inner core centred around St. Andrews diocese in which government was relatively secure; a middle area where government strength was less certain and rebellions more frequent; and an outer periphery consisting primarily of the Western Highlands and Western Isles into which the state barely penetrated.³²⁰ Despite the homogenizing pressures which to some extent eroded the ancient ethnic cleavages that had previously divided the Scottish people, the fact that these identities were replaced by a Lowlander-Highlander cleavage militated against the rise of a comprehensive Scottish national identity, let alone a Scottish political nation conscious of forming a community and claiming a right to self-determination.

The Anglo-Scottish Relationship, 1286-1328

Whereas the principle catalyst for nation-building in Scotland prior to the fourteenth century was the gradual expansion of the infrastructural power of the monarchical state as a result of a cluster of institutional reforms, in the period following the death

of Alexander III in 1286 this role was assumed by Scotland's external relations with England.

Upon his death, Alexander III's sole heir was his three year old granddaughter Margaret the 'Maid of Norway'. When she perished in Orkney on her way from Norway to Scotland in 1290, Anglo-Scottish relations arrived at a turning-point. With no less than thirteen claimants asserting their right to the Scottish crown in 1291-2, the Scots turned to the English king Edward I for help in resolving the succession crisis. Immediately following his decision in favour of the claim of John Balliol, Edward took advantage of Scotland's weak position to gain recognition of his suzerainty of the Scottish kingdom, a demand to which the claimants to the Scottish throne, with varying degrees of reluctance, agreed. However, when in the following years Edward insisted on exercising his right of overlordship by demanding military service from Scotland's higher nobility, a baronial rebellion ensued, signalling the start of Scotland's war of independence, a seminal event in the history of the Scottish nation.

Warfare and National Identity

The capacity for military hostilities to enhance feelings of shared national sentiments among participants is widely recognized. Three of the principle mechanisms by which warfare can expedite the crystallization of national sentiment are: (i) by contributing to the expansion of the infrastructural power of the central state, (ii) through the imposition of cultural and linguistic homogeneity within the armed forces which thereby becomes a vanguard of national identity, and (iii) by creating powerful myths that reinforce subsequent generations' sense of a shared history.

(i) Michael Mann attributes the emergence of more comprehensive forms of national identity to the massive expansion in the infrastructural power of the modern state and its crystallization as a nation-state.³²¹ With an expansion of the state's infrastructural power comes a greater capacity to govern effectively throughout its territory, thus bringing the state into a closer and more direct relationship to civil society. According to Mann, this tightening of the state-society relationship contributes to the state's national crystallization because the more directly the state attempts to govern society, the greater the opportunities afforded to the latter to influence the activities of the former. As a result the state is compelled toward a

conception of legitimacy in which the capacity to represent its citizens' internal sense of community is, for the first time, paramount.

It is, according to Mann, the increased importance of civil society for the legitimacy of an infrastructurally strong state that 'caged' social relations over the national terrain and prompted the state to engage in nation-building activities. Crucially, in terms of the link between warfare and nation-building, the expansion of the state's infrastructural power was itself primarily a response to an increase in the level and intensity of intra-state competition, which brought demands for an extension of conscription and massively increased spending on military technologies. The fiscal crisis precipitated by these demands forced the central state to focus on increasing its tax-gathering powers, in the process expanding its administrative capacity.

(ii) Daniele Conversi understands the link between warfare and nation-building to be a product of the development of rigorously professional standing armies rather than a tightening state-society relationship brought on by a generalized expansion of the infrastructural power of the central state. As warfare began to place increasingly onerous demands on states, mercenary armies were gradually replaced by standing armies composed of citizens. These new armed forces, Conversi argues, were the first institution in society to experience the demand for linguistic homogeneity that is a key aspect of national identity.

This need for linguistic homogeneity, combined with the ideals of obedience and conformity that are central to the modern army, had the effect of turning it into 'the very forge where homogenisation was first envisioned.'³²² In other words, the origins of the nation-building process can, according to Conversi, be traced to the organizational demands of modern armies, evidenced by the fact that 'cultural homogenisation and standardization [occurred] at the level of the army before they could reach the masses.'³²³ Furthermore, the 'essential emotional ingredient' provided by the spread of the idea of the nation in post-1789 political discourse, meant that 'military homogenisation became the prototype for the wider organisation of society and government-society relations.'³²⁴

(iii) In addition to its capacity to create a stronger feeling of shared ethnic sentiment amongst contemporary participants, warfare, Anthony Smith argues, contributes to the myth-making process which informs national sentiment. 'The

myths of war,' Smith writes, 'set down in epics, ballads, dramas or hymns, possess a long-term power to shape distant reactions that far outweigh and surpass the episodes themselves.'³²⁵ According to this perspective, the extent to which cohesion is actually strengthened by the immediate experience of warfare is less important than the integrative power that it provides later generations in the form of a historical 'narrative'. Moreover, the experience of prolonged or repeated warfare against a common enemy can sharpen and politicize any existing cultural differences between chronic adversaries. To the extent that this occurs, 'warfare sets the pattern of relationships with significant collective outsiders.'³²⁶

When analyzing the import of Anglo-Scottish warfare upon the development of national sentiment in Scotland, principle consideration must be given to the pre-modern nature of the war of independence. The Scottish forces that fought against the English in the wars of the fourteenth century were, like all medieval armies, assembled on an *ad hoc* basis. Being neither a professional standing army nor a modern conscription force, the Scottish army were subject to few of the homogenizing pressures that Conversi suggests transform the army into the vanguard of nation-building. Moreover, fourteenth century Anglo-Scottish conflict significantly pre-dates the development and spread of the idea of the nation in the late eighteenth century. In the absence of the emotional ingredient that the idea of the nation provides, military organisation was not translated as a prototype for the wider organization of government-society relations.

Mann's theory of the relationship between warfare and nation-building is equally unsuited to the case of Anglo-Scottish conflict as rather than extending the infrastructural power of the state, war actually brought greater instability and a partial failure of royal government to Scotland. The greater institutional coherence and uniformity that the state had gradually established during the twelfth and thirteenth centuries was somewhat undermined as individual feudal lords took advantage of the situation to reassert their segmental autonomy. In the political environment created by Anglo-Scottish conflict, 'feudalism collapsed as a vehicle for unity, and became instead a vehicle of failure.'³²⁷

Although one should be wary of the contention that Scotland's war of independence crystallized national sentiments amongst the Scottish population in the sense of forging a homogeneous nation, it is nevertheless true that the war of

independence occupies a central place in the development of a stronger and more inclusive sense of national identity in Scotland. In part this reflects the direct effects of mobilization for a resistance that 'gradually took the shape of a national resistance'.³²⁸ Of greater significance, however, is the contribution that the war of independence made to the myth-making process, and its capacity to inspire national sentiment in later generations.

The significance of history to national identity, argues Anthony Smith, does not depend on 'the authenticity of the historical record, much less any attempt at 'objective' methods of historicizing, but the poetic, didactic and integrative purposes which that record is felt to disclose. 'History' in this sense must tell a story, it must please and satisfy as narrative.'³²⁹ The motif of independence endows Scotland's experience of war against England with a powerful narrative, both for its participants and for later generations. Ditchburn and MacDonald, for example, argue that, subsequent to the war of independence, 'The status of the monarchy, its appeal to the inhabitants of the realm, was certainly tied up with its insistence on independence.'³³⁰ The war of independence gave birth to myths and legends of heroism and resistance, personified in the folk-hero status of individuals such as William Wallace and Robert Bruce.

The Declaration of Arbroath, 1320

A key document in the history of Scottish nation-building is the Declaration of Arbroath drawn up on the 6th April 1320. The Declaration was sent to Rome with the aim of securing Papal recognition for the *de facto* independence that Scotland had achieved with their victory in the battle of Bannockburn in 1314. The rhetoric used in the Declaration of Arbroath provides evidence of the nation-building effects of the war of independence.

First, it is significant that, in addition to the signatures of forty-eight nobles, the Declaration states that it is signed on behalf of 'the other barons and freeholders and the whole community of the realm of Scotland.' Of Scotland's war of independence it has been argued by one commentator that 'the foundation of this war was a capacity to by-pass the reluctant traditional leaders of the 'community' and to appeal to and command the opinion of other social ranks in the 'nation'.³³¹ It is in this sense that the war of independence resembled a national conflict, and the

wording of the Declaration of Arbroath points to the fact that Robert Bruce relied to a hitherto unprecedented degree on the active support of the class of freeholders and husbandmen. This reliance can be read as a perceptible widening of the Scottish 'political nation.'

Second, the wording of the Declaration lends itself to the myth-making process that supports the politics of nationalism. The author has plainly understood the idea that history, if it is to work toward integrative purposes, must satisfy as narrative. The origins of the Scottish people, suggests the Declaration's author, can be traced back to ancient times: 'They journeyed from Greater Scythia by way of the Tyrrhenian Sea and the Pillars of Hercules, and dwelt for a long course of time in Spain among the most savage tribes.' The 'freedom and peace' that the Scots have long enjoyed were, the Declaration asserts, destroyed by the 'countless evils' of the English, only to be restored by the 'our most tireless Prince, King and Lord, the Lord Robert'. In the Declaration's most powerful piece of rhetoric, the author declares that 'as long as but a hundred of us remain alive, never will we on any condition be brought under English rule. It is in truth not for glory, nor riches, nor honours that we are fighting, but for freedom – for that alone, which no honest man gives up but with his life.'

It is important to recognize that the Declaration of Arbroath was more propaganda than constitutional treatise³³², and it would be a mistake to view the Scottish war of independence as akin to a modern nationalist movement. Not only were a number of the baronial signatories to the Declaration opposed to war with England³³³, but despite the widening of the ranks of the political nation to include some freeholders and husbandmen, Scotland was still a long way from admitting the bulk of its population to such a status. Here we are reminded that the modern concepts of nation and nationalism are closely linked to democratic and egalitarian ideals which remained alien to the medieval political universe within which Scotland's war of independence too place.

The Road to the Union of the Scottish and English Crowns

England formally recognized Scottish independence in the Treaty of Northampton (1328), in return for which Scotland agreed to pay £20,000 in war damages to the English crown. This, did not, however, signal the end of Anglo-Scottish hostilities,

which were resumed within a few years of the signing of the treaty and marked relations between the two countries for much of the fourteenth and fifteenth centuries. As a result of the experience of such a long period of enmity with England, the national sentiment that crystallized in Scotland included a certain degree of popular anti-English sentiment as well as a strong pride in Scotland's successful resistance of English attempts at subjugation.

The signing of a treaty in January 1502, by which the Scottish king James IV was betrothed to the elder daughter of the English king, signalled a cooling of relations between Scotland and England. Although Scottish and English forces still met on the battlefield after 1502, most dramatically in 1513 when James IV was killed leading his troops against the English at Flodden, these engagements were of marginal import to the development of either country. Of greater significance is the fact that from the middle of the sixteenth century, political, religious and economic factors coalesced to produce an expansion of English influence over Scottish affairs. During this period, argues Kearney, Scotland was 'drawn increasingly into a Britannic framework'.³³⁴

When Queen Elizabeth I died on 24th March 1603 the Scottish king James VI acceded to the English throne, thereby bringing into being a Union of Crowns between the two kingdoms. From the outset of his accession, James envisioned a complete union of the British Isles as his ultimate objective. In a speech given on 3rd April 1603 James gave the following advice to his subjects: 'Think not of me as of ane King going frae ane part to another, but of ane King lawfully callit going frae ane part of the isle to ane other that sae your comfort be the greater.'³³⁵ James' theory of political absolutism was given expression in a speech made to his first Parliament in March 1604, in which he used a marriage analogy to suggest that his accession to the English throne necessitated the political amalgamation of Scotland and England:

'I am the Husband and the whole Isle is my lawfull Wife...I hope therefore no man will be so unreasonable as to think that I that am a Christian King under the Gospel should be a polygamist and husband to two wives; that I being the Head should have a divided and monstrous body.'³³⁶

Unsurprisingly given the history of Anglo-Scottish relations prior to 1603, James' subjects were markedly less inclined to the opinion that England and Scotland's continued political separation was 'monstrous', and his efforts toward securing full political union proved to be in vain.

Sharing a monarch with such a powerful country as England did, however, have a profound effect on Scottish politics. Not the least of these effects derived from the fact that James resided in England (he returned to Scotland only once after 1603, and then for only twelve weeks), to which he devoted the greater share of his attention.³³⁷ In Scotland, the experience of an absentee king 'left a vacuum at the centre of what was already a highly decentralized state.'³³⁸ In part this vacuum fostered an increase in English influence, as political developments in Scotland were increasingly affected by the London court, through which Scottish politicians had to frequently orient their activity.³³⁹

Although in principle a union between equal sovereign states which, whilst recognizing a sphere of common interests, nevertheless each retained their sovereign independence, in practice the Regal Union involved England, not surprisingly given her military and economic superiority, as the dominant partner. The inequality inherent in the Regal Union was brought into sharp relief by Cromwell's conquest of Scotland in 1650 and its subsequent incorporation into a wider commonwealth, which lasted until the 1660 restoration.

The idea that English dominance marks the Anglo-Scottish relationship with a fundamental inequality is a recurring motif within the discourse of Scottish nationalism. The extent to which English dominance is a true reflection of reality is essentially contested, but what is undoubted is that the perception of Anglo-centric bias plays a constitutive role in Scottish nation-building and modern Scottish nationalism.

When trying to understand nationalism, suggests David McCrone, one should 'be focusing on the 'space' it occupies rather than its 'content'.³⁴⁰ Along similar lines Rogers Brubaker describes nationalism as a 'political stance' rather than an 'ethnodemographic fact'.³⁴¹ To argue, as Brubaker does, that nationalism is not determined simply by the existence or otherwise of nations, but rather is a political stance induced by certain 'political fields', is to reject the efficacy of analyzing one particular type of nationalism in isolation, in favour of an approach which

appreciates the ‘relational interplay’ between different types of nationalism. A key constitutive element of the political field which induces nationalism is, Brubaker argues, the perception amongst members of a national minority that the state privileges a ‘core’ national community. He writes:

‘one can impose and sustain a stance as a mobilized national minority with its demands for recognition and rights, only by imposing and sustaining a vision of the host state as a nationalizing or nationally oppressive state. To the extent that this vision of the host state cannot be sustained, the rationale for mobilizing as a national minority will be undermined.’³⁴²

Although Scotland and England in principle remained independent sovereign states following the Regal Union of 1603, nevertheless the perception that the union was dominated by England was used by some Scots to sustain a vision of England as a nationally oppressive state. As early as 1702, for example, the Scottish nobleman Andrew Fletcher of Saltoun, in reference to the effects of the Regal Union, declaimed; ‘we have from that time appeared to the rest of the world more like a conquered province than a free and independent people’.³⁴³

The Treaty of Union, 1707

Background

The constitutional arrangements underpinning the terms of the Regal Union came under increasing strain toward the end of the seventeenth century, as the gradual development of parliamentary government forced the question of to whom the monarch should ultimately refer when deciding policy to the forefront of constitutional arguments. As sovereignty shifted toward parliament, it became evident that the monarch, in the words of Mackie, ‘could not adopt one policy along with the parliament of one country, and, at the same time, pursue a contradictory policy to meet the demands of the other parliament.’³⁴⁴ The prevailing doctrine of sovereignty emphasized its indivisibility and thus seemed to imply either that Scotland and England be fully amalgamated or fully separated.

The eventual Parliamentary union was, however, as much a product of events as it was of ideology. In 1701 the English parliament, without reference to Scotland,

passed the *Act of Settlement* designed to secure the monarchical succession in the likely event of William III's successor Princess Anne dying without heir. There was no guarantee that Scotland would accept England's preferred candidate, Sophia of Hanover. Moreover, there was a credible danger of Scotland turning to the Stuart dynasty exiled in enemy France.

English fears were compounded when the Scottish Parliament passed the *Act Anent Peace and War 1703*, by which she reserved the right to conduct an independent foreign policy, and the *Act of Security 1704* claiming the right to decide independently of England on the issue of royal succession. In the context of England's ongoing war with France, the possibility of a hostile Scotland under a Jacobite ruler was intolerable to the majority of English Parliamentarians who concluded that national stability and security could be guaranteed only by full parliamentary union.

The idea of parliamentary union was received with hostility by the Scottish general public, which expressed its disquiet both in anti-union petitions and mob violence.³⁴⁵ Opposition was, moreover, not limited to civil society but was expressed within the Scottish parliament itself, most notably by the 'Country Party' and the 'Cavaliers'. Nevertheless, the draft Treaty presented to the Scottish Parliament in October 1706 was ultimately approved and the Treaty of Union was passed on 16th January 1707. What persuaded Scottish parliamentarians of the benefits of parliamentary union?

A major source of anti-union opposition was the Scottish Church (Kirk), which feared the loss of its independence and subjection to the English Episcopal system. This fear was allayed when the Scottish Parliament passed the *Protestant Religion and Presbyterian Church Act 1707* which guaranteed the independence and Presbyterianism of the Scottish Kirk and was incorporated into the Treaty of Union.

Scottish acquiescence to parliamentary union occurred in the context of severe English pressure, which manifested itself in the English Parliament's decision to pass the *Alien Act 1705* suspending major Scottish exports to England and designating all Scots in England as aliens, as well public preparations for an English invasion in support of the Edinburgh parliament against popular protests.³⁴⁶ T.M Devine describes the Alien Act as 'a naked piece of economic blackmail', and suggests that English intimidation 'may also have fuelled popular fears that a vote

against the union by parliament might well have caused Westminster to impose a military solution instead.³⁴⁷

Whether or not it can be fairly described as blackmail, economic considerations certainly played an important role in convincing the Scottish parliament of the desirability of parliamentary union; amalgamation with England brought the promise of free access to markets across her expanding empire. For many Scottish parliamentarians, the economic benefits of such free trade were considered adequate compensation for the loss of sovereignty that union represented. As such, argues Keith Brown, the Treaty of Union ‘effectively traded Scottish political independence for access to trade markets.’³⁴⁸

Effects of the Treaty

The Treaty of Union was a pre-democratic agreement made between the governing elites of Scotland and England, neither of whom was elected by a popular franchise. Thus, whilst the Treaty was passed in the Scottish parliament by a vote of 110 to 69, this should not be interpreted as a reflection of popular support for union. Indeed, as has already been indicated, parliamentary union met with overwhelming hostility from the general public in Scotland.

The Treaty of Union united Scotland and England into a single state and created a single shared Parliament of Great Britain. Scottish representation to the new parliament was calculated according to the ratio of taxable capacity, thus leaving Scotland under-represented in terms of the proportion of her population of Great Britain. However, as compensation for assuming responsibility for servicing England’s large national debt, Scotland received a cash payment of £398,085, 10s plus assurances of further subsequent payments.

Although Scotland thereby relinquished its status as an independent state, she nevertheless retained a significant degree of institutional autonomy guaranteed in the terms of the Treaty of Union. The *Protestant and Presbyterian Church Act* ensuring the future distinctiveness and independence of the Kirk has already been mentioned. In addition, Scotland retained her own law and judicature, which were to remain free from appeal to any court sitting in Westminster³⁴⁹, as well as safeguards for the continuing independence of the Scottish education system and local government.

There result of these guarantees was that the autonomy of post-1707 Scottish civil society remained more-or-less intact.³⁵⁰

The degree of autonomy that was afforded to Scotland following the Treaty of Union was further enhanced by the hands-off approach to governance in Scotland that Westminster was generally satisfied to exercise. Incorporating union had recommended itself to English parliamentarians primarily as a means to ensure security, and it was only on issues relating to security that Westminster adopted a highly interventionist approach to Scottish political affairs.³⁵¹ The pre-democratic nature of the parliamentary system lent itself to such an approach, as Scottish governance was trusted into the hands of non-elected managers such as the Earl of Islay. The significant levels of institutional autonomy that was preserved in Scotland, in combination with Westminster's weak centralism, 'meant that most of the political decisions that really mattered continued to be made in Scotland itself...Scotland's semi-independent status was assured.'³⁵²

It was argued above that a distinctive Scottish national identity emerged during the twelfth century more as a result of state-building and the development of unified national institutions than it was the product of any ethnic or linguistic homogeneity. The relationship between national institutions and national identity in the case of Scotland highlights the importance of its maintaining such a significant degree of institutional autonomy following parliamentary union with England. The Treaty of Union, argues J.D. Mackie, 'made two countries one and yet, by deliberately preserving the Church, the Law, the Judicial System, and some of the characteristics of the smaller kingdom, it ensured that Scotland should preserve the definite nationality which she had won for herself and preserved so long.'³⁵³

Sovereignty

The Treaty of Union dissolved the Scottish and English parliaments and replaced them with a wholly new British parliament situated in Westminster. This reflects the fact that the union was, in principle at least, an agreement between two equal sovereign states, both of whom agreed to relinquish their individual sovereignties and amalgamate to form a new state. In practice, however, the new constitutional arrangement was patently unequal, and this inequality stands at the centre of the discourse of modern Scottish nationalism.

In addition to the issue of Scottish under-representation in the new Parliament of Great Britain, the great disparity in the economic and political power of the two countries led to an Anglo-centric bias in the structure and practice of the new institutions. This was compounded by the fact that, since the new parliament was situated at Westminster, only the Edinburgh parliament ceased to function as such, thus creating a '*de facto* continuity of the historic English parliament after 1707.'³⁵⁴

With the Edinburgh Parliament dissolved and the new British parliament convened to sit at Westminster, it is perhaps unsurprising that the Treaty of Union's status as a voluntary union between equal partners has been persistently overlooked by English constitutional analysts, who have tended instead toward the view that the English parliament *absorbed* Scotland's. A number of events occurred in the years following parliamentary union that provided fuel to the fire of Scottish claims that the Anglo-centric nature of British political decision-making offended against the spirit of the Treaty of Union.

The decision to abolish the Privy Council on 1st May 1708 and its replacement by justices of peace issued in the name of English councillors was regarded in Scotland as a provocative act which went against the spirit of the Treaty of Union. This was followed, in 1710, by the House of Lords' reversal of a decision made by the Kirk's Court of Session to refuse redress to a recalcitrant clergyman, in seeming breach of the Treaty of Union's forbidding English courts to exercise jurisdiction in Scotland.³⁵⁵ Similarly, parliament's decision to apply the malt tax in Scotland following the cessation of the War of the Spanish Succession in 1713 was condemned as being in contravention of the provisions of the Treaty of Union which had explicitly stated that any changes to the policy of not taxing malt be made with regard to the economic interests of both countries.

The Treaty of Union, as has already been indicated, was in principle an incorporating union by which Scotland and England both renounced their individual sovereignties and amalgamated to form a new state. However, as the examples above demonstrate, the idea of parliamentary union being the product of a pact between equal sovereign states was not always respected by a British parliament in which English interests were numerically dominant. This disjuncture between the principle of the Treaty of Union and Westminster parliamentary practice is

highlighted by Scottish nationalists, who claim that it represents an Anglo-centric interpretation of the doctrine of sovereignty which is at odds with that prevailing in Scotland.

According to a prominent strand of discourse within Scottish nationalism, because the Treaty of Union was a voluntary agreement made between equal sovereign partners, ultimate sovereignty is retained by the individual parties to the agreement. In other words, because Scotland chose to surrender her independence voluntarily, it is free to reclaim that independence at any time in the future should its people so wish. As Brown *et al*/observe; ‘Scotland never ceased to regard itself as a partner in Union. It had voluntarily given up power in the interests of gaining access to British trade and so on, but it always had the right to claim that power back...In these senses, Scotland could be said to have retained sovereignty.’³⁵⁶

The idea that the Scottish nation remained sovereign despite lacking its own independent state stands in direct contrast to the dominant interpretation of sovereignty, which treats it as an intrinsic property of statehood. As the case of Scotland therefore demonstrates, the dominant interpretation of sovereignty suffers from a failure to adequately maintain the distinction between nation and state. Only when the concepts of sovereignty, state and nation are kept analytically distinct can Scotland’s constitutional relationship to the British state be properly understood. From the perspective of Scotland as a national minority, it is incorrect to assert that the Treaty of Union transferred sovereignty from Edinburgh to Westminster. Rather, by asserting its identity as a nation, Scotland can make a claim to national sovereignty which survives the dissolution of the Edinburgh parliament in 1707. The idea that sovereignty inheres in the nation rather than the state implies a collective right to national self-determination that cannot be legitimately denied by the multi-national state of which the nation is a part.

The Highlands and the Jacobite Threat

The Eighteenth century was a period of rapid expansion in the infrastructural power of the state in Scotland, the effects of which were felt most dramatically in the ‘conquest’ of the Highlands, an event that serves to highlight the changing nature of citizenship that was taking place during this time. The most immediate internal threat to the newly-formed British state came from Highland supporters of the exiled

Stuart dynasty known as the Jacobites; major Jacobite rebellions occurred in 1708, 1715, 1719, 1727 and 1745.

The Highlands had long been viewed as an area of unlawfulness and disorder and, quite apart from the military response that met the Jacobite uprisings, was the target of a concerted campaign of British nation-building in the eighteenth century. A plethora of parliamentary enactments, commissions and societies undertook 'improving' measures in the Highlands, orientated ostensibly toward the pacification and homogenization of the population. Under the leadership of General George Wade an extensive network of roads and bridges was constructed through Highland territory, the principle objective of which was 'to facilitate the rapid movement of troops and supplies, and to enable force to be brought to bear quickly on any "trouble spots"'.³⁵⁷ In addition, Highland clansmen loyal to the state were recruited into what became known as the 'Black Watch' brigade and charged with the duty of patrolling the Highlands.³⁵⁸

The Jacobite threat was finally extinguished in the decisive battle of Culloden in 1745, subsequent to which the victorious British state stepped up efforts to enforce peace in the Highlands through such measures as the banning, in 1747, of traditional Highland dress and music, as well as land confiscations of Jacobite nobleman. It is a sign of the emerging link between citizenship and national loyalty that both the kilt and bagpipes were now 'considered too barbarous and martial for good citizenship'.³⁵⁹

The nature of the conquest of the Highlands in the eighteenth century supports the contention that nation-building has historically occurred as a result of explicit state directed programmes designed to pacify peripheral populations and secure their loyalty to the state. Although it is true that general economic developments associated with a modernizing economy (principally the development in Scotland of potato culture, sheep rearing, the kelp industry, and seasonal labour³⁶⁰) contributed to the changes that occurred in the Highlands in the eighteenth century, it is nevertheless impossible to avoid the conclusion that the decline of a distinctive Highland culture was not simply a natural corollary of either modernization or industrialization, but came about as a result of state-directed nation-building policies orientated toward homogenizing the population.

Nation-building, moreover, was not a wholly peaceful process, but was achieved with considerable violence. Describing the reconciliation of the Highlanders to an overall Scottish national identity in the post-1745 period, Smout writes; ‘Deprived of their leaders, their minds benumbed by the defeat at Culloden and their will to resist eroded by the ideological campaigns against them, the wilder and more traditional clans succumbed at last to the rule of law.’³⁶¹ The Highlands’ suffering increased in the early decades of the nineteenth century when large-scale emigration resulted from poverty and forcible evictions by landlords to make way for large-scale sheep-rearing. The latter phenomenon, known as the Highland ‘clearances’ has entered into Scottish folk history and forms an important element of the myths and memories that constitute Scottish national identity.

The Scottish Enlightenment

In the spheres of academia and literature, the eighteenth century witnessed a ‘golden age’ in Scotland’s history, in the form of the phenomenon that has come to be known as the ‘Scottish Enlightenment.’ In philosophy, history, science, law and medicine Scotland acquired an international reputation for excellence which enabled it to legitimately lay claim to being in the vanguard of European intellectual development. Scottish individuals such as the philosopher David Hume, the economist Adam Smith, the sociologist Adam Ferguson, the engineer James Watt and the historian William Robertson to name but a few all made vital contributions to the scientific progress of the western world.³⁶²

At the heart of the Scottish Enlightenment lay ‘the fundamental belief in the importance of reason, the rejection of that authority which could not be justified by reason and the ability through the use of reason to change both the human and the natural world for the better.’³⁶³ For a significant portion of the eighteenth century Scotland, although one of Europe’s small nations, wielded an influence over European development unrivalled by any of the great nations. This she did, moreover, despite lacking her own independent state.

The relevance of the Scottish Enlightenment for modern Scottish nationalism stems not from the political opinions of its key thinkers, the majority of whom, in keeping with the spirit of the age, eschewed any form of nationalism in favour of a cosmopolitan commitment to reason. Rather, subsequent generations have looked to

the era of the Scottish Enlightenment as a time of national greatness and pride, as a 'golden age' whose achievements are evoked as proof of Scotland's unique national abilities.

The concept of a golden age in a nation's history, argues Anthony Smith, is a time of 'communal splendour, with its sages, saints and heroes, the era in which the community achieved its classical form, and which bequeathed a legacy of glorious memories and cultural achievement.'³⁶⁴ In the context of nationalist mythology, golden ages are seen to 'symbolize and crystallize the creative power and unique virtue of the community.'³⁶⁵ Moreover, golden ages are employed by nationalists as focal points of comparison with the present, something to which the nation can aspire if only it were granted the degree of political autonomy which its distinctiveness merits.³⁶⁶

The Development of 'Britishness'

As suggested above, the preservation of Scotland's institutional autonomy in the spheres of religion, law and education subsequent to the Treaty of Union contributed decisively to guaranteeing the integrity and continuity of a distinctive Scottish identity following the loss of its political independence. This 'civil autonomy'³⁶⁷, in conjunction with the indirect, 'hands-off' approach to governance in Scotland adopted by Westminster, meant that a sense of, and commitment to, Scottishness flourished even in the absence of a Scottish parliament. However, whilst it is important for understanding the development of Scottish nationalism in the twentieth century to recognize that a distinctive Scottish national identity was never obliterated by union with England, it is not the case that the Scottish people therefore remained entirely unreconciled to the idea of Britishness. Rather, the eighteenth and nineteenth centuries witnessed the emergence of a strong attachment to an overall British identity north of the border, and a strong consensus in support of Scotland's membership of the British state. What prompted this reconciliation in the minds of a nation that had demonstrated overwhelming popular hostility to parliamentary union when it was first proposed?

Just as a distinctive Scottish identity emerged in the middle ages against the backdrop of prolonged warfare against England, so too was a sense of Britishness forged in the experience of war, in this case against France. Between 1689 and 1815

England and France fought each other on no less than seven separate occasions, in what has been described as an ‘epic struggle for global dominance’.³⁶⁸ Even before the parliamentary union of 1707 formally incorporated Scotland into England’s military engagements, significant numbers of Scottish officers and men had gained experience of fighting in Europe in the service of the English army.³⁶⁹ With the creation of the British state the extent of this experience increased dramatically, with important consequences for the way in which Scots conceived their place in the world.

‘Time and time again’, writes Linda Colley, ‘war with France brought Britons, whether they hailed from Wales or Scotland or England, into confrontation with an obviously hostile Other and encouraged them to define themselves collectively against it’.³⁷⁰ Moreover, religious and political factors strengthened the integrating power of the series of wars against France. Because France was the world’s foremost Catholic power, the wars were easily cast as (and to a large extent actually were) religious wars in which Britain was charged with the sacred duty of defending Protestantism against the papist threat. In spite of the Episcopalian/Presbyterian divide separating the Church of England from the Scottish Kirk, Linda Colley provides a wealth of evidence to support the contention that a shared Protestant identity was central in forging a unified British identity out of its constituent nations.³⁷¹

The collective experience of war against France, and its capacity to unite Scottish and English identity-formation, was further influenced by the tendency to contrast French absolutism (and later Napoleonic despotism) with a British constitutional monarchy touted as the exemplar of political liberty. As such, France’s religious and political identity provided an ideal counterpart against which to define Britishness. Britons’, Colley argues, ‘defined themselves against the French as they imagined them to be, superstitious, militarist, decadent and unfree’.³⁷²

Scotland and the British Empire

By the second half of the eighteenth century, free trade with England and the colonies began to provide the material benefit that had formed the central rationale for Scottish acceptance of the Treaty of Union. The most spectacular evidence of this can be seen from the success of the Scottish trade in tobacco from the colonies

of Virginia and Maryland. In fact, so successful were Scottish commercial enterprises in the tobacco trade that they controlled over half the trade in the key areas of colonial tobacco production in 1773-4.³⁷³ This in turn stimulated complex and lucrative networks of transatlantic trade from which the Scottish economy greatly benefited, and which would have been impossible without the commercial provisions contained within the Treaty of Union and the protection Scottish merchant ships received from the Royal Navy. The huge inflow of profit from sources dependent on free-trade with the colonies, such as tobacco, provides a clear demonstration of the economic benefits of the Union, and is a factor that did much to foster Scottish commitment to the new British state.

It was not just trade that flowed between Scotland and the colonies; in the century following the Union, Scottish transatlantic emigration occurred on a massive scale. Despite having a population only one eighth that of England, during the eighteenth century Scotland sent as many emigrants across the Atlantic as its southern neighbour.³⁷⁴ Scots had a long history as a nation of emigration stretching back to the middle ages. Traditionally, Scottish emigration had been to England and Ireland, and eastward toward Scandinavia, the Low Countries and the Baltic.³⁷⁵ In the seventeenth century Scotland experienced the highest rate of net out-migration in Western Europe, and in the second half of that century emigration had begun to move westwards away from Europe and toward England, Ireland, the Atlantic and Asia.³⁷⁶ The westward shift of Scotland's high rates of emigration at least partly laid the foundations for the pre-eminent role that Scotland assumed within the British Empire following the Treaty of union. By officially integrating Scotland into the English imperial system, the Treaty of Union expanded the opportunities for Scotland to develop a closer association with the American colonies, and the end of the Seven Years War in 1763 heralded a new age of mass migration from Scotland to North America, and in particular to what would later come to be known as Canada.³⁷⁷

Scottish involvement in the British Empire was not restricted to transatlantic trade and emigration. The Empire proved to be a source of lucrative career opportunities for middle- and upper-class Scots, who gained access to a plethora of overseas colonial administrative posts.³⁷⁸ Scottish enthusiasm for Empire was such that they were over-represented in virtually all of the different professional roles

associated with its running. As an example of Scottish over-representation, in 1750, despite constituting only one-tenth of the population of the British Isles, Scots made up at least half of the East India Company.³⁷⁹ In terms of military presence, half of the fourteen royal regiments garrisoned in the Indian provinces of the East India Company between 1754 and 1784 were Scottish regiments; this amounted to a total of between 4,000 and 5,000 men.³⁸⁰ So extensive was Scottish participation in the running of Empire, that Devine is able to argue; ‘The Scots thoroughly and systematically colonized all areas of the British Empire from commerce to administration, soldiering to medicine, colonial education to the expansion of emigrant settlements’.³⁸¹

Devine argues that postings to the East India Company were used by London, in cooperation with the Earl of Islay, as a source of patronage aimed at ‘bringing more political stability to Scotland and forging a stronger union.’³⁸² There was, this suggests, at some conscious level an attempt to use the opportunities for advancement offered by the expanding empire as a tool to secure Scottish commitment to the Union. In this regard, it was a policy that met with a good deal of success, as the enthusiasm for empire that these opportunities aroused amongst those Scots in a position to directly benefit from them was to some extent shared by the mass of the Scottish public for whom empire acted as a powerful source of national pride.³⁸³

Dual Identities

Entrenched political loyalty to Britain, and an emotional attachment to a distinctive British identity, thus became the norm in Scotland from the middle of the eighteenth century. This new sense of Britishness was accommodated alongside a Scottish national identity which was preserved through Scotland's considerable civil autonomy. Far from obliterating a distinctive Scottish identity, therefore, Britishness emerged parallel to it, each sharing a different functional emphasis with, for example, the former associated primarily with domestic and the latter foreign affairs.

Using as evidence the writings of Scottish Whig sociologists, Colin Kidd suggests that the willingness of educated Scots to embrace a British identity stemmed from the perceived association of England with ideas of progress, modernity and free institutions.³⁸⁴ From the perspective of Scottish Whiggism, Kidd

suggests, the Treaty of Union, by assimilating Scotland with its politically more advanced neighbour, introduced Scotland to a period of intense accelerated progress, transforming at a stroke her previously underdeveloped political and economic structure. Britishness, as a result, became the 'public' identity in Scotland, associated with politics and institutions, while Scottishness was relegated to the private sphere, surviving as a 'cultural particularism'.³⁸⁵ Kidd Writes; 'Whilst Scots retained an emotional bond to the Scottish past, the history to which they had been admitted was more relevant to an understanding of institutions, politics and society'.³⁸⁶

Whilst recognizing the important 'moral resources' upon which a sense of Scottishness could continue to draw, Kidd argues that its political/institutional relevance was, in the eyes of the Scottish intellectual class, abruptly ended by the Treaty of Union. Thereafter, 'the Scottish past as a repository of political and institutional value remained empty'.³⁸⁷

There would, however, appear to be good reasons for questioning such a characterisation of the relationship between Scottishness and Britishness in the eighteenth and nineteenth centuries – it is, at least, not an interpretation shared by contemporary Scottish nationalists. The intimation that the relevance of a distinctly Scottish identity became confined to the private sphere of culture as Britishness assumed the mantle of primary political identity, is significantly at odds with the evidence presented above which the important continuities in Scottish governance and civil society that survived the Treaty of Union intact. Consequently, Scotland and Scottish identity was able to command important institutional resources so that, far from a division of spheres operating between a public Britishness and a private Scottishness, the latter continued to operate as an important political identity, even as explicit nationalism was absent.

Rather than being monopolised by a 'public' British identity, the dominant political identity in Scotland during the eighteenth and nineteenth centuries is described by Brown *et al* as 'unionist nationalist'.³⁸⁸ According to this perspective, commitment to the British state and attachment to a British identity was in Scotland always justified by reference to the benefits they brought to the Scottish nation. Given its political and economic strength, participation in the British state provided the best context within which a distinctive Scottish national identity could thrive. At the heart of such a dual identity lay the idea that the Treaty of Union was a pact

made between equal partners, which remained legitimate only insofar as it continued to respect this fact. Brown *et al* describe the 'unionist nationalist' political identity that was dominant in Scotland in the following terms:

'On the one hand, Scotland had to be in the Union to realise its true potential as a nation: thus to be a true nationalist it was necessary to be a unionist. On the other hand, to be a true unionist it was necessary to be a nationalist because, in the absence of Scottish nationalist assertion, the Union would degenerate into an English takeover'.³⁸⁹

Nationalism

The importance of empire for the economic growth that Scotland experienced at a ferocious rate from *c.* 1760, the ability of transatlantic emigration to relieve acute social problems at home, and the lavish deployment of imperial patronage, all contributed to a situation in which a significant proportion of Scots had good reason to be attracted to the idea of Britishness and support the Union (although it is unclear the extent to which any cultural assimilation with the English that resulted filtered down to the lower strata of Scottish society).

In his survey of Scottish nationalism, Tom Nairn argues that the absence of any assertive *political* nationalism in nineteenth century Scotland is best explained by Scotland's successful economic development following the Treaty of Union. Unlike most other Continental states, which developed political nationalism as a way of gaining access to economic development without succumbing to the hegemony of the dominant English and French states, Scotland, because of the political union with England and privileged access to her imperial system, experienced an economic transformation that obviated any need for the defensive measures of nationalism.³⁹⁰ One does not have to accept the totality of Nairn's Marxist theory of nationalism to accept that the intimate links between Scottish economic growth and the English imperial system in the eighteenth and nineteenth centuries played an important role in defusing nationalist challenges to the Union state.

Moreover, the development of a successful political nationalist movement requires the support of an intellectual class capable of providing the ideological infrastructure upon which nationalist mobilization depends. However, Scotland's intellectuals, lured by the promise of imperial patronage, tended toward the defence

of the Union, seeing it as an event that rescued the country from feudal barbarism. In these peculiar circumstances, ‘it is hardly surprising that Scotland’s elites were attracted to the idea of Britishness.’³⁹¹

The absence of any strongly political assertion of national identity in nineteenth century Scotland should not be taken to imply that Anglicization and assimilation rendered Scottishness redundant. It has already been remarked that a sense of Britishness existed alongside continuing attachment to an older Scottish national identity, and this found expression in various forms of ‘cultural nationalism’ which flourished in the eighteenth and nineteenth centuries. Worried that economic success had been bought at considerable cultural cost in terms of the distinctiveness of Scottish national identity, but unwilling to undermine the imperial and union relationship upon which that success depended, many Scots looked to a cultural form of nationalism as a way of reasserting and celebrating Scottish identity.³⁹²

Late eighteenth and early nineteenth century Scottish writers such as James Macpherson, Robert Burns and Walter Scott constructed a Scottish patriotism that made ample reference to Jacobitism and painted an image of ‘traditional’ Gaelic and Highland culture. Whilst figures such as these three were undoubtedly committed Scottish patriots, theirs was a celebration of national identity shorn of political implications; a purely cultural nationalism that eulogized Scotland’s past at the same time as effectively denying the relevance of that past for the country’s present. Walter Scott himself was a high Tory and fervent unionist, whose romantic patriotism existed side-by-side with the conviction that Scotland’s future lay in the Union. In the poetry of James Macpherson, in particular his Gaelic epic *Ossian*, the Scottish public were ‘provided the pleasures of vicarious Jacobitism shorn of its dangerous politics’.³⁹³

That the sentimentalization of Jacobitism, ‘Highlandism’, and the ‘cult of tartanry’ that came to define Scottish identity in the nineteenth century had been adopted for the cause of unionism was most clearly demonstrated in the visit of George IV to Scotland in 1822, when, under the direction of Walter Scott, the King dressed in full tartan costume and listened to his host declaim, ‘We are THE CLAN, and our King is THE CHIEF’.³⁹⁴

Writing of the growing popularity of this non-political conception of Scottish identity at the beginning of the Victorian era, Murray Pittock argues; ‘As the images

of a Celtic past were more and more adopted as the quaint insignia of present-day Scotland, they became emptied of political content. The kilt, the pipes, haggis, and the music-hall Scot became increasingly popular, but with little consciousness of the nationalist overtones the tartan had possessed in the eighteenth century.³⁹⁵

By the middle of the nineteenth century, however, things began to change and a revived Scottish national movement developed partly out of a 'neo-Jacobite' analysis of the devastation wrought on the Highland by the Clearances. In November 1853, the National Association for the Vindication of Scottish Rights (NAVSR) was launched at a meeting of 2,000 people in Edinburgh. 5,000 gathered under the organization's lead in Glasgow the following month. Although the organization was in most respects still committed to a traditional cultural conception of nationalism, these were explicitly linked to contemporary political issues, and aimed at negotiating a better deal for Scotland within the framework of the Union.³⁹⁶

A variety of Gaelic revival, Home Rule and neo-Jacobite movements surfaced in the 1860s, all of which promoted Scottish interests at the political level. Two notable successes of these new nationalist movements were the re-instatement of the Scottish Secretaryship (an office which had been abolished in the aftermath of the failed Jacobite uprising of 1745), and the adoption by Gladstone's Liberal Party in 1890 of a policy of 'Home Rule All Round' as a solution to the nationalist movements in Ireland and Scotland. The decision by the Liberal Party to support Home Rule for Scotland was, argues Pittock, 'a manifestation of the political pressures which had been building up inside Scotland for forty years.'³⁹⁷

In 1886 the Scottish Home Rule Association (SHRA) was set up to campaign for a Scottish parliament to take responsibility for Scotland's domestic affairs. The SHRA were a non-separatist nationalist organisation who were committed to the Union but argued Westminster was too remote and congested to legislate effectively and efficiently in Scotland's interest. The formation of the SHRA can be seen as a turning point in the history of Scottish nationalism, as from that point onwards the national movement in Scotland was primarily concerned with political objectives and the establishment of some degree of political autonomy for Scotland rather than the primarily cultural concerns of nineteenth century figures such as Walter Scott and Robert Burns.

Summary

The origins of a distinctive Scottish national identity can be traced back to the twelfth century and the emergence at that time of an effective Scottish state. In this early stage of the development of Scottish national identity, the key agent of the nation-building process was the monarchical state, which, following a successful programme of institutional ‘modernization’, introduced the concepts of sovereignty and territoriality to the Scottish state. Scottish national unity was thus initially a product of the gradual expansion of the infrastructural power of the central state. In the fourteenth century the principal agent of nation-building was Scotland’s prolonged military engagement, in particular the common experience of the War of Independence, which both expanded the scope of the political nation and furnished future generations of Scots with powerful myths and memories.

The suggestion that a distinctive Scottish national identity began to emerge in the twelfth and thirteenth centuries contradicts Gellner’s theory, according to which only the complex division of labour brought into being by the move toward an industrialized economy can support extensive communities such as nations. Scottish national identity, it has been suggested, began to emerge during the middle ages at a time when the economy was almost exclusively agrarian, and long before the Industrial Revolution. The concept of nation, according to Gellner, implies a degree of cultural homogeneity not possible within the context of pre-industrial societies, within which cultural differentiation between the various sub-strata of the ruling class and the majority peasant population is the norm. Indeed, if cultural homogeneity is taken as *the* indicator of nationhood, then Scotland remained, in the twelfth and thirteenth century, a state without a nation. However, the concept of national identity consists of more dimensions than a common culture.

Especially given the fact of the Norman Ascendancy, ‘horizontal lines of cultural cleavage’, to use Gellner’s phrase, certainly separated rulers and ruled in twelfth and thirteenth century Scotland. This type of cultural differentiation, however, does not entirely preclude the existence of national sentiment. Gellner argues that the ‘laterally insulated’ communities within which the majority peasant populations reside in pre-modern societies cause them to have inward-turned lives that preclude the possibility of extensive identifications. However, as the above analysis demonstrates, during the twelfth and thirteenth centuries, the majority

population of Scotland were increasingly subject to common political, religious and legal institutions, and/or living in newly established royal burghs. This had a powerful nation-building effect, as the shared experience of common institutions proved capable of widening the scope of community identification.

In claiming that the origins of Scottish national identity can be traced to the twelfth century, it is not my intention to argue that a Scottish nation in the full modern sense of the term at this time came into existence. The pervasive Highlander-Lowlander cleavage is evidence that this is clearly not the case. Rather, it is to suggest that significant steps were taken in that direction with implications for the future development of Anglo-Scottish relations. Scottish national identity, the present analysis demonstrates, has since its very earliest foundations been a product of the experience of common *institutions* more than a common *ethnicity*.

The Treaty of Union 1707 can only be understood in the context of events that occurred in the seventeenth century, a number of aspects of which conspired to draw the two countries into a closer relationship and into what is described by Kearney as a 'Brittanic framework'.³⁹⁸ This is not to say that the Act of Union was therefore inevitable, for it was not, but merely to point out that a significant amount of *shared* interest in union had, by the end of the seventeenth century, developed.

Of particular importance in this regard is the Regal Union of 1603, which inevitably increased both the influence of England over Scottish political affairs, and tied Scottish politicians into networks of clientage within the London parliament. However, it was with the Revolutionary settlement of 1680 that the full consequences of Regal Union for Anglo-Scottish relations became apparent. As sovereignty shifted away from the monarch and towards parliament, the dualism of the Regal Union created a constitutional argument for full parliamentary union as the only way of satisfying the doctrine of sovereignty that had by then gained common currency within political thought.

The preference for an incorporating union came from English politicians whose primary goal was the establishment of strong government capable of guaranteeing national security and stability. The overriding preference of Scottish politicians was for a weaker union based upon some form of federation. This preference was rejected by the English, who nevertheless were prepared to make

significant concessions to the Scottish negotiators that ensured the continued existence of autonomous institutions in the spheres of religion, law and education. This institutional continuity has had profound implications for Scottish national identity, which had for long been a product of institutional coherence as much as any ethnic identification. In other words, the maintenance of independent Scottish institutions post-1707 created a framework within which a distinctive Scottish national identity would continue to thrive.

Anglo-Scottish relations have been marked by the perception of Anglo-centric bias within the operation of the new Westminster parliament. The under-representation of Scottish MP's, the conformity of the new institutions with established English practice, and the English habit, evident in the dominant 'state historiography'³⁹⁹, of assuming Scotland was merged with England, are all factors that have contributed to the perception that a core English national identity is privileged within the British state. As will become clear in the next chapter, this perception occupies a prominent role in the development of Scottish nationalism in the twentieth century.

The defeat of the Jacobites in 1745 and the accompanying 'pacification' of the Highlands to a large extent ended the political significance of the Lowlander-Highlander cleavage and paved the way for an overall Scottish national identity to triumph throughout the territory. It is important to recognize that this nation-building process occurred neither 'spontaneously' nor peacefully, but was the result of the conscious policies of the state and military force. The whole episode of the 'conquest' of the Highlands is a powerful example of the emerging link between citizenship and nationality that rose to prominence in the eighteenth century. As the administrative capacity of the state expanded the mediated and hierarchical nature of pre-modern political membership was replaced by the idea of universal national citizenship which placed the individual in a direct relationship to the state, which commanded loyalty on the basis of shared nationality. The case of Scotland thus provides supporting evidence for the claim made by Derek Heater that; 'Cultural homogenisation of provinces, cultural assimilation of ethnically heterogeneous peoples and cultural consciousness of the whole population have been policies pursued with varying degrees of intensity hand-in-hand with the opening up of citizenship rights'.⁴⁰⁰

5

The Rise of Modern Scottish Nationalism, 1886-1999

The aim of this chapter is to analyze the evolving character of the campaign for self-government in Scotland from the formation of the Scottish Home Rule Association (SHRA) in 1886 to the establishment of a devolved Scottish Parliament in 1999. In the twentieth century, support for Scottish self-government was not confined to the independent nationalist movement but was at different times promoted by a wide variety of political and civic organizations. Consequently, the way in which self-government was defined varied according to the ideological predilections of each organisation. The principle division was between those who advocated Scottish Home Rule, usually interpreted as devolving legislative competence for domestic affairs to a Scottish Parliament whilst remaining part of Britain, and those who supported outright independence.

The cause of Scottish self-government gained in popularity in the latter stages of the nineteenth century, nationalism having been conspicuously absent for the majority of the eighteenth and nineteenth centuries. In the growth of self-government sentiment in Scotland, the example of the Irish nationalist movement was an important catalyst. Related to a sense of shared Gaelic heritage there existed a good deal of sympathy for Irish nationalism within Scotland as well as a measure of admiration for the cultural achievements of the movement. Perhaps more significantly, already by 1868 the UK's Prime Minister, William Gladstone, was convinced of the need for constitutional reform in order to resolve the 'Irish question'⁴⁰¹, and his announcement in 1886 of the Liberal Party's support for a policy of 'Home Rule All Round' crystallized Scottish support for self-government.⁴⁰²

For analytical purposes, the evolution of Scottish nationalism from 1886 to 1999 can be roughly divided into six periods. First, from 1886 until the creation of the Scottish National Party in 1934, nationalism in Scotland remained intimately

linked to a vision of defending 'traditional' ways of life, folklore and expressions of cultural values. This is also the time in which the long-standing association between the Labour Party and Scottish Home Rule was forged.

Second, under the influence of the Scottish National Party (SNP), the period from 1934 until 1945 witnessed the decisive marginalisation of literary nationalism in favour of a 'modernized' pragmatic nationalism which emphasized the 'civic' bases of nationhood and oriented itself toward clear political objectives.

Third, from 1945 until 1967 nationalism fell largely into abeyance in the face of the post-war growth of the central state and a corresponding disinclination on the part of the Labour Party leadership to support Scottish Home Rule.

Fourth, from 1967 until 1979 Scottish nationalism experienced a revival against the background of an economic crisis that undermined the central assumptions underpinning the post-war settlement. This period culminated in a failed attempt to establish a devolved Scottish Parliament in 1979.

Fifth, after an initial decline in the strength of nationalist politics following the failure of the 1979 devolution proposals, nationalism again resurfaced in reaction against the Thatcher government's disregard for Scottish civil autonomy and weak electoral support in the peripheries. The Home Rule movement united to form a Scottish Constitutional Convention in 1988 which called for the establishment of a legislative Parliament in Scotland as a means by which to safeguard against what was perceived as the excessive centralization of power by the Conservative government.

Finally, from 1990 until 1997, despite the Conservative Party's surprise victory in the 1992 General Election, the demand for self-government in Scotland proved to have gained an unstoppable momentum following the success of the Constitutional Convention. The new Labour government of 1997 subsequently honoured its commitment to constitutional change and put a new proposal for a devolved Scottish Parliament to a referendum. This led to the creation of the first Scottish Parliament to sit since 1707.

The Emergence of Nationalism, 1886-1934

The Scottish Home Rule Association (SHRA) was founded in 1886 as a political organisation to campaign for the establishment of a devolved Scottish parliament

with principle responsibility for domestic affairs. Home Rule was therefore conceived as a measure of self-government short of independent statehood that would enable Scotland to continue to participate fully in the management of the British Empire. Although formally unaligned to any political party, in practice the SHRA was closely associated with the Liberal Party, which was at that time the only major political party in favour of Scottish Home Rule. However, prior to 1914, Liberal support for Scottish Home Rule reflected less an inherent sympathy for the arguments of Scottish nationalism, but rather flowed from their policy of 'Home Rule All Round' as a constitutional response to the demands of Irish nationalists.

The nationalist movement that emerged in Scotland toward the end of the nineteenth century, of which the Liberal Party and the SHRA provided the main focal points, identified Scottish self-government with the broader radical movement for franchise reform and an extension of democracy. In Scotland this campaign was intimately linked to the land-reform demands of the crofters' movement and the activities of radical organisations such as the Highland Land Law Reform Association (HLLRA), the Highland Land League (HLL) and the Scottish Land Restoration League (SLRL).

The link between the Scottish Home Rule movement of the 1880s and the campaign for Highland land reform was reflected in the prominent concern for Gaelic language and culture displayed by the former. Both Highland land reform and Scottish Home Rule were supported by a number of prominent individuals who conceived both as means by which to effect a Gaelic political and cultural revival in Scotland. The 'Celtic nationalism' of figures such as Ruairidh Erskine of Mar, vice-president of the SHRA in 1892, was strongly influenced by German 'Romantic' nationalism and was more concerned with promoting 'traditional' Gaelic culture than addressing practical political issues.

This should not be taken as implying that nationalism in Scotland was in its infancy entirely dominated by Celticists such as Erskine of Mar. The Scottish Labour Party (SLP), founded by Keir Hardie in 1888, emerged from the same radical tradition as the crofters' movement, and as a result inherited the latter's support for Scottish Home Rule. The decision of the SLP to support Home Rule can also be explained by the fact that many of Party's founding members had their political roots in the pro-Home Rule Liberal Party. That support for Home Rule was therefore a

feature of the SLP from its very foundation, and that it was a traditional and respected aspect of the Labour movement in general, exercised a profound influence on the relationship between the Labour Party and Scottish nationalism throughout the twentieth century.⁴⁰³ At the risk of pre-empting the analysis, the long-standing nature of the relationship between the Home Rule movement and the Labour movement enabled the latter to support Scottish self-government with relative ease when political expediency required it (see below). The association of Home Rule with Irish nationalism and the political left was also a major influence over the Conservative Party's trenchant opposition to Scottish self-government.⁴⁰⁴

Prior to the First World War, nationalism failed to make a significant impact on the political landscape of Scotland. Despite the formation of the Young Scots Society in 1900, and the continuing support for Home Rule professed by the Liberal Party, the real political action lay elsewhere. The Scottish Labour Party was replaced in 1893 by the all-British Independent Labour Party (ILP) and, partly owing to its greater reliance on the Trade Union movement as compared to the crofters, was less enthusiastic in its commitment to Scottish Home Rule. Whilst the early-twentieth century tendency towards the bureaucratisation of trade unions and their centralization in London attracted complaints from some within the Scottish Trade Unions Council (STUC), defending the independence of Scottish Unions was increasingly at odds with the general trajectory of the movement.⁴⁰⁵

In the aftermath of the First World War nationalist arguments gained greater prominence in Scottish politics, becoming once again identified with the extension of democracy and touted as a remedy to the perceived failure of Westminster to give adequate attention to Scottish affairs.⁴⁰⁶ Having disbanded during the war, the SHRA re-formed in September 1918 in order to resume their campaign for a Scottish parliament. The gradual collapse of the Liberal Party after 1918 paved the way for the Labour Party to assume the mantle of the principle Home Rule Party, and although the SHRA remained formally committed to a non-aligned political strategy, in practice they received the majority of their support from the Labour Party.⁴⁰⁷

Cultural nationalism influenced by Gaelic traditions and 'Celtic Romanticism' continued to occupy a prominent place in the Scottish nationalist movement. A small Gaelic revival movement had existed since the 1870s⁴⁰⁸, and in the early part of the twentieth century it was primarily represented by the Scots

National League (SNL), formed in 1920. Two of the SNLs principal leaders at the time of its formation were William Gillies and former SHRA vice-president Ruairidh Erskine of Mar, both of whom were Gaelic speakers living in London.⁴⁰⁹ In contrast to the more limited objective of Home Rule supported by the SHRA, the SNL advocated full Scottish independence. However, the emphasis on Gaelic cultural issues at the expense of more narrowly political ones meant that the organisation suffered from a lack of clear policies and a failure to grasp the practical political concerns of the Scottish public, and its influence was therefore limited.

The nationalist movement in Scotland appeared to be on the cusp of a political breakthrough with the accession to power, albeit as a minority government, of the Labour Party in 1923 under the leadership of the Scotsman and pro-Home Ruler Ramsay MacDonald. The SHRA by this time was almost entirely dominated by Labour members and, despite a perceptible downgrading of the Home Rule issue in the pre-First World War period, the Labour Party remained officially committed to the policy.

MacDonald's Labour government introduced two Home Rule bills to Parliament; the first in 1924 and the second in 1927. Both, however, were afforded only a low priority by the Labour leadership and consequently failed to make it onto the statute book. The lack of enthusiasm for Home Rule displayed by the Labour government reflected a growing ideological tendency within the Party that favoured a strategy of UK-wide advance at the expense of pursuing Scottish self-government. Amongst the Labour leadership of the 1920s, Richard Finlay argues, 'the idea became accepted that the British economy was a complete unit, and consequently it was decided that it was only from Westminster that the necessary powers required to rectify the excesses of the capitalist system could be obtained.'⁴¹⁰

In terms of the nationalist movement in Scotland, the immediate beneficiaries of the failure of the 1924 and 1927 Home Rule bills was the SNL, whose independence from any British political party and more radical programme attracted many SHRA members disillusioned with Labour's seeming indifference to Scottish self-government. SNL membership grew accordingly, so that by 1928 it stood at over 1,000 in 15 local branches.⁴¹¹

In the period 1924 to 1935, the total output of Scotland's traditional industries (agriculture/fishing, mining, and manufacturing) fell from £363 million to

£283 million, a decline of 22 per cent.⁴¹² Over the same period, Scottish GDP as a percentage of total UK output declined from 10.5 per cent to 8.8 per cent. The macro-economic response of the British government to post-war economic decline was based primarily on the principles of demand-management and state planning. The forms of state intervention that this strategy implied proved difficult to reconcile with demands for regional self-government, and as a result the strength of Labour's commitment to Scottish Home Rule dwindled further.

Lack of government interest in the issue of Scottish Home-Rule prompted many within the Scottish nationalist movement to conclude that only an independent nationalist organization could hope to campaign for Scottish self-government with any effectiveness. To this end talks were established between the SHRA and the SNL aimed at setting up a Scottish national party, which would both act as an umbrella organization for Scottish political interests as well as contest elections on a self-government ticket.

Out of the talks between the SHRA and the SNL the National Party of Scotland (NPS) was formed in April 1928. Given the background of its creation, the NPS included within its executive a broad spectrum of nationalist viewpoints, ranging from 'moderates' such as John MacCormick to 'fundamentalists' such as the poet Hugh MacDiarmid and Erskine of Mar. Whilst the inclusion of the likes of MacDairmid and Erskine of Mar ensued that the NPS retained a vigorous interest in the cultural aspects of Scottish nationalism, the incompatibility of their perspective with that of a pragmatist such as MacCormick inevitably led to tension within the organization. Moreover, the radical claims made by some of the NPS membership alienated Conservative-minded Scottish nationalists such as Andrew Dewar Gibb and George Malcolm Thomson who responded by establishing a rival nationalist organisation, the Scottish Party (SP), in June 1932.

The response to the establishment of the SP on the part of the 'moderate' elements within the NPS involved opening up negotiations between the two organizations, at the same time as moving to marginalize, and eventually remove, the NPSs 'fundamentalist' faction. In this process, John MacCormick took the lead. MacCormick's strategy met with success following the NPS 1933 May conference when most of the fundamentalists were expelled from the Party, in the process

paving way for the unification of the NPS and the SP, an event that augured the decisive marginalization of cultural nationalism in Scotland.

Nationalism Transformed, 1934-1945

The unification of the NPS and the SP established a new nationalist party in Scotland, the Scottish National Party (SNP), officially launched on 7th April 1934. The new party's roots lay in the 'purging' of the literary nationalists, men such as Hugh MacDairmid and Edwin Muir, from the NPS in 1933, and as such was from its inception relatively unconcerned with overt expressions of cultural or 'Romantic' nationalism. Its objective was the achievement of Scottish self-government in a framework of continuing partnership with England and full participation in the management of the British Empire, rather than full independence.

The political and economic environment of the 1930s was, however, increasingly unfavourable to the nationalist aspirations of the SNP. On the one hand, state planning continued to dominate the economic strategy of both the major political parties, and was a policy that sat uneasily with any programme of political devolution. This being said, to the extent that it involved progressive extensions of administrative devolution, state economic planning did in some respects strengthen the 'national dimension' in Scottish politics. In accordance with the tradition of Scottish civic autonomy within the Union, established by the Treaty of Union itself, economic planning of the 1930s was explicitly focused on Scottish problems and channelled through Scottish institutions, most notably the Scottish Office which was moved to Edinburgh in 1939.

On the other hand, the timing of the SNPs foundation was politically unpropitious, as it coincided with the rise of militant national chauvinism in Germany, Italy and Japan, and the British public were understandably hostile toward strident expressions of nationalism. Whilst the democratic nationalism of the SNP bore no resemblance to the militant movements making headway on the Continent, nevertheless the Party faced an uphill struggle in terms of public perception.

More damaging, however, to the SNPs political prospects was internal disunity, as individuals from the opposing traditions within the Party produced conflicting political statements. Internal unity was placed under greater strain by the onset of the Second World War and arguments within the SNP over whether the

Party should support the war effort and/or accept conscription. In the event of the assumption of hostilities, the Party, under the direction of John MacCormick, moved to distance itself from its 1939 resolution to oppose conscription. However, dissatisfaction with this stance on the part of a significant anti-war faction, lead by the convicted anti-conscriptionist Douglas Young, led to a split in the Party in 1942, after which John MacCormick and a number of his supporters left to concentrate their attentions on setting up a National Convention to campaign for Scottish devolution.

Under its new leadership the SNP moved toward a more explicitly left-wing stance, and began to develop a distinctive political agenda by formulating policy commitments on a range of issues. The SNP's emerging political identity, which it retained for much of the twentieth century, involved a mixture of social responsibility and the rights of the individual, and sought to offer a socialist alternative to Labour that eschewed the large centralized and bureaucratic state.⁴¹³

From 1940 to 1945 the veteran Scottish Labour MP Tom Johnston occupied the post of Secretary of State for Scotland with a considerably expanded sphere of competence to administer Scotland's affairs. Under his leadership Scottish agriculture and industry experienced a modest revival and the trend toward business drifting south was stemmed. This was interpreted by the Labour Party leadership as a clear vindication of the efficacy of administrative devolution and contributed to the further weakening of the Party's commitment to political devolution.⁴¹⁴

Nationalism in Abeyance, 1945-1967

On the 12th April 1945, the pragmatic political nationalism of the SNP achieved its first taste of electoral success, winning its first parliamentary seat in a Motherwell by-election. It proved, however, a false dawn for Scottish nationalism as the seat was lost in the General Election that followed a few months later, and nationalism fell into abeyance as a significant political force for almost two decades.

In 1945 the politics of class dominated political behaviour in Scotland to an equal degree as was the case in England, a fact that the terminal decline of the Liberal Party was one reflection. The nationalist vote in Scotland remained negligible as the two main political parties claimed a near monopoly on the political

affections of the Scottish electorate. In this regard there was, despite some evidence that the Scottish electorate was marginally more politically radical, very little distinctiveness to mid-century Scottish voting patterns as compared with England.⁴¹⁵ ‘There was’, argues David McCrone, ‘little room for explicitly ‘nationalist’ politics in mid-century Scotland, largely because the two main repertoires of Scottish politics squeezed it out.’⁴¹⁶

This is not to say that nationalist arguments found no resonance within Scottish civil society. In 1949 John MacCormick’s Scottish Convention launched a national covenant which collected over two million signatories in support of its demand for Scottish self-government. However, this latent nationalist support failed to translate itself into votes for the SNP, leaving the fortunes of Scottish self-government dependent on the actions of the major political parties. The traditional repository of this support for Scottish Home Rule was, as we have seen, the Labour Party. However, a combination of the success of administrative devolution under the wartime administration of Tom Johnston and a strong focus on achieving power at Westminster, led the Labour Party to continue the downgrading of its commitment to Scottish Home Rule that had been evident since the late 1920s. For the first time since their foundation, the Labour Party entered the 1950 General Election with no specific commitment to Scottish Home Rule in its manifesto and, by 1959, had adopted an official policy of opposition to devolution.

Emblematic of the post-war UK political landscape was the inexorable growth of the state that occurred. Within three years of the cessation of the Second World War, Clement Atlee’s Labour government had completed large-scale nationalization of power, gas and transport, and created the National Health Service. A consensus in favour of the principle of state intervention in the economy and society spanned the political divide, with both Labour and Conservative governments alike contributing to the post-war growth of the state.

The consequences of state growth in Scotland were highly equivocal. On the one hand, the policies of nationalization, and state welfare provision suggested a degree of centralization inimical to the decentralization of political authority advocated by the nationalists. The Labour Party’s declining enthusiasm for Scottish Home Rule provided a clear example of such a tendency. On the other hand, in its practical implementation, the expansion of the state in Scotland was channelled

through distinctive Scottish institutions, with the Scottish Office once again taking the lead. The number of civil servants employed under the formal supervision of the Secretary of State for Scotland rose from 2,400 in 1937 to 8,300 in 1970. Over the same period the competences of the Scottish Office were extended to cover electricity in 1954, roads in 1956, and the Highlands and Islands Development Boards in 1969.⁴¹⁷ As a result the distinctiveness of Scottish governance was actually enhanced.

The channelling of state growth through specifically Scottish institutions represented an expansion of the degree of administrative devolution that Scotland enjoyed. Administrative devolution was not, however, extended according to a consciously designed grand plan, but rather occurred on an *ad hoc* basis as successive governments sought to gain political advantage through ‘pork-barrel’ politics. Although it remained electorally weak, the threat of the nationalist movement also prompted governments to resort to state intervention and administrative devolution as palliative measures.⁴¹⁸

Economic factors played an important role in the re-emergence of Scottish nationalism in the late 1960s. Scotland’s traditional industries, as has been indicated, experienced a modest revival in fortunes under the wartime administration of Tom Johnston, and this continued in the immediate post-war period following the destruction of rival industrial bases in Germany and Japan. Scotland’s advantage was, however, quickly overturned as a failure to undertake the necessary investments in new technologies and production techniques, together with the debilitating effects of poor labour relations, enabled continental firms to overtake their Scottish counterparts. The ship-building and railway engineering industries provide a clear illustration of Scotland’s economic difficulties. Scotland’s 12 per cent share of world ship-building output between 1950 and 1954 fell to just 1.3 per cent by 1968. Meanwhile, railway engineering in Scotland declined from being an industry employing 10,000 men in 1950 to one in which fewer than 1,000 men were employed by 1963.⁴¹⁹

These figures suggested that state intervention to protect employment in the traditional industries, a policy pursued by both Conservative and Labour governments, had by 1960 proved to be largely unsuccessful. This was the conclusion reached in the *Toothill Report* issued in 1961 by the Scottish Council for

Development and Industry (SCDI), which recommended a switch to concentrating on regional aid and ‘growth points’ as part of a policy of encouraging the development of alternative growth industries.

Although the government accepted the findings of the *Toothill Report*, the new policy of growth which it inspired in practice replicated many of the problems associated with the old policy of supporting failing industries with government subsidies. Public expenditure continued to expand as the government struggled to overcome the resistance of strong unions within the traditional industries. Moreover, state intervention continued to be used as the primary means of driving the economy, so much so that by the end of the 1960s public expenditure in Scotland was a fifth higher than the UK average. With increasing public expenditure followed further extensions of administrative devolution which, although at least partly intended as a way of off-setting demands for political devolution, in practice ultimately strengthened the cause for self-government by drawing Scottish politicians and policy-makers into a separate Scottish political structure.⁴²⁰

In addition to the growth of the state, the other major development in Scottish politics during this period was the dramatic collapse of support for the Conservative Party in Scotland. From a high-point in 1955, when the Conservatives’ won a majority of the vote in Scotland, the Party’s political fortunes north of the border rapidly and comprehensively declined. A number of variables have been suggested by way of explanation for the Conservatives’ collapse in Scotland, including a decline in religiosity, the growing identification of the Conservatives with an Anglicized landowning elite, and Scotland’s greater reliance on public spending and the cheap rents offered by a large public housing sector.⁴²¹ Whatever the cause of Scotland’s electorate turning away from the Conservative Party, undoubtedly one of its effects was to leave the SNP well placed to benefit from voter dissatisfaction with the Labour government that emerged in the late-1960s.

In 1967, against a background of drastic deflation measures and rising unemployment, Scottish politics arrived at a significant turning point as nationalism once again moved to the forefront of the political agenda as a result of two notable electoral successes for the SNP. First, in March 1967 the SNP polled 28 per cent of the vote in a Glasgow Pollock by-election with a large swing from Labour. This was

followed in November of the same year with a SNP victory at a by-election in Hamilton, giving them only their second ever parliamentary seat.

Scottish Devolution: The First Attempt, 1967-1979

The analysis thus far suggests that the progressive extension of administrative devolution in Scotland that occurred on an *ad hoc* basis as a concomitant of the post-war policy of economic planning, by enhancing the distinctiveness of Scottish governance, increased the importance the ‘national dimension’ in Scottish politics. Consequently, although administrative devolution was in some instances intended as a palliative to the nationalist threat, in practice it made political devolution more rather than less likely, owing to the separate Scottish political structure which it reinforced.

The emergence of the SNP as a significant electoral force in 1967 must be seen in this context. The importance of the national dimension in Scottish politics, combined with the collapse in support for the Conservative Party, meant that when the post-war British settlement began to fail, as it did in the late 1960s, a distinctively Scottish solution to the problem was easily sought.⁴²² The SNP, with their democratic and pragmatic political nationalism, were ideally placed to profit from the Scottish search for a political alternative once the failure of economic planning became apparent. As Alice Brown *et al* observe;

‘The credibility of the system started to decay...as the state became less able to deliver the material welfare, and it was then that support for a Scottish Parliament began to rise. To say that is not to claim that the sole explanation of that support is material; it is merely to point out that the Scottishness that people in Scotland seem to want for their politics is in the framework through which material welfare is administered.’⁴²³

The SNPs electoral success of 1967 propelled the issue of self-government to the forefront of Scottish politics and forced the major political parties to clarify their position with regard to the nationalists’ demands. Edward Heath’s Conservative Party set up a committee under the stewardship of Sir Alec Douglas Home to examine the case for and against devolution. In the following year Prime Minister Harold Wilson established a Royal Commission on the Constitution to consider the

appropriate constitutional response to what was rightly perceived to be a rising tide of nationalism in Scotland.

The discovery in the early 1970s of North Sea oil further strengthened the appeal of the SNP, suggesting as it did that Scottish independence was economically viable. The SNP campaigning slogan, 'It's Scotland's Oil!' was designed to emphasise the potential for a Scottish political and economic alternative which its discovery seemed to opened up.

The 1969 Royal Commission on the Constitution, known as the Kilbrandon Commission, finally published its report in October 1973, by which time the Conservatives had ousted Labour from government. The Kilbrandon Report recommended the establishment of a devolved Scottish Assembly directly elected via proportional representation. That the Commissions' recommendations could not be ignored was made abundantly clear when a few months after its publication the SNP scored another electoral success, this time overturning a large Labour majority to win a Glasgow Govan by-election. Similar success followed in the two 1974 General Elections as the SNP polled 22 per cent of the Scottish vote and gained seven parliamentary seats in the February election, rising to 30 per cent of the vote in the October poll, a result that saw the Party push the Conservatives into third place in Scotland.

The SNPs 1974 General Election performances convinced the Labour government that concessions would have to be made in order to counter the nationalist threat, and the leadership lost little time in re-converting to the cause of Scottish self-government. A White Paper based on the Killbrandon Commission's recommendations entitled *Democracy and Devolution* was published, recommending the establishment of a directly elected Scottish Parliament with considerable control over domestic affairs. This was followed, on the 27th November 1975 by the publication of *Our Changing Democracy*, a report outlining the government's detailed proposals for the creation of a legislative parliament for Scotland and a weaker executive Assembly for Wales. The government was now ready to introduce the first Parliamentary bill on devolution since 1927.

The long-standing connection between the Labour Party and the self-government cause in Scotland undoubtedly facilitated the party's rapid re-conversion to Scottish devolution when the scale of the SNP threat became clear. Although it

had been progressively marginalized since the Labour Party began to direct its political attentions on Westminster from the mid-1930s, Scottish Home Rule could lay claim to a respectable heritage within the Labour movement, and many Scottish Labour members had never relinquished their support for the re-establishment of a Scottish Parliament. It was, as a result, relatively easy for the Labour leadership to adopt a policy in favour of political devolution in 1974 without running the risk of opening damaging splits in the Party's unity. Moreover, as Keating and Bleiman note, because opinion amongst Labour members regarding Home Rule transcended the traditional left- and right-wing factions within the Party, the potential of the leadership's decision to support devolution to divide the Party was further minimized.⁴²⁴

The *Scotland and Wales Bill*, legislating for Scottish and Welsh devolution, was introduced to Parliament in November 1976 but, as was the case with the Home Rule Bills of the 1920s, failed at the guillotine motion vote. Whereas the failure of the 1924 and 1927 Home Rule Bills owed much to the lukewarm enthusiasm of the then Labour government, in 1976 the looming presence of a newly resurgent SNP effectively forced the government's hand and a second *Scotland Bill* appeared in November 1977, this time successfully making it on to the statute book. Prior to the completion of the Bill's passage through the House of Commons, a group of anti-devolutionists from within the Labour Party, including Tam Dalyell and Robin Cook, successfully forced two concessions from the government; first, that the implementation of the Bill's proposals be conditional on the result of a referendum, and as a result of a private members amendment sponsored by George Cunningham MP, that the Act be repealed should the 'yes' vote fail to gain the support of at least 40 per cent of the entire Scottish electorate.

The referendum took place in the shadow of an economic crisis in which strikes, rising unemployment and high inflation contributed to the general unpopularity of the Labour government. Constitutional reform was rather overshadowed by the infamous 'Winter of Discontent' during which public sector pay disputes and industrial disruption dominated the headlines. Against this background, not only did the 'yes' campaign struggle to convince the Scottish electorate of the overriding importance of constitutional reform, they also had to contend with the possibility that the referendum could be turned into a poll on the popularity of the

government. These problems were exacerbated by the absence of cooperation between the Labour leadership and the SNP, the two main protagonists of the 'yes' campaign. Certainly the 'yes' campaign was no match for the well-organized 'no' campaign led by Labour anti-devolutionists with the support of the majority of the Conservatives and the Scottish business community, both of whom played on fears that devolution might lead to extensive tax increases.

The referendum was held on March 1st 1979, and although a majority of those that voted expressed an opinion in favour of devolution, the 'yes' vote constituted only 32.85 per cent of the total registered electorate (as compared to 30.78 per cent against). The '40 per cent amendment' thus proved decisive and the government moved to repeal the Scotland Act. Before it could do so, however, the Conservative Party called on the other Parties to support a vote of no-confidence against the government. Perhaps against their better judgement given their performance in the ensuing General Election, the SNP supported the Conservatives' motion, thus contributing to the collapse of the government.

The Thatcher-led Conservative Government and the Creation of the Scottish Constitutional Convention, 1979-1990

Scottish nationalism and the campaign for self-government were thrown into turmoil by the failure of the 1979 referendum on devolution. The two most important pro-devolution Parties, Labour and the SNP, both suffered heavy defeats in the 1979 General Election. The SNP lost nine of their eleven parliamentary seats and saw their share of the Scottish vote fall to 17.3 per cent. In the aftermath of this disastrous electoral performance the SNP succumbed to internal dispute and division. An internal faction known as the '79 Group' emerged arguing in favour of abandoning the 'broad' electoral strategy pursued by the Party in the 1960s and 70s in favour of adopting a more precise left-wing ideological stance.⁴²⁵ The debilitating consequences of Party disunity were made clear in the 1983 General Election, when the SNPs share of the Scottish vote fell further to just 11.7 per cent.

Reeling from the Conservative's comprehensive victory in the 1979 General Election, a similar fate befell the Labour Party in the early 1980s, in the form of militant Trotskyite factions whose activities contaminated the Party's image in the eyes of much of the electorate. Against this background constitutional reform

rapidly descended down the Party's list of priorities, to the extent that devolution barely elicited a mention in their political programme between 1980 and 1987. From the perspective of the time, it appeared as if Scottish nationalism was a spent force. This, however, proved not to be the case, and for the major explanation as to why, we need to examine the politics of Thatcherism.

Margaret Thatcher's Conservatives acceded to government on a pledge to initiate far-reaching structural reforms guided by the free-market ideology of neo-liberalism. The radical economic agenda of Thatcherism brought an end to the post-war consensus approach to political and economic management. In its place a macro-economic policy dominated by monetarism, privatization, liberalization of free markets, a reduction in trade union power and a cut in welfare subsidies was established.⁴²⁶ Ironically for a political project that promised to 'roll back the state', Thatcherism brought about a significant centralization of power as central state control was strengthened at the expense of the peripheries. This fact, combined with the continuing absence of popular support for the Conservative Party in Scotland, ultimately brought devolution back onto the political agenda within a decade of its apparent demise in the debacle of 1979.

With its large public sector and heavy reliance on state intervention, Scotland was to some extent especially vulnerable to the new economic and political climate of the 1980s as employment in its traditional manufacturing and heavy industries once again come under severe pressure.⁴²⁷ The growth in previously marginal sectors such as finance and services, which to a large extent replaced the losses in more traditional industrial sectors⁴²⁸, was largely obscured by a widespread perception of economic decline during the 1980s. Moreover, economic changes nurtured a suspicion in Scotland that the Conservatives were favouring the interests of the south-east and the Midlands, where the source of their electoral supremacy lay.

As compared with the overall British average, Scotland had, as has already been remarked, a particularly large public sector, high levels of state intervention and public spending and a dominance of public housing provision over private renting or home-ownership. This was the result, at least in part, of successive post-war governments resorting to pork-barrel politics for short-term political gain. Whatever the cause, the result was that, despite lacking its own independent state, by the late 1970s Scotland possessed a highly statist economy and society. 'In a country so

dependent on government,' argues Christopher Harvie, 'where priorities were to do with infrastructure, education and social overhead capital, the prescriptions of the market economists had little relevance.'⁴²⁹ The Conservative's declining share of the country's vote suggests that the Scottish people were inclined to agree with this assessment. Taking Britain as a whole, the Conservative's consistently polled over 40 per cent of the electorate throughout the 1980s. In Scotland, however, the Conservative share of the vote fell from 30 per cent in 1979 to 24 per cent in 1987. Owing to the vagaries of the first-past-the-post voting system, the Conservative's share of the Scottish vote translated into just 22 seats in 1979 and 10 in 1987. The 1997 General Election marked a new low-point for Scottish Conservatives, as the Party managed just 17 per cent of the vote in Scotland and failed to win a single Scottish parliamentary seat.

Scottish hostility to Thatcherism was not solely based on an aversion to free-market ideology. Despite Thatcher's insistence that 'there is no such thing as society, only individuals and families,' the politics of Thatcherism employed a strong nationalist rhetoric. Whilst this proved a highly effective strategy in England, as the boost to the Conservative's popularity during the Falklands war is evidence, the lingering impression in Scotland was of a nationalism that took no account of Britain's peripheral nations. Thatcher, in other words, was perceived as being an English nationalist with little interest in, or knowledge of, the distinctive national identities Britain's constituent national units. 'As Conservative nationalism became more explicit and strident,' comments David McCrone, 'so competing nationalisms asserted themselves, and Thatcher's success in England had its counterpart in electoral unpopularity in Scotland and Wales.'⁴³⁰

This perception was further reinforced by the progressive erosion of Scotland's civil autonomy during the 1980s, as the government sought to subjugate Scotland's autonomous institutions to central state powers in the name of market efficiency.⁴³¹ The attack on Scottish autonomy was especially inflammatory to Scottish public opinion given the Conservatives' minority status north of the border.

On April 1st 1988 the government introduced the poll tax to Scotland without regard to the considerable scale of opposition within Scottish local government and civil society. A mass campaign of civil obedience ensued with up to a third of the population opting to withhold payment of the tax. More than any other single event,

the poll tax fiasco confirmed the perception widely prevalent in Scotland that the Conservative administration's interpretation of the British constitution represented a grave threat to the freedoms guaranteed to Scotland in the Treaty of Union. In the words of Tom Devine, 'Mrs Thatcher disregarded the tradition of the union as a partnership in which Scottish interests had to be taken into account and instead seemed to consider there to be no limit to the absolute sovereignty of the Westminster Parliament.'⁴³²

As previously indicated in Chapter Four, according to the terms on which the Treaty of Union was signed Scotland retained a significant degree of institutional autonomy in what was a union, rather than a unitary, state.⁴³³ Britain remained a union state, displaying a variety of quasi-federative aspects, throughout the eighteenth, nineteenth and twentieth centuries. The actions of the Conservative Party in the 1980s revealed the fragility of this informal constitutional arrangement and helped convince a significant proportion of the Scottish population that constitutional reform was the only way to safeguard the capacity for autonomous governance in Scotland.

After the 1987 General Election nationalism once again moved to the centre stage of Scottish politics. Having successfully overcome the internal disunity that damaged the Party in the early 1980s, the SNP staged a modest revival in the 1987 General Election. Under the influence of some of the original members of the '79 Group, the SNP had adopted a more explicitly left-wing ideological stance, as well as modifying their long-standing support for independence with a new policy of 'Independence in Europe'.

Meanwhile, under the leadership of Neil Kinnock the Labour Party once again adopted the cause of Scottish Home Rule, no doubt in part in response to the re-emerging threat posed by the SNP. However, the most significant driving force behind the Home Rule movement from 1987 was the independent civil society organisation the Campaign for a Scottish Assembly (CSA). In 1987 the CSA appointed a steering committee under the leadership of Sir Robert Grieve to examine the possibility of setting up a Scottish Constitutional Convention to consider the case for devolution. On 6th July 1988 the Committee published *A Claim of Right for Scotland* proposing the establishment of a Constitutional Convention composed of

MPs, trade unionists, and the Churches, with the objective of deliberating Scotland's constitutional future and working towards Scottish devolution.

The authors of *A Claim of Right for Scotland* accused the Thatcher government of exploiting the doctrine of 'the Crown-in-Parliament' in order to govern without proper regard to the general consent of the people.⁴³⁴ The erosion of Scotland's institutional autonomy and the centralization of state power undertaken by a government lacking a democratic mandate in Scotland were advanced as evidence of the need for constitutional change in order to safeguard the accountability of power. By framing the question of Scottish self-government as a question of the generalized protection of democratic principles throughout Britain, the authors of *A Claim of Right for Scotland* presented devolution as the first step in an ongoing reform process that would, it was hoped, lead to other parts of the country challenging the untrammelled exercise of power by the central state.

A Scottish Constitutional Convention was established on 30th March 1988 under the Convenership of Canon Kenyon Wright. Notwithstanding the SNPs decision to withdraw from the Convention owing to its unwillingness to discuss independence as a constitutional option, the Convention united a broad spectrum of Scotland's political and civil society. Membership was taken up by Labour, the Liberal Democrats, the majority of Scotland's regional councils, the Scottish Trade Unions Council (STUC), the Scottish churches, ethnic minority representatives, the Green and Communist Parties, and the Scottish Convention of Women.⁴³⁵ The executive committee of the Convention, co-chaired by Sir David Steel, Harry Ewing and Canon Kenyon Wright, issued its report on St. Andrews Day 1990 outlining plans for a devolved Scottish legislative parliament to be elected under a form of proportional representation and financed through 'assigned revenues' from taxes raised in Scotland.

New Labour and the Road to Devolution, 1990-1999

In the same year as the publication of the Constitutional Convention's report, Margaret Thatcher was forced to resign as Prime Minister. Although her successor, John Major, led the Conservatives' to a surprise victory in the 1992 General Election with a marginal increase in the Party's share of the vote in Scotland from 24 per cent to 25.6 per cent, the momentum gained from the Constitutional Convention ensured

that Home Rule retained its place at the forefront of Scottish political debate. Moreover, the unprecedented unity of the Home Rule movement in Scotland, as evidenced by the broad-based membership of the Convention, meant that an overwhelming majority of the Scottish votes cast in the 1992 General Election went to parties committed to Constitutional change.

In July 1992 John Smith, a Scotsman and long-time supporter of Scottish Home Rule, became leader of the Labour Party. In the brief period from 1992 until his death in 1994, Smith committed a future Labour government to the establishment of a Scottish Parliament, adopting this as official Party policy at their 1993 conference. Although personally less enthusiastic about devolution, Smith's successor Tony Blair nevertheless followed through on Smith's commitment, and led the Labour Party into the 1997 General Election with a programme containing for constitutional change including territorial devolution. The scale of Labour's victory in that election – they secured a majority of 179 seats in the House of Commons – granted them considerable scope for realizing their policy pledge.

A White Paper on Scotland was issued soon after Labour's victory offering a devolved legislative Parliament for Scotland broadly similar to the proposals put to the Scottish electorate in the referendum of 1979. The 1997 proposals were, however, novel in two important respects; they specified the powers reserved to Westminster rather than those devolved to Edinburgh, and allowed the possibility of granting the devolved Parliament tax-varying powers. At the same time a separate Bill proposed a less powerful Welsh executive Assembly.

The White Paper proposals were put to Scottish and Welsh electorates prior to their introduction to Parliament. The Scottish referendum was scheduled to take place on September 11th 1997, and despite the length of the campaigning period being curtailed owing to the death of the Princess of Wales, the result was a vote in favour of devolution, with 74.3 per cent supporting the principle of devolution and 63.5 per cent agreeing that a devolved Parliament should have the power to vary taxes.

The referendum result therefore proved decisive and a devolved Scottish Parliament was established, meeting for the first time in July 1999. The Parliament was given legislative competence over all issues except those specifically reserved to Westminster; foreign policy, defence, macro-economic policy, social security,

abortion and broadcasting. In addition it had the power to vary the basic rate of tax by up to 3 pence.⁴³⁶

Summary

The absence of nationalism in Scottish politics prior to the last quarter of the nineteenth century should not obscure us to the fact that Britain has always been a union state with various federative features, as opposed to the traditional model of the unitary state. As such, Scotland enjoyed a significant degree of civic autonomy throughout the period in which it nevertheless failed to produce any significant nationalist movement.

The Scottish nationalism that began to emerge from around the 1870s was intimately associated with the broader movement for Highland land reform, and was primarily orientated toward the promotion of a Gaelic cultural revival. Nationalism in Scotland was able to achieve some degree of political momentum as a result of the ruling Liberal Party's support for 'Home Rule All Round' as its preferred solution to the Irish question. Notwithstanding a brief period in the 1920s when the support of the Labour Party ensued that Scottish Home Rule occupied a prominent position in political debate, nationalism remained of marginal importance in Scotland until the late 1960s. The formation of an independent Scottish National Party in 1934 did little to change this, although it was under its lead that Scottish nationalism was transformed into a modern political nationalism emphasizing democratic principles and the civic bases of nationhood. The progressive downgrading of the Labour Party's commitment to Scottish Home Rule from the late 1920s onwards further marginalized the forces of nationalism.

The establishment of a post-war political consensus in favour of state intervention in the economy, the nationalization of key industries, and state welfare provision, ran counter to the ideology of devolving political power on a territorial basis and the nationalist movement struggled to make headway in Scotland. It is important to note, however, that administrative devolution was significantly extended during this period, with the result that the distinctiveness of Scottish governance actually increased. By emphasizing the 'Scottishness' of Scotland's governance, the post-war extension of administrative devolution helped to foster the demand for a distinctively Scottish response to the failure of the post-war settlement

that became apparent in the 1960s. In light of the declining popularity of the Conservative Party in Scotland from 1955 onwards, the SNP were therefore ideally placed to promote their pragmatic political nationalism as offering the best alternative. The discovery of North Sea oil in the early 1970s further strengthened the nationalists' appeal.

After the failure of the 1979 referendum on devolution, nationalism re-emerged as a powerful political force in 1987 largely in response to the erosion of Scotland's traditional civic autonomy by a Thatcher government that was singularly unpopular in Scotland. The Scottish Constitutional Convention argued that constitutional change in the form of political devolution was required to safeguard the accountability of power and ensure that the government of the day could not govern without recourse to the general consent of its constituent nations' populations. The British Constitutional doctrine of the Crown-in-Parliament was held to offer insufficient guarantees for the capacity of minority nations to decide upon their own political future. Spectacularly unpopular measures such as the introduction of the poll tax galvanized popular support for nationalism in general and devolution in particular.

6

The Consequences of Scottish Devolution for the Political Cohesion of the British State

As was noted in the previous chapter, it was the rise of peripheral nationalism, in particular the electoral success of the SNP and the mobilization of Scottish civil society through the Scottish Constitutional Convention movement, that provided the impetus for the introduction of devolution legislation in 1997. The Labour Party's traditional commitment to Scottish self-government peaked already in the mid-1920s, and from the 1930s onwards regional self-rule was progressively subordinated to a centralist ideology according to which allocation was to be based on need alone, regardless of geography.⁴³⁷ The post-war construction of the welfare state and cross-party consensus in favour of extensive state management of the economy similarly favoured centralization over territorial devolution.⁴³⁸

When Scottish self-government reappeared on the political agenda in the 1980s, it did so as a result of pressure exerted by Scottish nationalism. It is worth repeating the central role played by the independent nationalist movement in persuading an otherwise ambivalent Labour Party of the benefits of devolution since it serves as a reminder that one of the principle motivations underpinning the 1999 devolution settlement was the belief that it would neutralize the nationalist threat. From the perspective of the Labour Party leadership, the success of the SNP, rather than indicating the strength of separatist nationalism in Scotland, reflected more its ability to successfully present itself as the champion of the 'Scottish dimension' in the context of a British constitution that offered inadequate protection against the threat of English dominance. By devolving power to an autonomous Scottish Parliament, the Labour Party would, it was supposed, undermine the SNP's capacity to present itself as *the* defender of the Scottish interest. Not only would devolution

therefore strengthen the Union, it would bring the added bonus of re-establishing Labour's long-standing dominance of Scottish politics.

This is not to say that the Labour Party's re-conversion to the cause of territorial devolution was based upon entirely cynical calculations of electoral advantage. There were, undoubtedly, many within the Party whose support for devolution was based on a sincerely held conviction that it would improve the quality of democracy within Britain. Moreover, devolution was presented as one aspect of a wider package of constitutional reform oriented toward the 'modernization' of the United Kingdom's political institutions, which included House of Lords reform, the re-establishment of a London Assembly and the creation of Regional Development Agencies (RDAs) in England. Nevertheless, the decision to grant a greater degree of political autonomy to Britain's national minorities in the form of directly elected administrations was intended as a political measure that would neutralise the threat of nationalism and thereby strengthen the Union. The logic behind this perspective was that a territorial dispersal of power from the centre to the periphery was necessary in order to re-legitimize the British state in the eyes of its national minorities, and counter the threat of separatism.

In contrast to the Labour Party leadership's insistence that devolution would strengthen the Union, commentators opposed to the plan expressed the opinion that devolution would unleash fissiparous tendencies latent in Britain's multinational character. Once unleashed, these centrifugal forces would, it was argued, threaten the state's very existence. The implication of such arguments is that the political cohesion of a multinational state requires for its maintenance a strict unity of government, an assumption which, as we shall see, dominated constitutional thinking in Britain in the nineteenth and early twentieth centuries.

The objective of this chapter is to analyze the impact of the 1999 devolution settlement on the British state as a whole in order to assess whether the latter is likely thereby to be strengthened or undermined. Although the focus is on the specific case of Britain, the analysis contained within is intended as a contribution to the broader question of how much political/institutional diversity a multinational state can tolerate without unduly compromising its future existence as a single state.

I distinguish between three aspects of the devolution settlement; *legal-constitutional*, *political-institutional*, and *financial*. Within each of these three

aspects, the analytical focus is on changes introduced by devolution that potentially impact upon the political cohesion – that is, the capacity to function effectively as a single unit – of the British state. In other words, this chapter seeks to examine areas in which devolution introduces potentially disintegrative forces into the constitutional, political and financial make-up of Britain. From this it is hoped that an overall assessment of the competing claims forwarded about devolution mentioned above can be made.

Before the analysis can proceed, it should be noted that it is *Scottish* devolution that forms the principle focus of this chapter. The scant attention paid to Welsh and Northern Irish devolution can be justified by reference to the degree of political autonomy exercised by Britain's national minorities since 1999. As the Scottish Parliament has considerably more political autonomy than both its Welsh and Northern Irish counterparts, it is likely that any such disintegrative effects as the process of devolution contains will be most pronounced in Scotland. Echoing this sentiment, Michael O'Neill has suggested that Scotland 'provides the benchmark of devolution.'⁴³⁹

Legal-Constitutional Consequences

Given the notoriously opaque character of Britain's unwritten constitution, attempting to identify with any precision the constitutional impact of devolution is less than straightforward. As is well known, the 'unwritten' constitution of Britain consists of a complex mixture of statutes, custom, conventions and case law. It has been described as 'institutional and practical, as opposed to theoretical and doctrinal.'⁴⁴⁰ Consequently, the analysis of the constitutional implications of devolving power to sub-state national administrations is beset with difficulties, and the constitutional status of those administrations is contested.

Despite the complexity and ambiguity of Britain's constitution, it is traditionally asserted that it is underpinned by two key principles; Parliamentary sovereignty and the rule of law.⁴⁴¹ By the former is meant that the Parliament at Westminster is the unambiguous centre of undivided sovereignty. The supremacy of Parliament is expressed by the absence of any distinction between fundamental and ordinary laws; all laws are, in principle, alterable by a simple Act of Parliament.⁴⁴² The latter refers to equality of legal and political rights.

It is toward the principle of Parliamentary sovereignty that the present analysis of the constitutional implications of devolution is oriented. Two questions are addressed; first, to what extent, and in what manner, does devolution challenge the doctrine of Parliamentary sovereignty? Second, in what ways, if any, does the relationship between devolution and Parliamentary sovereignty impact upon the cohesion, understood as meaning the capacity to resist pressures toward disintegration, of the British state as a whole? Again, it should be reiterated that the principle focus of this chapter is Scottish devolution, and the analysis of the specific qualities of the 1999 devolution settlement takes as its primary reference point the 1998 Scotland Act.

Devolution and Parliamentary Sovereignty

According to the wording of the Scotland Act 1998, the relationship between Scottish devolution and the constitutional principle of Parliamentary sovereignty is clear. Section 28 (1) of the Act states that 'the [Scottish] Parliament may make laws, to be known as Acts of the Scottish Parliament.'⁴⁴³ Section 28 (7) goes on to state that 'this section does not affect the power of the Parliament of the United Kingdom to make laws.'⁴⁴⁴ By reserving to the Parliament at Westminster the unrestricted right to legislate on all devolved matters, Section 28 (7) is intended to protect and maintain the principle of Parliamentary sovereignty.⁴⁴⁵ In other words, it is intended that devolution will leave intact the absolute supremacy of the Parliament at Westminster. The devolved Scottish Parliament is, in principle at least, a constitutionally subordinate Parliament, whose very existence can be abolished without its consent by a simple Act of Parliament passed at Westminster. The same applies for the Welsh and Northern Irish Assemblies.

Situated in the context of Ronald Watts' comparative typology of political systems, the 1999 devolution settlement transforms Britain from a unitary state into a devolved union, where the latter is characterized by the existence of multi-tiered government combining elements of shared rule and regional self-rule in a political system in which central government nevertheless remains constitutionally superordinate.⁴⁴⁶

In reality, however, the relationship between devolution and Parliamentary sovereignty is more complex and ambiguous than the text of the Scotland Act

suggests. For, whilst the Parliament at Westminster retains the legal right to unilaterally dissolve the Scottish Parliament, and in this sense remains the locus of undivided sovereignty, in practical political terms its sovereignty is significantly compromised by the devolution settlement. In this regard, it is instructive to turn to the doyenne of classical British constitutional theory, A.V. Dicey, whose analysis of the 'Gladstonian Constitution' embodied in the 1886 Irish Home Rule Bill devotes considerable attention to the question of its compatibility or otherwise with Parliamentary sovereignty.⁴⁴⁷

There are three interrelated elements to Dicey's discussion of the relationship between Home Rule (devolution) and the sovereignty of the Parliament at Westminster; the significance of nationality, provisions for amending the constitution in a devolved union, and what he terms 'constitutional morality.' We will deal with each in turn.

Drawing a distinction between devolution and local self-government, Dicey emphasize the added prestige that would attach to a devolved administration as a result of its essentially national character: 'A town council, whatever its powers, does not represent a nation, and derives no prestige from the principle of nationality; the feeblest legislative assembly meeting at Dublin would rightly claim to speak for the Irish people.'⁴⁴⁸ The cachet of being a *national* assembly would, in Dicey's view, lend the devolved Irish administration a moral authority incompatible with Westminster's claim to absolute sovereignty. In sum, Dicey argues, 'Local Self-Government however extended means the delegation, Home Rule however curtailed means the surrender, of Parliamentary authority.'⁴⁴⁹

This argument can be transposed onto the 1999 devolution settlement which, after all, established Scottish, Welsh and Northern Irish *national* administrations. In his analysis of the 1998 Scotland Act, Vernon Bogdanor emphasizes the significance of the nationality principle in the same way as Dicey and argues that contemporary British devolution is incompatible with the doctrine of Parliamentary sovereignty: 'The most important power of the Scottish Parliament will be one not mentioned in the Act at all: that of representing the people of Scotland.'⁴⁵⁰ The moral authority embodied in the Scottish Parliament as a result of its national democratic mandate belies the supposition that Westminster's sovereignty remains untouched by devolution. It is rather the case that, as Bogdanor argues, 'the Scotland Act creates a

new locus of political power', in the shape of a Scottish Parliament that 'will be anything but subordinate.'⁴⁵¹

The second aspect of the relationship between devolution and Parliamentary sovereignty that Dicey highlights is the issue of where the authority to amend the constitution lies following the dispersal of political power to devolved territories. Under the proposals put forward in the 1886 Government of Ireland Bill, the creation of a devolved Irish Parliament was to be accompanied by the removal of Irish representation from Westminster and the creation of an 'Imperial Parliament' made up of a combination of members from the British and Irish Parliaments for the express purpose of revising and altering the constitution as and when it was deemed necessary. The existence of this third institution, and the implication that it be within its jurisdiction to pass judgement on whether an Act of the British Parliament were or were not compatible with the constitution, would have marked a significant departure from the traditional British constitution, rendering 'legally doubtful' the sovereignty of the Parliament at Westminster.

An essential difference, of course, between the Gladstonian Constitution that was the subject of Dicey's analysis and the 1999 devolution settlement is that the latter does not abolish Scottish, Welsh or Northern Irish representation at Westminster. Consequently, contemporary British devolution features no organization analogous to Dicey's 'Imperial Parliament', since Westminster remains a Parliament in which all the constituent nations are represented. This being the case, it could be argued that the sovereignty of the Parliament at Westminster is constitutionally more secure than would have been the case had the 1886 Government of Ireland Bill been passed. However, regardless of the continuation of Scottish, Welsh and Northern Irish representation at Westminster, the 1999 devolution settlement still implies a need to make specific arrangements for the conduct of intergovernmental relations between central and devolved levels of government. To put it another way, in the event of a dispute as to whether an individual piece of legislation passed by the Scottish Parliament was *ultra vires* (beyond or exceeding the authority granted to it by the Scotland Act) some mechanism or process is required to help resolve the situation to the satisfaction of both parties.

The formal mechanism by which disputes as to the legality or otherwise of legislation passed by the Scottish Parliament is outlined in Schedule 6 of the Scotland Act. In the final instance, the Judicial Committee of the Privy Council (JCPC) has jurisdiction over 'devolution issues' – that is, disputes concerning the question of whether an Act of the Scottish Parliament falls within its legislative competence.⁴⁵² The JCPC is described by Bogdanor as 'a constitutional court on devolution matters.'⁴⁵³ This marks a significant departure from the traditional conception of the status of law under the British constitution, according to which law is understood as 'a world neutrally detached from the contests of political ideas and argument', and is as such apolitical, scientific and technical.⁴⁵⁴ Since disputes over 'devolution issues' are at least potentially matters of a fundamentally political nature, giving jurisdiction for their resolution to the courts in the form of the JCPC is at variance with the concept of legal autonomy and, by implication, with the doctrine of Parliamentary sovereignty itself. This has long been recognized by opponents of devolution.⁴⁵⁵

The final aspect of Dicey's discussion of the relationship of devolution to the principle of Parliamentary sovereignty considers the matter 'not as a question of constitutional law, but as a question of public morality.'⁴⁵⁶ According to Dicey, the Government of Ireland Bill represents nothing less than a 'Parliamentary compact' between the British Parliament and Irish people. He goes on; 'This is in a moral point of view little less than a treaty; it is an engagement which England (sic) could not break, or incur the imputation of breaking, without dishonour.'⁴⁵⁷ The notion of Westminster's undivided sovereignty would, as a result, be 'morally reduced to nothing.'⁴⁵⁸

Dicey's argument – that practical and political considerations render impotent the constitutional supremacy of the Parliament at Westminster in the event of the establishment of autonomous territorial-national administrations – is applicable to the contemporary context. Whilst it is the case that Westminster retains the constitutional right to unilaterally abolish the devolved administrations created in 1999, in practice such a course of action is politically impossible without inducing the break-up of Britain. To the extent that this is true, Westminster can be understood to have *transferred* a degree of political power to Britain's devolved territories. In terms of the legal-constitutional dimension of devolution, we can

therefore say that it represents a real and significant departure from what has traditionally been considered one of the two cornerstones of the British constitution; the doctrine of Parliamentary sovereignty.

Sovereignty and Political Cohesion in the Multinational United Kingdom

Having established that devolution significantly attenuates the meaning of Parliamentary sovereignty, we are now in a position to consider the question of whether devolution thereby threatens the political cohesion of the British state as a whole. Dicey's intention in highlighting the incompatibility of the Gladstonian Constitution and the principle of Parliamentary sovereignty was precisely to argue that the capacity of Britain to remain a united state in the future would be fatally undermined. Our question can be reframed thus: on what grounds, if any, can it be argued that the unity of a multinational state is significantly imperilled by the absence of a central Parliament in which undivided sovereignty resides?

According to the anti-devolutionist Labour MP Tam Dalyell, with the promise of devolution 'expectations have been aroused which cannot possibly be fulfilled.'⁴⁵⁹ Attempting to appease nationalist demands through the establishment of a limited degree of self-government will therefore be counterproductive since, far from satisfying these demands, it would act as a catalyst for even greater autonomy. Dalyell concludes; 'A greater and greater share of power will be expected: conflict with Westminster would become inevitable.'⁴⁶⁰ It would, moreover, prove prohibitively difficult to resolve such conflict in the absence of a single centre of undivided sovereignty.

To argue that the most likely consequence of the devolution of political power in Britain from the centre to the peripheral nations would be to provoke an escalation of nationalist demands, prompting irreconcilable conflict and hence the disintegration of the state, begs the question of whether political cohesion is more securely safeguarded by rebuffing the demand for political autonomy altogether. In other words, does the potential for dissatisfaction to arise concerning the extent of political autonomy devolved represent a greater threat to the integrity of the state than preserving the status quo? In the abstract, it is as at least equally plausible that the refusal of a central state to respond to the nationalist demands of minority nations itself favours the emergence of nationalisms demanding outright secession.⁴⁶¹

The experience of Scottish nationalism during the 1980s is instructive in this regard. Scottish nationalism emerged as a significant political force in the later 1960s and early 1970s in the context of consecutive governments' failure to halt Britain's postwar economic decline. The unsuccessful 1979 referendum on Scottish and Welsh devolution dealt a serious blow to the political strength of the nationalist movement, as the poor electoral performance of the SNP in the 1983 General Election bears witness. However, by the end of the decade a wide cross-section of Scottish civil society were united behind the demand for Scottish self-government. As was argued in the previous chapter, a key explanatory factor accounting for the strong revival of Scottish nationalism in the 1980s was the centralizing character of the Thatcher-led Conservative government, in particular its vigorous attachment to the twin principles of autonomous executive power and Parliamentary sovereignty.

David Marquand argues that the hallmark of British governance since the nineteenth century is the dominance of what he terms the 'court vision' of democracy, epitomized by a combination of the Whig notion of organic statecraft with a Tory ideal of executive leadership.⁴⁶² Though long sustained, not least in the face of the challenge of sub-state nationalism, this traditional British democratic vision was comprehensively, and unintentionally, undermined by Thatcherism: 'Mrs Thatcher was to the court tradition what Mr. Toad was to motor cars. She drove it so hard that she smashed it up.'⁴⁶³ The Thatcherite 'revolution' exploited the principles of Parliamentary sovereignty and executive autonomy to concentrate power within central government and push through a radical pro-market agenda. However, at the same time as it made such strong use of Parliamentary sovereignty, Thatcherism unwittingly revealed the limitations of the doctrine, as evidenced by the nationalist response which it provoked in Scotland.

What the experience of Thatcherism suggests, therefore, is that it is a mistake to suppose that sub-state nationalism is most effectively neutralized by reinforcing centralized political authority structures and doctrines such as Parliamentary sovereignty that support them. A more plausible line of argument is that the long-standing cohesion of the multinational British state is explained in part by the infrequent and ambiguous use of the nominal doctrine of Parliamentary sovereignty.

Along these lines, Bernard Crick argues that the historical origins of the traditional British idea of Parliamentary sovereignty can be traced back to the 1688

revolutionary settlement and the 1707 Treaty of Union. At this historical juncture, Parliamentary sovereignty was an idea that helped bind the new state together.⁴⁶⁴ It was thus an overriding concern with national security – motivated by both memory of civil war and the immediate Jacobite threat – that enabled the ideal of Parliamentary sovereignty to take root in the British constitution. However, as Crick argues, in practice the unity of the state could only be maintained so long as the *principle* of Parliamentary sovereignty coexisted with a high degree of *actual* administrative autonomy for the constituent nations. Crick concludes; 'There was, of course, always a paradox about the new theory of parliamentary sovereignty. Like its intellectual progenitor, Hobbes' Leviathan, it was a gigantic bluff. The potential powers were not intended to be used, except to prevent a civil war and to preserve law and order.'⁴⁶⁵

According to such a perspective, the substantial integrative force at work in Britain has historically been the tolerance of administrative autonomy in the governance of the state's territorial nations, rather than the undivided sovereignty of the Parliament at Westminster. This explains why the excessive use of Parliamentary sovereignty during the 1980s undermined rather than strengthened the Union.

Managing relations and resolving disputes between different levels of government is an enduring task for all federal political systems. Prior to 1999, Britain's formally unitary character and single sovereign Parliament militated against the possibility of serious friction or conflict resulting from the regulation of intra-state intergovernmental relations.

The establishment of semi-autonomous national administrations in Scotland, Wales and Northern Ireland introduces the prospect of jurisdictional boundary disputes arising between central and devolved levels of government. The problematic nature of the doctrine of Parliamentary sovereignty following devolution significantly complicates attempts to resolve such disputes. Moreover, the scope for contested jurisdiction is perhaps greater than is the case with formal federalism, since British devolution does not conform to the neat division of powers characteristic of federalism.⁴⁶⁶ It therefore seems reasonable to assume that a measure of increased volatility will accompany devolution as the devolved

administrations explore the limits of their legislative jurisdiction against the resistance of central government. Does the potential for intergovernmental friction of this kind threaten the disintegration of the state as a single unit?

It was noted above that the Judicial Committee of the Privy Council (JCPC) has jurisdiction over 'devolution issues', meaning principally disputes as to whether or not a specific piece of legislation passed by a devolved administration is *ultra vires*. In practice, however, no such *vires* disputes have been referred to the JCPC. Alan Trench notes that between 1999 and 2004, only one Act of the Scottish Parliament was challenged in the JCPC and then only because it was alleged to have infringed the European Convention on Human Rights rather than because it was *ultra vires* to the terms of the Scotland Act.⁴⁶⁷

Its infrequent use reflects the fact that in practice the JCPC is the least important aspect of the political mechanisms established for regulating intergovernmental relations in post-devolution Britain. The *Memorandum of Understanding*, in which the procedures for the conduct of intergovernmental relations are outlined, emphasizes that recourse to the formal legal intervention of the JCPC should be seen as a measure of last resort when it states: 'The devolution legislation contains various powers for the Secretary of State to intervene in devolved matters. It also contains power for the Law Officers to refer questions of vires to the Judicial Committee of the Privy Council. Although the UK Government is prepared to use these powers if necessary, it sees them very much as a matter of last resort.'⁴⁶⁸

Mechanisms for regulating intergovernmental relations subsequent to devolution were deliberately allowed to develop in a somewhat *ad hoc* and pragmatic manner, and are permeated with the assumption that recourse to litigation should be avoided as far as possible.⁴⁶⁹ Rather, there is an emphasis on avoiding friction and conflict through the observance of non legally-binding principles of governance, set out in the *Memorandum of Understanding*. These are; good administration and negotiation, no surprises, proper consultation, respect and understanding of each other's positions, and clear definitions of roles and responsibilities.⁴⁷⁰ Whether or not this traditionally British common law approach to the regulation of intergovernmental relations is sufficient in the multi-level devolved Britain is the subject of some dispute, with even devolution-enthusiasts such as

Michael O'Neill suggesting that further constitutional reform is likely to be necessary in order to introduce a greater degree of formality to the arrangements in this regard.⁴⁷¹

Focusing solely on legal mechanisms such as the JCPC obscures the fact that the primary concern of intergovernmental relations in a devolved union is not obtaining a legal judgement ruling in favour of one or other of the levels of government, but the facilitation of communication and cooperation between them. Under Britain's devolution arrangements, two principle *fora* exist for the facilitation of such communication and cooperation. In the first instance, relations are coordinated via bilateral links between the relevant departments in each administration. In the second instance, for issues which cannot be resolved directly within this bilateral framework, the Joint Ministerial Committee (JMC) was established by the *Memorandum of Understanding*, membership of which includes the British Prime Minister, devolved First Ministers, the Chancellor of the Exchequer, the Deputy Prime Minister, Secretaries of State for Scotland, Wales and Northern Ireland, and devolved deputy First Ministers. The JMC is a purely consultative body whose decisions are legally binding. Its functional remit is as follows:

- to consider reserved matters which impinge on devolved areas, and vice versa;
- to consider common issues of concern across all devolved areas;
- to keep the arrangements for liaison under review;
- to consider disputes between the administrations.⁴⁷²

In the regulation of intergovernmental relations there is inevitably the potential for a degree of de-stabilizing friction to arise, but it is by no means inevitable that conflict should come to define the process. The smooth conduct of intergovernmental relations depends to a great extent on the political culture of elites. In the words of O'Neill; 'Outcomes will depend on the capacity of elites at every level to construct procedures, and adopt habits that make cooperation rather than conflict the prevailing standards of inter-governmental relations. There is a new political culture to be learned.'⁴⁷³

Given the importance of political elites, one importance factor in determining outcomes of intergovernmental relations is the degree to which all relevant parties

have an interest in making devolution work. This applies both to the established UK-wide parties and the territorially-based nationalist parties. In the case of the former, this means not using the structural advantage enjoyed by central government within the existing framework for intergovernmental relations to undermine the 'spirit' of devolution; i.e. the genuine dispersal of power from the centre to the periphery. In the case of the nationalist parties, this means working towards making devolution a success on its own terms, and not just as a means by which to agitate for independence.

Before we move on to consider the political and financial aspects of devolution, it will be useful to make some brief comments on the nature of sovereignty in the global age. Contemporary globalizing tendencies are transforming the relationship between sovereignty, territoriality and state power in ways that challenge the traditional nation-state model.⁴⁷⁴ According to Held *et al*, 'any conception of sovereignty which assumes that it is an indivisible, illimitable, exclusive and perpetual form of public power – embodied within an individual state – is outmoded.'⁴⁷⁵ To the extent that this statement is true, devolution is far from representing the only threat to the traditional British ideal of Parliamentary sovereignty.

Whilst a detailed examination of the transformed character of sovereignty in the global age far exceeds the scope of the present analysis, it is worth making two comments relating to Britain's membership of the European Union and the impact that this membership implies for the sovereignty of the Parliament at Westminster. First, central to the evolving character of the European Union is that it is 'a network of states involving the pooling of sovereignty'⁴⁷⁶, that is to say, it implies the willing surrender by member states of aspects of their sovereignty. It is in this sense that the European Union is a genuinely supranational organization, even though the member states retain a final authority in many key areas and are potentially strengthened by membership of such a strong geopolitical power.

The Parliament at Westminster has, therefore, since 1975 been enmeshed within a supranational governmental framework which includes a distinct European Parliament. Consequently, 'Parliament is no longer sovereign save in the highly theoretical sense of having the legal capacity to denounce the Rome Treaty but at a

political and economic cost that would be so intolerable as to render such an action inconceivable in practice.⁴⁷⁷ Similarly in relation to devolution, Westminster's constitutional sovereignty is reduced to the theoretical right to repeal the devolution legislation, a right that, if exercised against the wishes of the populations of the devolved territories, would likely lead to the rapid disintegration of Britain.

Second, it was noted above that devolution, by placing in the JCPC the jurisdiction to rule on *vires* disputes between central and devolved levels of government, introduces a legal element into the operation of the British constitution that stands contrary to the ideal of legal autonomy underpinning the principle of Parliamentary sovereignty. The novelty of this development is, however, compromised by the existing role of the European Courts in protecting the individual rights of EU member citizens. Prior to devolution, British citizens already possessed a right to challenge the legality of Westminster legislation at a European judicial level. In particular the *Factortame* cases of 1990 and 1991 demonstrate that British legislation which contravenes EU law can be struck down by judges.

Since the United Kingdom's membership of the European Union, and especially following the signing of the Maastricht Treaty in 1992, the Parliament at Westminster has ceased to be the locus of undivided sovereignty. The transformation of Britain into a devolved Union, and the implications this holds for Parliamentary sovereignty, does present specific challenges to the ongoing stability of the state as a whole, but there is little evidence that these challenges are of such great magnitude as to threaten the disintegration of the state.

Political-Institutional Consequences

Asymmetry

It is of the essence of a unitary state that differential statuses for regional-territorial units are not tolerated, and that uniform citizenship rights pertain to all citizens regardless of geographical considerations. By contrast, both federations and devolved unions are compatible with variations in territorial status and citizenship rights. Whilst such variations are not of the essence of federalism, indeed it is arguable that classical federalism is based on a uniform division of powers, examples abound of federal and devolved union states which tolerate territorial variation.⁴⁷⁸ Where such differences exist, the state in question is said to exhibit an *asymmetrical*

form of government. In the study of federalism, symmetry refers to 'the level of conformity and commonality in the relations of each separate political unit of the system to both the system as a whole and to other component units.'⁴⁷⁹

Asymmetrical features within federal political structures can be of three possible types. First, among the constituent territorial units, variations in geographical size, population and economic resources that significantly affect their relative political influence and power, create what Ronald Watts refers to as *de facto* asymmetries.⁴⁸⁰ Such *de facto* asymmetries are a pervasive, and to some extent unavoidable, feature of all federal political systems, but precisely for this reason should not be overlooked within analyses of those systems. As Charles Tarlton argues; 'No federal arrangement is likely to be made up states each of which stands in exactly the same relationship to the whole system.'⁴⁸¹ The degree of asymmetry exhibited by a given federal political system is not, therefore, a product solely of the political institutions of its territorial components, but is also a reflection of geographic, demographic, economic and social factors which partly condition the relationship of the individual units to the system as a whole.

Second, the principles of autonomy and self-government can be applied differentially within the various territorial units that together comprise the state. Such differences may include one or more territories enjoying a greater extensity and/or intensity of autonomous powers than others; differential institutional arrangements for the exercise of autonomy; variations in levels of access to foreign representation; and differential arrangements governing the financing of regional administrations. Such variations manifest as *de jure* asymmetries, that is, they refer to differences in the constitutional and legal relationship in which the territories relate to the central state and each other. The most common examples of this type of asymmetry involves the existence of one or more territories possessing a greater degree of self-government than others.

Third, a devolved union can be described as asymmetrical in such instances as the principle of self-government is applied to some territories but not others. There are two common situations in which this form of asymmetry appears. On the one hand, states in which one territory is clearly dominant in terms of its size and/or relative economic or political power and influence, often extend devolution to the 'subordinate' minority territories so as to prevent the political values of the 'core'

territory from dominating the governance of the state as a whole. On the other, when one relatively small (and therefore politically 'insignificant') territory within a polity is deemed to possess considerably different interests to the rest of the state, it may be that it alone is granted a measure of political autonomy in a state that otherwise remains unitary. This situation often pertains to small offshore island territories of larger mainland states. As both of these examples suggest, this third form of asymmetry often reflects, and to some extent is designed to redress, asymmetries of the first type.

As a devolved union, Britain exhibits all three types of asymmetry. In terms of population size, parliamentary representation and economic strength, England enjoys a considerable advantage over Scotland, Wales and Northern Ireland. England contains approximately 85 per cent of the total UK population and returns a similar proportion of the Members of Parliament to Westminster. Not surprisingly given this disparity, the size of England's economy far exceeds those of Britain's other constituent units. From the perspective of some within the state's national minorities, this *de facto* asymmetry reflects a situation in which the political interests and values of England are able to dominate throughout the state. As indicated in the previous chapter, one of the factors contributing to the re-invigoration of Scottish nationalism subsequent to the failed 1979 referendum was the failure of the Conservative government to take adequate account of the divergence in political and social values prevalent in Scotland as compared with England, a divergence that has become increasingly evident by the dramatic decline of Conservative support in Scotland since the late 1950s.

The 1999 devolution settlement, instituted in part to provide a safeguard against English dominance, is itself markedly asymmetric. Devolution in the United Kingdom exhibits both types of *de jure* asymmetry described above. First, whilst the Scottish Parliament and Northern Ireland Assembly have primary legislative competence, the Welsh Assembly is principally an executive body only, its legislative capacities restricted to passing secondary legislation within certain limited areas. The extensity and intensity of autonomous powers devolved to Scotland, Northern Ireland and Wales thus varies considerably, with significant differences in the institutional arrangements governing the exercise of self-government across the

three territories. Second, devolution is presently not applied to England, for which Westminster continues to act as domestic Parliament.

To what extent, if any, does asymmetry threaten the political cohesion of federal political systems? According to Charles Taunton, 'Whether a state can function harmoniously with a federal constitution will...be a result of the level of symmetry within it. The higher the level of symmetry, that is the more each particular section, state, or region partakes of a character general and common to the whole, the greater the likelihood that federalism would be a suitable form of government.'⁴⁸² One reason why this may be so is that asymmetry engenders debilitating competition over powers as some territories perceive themselves to be disadvantaged relative those territories with the most extensive self-government. The constant battles over resources that results from such competition would, it could be argued, undermine the cohesion of the state as a whole.⁴⁸³

In order to assess this claim as it applies to Britain, it will be useful to remind ourselves of one of the characteristics of the state analyzed in previous chapters. Recall that, although it ceased to be an independent state, Scotland retained much of its autonomy in the sphere of civil society following the Treaty of Union 1707 and its incorporation into the new British state. The preservation of Scotland's distinctive religious, educational and legal systems reflects the 'pactist' nature of the Treaty of Union, which was in theory a voluntary agreement between two equally sovereign states. The multinational state that emerged from the Treaty thus resembled the 'union state' type theorized by Rokkan and Urwin, that is, it 'entail[ed] the survival in some areas of pre-union rights and institutional infrastructures which preserve some degree of regional autonomy.'⁴⁸⁴

For our present purposes, the relevance of the 'union state' type as it applies to Britain lies in the asymmetry created by the survival of pre-union rights and institutional infrastructures; a marked asymmetry, in other words, characterized Britain from its foundation. Moreover, during the nineteenth and twentieth centuries the central state pursued a wide range of territorial management policies which introduced yet further asymmetries into the governance of Britain.⁴⁸⁵ It is worth bearing in mind that the introduction of such asymmetries was considered a necessary price to pay to preserve the territorial integrity of the state. Rather than undermining the cohesion of the state, territorial asymmetries have traditionally been

seen as an integrative force. Bernard Crick argues that one of the key attributes of the unwritten, informal British constitution was precisely its capacity to absorb multiple asymmetries without engendering the type of competition over powers described above.⁴⁸⁶

Perhaps the most controversial, and potentially most threatening to the political cohesion of Britain, element of asymmetry as it is manifested in the contemporary devolution settlement is the absence of devolved institutions in England. According to Tom Nairn, the failure of the 1999 devolution settlement to make specific provision for England in the form of a coherent, uniform federal constitution inevitably portends an English backlash that will lead to the disintegration of the Britain: 'Since no provision was made for the majority in Blair's radical project, it will be forced to make its own, erupting bit by bit, using disguise and alias, proceeding though an obstacle course of tactical accidents and after-thoughts.'⁴⁸⁷ The exclusion of England from constitutional changes wrought by devolution can only lead to resentment and a renewed populist English assertiveness that will cast the peripheral nations as a threat to English national identity. Nairn writes; 'All issue will be seen as aggravated, if not provoked, by ill-considered changes on the periphery.'⁴⁸⁸ A similar argument is advanced by David Marquand, for whom the unsystematic asymmetrical nature of the devolution settlement creates a space for the future emergence of populism, possibly one infected with xenophobia and intolerance.⁴⁸⁹

Whether or not the asymmetrical character of devolution in Britain is a source of chronic instability depends in large part on the willingness of all political elites to countenance further constitutional adjustments as and when public demand for it arises. Where devolution is understood as a 'process' rather than a decisive settlement, the accommodation of future demands from those territories currently either excluded from devolution or lacking extensive autonomous powers need not imply the disintegration of the British state. Indeed, if the underlying justification for devolution is it improves the quality of democracy and popular participation, its gradual extension would as likely re-vitalize the democratic governance of Britain as lead to its disintegration.

The West Lothian Question

Of all the asymmetries contained within Britain's devolution arrangements, that relating to representation at Westminster warrants specific attention. In 1977, Labour MP Tam Dalyell wrote the following of the devolution proposals then being considered by Parliament: 'We would have the absurd situation in which Scottish and Welsh MP's could continue to legislate on subjects which had been devolved to the Assemblies in their own countries. They would not be responsible to their own constituents for such legislation, nor would they be answerable to the English voters who would be affected by it.'⁴⁹⁰ This 'anomaly' is popularly known as the West Lothian question after the Scottish constituency for which Dalyell was MP. The situation highlighted by the question is that although the Scottish Parliament has, for example, legislative competence over health-care in Scotland, Scottish MP's are still able to vote on health-care policy at Westminster which does not apply to Scotland. The reverse is not true, since English MP's have no vote over Scottish domestic matters devolved to Edinburgh.

It is possible to identify three factors that together cast doubt on the significance of the West Lothian question as an objection to devolution. First, the fact of asymmetrical representation at Westminster was never raised as an objection to Northern Irish devolution throughout the half century of the Stormont Parliament's existence. Second, prior to devolution English MP's generally showed little interest in Scottish domestic affairs, which passed through a Scottish sub-system in the House of Commons.⁴⁹¹ Third, as already indicated, the British constitution is replete with 'anomalous' features reflecting the notion of the state as a pact or negotiated order⁴⁹², and it is by no means obvious that the problem raised by the West Lothian question is of a different order than asymmetries that have proved eminently compatible with the existence of Britain as a single state.

Leaving aside the question of the true significance of the West Lothian question, it has two possible 'solutions', but of which are highly problematic in themselves. First, the establishment of either federalism or home rule all round would give England (or regions thereof) a separate domestic Parliament from which non-English MP's would be excluded. There is, however, little evidence as yet for the existence of popular support for a devolved English Parliament, whilst a referendum on the establishment of a North East regional assembly was decisively

rejected in 2006. It is, moreover, unclear how a devolved English Parliament, given the size of England's population and relative political and economic strength, could coexist with the UK Parliament without being seen as its rival, a situation that would itself be de-stabilizing.

Second, the West Lothian question would be 'solved' by excluding Scottish MP's from voting on English legislation, perhaps through the establishment of an English Grand Committee at Westminster. This is, however, not without its own difficulties, for it would raise the possibility of a British Government possessing an overall majority in the House of Commons except where English-only legislation is concerned, when it might constitute only a minority. Moreover, it is questionable whether genuinely English-only matters, in the sense of legislation that has no consequential effects for the devolved territories, in fact exist, given that the funding of the devolved administrations is determined largely by English priorities under the Barnett formula (see below).

Financial Consequences

The financial dimension of devolution refers to the mechanisms by which the devolved administrations obtain their revenue, the conditions attached to its expenditure, and the provisions for determining future adjustments to the fiscal structure of devolution. As Ronald Watts observes, in all multi-level systems of government, fiscal arrangements have a strong bearing on the relative powers of central and devolved government for two reasons. First, the manner in which devolved administrations are able to exercise their legally constituted responsibilities is strongly affected by their fiscal resources. Second, the task of affecting and regulating the economy is itself intimately linked to powers of taxation and expenditure.⁴⁹³

The importance of financial arrangements for the future success of devolution is therefore widely recognized. However, the financial dimension is also one of the most strongly criticized aspects of Britain's devolution arrangements, and identified by some as the area most likely to create friction and instability.⁴⁹⁴ The fiscal structure of devolution is criticized both for its highly centralized character and its failure to redress perceived imbalances in regional revenues across Britain's various territories.

The focus of this section is two-fold. First, an important feature of the financial arrangements within any devolved union is the degree of fiscal autonomy afforded the devolved administrations. Since the logic driving devolution in Britain is a perceived need to disperse power from the centre to the periphery in order to strengthen the latter's commitment to the Union, it follows that the political autonomy of the devolved administrations should not be unduly restricted by the arrangements for financing them. Second, the mechanism calculating the revenues of Britain's constituent nations following devolution continues to be based, as it has since 1978, on what is known as the 'Barnett formula.'

Fiscal Autonomy

Applied to multi-level systems of government, the concept of fiscal autonomy has three aspects: the degree of expenditure devolved, and the revenue-raising and expenditure autonomy of the devolved administrations.⁴⁹⁵ From an analysis of these features as they are found in the financial arrangements of a given federal political system, a picture of the overall fiscal autonomy present in that system emerges. Since in the case of Britain the logic of devolution is principally that a territorial dispersal of power is necessary in order to strengthen the legitimacy of the state from the perspective of its national minorities, the mechanisms for funding devolution should be compatible with genuine decentralization if they are to contribute to the political stability and cohesion of the state as a whole.

The devolved administrations are responsible for all expenditure relating to devolved functional competencies. In Scotland devolved expenditure accounts for approximately 56 per cent of total government expenditure. For Wales and Northern Ireland the figures are 48 per cent and 57 per cent respectively.⁴⁹⁶ These numbers are broadly comparable with other federal and quasi-federal political systems across the world and indicate that the scope of devolved functional competencies is considerable and meaningful. Moreover, decisions relating to the allocation of expenditure are, in principle at least, entirely at the discretion of the devolved administrations themselves. Central government does not attach any conditions to the revenues transferred to territorial sub-units, which consequently enjoy almost complete expenditure autonomy.

This combination of a wide scope of expenditure with near total expenditure autonomy is consistent with the logic of devolution, that is, the dispersal of power from the centre to the periphery. However, arguably more significant in terms of the substantive amount of autonomy exercised by the devolved administrations is their revenue-raising powers, which in the case of British devolution are severely restricted. Of all the devolved administrations, the Scottish Parliament alone possesses tax-varying powers – the most important direct source of revenue-raising – which are, however, limited to a right to vary the basic rate of income tax by up to three pence in the pound. This represents approximately a potential £450m out of a total Scottish Office budget of around £14.6bn. In addition to its marginal importance when seen as a proportion of the overall budget, there are considerable practical political difficulties associated with exercising the right.

Own-source revenues can be raised in an indirect manner by all of the devolved administrations via a power to retain for their own use finance earmarked for local authority expenditure. In the case of Scotland, local authority expenditure represents approximately 40 per cent of the entire budget, meaning that this indirect revenue-raising is of potentially greater significance than the direct tax-varying power. However, the political obstacles impeding the exercise of this indirect revenue-raising power are such as to make it practically impossible to make use of. Any decision to withhold finance from local authorities would inevitably prompt them to respond by raising council tax rates in order to maintain the level of public services provided. In addition to being politically unpopular, the central government's strong vested interest in taxation and public spending makes intervention likely in instances where it considers local authority taxation or expenditure to have risen excessively. The government's own White Paper, *Scotland's Parliament*, makes specific provision for precisely this scenario in stating:

'Should self-financed expenditure start to rise steeply, the Scottish Parliament would clearly come under pressure from council tax payers in Scotland to exercise its powers. If growth relative to England were excessive and were such as to threaten the targets set for public expenditure as part of the management of the UK economy, and the Scottish Parliament nevertheless chose not to exercise its powers, it would be open to the UK

Government to take the excess into account in considering the level of their support for expenditure in Scotland.⁴⁹⁷

Bell and Christie describe the statement as 'an implicit threat that if the Scottish Parliament fails to curb 'excessive' council spending, then the Treasury will penalise the Parliament by reducing the size of the assigned budget.'⁴⁹⁸

In sum, the financial arrangements for devolution in Britain are characterized by a combination of very high (almost total) expenditure autonomy with very low (almost non-existent) revenue-raising autonomy, a situation that Watts suggests is unique among federal and other multi-level political systems across the world.⁴⁹⁹ How far is the fiscal structure of devolution compatible with the stated objective of dispersing power from the centre to the periphery? What are some of the implications, in terms of the political cohesion of the British state as a whole, of this fiscal structure?

There is little doubt that the existing arrangements for financing devolution are highly centralized and reflect an attempt made on the part of central government to maintain its control over the key aspects of economic decision-making within the Union. The denial of meaningful fiscal autonomy to the devolved administrations can be seen as the continuation of a trend toward fiscal centralization that has been evident since at least the early 1980s. At the same time as the scope of free markets and private enterprise has expanded in Britain, the financial dependence of local government on the centre has increased substantially. This reflects the importance of two dominant assumptions within government. First, that resource distribution should be based on relative need rather than geographical considerations. As Bogdanor argues; 'The philosophy that the allocation of public expenditure should be determined on the basis of need and that only central government is in a position to be able to secure the equitable distribution of public resources on the basis of need, still exerts a powerful hold on politicians of both left and right.'⁵⁰⁰ Second, the governmental imperative of securing macroeconomic stabilization is generally thought to lie in tension with the decentralization of fiscal power.

If we accept that the objective of devolution is the dispersal of power from the centre to the periphery, then it is the fiscal dimension that is the least satisfactory aspect of the devolution settlement as it currently stands. The absence of meaningful

fiscal autonomy for the devolved administrations perpetuates the dominance of central government and therefore runs contrary to the spirit of devolution. Moreover, the existence of legislative bodies lacking proper revenue-raising powers breaks the link between raising money and spending money that is often thought to be a central principle of democratic governance. As Heald *et al*/ argue, 'the link between election and tax-raising is an accepted feature of democratic societies', in the sense that 'all those who spend public money by virtue of elected office should have responsibility for raising some of that money through taxation and/or user charges.'⁵⁰¹

The denial of revenue-raising autonomy to the devolved administrations has two important consequences. First, there is a danger that the absence of conventional fiscal accountability will impact upon the political responsibility of the devolved governments, by insulating them from the economic consequences of policy.⁵⁰² Second, by placing the devolved administrations in a dependent relationship to central government, existing fiscal arrangements arguably widen the scope for political conflict to arise between them. Bogdanor describes this fiscal relationship as an inherently unstable 'pressure-group' relationship that increases the likelihood of devolved governments' habitually 'claim[ing] credit for improvements in services while blaming their problems on the parsimony of London.'⁵⁰³

The Barnett Formula

In the absence of decentralization of revenue-raising autonomy, devolved expenditure is financed almost exclusively through an unconditional block grant ('Assigned Budget') transferred from the central Government. The baseline level of the Assigned Budgets is the product of historical inheritance, reflecting the complex history of political bargaining over financial resources that has characterized the state's territorial management policies in the nineteenth and twentieth centuries. This has led to the complaint that the territorial distribution of public expenditure is in some part arbitrary, unjustly favourable to certain territorial regions and undermines the legitimacy of devolution.

Since overall public expenditure is not static, changes to the levels of the Assigned Budgets are governed by what is known as the Barnett formula. Developed at the time of the 1978 devolution legislation, but based upon similar principles to the 1888 Goschen formula, the Barnett formula allocates to each of the

devolved administrations a population-based percentage of the increase in comparable expenditure in England.⁵⁰⁴ By making comparable English spending the key factor in determining adjustments to the Assigned Budgets, public expenditure levels in the devolved administrations are driven by English priorities. Consequently, the Barnett formula 'is part of a political process that allows the centre to retain tight control over the resources available to the devolved administrations and thus the extent to which they can differentiate their policies.'⁵⁰⁵

In addition to the centralized nature of the Barnett formula, two further problematic issues arise from its application. First, being a population-based formula, the Barnett formula takes no account of relative need between Britain's different territorial regions. It therefore preserves any existing historical imbalances in the baseline levels of funding for these territories. As a consequence of complex political bargaining over two centuries, public expenditure in Britain is unevenly distributed, with Scotland in particular receiving a disproportionately large share of expenditure relative to need.⁵⁰⁶ It can be expected that devolution will significantly increase the visibility and political significance of this fiscal inequity, thereby representing a potential source of friction and conflict as those regions such as the North East of England that consider themselves disadvantaged by the Barnett formula press their claims.

Any attempt to measure territorial fiscal equity is at present largely speculative in the absence of a systematic needs assessment exercise. Moreover, such an exercise is itself subject to considerable practical difficulties both in terms of measuring fiscal effort and devising indicators of need.⁵⁰⁷ Nevertheless, the failure to undertake a comprehensive needs assessment exercise as part of an effort to achieve fiscal equalization across Britain's territories threatens the political cohesion of the state as a whole by fostering grievances that undermine the legitimacy of devolution. This argument is put by Heald *et al*, who write;

'Our best guess is that, on devolved services, such a needs assessment exercise might show that Scotland's expenditure is higher than its relative need, necessitating a downward adjustment through time. There is a powerful case for accepting that such an exercise should be undertaken as soon as the institutional framework is in place, rather than

postponing it to a later date, when tension or hostility between the UK and devolved governments may have arisen.⁵⁰⁸

It is notable that a decade after the establishment of devolution no such exercise has yet been undertaken. It is, however, also worth noting that the Barnett formula is recognized as, in principle at least, a 'convergence' formula, in the sense that 'the process of applying population-based changes to different levels of expenditure will eventually equalise per capita public expenditure throughout the UK.'⁵⁰⁹ The rate at which convergence occurs is dependent on the rate of growth in public expenditure. In practice, however, the convergence effect implicit in the Barnett formula has not operated according to theory as a result both of significant 'formula bypass' and the fact that Scotland's relative population has continued to fall.

Second, using the Barnett formula to determine changes in the fiscal resources available to the devolved administrations could have a destabilising effect on the future operation of devolution is its reliance on the concept of 'comparable expenditure.' As Trench observes, the assumption that such comparability exists becomes increasingly problematic as policy divergence between central and devolved government becomes more pronounced: 'As devolved policy develops and different ways of making and delivering public services emerge, [the assumption that English functions are comparable] will be decreasingly the case.'⁵¹⁰ Insofar as this constrains the capacity for devolved government to initiate real policy divergence, it is possible that the present financial arrangements for devolution will come under some strain.

Summary

The devolution of political autonomy to its territorial national minorities represents a profound change in the governmental structure of Britain, transforming it from a unitary state into a devolved union. This chapter has sought to identify aspects of the devolution settlement in which the potential for conflict and friction is greatest, with a view to assessing the likely impact of devolution on the political cohesion of the British state as a whole. The following five considerations are key to assessing the future stability of devolution in Britain.

- (1) Political autonomy in the form of devolution enjoys the support of a majority of the population in Scotland and Wales. Ignoring the expressed wishes of Britain's national minorities for some form of self-government therefore represents the greatest threat to the political cohesion and integrity of the Union. To claim that devolution will inevitably lead to the disintegration of Britain is therefore to commit the 'fallacy of the excluded middle.'⁵¹¹
- (2) If it is to be meaningful and legitimate in the eyes of national minority populations, devolution must create scope for genuine policy differentiation.⁵¹² Recognition of this fact is crucial since any strains inherent in the devolution settlement will become more visible as the extent of policy differentiation between Britain's territories increases.
- (3) The unsuitability of Britain's informal common law tradition for managing relations in a multi-level political system suggests that a greater formalization of intergovernmental relations will be needed in the future.⁵¹³
- (4) The present structural dominance of the central government both in terms of the conduct of intergovernmental relations and in the financial arrangements of devolution⁵¹⁴ runs contrary to the spirit of devolution and as such is an issue likely to provoke friction and conflict as the devolved governments seek to expand the limits of self-government.
- (5) Constitutional reform will continue to proceed in an *ad hoc* incrementalist manner so that asymmetry will continue to characterize the architecture of devolution. Contrary to the arguments of commentators such as Nairn and Marquand, there is no reason to suspect that such an approach is incompatible with the long-term political cohesion of the British state. As James Kellas argues; 'It is a mistake to look for a one-dimensional answer to the territorial policies of the United Kingdom. What matters is a correct perception of what the constituent nations want at this time. Once that is known, then the system should adapt to accommodate those wishes.'⁵¹⁵

Devolution and Social Cohesion in Britain

The aim of this chapter two-fold. First, it examines the impact, if any, the establishment of a devolved parliament in Scotland has had on the capacity of British society as a whole to generate and maintain effective social cohesion. The evidence upon which the analysis in this section builds is primarily taken from the Scottish Social Attitudes survey (SSA) and the British Social Attitudes survey (BSA), and as such operates on the level of individual attitudes and perceptions towards such factors as; the devolution settlement, national identity, and trust in the fairness and efficacy of government institutions. Reference to data from both the SSA and the BSA is included in recognition of the fact that devolution represents a profound transformation in the governmental structure of Britain that potentially affects all areas of the country, whether or not they currently enjoy devolved institutions. The very fact of British devolution's asymmetricality means that English attitudes, as much as Scottish, are of central importance to its future development and effect on social cohesion.

Second, the chapter explores the dominant trends within the discourse of national identity and nation-building in Britain in the post-devolution political context with a view again to understanding the impacts on social cohesion associated with devolution. Public speeches by Donald Dewar, Tony Blair, Alex Salmond, Gordon Brown and David Cameron are analysed for insights into the types of discourse that are politically salient to post-devolution Britain.

Devolution and the Break-up of the Union?

The most basic question that can be asked of devolution in respect of its significance for social cohesion is whether or not it has encouraged support for the break-up of the Union. The idea that the establishment of devolved national administrations would augur the progressive disintegration of Britain as a single state can be found in different forms in the arguments of Dicey, Dalyell, and Nairn.⁵¹⁶

The existence in Scotland and Wales of major political parties (the SNP and Plaid Cymru) committed to the break-up of the Union means that election results provide one potential indicator of attitudes toward the Union. Prior to devolution, some hope was expressed from within the Labour Party that the establishment of a Scottish parliament would undermine the electoral appeal of the SNP by diluting the sense of grievance provoked by the widespread perception in Scotland of English dominance at Westminster. According to such a view, the electoral appeal of the SNP was based not on strong support for Scottish independence but rather a desire for Scotland to be granted a greater measure of self-government as a bulwark against the kind of situation that arose in the 1980s when the Thatcher-led Conservative government continued in power despite garnering little support in Scotland. Conversely, the decision by the SNP itself to support devolution and actively contribute to the 'yes' campaign in the 1997 referendum suggests that nationalists saw in devolution an opportunity to move Scotland a step closer to independence.

Table 1: Outcome of Scottish Parliamentary elections, 1999

	<i>Constituency vote %</i>	<i>List vote %</i>	<i>Constituency seats</i>	<i>List seats</i>	<i>Total</i>
Labour	38.8	33.6	53	3	56
SNP	28.7	27.3	7	28	35
Conservatives	15.6	15.4	0	18	18
Liberal Democrats	14.2	12.4	12	5	17
Greens	-	3.6	0	1	1
Scottish Socialist Party	1	2	0	1	1
Others	1.7	5.7	1	0	1

Source: www.scottish.parliament.uk/MSP/elections, accessed on 16th March 2009

Table 2: Outcome of Scottish Parliamentary elections, 2003

	<i>Constituency vote %</i>	<i>List vote %</i>	<i>Constituency seats</i>	<i>List seats</i>	<i>Total</i>
Labour	34.6	29.3	46	4	50
SNP	23.8	20.9	9	18	27
Conservatives	16.6	15.5	3	15	18
Liberal Democrats	15.4	11.8	13	4	17
Greens	-	6.9	0	7	7
Scottish Socialist Party	6.2	6.7	0	6	6
Others	3.4	8.5	2	2	4

Source: www.scottish.parliament.uk/MSP/elections, accessed on 16th March 2009

Table 3: Outcome of Scottish Parliamentary elections, 2007

	<i>Constituency vote %</i>	<i>List vote %</i>	<i>Constituency seats</i>	<i>List seats</i>	<i>Total</i>
Labour	32.1	29.1	37	9	46
SNP	32.9	31	21	26	47
Conservatives	16.6	13.9	4	13	17
Liberal Democrats	16.2	11.3	11	5	16
Greens	0.1	4	0	2	2
Scottish Socialist Party	-	0.6	0	0	0
Others	0.1	4.3	0	1	1

Source: www.scottish.parliament.uk/MSP/elections, accessed on 16th March 2009

Tables 1, 2 and 3 show the results of the Scottish parliamentary elections held in 1999, 2003 and 2007. Contrary to the expectations of those who saw devolution as the most effective way of neutering the nationalist electoral threat, support for the SNP has remained high in the elections for the new Scottish parliament. Despite a modest fall in its number of total seats from 35 to 27, the SNP placed second to the Scottish Labour Party in the 1999 and 2003 elections. A significant increase in the SNP's vote share in the 2007 election saw them become Scotland's largest party and enabled them to form Britain's first nationalist government, albeit as a minority administration, under the leadership of First Minister Alex Salmond. The success of the SNP in Scottish parliamentary elections suggests that the politics of nationalism continues to resonate in post-devolution Scotland. Far from being neutered as an electoral force by the establishment of

Scottish self-government, the SNP have prospered within the context of devolution whilst remaining committed to Scottish independence. The existence of a nationalist government in Scotland opposed to Scotland's inclusion in Britain represents a significant challenge to the political cohesion of the Union.

Support for the SNP does not, however, necessarily translate directly into support for independence. In the first place, a comparison between Scottish and UK parliamentary elections indicates that Scottish voters are markedly less inclined to support the SNP in elections to Westminster.

Table 4: UK Parliament election results in Scotland, 1997-2005

	<i>1997</i>	<i>1997</i>	<i>2001</i>	<i>2001</i>	<i>2005</i>	<i>2005</i>
	<i>% votes</i>	<i>seats</i>	<i>% votes</i>	<i>seats</i>	<i>% votes</i>	<i>seats</i>
Labour	45.6	56	43.9	56	39.5	41
SNP	22.1	6	20.1	5	17.7	6
Conservative	17.5	0	15.6	1	15.8	1
Liberal Democrats	13	10	16.4	10	22.6	11
Others	1.9	0	4	0	4.4	0

Source: Bromley, Curtice, McCrone, and Park 2006

As Table 4 shows, the SNP have performed less well in Westminster elections as compared with Scottish parliamentary elections, both in terms of seats gained and share of the vote won. The discrepancy in the number of seats gained by the SNP in Holyrood, as opposed to Westminster, elections is largely a consequence of the different electoral systems used. Nevertheless, it still remains the case that the SNP have struggled to equal the share of the vote won in elections to the Scottish parliament on the Westminster stage. As Bromley *et al* argue, this suggests 'that voters vote differently in the two kinds of elections because they recognise that the Scottish Parliament is dealing with different issues, and that Scottish Parliament

elections give MSPs a mandate that is independent of that enjoyed by their colleagues at Westminster.⁵¹⁷ It seems reasonable, therefore, to conclude that the greater willingness to vote for the SNP in Scottish parliamentary elections reflects on perceptions of the function of the Scottish parliament itself rather than on the degree of support for independence. In other words, regardless of the voters' stance on independence, the SNP are able to prosper in the Scottish parliamentary elections (whilst faring comparatively worse in Westminster elections) because of their ability to successfully present themselves as the party most likely to pursue a distinctive Scottish interest.

Election results by themselves are a rather crude indicator of voter preferences and a more sophisticated picture of constitutional preferences can be gained from survey analyses that ask specific questions designed to gauge the strength of support for the Union and for devolution. Table 5 shows the distribution of responses to a question about constitutional preferences asked regularly since 1997, the year of the devolution referendum.⁵¹⁸ According to this evidence, the level of support for independence has changed very little over the period following the establishment of devolution, suggesting the devolution has *not* fostered separatism.⁵¹⁹

Table 5: Scottish Constitutional preferences, 1997-2006

	<i>May</i> <i>1997</i> %	<i>Sep</i> <i>1997</i> %	<i>1999</i> %	<i>2000</i> %	<i>2001</i> %	<i>2002</i> %	<i>2003</i> %	<i>2004</i> %	<i>2005</i> %	<i>2006</i> %
Independence either in or outside the EU	26	37	27	30	27	30	26	30	24	30
Devolution, tax- varying powers	42	32	50	47	54	44	48	41	37	46
Devolution, no tax-varying powers	9	9	8	8	6	8	7	5	6	7
No devolution	17	17	10	12	10	13	13	18	14	10

Source: Scottish Social Attitudes survey, 1999-2006 and Bromley et al 2006.

Despite the success of the pro-independence SNP, even to the extent of them forming the government since 2007, there is less support for independence amongst the general population in Scotland than for the existing constitutional settlement. In the latest survey, 46 per cent of respondents gave the existing form of devolution (i.e. a devolved parliament with tax-varying powers) as their first preference, with a further 7 per cent supporting a weaker form of devolution. Over half of the population are therefore in favour of a devolved Scottish parliament within the framework of continued Scottish inclusion in Britain. By contrast, in the same year only 30 per cent of respondents indicated support for one of two forms of independence. Looking at the data over the full range of years, the proportion of respondents favouring Scottish independence has undergone no noticeable change following devolution, since when a majority have consistently indicated a preference for devolution as it has been implemented.

If devolution has not fostered secession in Scotland, what has been its effect on the constitutional preferences of the rest of Britain? The evidence presented in

table 6 suggests that the proportion of the English population supportive of the existing constitutional settlement has marginally declined since the establishment of devolution in 1999.

Table 6: English constitutional preferences, 1999-2006

	1999	2001	2002	2003	2004	2005	2006
	%	%	%	%	%	%	%
Support the current model of government for England	63	57	55	54	53	54	53
Support English regional assemblies	15	22	20	23	21	19	18
Support English parliament	18	16	18	17	20	19	22

Source: British Social Attitudes survey, 1999–2006.

From 1999 to 2006, the proportion of respondents expressing support for the current model of government for England (i.e. the absence of English devolution) has declined from 63 to 53 per cent. Over the same period support for the extension of devolution to England either through regional assemblies or an English parliament has increased from 33 to 40 per cent. In the asymmetrical form in which it was adopted in Britain, devolution, this evidence suggests, has likely contributed to increased support for its extension into England.

When asked simply whether or not they supported the establishment of an English parliament, English, Scottish and Welsh respondents to a BBC Newsnight poll undertaken in January 2007 expressed a majority support in favour. Whilst this confirms the suggestion that there is a substantial body of opinion in England dissatisfied with England's omission from the 1999 devolution settlement, that the Scots and the Welsh echo this sentiment belies the suggestion that English discontent with asymmetrical devolution is a serious threat to social cohesion. There is no reason to believe that support for the extension of devolution to England implies a

greater willingness to support the break-up of the Union. This is especially true given the evidence cited above showing that the experience of devolution in Scotland has not fostered support for secession.

Table 7: Support the establishment of an English Parliament

	<i>Yes %</i>	<i>No %</i>	<i>Don't know %</i>
England	61	32	2
Scotland	51	35	9
Wales	48	40	7

Source – Newsnight Act of Union poll, 16th January 2007;

http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/16_01_07_union.pdf

A fact that makes the declining support for the existing constitutional settlement in England potentially problematic in terms of the political and social cohesion of the Union is the absence of obvious major political outlets for the expression of such sentiments. After the failure of the 2004 referendum on the establishment of a North-East devolved regional assembly, the Labour Party has dropped its support for such assemblies, and no major political party currently supports the establishment of a devolved English parliament. The English Constitutional Convention (ECC), the Campaign for an English Parliament (CEP) and the English Democrats Party (EDP), all of whom actively campaign for the establishment of a devolved English parliament, remain at present fringe organizations of little political significance.

Advocacy of the extension of devolution to include England represents one answer to the so-called West Lothian question – the fact that Scottish MPs vote on English matters whilst English MPs are excluded from voting on Scottish ones. An alternative answer to this problem is the proposal for excluding Scottish MPs sitting at Westminster from voting on legislation which only applies in England. Table 8 shows the degree of support such a proposal enjoys within England and Scotland.

Table 8: Should Scottish MPs be excluded from voting on English laws?

	<i>Strongly agree %</i>	<i>Agree %</i>	<i>Neither agree no disagree %</i>	<i>Disagree %</i>	<i>Disagree strongly %</i>
England	12	23	10	6	1
Scotland	12	30	21	14	5

Source: British Social Attitudes survey 2006.

Perhaps surprisingly, over a third of respondents in England and Scotland supported the idea that Scottish MPs should be excluded from voting on English laws. This represents a clear majority of those that expressed an opinion on the matter. However, the fact that approximately half of respondents in England felt unable to answer the question suggests that the West Lothian question, despite the publicity that it receives, remains a relatively uncontroversial issue in the minds of most English voters.

In order to inquire further into Scottish constitutional preferences, respondents in the SSA were asked whether, in their opinion, the Scottish or the UK parliament had a greater influence over Scottish affairs, and, further, which parliament they believed *ought* to have a greater influence. Table 9 shows the responses to both of these questions throughout the first seven years of devolution's operation.

Table 9: How much influence does the Scottish parliament have? How much should it have?

	1999 %	2000 %	2001 %	2003 %	2004 %	2005 %	2006 %
Parliament has (1999: will have) most influence	41	13	15	17	18	22	24
Parliament should have most influence	74	72	74	66	67	66	65

Source: Scottish Social Attitudes survey, 1999 – 2006.

Immediately prior to its establishment, a large proportion of Scots clearly expected the new Scottish parliament to assume the mantle of the most important influence over the way in which Scotland is run. There was a clear expectation that a substantial amount of power would shift from Westminster to Holyrood with the creation of a devolved parliament sitting there. A year into the operation of devolution and these expectations were largely disappointed, as the proportion of respondents who expressed a belief in the relative supremacy of the Scottish parliament over Westminster in terms of their influence over Scottish affairs declined sharply from 41 to just 13 per cent. Each year since 2000, the proportion of Scots expressing a belief in the supremacy of the Scottish parliament has increased, standing in 2006 at 24 per cent. This suggests that longer experience of the Scottish parliament in operation has convinced a significant number of Scots as to its genuine importance over the way Scotland is run, although this figure continues to be much lower than the number who expressed an expectation prior to devolution that the Scottish parliament would have the greatest influence.

The comparatively low proportion of Scots who think the Scottish parliament actually has the most influence over Scottish affairs can be contrasted with the high proportion that would like to see the parliament have the most influence. At the time of the establishment of devolution, almost three quarters of Scots agreed with the

statement that the Scottish parliament ought to have the most influence over the way Scotland is run. It would appear, however, that as the number of Scots who believe the Scottish parliament already has the most influence increases, so the number who think it ought to have such influence decreases. The proportion answering the latter question in the affirmative has declined from 74 to 65 per cent over the first seven years of devolution. It would seem plausible to argue, therefore, that as more Scots see the Scottish parliament gaining more influence, less are inclined to view this as a desirable situation.

Such a conclusion should, however, be balanced against the evidence presented in table 5 showing no significant reduction in the number of Scots supporting the existing constitutional arrangement of a Scottish parliament endowed with tax-varying powers. Moreover, despite a modest decrease, there remains a substantial majority (65 per cent) in favour of the idea that the Scottish parliament should have more influence over Scotland's affairs than the parliament at Westminster. Overall, it seems reasonable to argue that the experience of devolution has not fostered a rise in support for Scottish independence, but rather there is evidence to suggest that there is substantial support amongst Scots for further increasing the power of the devolved parliament. Certainly there is very little support in favour of reversing devolution. In terms of the impact of devolution on English attitudes, it seems clear that the experience of devolution has fostered a modest rise in support for some form of English devolution, either in the form of regional assemblies or in an English parliament.

Levels of trust and perceptions of fairness

An assessment of the relationship between devolution and social cohesion cannot be based on expressions of constitutional preference alone. As previously indicated, the production and maintenance of social cohesion is related to a range of variables relevant to the generation of trust amongst citizens and between citizens and the government; facilitating an active participatory practice of citizenship; and creating a perception of justness. We can therefore examine the impact of devolution on social cohesion in Britain by looking at the results of survey data designed to assess attitudes relating to trust, efficacy and fairness.

Beginning with the concept of trust, table 10 shows the results from the Scottish Social Attitudes survey to a question about which level of government Scots most trusted to act in Scotland's interests. The proportion of Scots who trust the British government to work in Scotland's interest either 'just about always' or 'most of the time' is very low and declining. The proportion of these two 'positive' answers combined has fallen from 34 per cent in 1997 to 20 per cent in 2006. Over the same time period, the proportion of Scots who 'almost never' trust the British government to work in Scotland's interest has risen from 10 per cent in 1997 to 25 per cent in 2006. In 2006 over three quarters of Scots trusted the UK government to work in Scotland's interest 'only some of the time' or 'almost never', a figure that suggests endemic mistrust in, and disengagement with, British political institutions, a fact that in itself might be cited as evidence for the need for devolution as a way of restoring trust in the political process.

Table 10: Trust in the UK government and the Scottish Parliament to work in Scotland's interests, 1997-2006

	<i>Sep</i> <i>1997</i>	<i>1999</i>	<i>2001</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
UK Government							
Just about always	4	3	2	2	2	2	2
Most of the time	30	29	20	19	18	20	18
Only some of the time	52	52	55	58	51	52	52
Almost never	10	14	22	20	26	22	25
Scottish Parliament							
Just about always	35	26	13	10	9	10	8
Most of the time	47	55	52	52	41	45	42
Only some of the time	12	14	28	31	38	34	38
Almost never	3	2	4	4	11	8	8

Source: Scottish Social Attitudes survey, 1999 – 2006 and Bromley et al 2006

This argument is partly borne out by the figures showing a greater degree of trust in the Scottish parliament, as compared with Westminster, to work in Scotland's interest. Scots clearly trust the Scottish parliament to look after their own interests more than they trust the British government to do so. In 2006, half of respondents claimed to trust the Scottish parliament to work in Scotland's interest either 'just about always' or 'most of the time', compared to just 20 per cent making a similar claim in respect of the British government. Moreover, the proportion of

Scots expressing extreme mistrust in the Scottish parliament remains less than 10 per cent, compared with 25 per cent in respect of the British government.

However, whilst it remains true that the Scottish parliament elicits higher levels of trust from Scots than does the parliament at Westminster, there has been a similar degree of decline in trust with respect to both institutions. Both the Scottish and British parliaments, this suggests, have shared in a generalized fall in trust in politicians. Whilst it is not possible to judge with any certainty the impact that devolution may have had in this generalized decline in trust⁵²⁰, the existence of widespread mistrust in the political process is a phenomena that potentially undermines social cohesion. If, as Tocqueville argues, the vitality of a democracy depends on the active participation of engaged citizens, political apathy – a variable itself intimately related to perceptions of trust in politicians – represents a grave threat to the well-being of democratic societies. One of the claims made by pro-devolutionists prior to its establishment was that devolution, by bringing the political process ‘closer’ to ordinary Scots, would serve to counter the trend toward increasing mistrust and political apathy. It is therefore disappointing to observe that the evidence thus far accumulated suggests that trust in the Scottish parliament is suffering from similar rates of decline as is seen in the older established political institutions.

Table 11 shows the results obtained by the 2006 British Social Attitudes survey to a similar question; whether or not the respondent trusts the government to put the interest of the nation above those of their political party? Since the question did not specify what nation is meant, the results tell us less about perceptions of trust in central government as compared to more regional layers of government, but rather indicate the degree of trust in politicians generally.

Table 11: Trust government to put nation above party?

	<i>Just about always %</i>	<i>Most of the time %</i>	<i>Only some of the time %</i>	<i>Almost never %</i>
England	2	16	47	33
Scotland	1	21	38	37
Wales	4	14	33	49

Source: British Social Attitudes survey, 2006.

Although Scotland and Wales display slightly higher levels of extreme mistrust in government than England (with nearly half of all Welsh respondents claiming to trust the government to put nation above party ‘almost never’) the difference between the national communities is less striking than the similarities. Individuals across Britain’s constituent nationalities, these figures suggest, are highly mistrustful of government, overwhelming believing that narrow party political interests play too important a role in government decision-making.

Perhaps more important than levels of trust in government, at least in terms of its significance for social cohesion, is the extent to which people within civil society trust each other. According to Tönnies, meaningful trust, in the form of reciprocal bonds of sentiment, could only be generated between individuals in a *Gemeinschaft-like* relation to one another. Trust, and by implication social cohesion relies, according to this perspective, upon the existence of a sense of community that is necessarily exclusive; based on the ties of kith and kin rather than of contract and exchange. Given this argument, it is interesting to speculate on the relationship between the type of identity an individual is attached to and the trust in which that individual holds the society around him. Table 10 shows the results obtained by in British Social Attitudes survey when respondents were asked whether they believed that most people can be trusted, with the answers cross-tabulated with answers to a question about identity.

Table 12: Levels of generalized trust by 'Moreno' identity

	<i>Most people can be trusted %</i>	<i>Can't be too careful dealing with people %</i>	<i>Don't know %</i>
Nationality not British	38	60	2
Nationality more than British	42	57	1
Equally nationality and British	39	60	0.5
More British than nationality	47	51	3
British not nationality	52	47	0

Source: British Social Attitudes survey, 2006.

As can be seen, there is a modest difference in the likelihood of respondents expressing strong levels of generalized trust when their identity is taken into account. 60 per cent of those for whom Britishness formed no part of their sense of national identity expressed mistrust in other people, compared to 47 per cent of those who considered themselves exclusively British. For all those who privileged a sense of regional national identity over a British identity, 58 per cent expressed generalized mistrust in others, compared to 49 per cent of respondents who privileged Britishness in their identity. Whilst it is impossible to arrive at any firm conclusions from such limited data, it seems at least possible that being attached to a wider sense of British identity is associated with being more inclined to trust other people. Why this might be so is a matter of speculation. Part of the answer might lie in the idea that a shared identity is an important resource that generates trust between individuals, and that those who identify as British feel that a greater sense of identification with, and therefore trust in, British people in general. This of course assumes that the 'people' in the question is taken as referring to those in British society, something that is not specified in the question.

Does membership of Britain provide equal benefit to its constituent nationalities? Table 13 shows the results to a question asking whether the respondent thinks that the Scottish or the English economy benefits most from involvement in the Union. Although, as would perhaps be expected, more of the English think that Scotland benefits from the Union, an equal number of them think that both countries benefit in equal measure, suggesting that the perception that the benefits of Union are unfairly distributed remains a minority one in England. Scots are more likely to express an opinion on the matter (perhaps reflecting the greater salience and visibility of the issue in Scottish political discourse), but only a minority (15 per cent) express the opinion that England unfairly benefits from the Union. The fact that 26 per cent of Scots think that the Scottish economy benefits more from the Union than does the English militates against the thesis that through the Union England has economically exploited Scotland.⁵²¹

Table 13: Scottish/English economic benefits

	<i>England benefits more %</i>	<i>Scotland benefits more %</i>	<i>Equal %</i>
England	5	29	28
Scotland	15	26	31

Source: British Social Attitudes survey, 2006.

Related to the question of whose economy benefits the most from participation in the Union is that relating to the equitableness of the distribution of government spending. Table 14 shows the attitudes toward this issue in England and Scotland. As indicated in a previous chapter, the distribution of public spending across the constituent nations is calculated according to the Barnett formula, which proceeds upon a pre-existing level of spending itself not based upon any systematic relative needs assessment. One consequence of this is a general recognition within the academic literature that the proportion of public spending Scotland receives is probably slightly higher than a strict needs assessment would suggest.

Table 14: Does Scotland get fair share of government spending?

	<i>Much more than its fair share %</i>	<i>A little more than its fair share %</i>	<i>Pretty much its fair share %</i>	<i>A little less than its fair share %</i>	<i>Much less than its fair share %</i>
England	6	10	31	5	1
Scotland	2	8	35	33	15

Source: British Social Attitudes survey, 2006.

Similarly as with the West Lothian question, the issue of the fairness or otherwise of the Barnett formula is commonly presented as one of the most controversial elements of the existing constitutional settlement, and one that carries a great deal of potential for sowing discord between England and Scotland, thus damaging the social cohesion of British society as a whole. However, the evidence suggests that it is a far less salient or controversial issue than is often assumed, to the extent that only 6 per cent of the English believe that Scotland receives much more than its fair share of government spending. A majority of the English respondents who expressed an opinion either way thought that Scotland received pretty much its fair share of government spending, a sentiment repeated in Scots respondents. It is worth noting, however, that a significant proportion of Scots (48 per cent) thought that Scotland received either ‘a little less’ or ‘much less’ than its fair share of government spending. This suggests that any attempts to reform the financial settlement accompanying devolution will likely encounter popular opposition in Scotland.

Devolution and National Identity

In the sense that its achievement depends on the existence of a certain framework of collective values capable of fostering co-operation between different elements of civil society, social cohesion is intimately related to questions of identity. Here it is generally assumed that the absence of any meaningful identification with the state in relation to which civil society is defined, represents at least potentially a threat to the successful production and maintenance of social cohesion. It is for this reason that questions relating to the propensity for national minorities to identify with

‘Britishness’ has consistently accompanied popular and academic discussion of devolution.

There is, moreover, good reason to suspect that the establishment of devolution might increase the extent to which national minorities identify with their ‘Scottishness’ or ‘Welshness’, since the central state has traditionally used its considerable resources in the service of nation-building. It is likely that the existence of devolved political institutions would endow sub-state national minorities with nation-building resources that it previously lacked. Whilst it therefore seems likely that Scottishness will receive a boost from the existence of a Scottish devolved parliament employing some of its resources in support of nation-building policies, whether or not this is achieved at the expense of identification with Britishness depends on the extent to which Scots are able to retain dual identities. Table 15, therefore, uses a measure of national identity, elicited through what is known as the ‘Moreno’ question, designed to recognize the possible importance of dual identities.

Table 15: 'Moreno' national identity, Scotland 1992-2006

	1992 %	May 1997 %	Sep 1997 %	1999 %	2001 %	2003 %	2005 %	2006 %
Scottish, not British	19	23	32	32	36	31	32	33
More Scottish than British	40	38	32	35	30	34	32	31
Equally Scottish and British	33	27	28	22	24	22	22	21
More British than Scottish	3	4	3	3	3	4	5	5
British, not Scottish	3	4	3	4	3	4	5	5

Source: Scottish Social Attitudes survey, 1999 – 2006; Bromley et al 2006.

The data confirms the fact that Scottish identity is a very salient identity within Scotland. In 2006, roughly two-thirds of respondents privileged their a Scottish over a British identity, with one third denying any identification with Britishness. Scottishness was relatively unimportant to only a small minority (10 per cent). Around a fifth of respondents drew no distinction between the relative importance of Scottishness and Britishness in their personal identity. Whilst a sense of Scottish identity is therefore of great significance in Scotland, it is interesting to note the high number of respondents who professed attachment to a dual identity in some form. In 2006, 57 per cent of respondents professed attachment to both a Scottish and English identity, albeit with differing emphasis placed on the relative importance of each. This represents strong evidence in support of the contention that it is possible, and indeed common, for individuals to feel attached to more than one national identity, meaning that the cultivation of one through, for example, the

nation-building policies of sub-state levels of government need not necessarily mean a reduction in the salience of the other. By implication, any such growth in the consciousness of Scottishness amongst Scottish people as might occur following devolution only represents a potential threat to social cohesion where it completely replaces a sense of British identity.

Observing the data on national identity in Scotland from 1992 to 2006, two trends appear most evident. First, in the five years prior to the referendum on Scottish devolution there was some increase in the number of Scots for whom Britishness formed no part of their personal identity. This growth in the number of Scots rejecting any type of British identity coincided with a period of intense campaigning for Scottish self-government in the context of a British government led by a Conservative party with little support in Scotland. It seems difficult to avoid the conclusion that the *absence* of self-government, and the perception of central government as an unrepresentative ‘alien’ force that attended that absence, fuelled a rejection of British identity amongst some Scots. Assuming some link between social cohesion and common identity, such evidence offers a warning against attempts to present the devolution of power as a threat to social cohesion. Rather, where self-government powers are the manifest wish of a significant section of a national minority community, it is the denial of that wish that represents the greatest threat to social cohesion, for the resentment provoked by such a denial is likely to be channelled into a rejection of the wider ‘state’ identity in favour of the sub-state national identity.

Second, from the establishment of devolution up to 2006, no significant changes in the self-professed national identity of Scots can be detected. Devolution has not encouraged the replacement of British identities with exclusively Scottish ones but has, rather, stabilized commitment to dual national identities in which Scots feel some form of allegiance to both a sense of Scottishness and Britishness.

If the experience of devolution has not led to an increase in Scottish consciousness, what has been its effect on Britain’s other nationalities, in particular those prevalent in England, where devolution is not currently applied? Tables 16 and 17 show the answers given in England and Wales to the ‘Moreno’ question.

Table 16: 'Moreno' national identity – England, 2001 and 2006

	2001	2006
English, not British	17	21
More English than British	13	15
Equally English and British	41	45
More British than English	9	8
British, not English	11	6

Source: British Social Attitudes survey, 2001, 2006.

Table 17: 'Moreno' national identity – Wales, 2001 and 2006

	2001	2006
Welsh, not British	23	30
More Welsh than British	22	18
Equally Welsh and British	29	34
More British than Welsh	11	6
British, not Welsh	11	7

Source: British Social Attitudes survey, 2001, 2006.

In Wales and in England, the particular sub-state national identity (i.e. Welsh and English respectively) is clearly less salient than is the case in Scotland. 48 per cent of people in Wales privilege their Welsh identity over a British one, compared to 64 per cent of Scots for whom Scottishness is more important than Britishness. That being said, fully a third of respondents in Wales identified as 'Welsh, not British' the category potentially most in conflict with the future maintenance of social cohesion across Britain. Only 35 per cent of the English privilege their English identity over a British one, and only 21 per cent identify themselves as 'English not British.' The fact that 45 per cent of the English claim to feel 'equally English and British' is a reflection either of high levels of attachment to an overall British identity or a pervasive failure to distinguish between the two.

Whilst any conclusions based on such limited data must be made tentatively, it would appear that there is some evidence to support the claim that the experience of devolution has contributed to the sharpening of sub-state national consciousness in Wales and England. The proportion of the Welsh respondents identifying exclusively with a Welsh national identity has risen from 23 per cent in 2001 to 30 per cent in 2006, whilst over the same period the proportion that privilege a British identity fell from 22 to 13 per cent. A similar result obtains in the case of England, where the proportion that rejected a British identity in favour of an exclusively English one rose from 17 to 21 per cent and the proportion privileging a British identity fell from 20 to 14 per cent.

Summary of data analysis

The evidence presented in this chapter suggests that the experience of living with a devolved Scottish parliament has not fostered secessionist sentiment in Scotland.⁵²² Support in Scotland for independence has remained stable during the first seven years of devolution's operation. The contention that devolution is a 'slippery slope' toward independence, if this is taken as referring to the effect of devolution on public opinion, should therefore be rejected. However, this is not to say that devolution has had no impact on public attitudes toward the Union. Most obviously, discontent amongst the English with the existing constitutional settlement, though still only at modest levels, appears to be growing, with increasing numbers supporting the extension of devolution to England. However, the fact that such an extension of devolution seems to be supported by the Welsh and Scottish publics, there would appear to be no grounds for believing that a growth in English support for English devolution represents a serious threat to the social cohesion of Britain as a whole.

In terms of the performance of their devolved parliament, Scots, it would appear, have had their initially high expectations dashed somewhat. The Scottish parliament has less power than they initially expected it to, but the more influence it attains the less inclined are respondents to say that this is a good thing. This must be balanced against the fact that a majority of Scots express a preference for the current form of devolution, and are more likely to desire an extension of powers rather than a reduction.

If levels of trust are taken as important for the generation of social cohesion, then it would seem that this, rather than the existence of devolved institutions, represents the graver threat to British social cohesion. Although Scots are, it is true, more inclined to trust the Scottish parliament than the British government, a fact which in itself might suggest that devolution may have a role to play in restoring trust in the political process, trust in either institution is falling at a similar rate. Mistrust in politicians is evident across the constituent nationalities, with people in England, Scotland and Wales expressing high levels of extreme mistrust in the government's ability to put the interests of the nation above those of political party. The high levels of mistrust across the board suggest that national identity is an insignificant factor in accounting for disengagement with the political process, although there is some evidence to suggest that where people feel more personally attached to a wider British identity they are more inclined to trust their fellow citizens. This should serve as a warning that it is reasonable to assume that social cohesion will prove difficult to sustain in the event of the complete erosion of attachment to some sense of Britishness.

There is little reason to suspect, however, that devolution in itself contributes to the erosion of British identification, since there is no evidence in the Scottish case that the existence of a Scottish parliament has fostered a rejection of Britishness. Rather, whilst Scottishness is a highly salient and widespread focus of identification in Scotland, it coexists alongside a continuing commitment to a British identity. It is in this sense that we can assert that devolution fosters dual identities. Evidence from the Scottish case suggests that it is the absence of devolved institutions, at least where this coincides with a perception that their views are unrepresented in British institutions, that undermines commitment to a wider 'state' identity. It is therefore not surprising that awareness of, and identification with, a distinctive English identity has grown as dissatisfaction with England's exclusion from devolution increases the likelihood that English people question the fairness of the Union

Post-Devolution Nation-Building Discourse

Within the theoretical chapters of this study it was argued that one important consequence of the establishment of devolution concerned the extra resources it would provide for the promotion of a distinct Scottish nation-building project

centred on a national parliament. It was suggested that whether, and the extent to which, devolution served to weaken the bonds of solidarity that underpin the cohesion of British society as a whole would in part depend on the nature of the nation-building projects pursued by the state's constituent nationalities. Nation-building is a diverse concept pursued through a variety of different means. The aim of this section is to examine the discursive dimension of nation-building via an analysis of a selection of public speeches delivered by a number of important political figures involved in articulating ideas of national identity in Britain.

Tony Blair

Devolution was introduced in 1999 by a Labour Party government under the leadership of Prime Minister Tony Blair who, as a result, exercised a considerable influence over the manner in which the constitutional project was presented to the British people. In March 2000, Blair delivered a speech addressing the issue of national identity and devolution which touched on a number of the themes associated with the concept of social cohesion as discussed in Chapter Three.

At the same time as arguing in favour of constitutional reform and modernization, Blair repeatedly reaffirms his commitment to a united British state and an overriding shared British identity saying, for example, 'the United Kingdom is stronger together than apart; all the constituent elements of the Union: its great cities, regions and nations are stronger united than separate, stronger together than the sum of their parts.'⁵²³ By recognising Britain's constituent elements as nations in their own right, Blair recognizes the multinational character of Britain and suggests that this is a source of strength rather than weakness; strength in unity is a key theme of Blair's nation-building discourse.

Directly addressing the question of national identity, Blair develops two related points; concerning its nature and function respectively. In terms of an interpretation of from what source national identity is constructed, Blair is explicit in rejecting a traditional conservative interpretation that locates national identity in traditional institutions such as, in the British case, the monarchy or Westminster parliamentary sovereignty. Rather, Blair argues, national identity is derived from 'our shared values not in unchanging institutions.' Because national identity is constituted by 'shared values and mutual self-interest' it is capable of surviving

changes at the constitutional or institutional level and is fundamentally implicated in a country's economic achievements and capacity for collective action. On the first point, Blair argues that it is vitally important for institutions to reflect the values that constitute British national identity: 'when our values fail to be reflected in the institutions that govern us then Britain and British identity is under threat.' However, the need for modernization in the context of a rapidly evolving global context requires for its satisfaction constitutional and institutional reform; a process that Blair suggests is informed by the content of the shared values of British identity.

On the second point, the importance of national identity as a source of social solidarity essential for Britain's future prosperity is emphasized on the basis that 'Long-term growth and prosperity and stability depend on a clear sense of shared objectives and shared responsibilities.' A sense of shared objectives is supplied by 'a clear sense of national purpose', the past absence of which lies at the centre of British post-war decline: 'It left space for a culture to develop in which sectional social and economic interests have fought to secure rights for themselves without a corresponding sense of their obligations to work for the wider public interest as well.' By juxtaposing a shared sense of national purpose conducive to action in pursuit of the collective good with narrow sectional interests, Blair's discourse strongly resembles the some of the theoretical approaches to the problem of social cohesion reviewed in Chapter Three.

It is striking to note that Blair speaks almost exclusively of British identity as a foundation of shared values and mutual self-interest; the idea that Britain's constituent nationalities themselves embody distinctive national values is left unexplored. Indeed, Blair implicitly suggests that British national identity is of a different, more civic and inclusive, order as compared with the constituent national identities. Devolution, Blair argues, will strengthen Britain and British identity; a task whose essential importance lies in the benevolent character of that identity. Blair warns against 'a retreat from an inclusive British identity to more exclusive identities, rooted in 19th century conceptions of territory and blood.' Although it is not explicitly stated, the suggestion here would seem to be that Scottish, Welsh and English national identities are less civic and inclusive than the concept of Britishness and are, therefore, best expressed within the framework of a shared British state.

Donald Dewar

A long-standing advocate of devolution, the Scottish Labour politician Donald Dewar was appointed as Scotland's First Minister in 1999. In his speech delivered at the opening of the devolved Scottish Parliament on 1st July 1999, Dewar sought to emphasize its historical context and importance as a tool for the expression of Scottish national identity; as a resource, in other words, for the articulation of a distinctive Scottish nation-building project. The new parliament is, Dewar suggests, the latest manifestation of Scotland's long democratic tradition encompassing 'the long haul to win this Parliament, through the struggles of those who brought democracy to Scotland, to that other Parliament dissolved in controversy nearly three centuries ago.' The nationalistic tone of the speech is continued with Dewar invoking the memory of events and personalities that have shaped Scotland's distinctive historical experience and contributed to the maintenance of a distinct Scottish national identity. Dewar mentions, amongst other things, Robert Bruce, William Wallace, Robert Burns, the Scottish Enlightenment, and the Clyde shipyards. The relevance of these symbols of national identity is linked to the devolved Scottish parliament's nation-building function. More than just a means through which to pursue political or legal objectives, the parliament is, Dewar suggests, 'about who we are, how we carry ourselves.'

Given the symbolic importance of a speech delivered at the opening of the Scottish parliament, it is to be expected that distinctively Scottish themes would provide the principle emphasis. For a picture of Dewar's understanding of devolution's significance for the relationship between Scotland and Britain, we can turn to two further speeches delivered to different audiences and with different objective in mind. Addressing the Scottish Labour Party conference in 1999, Dewar describes devolution as a means by which 'to reconnect politics and people – to roll back the cynicism that all too often corrodes the political process.' The image of re-connecting people to the political process in opposition to growing cynicism contains echoes of the idea that social isolation, *anomie* and pervasive mistrust present powerful threats to social cohesion that thrive in the absence of strong political and civic participation. According to this perspective, devolution brings the political process closer to the Scottish people in a manner that fosters social and political integration in a way that the remoteness of Westminster is unable to achieve.

At the same time as he emphasizes the importance of solving Scottish problems within a distinctive Scottish context ('Scottish solutions to Scottish problems'), Dewar offers a strong critique of the SNP's separatist aspirations, which he describes as 'the politics of illusion.' In contrast to opponents of Britain's continued existence, the Scottish Labour Party aim, Dewar argues, to 'work with Britain and within Britain to progress our shared agenda.' This shared agenda is the basis upon which social solidarity must build: 'Solidarity – a vital principle then and just as vital a principle now. We achieve more together than we do apart. Shared beliefs, shared values, a shared future. Making it work together.'

Dewar's final speech addressing the significance of devolution for the political future of Scotland and Britain was delivered in Dublin on 29th September 2000. Whilst defending devolution, Dewar nevertheless states; 'I do not believe that the future lies with the politics of identity, certainly in Scottish terms. I do not believe that devolution is a stepping stone, a process which leads inevitably to independence. I believe it is an end in itself and that Scotland will hold to that.' This firm rejection of separatism is justified by reference to the 'parochialism' and 'inwardness' that the campaign for Scottish independence represents. Separatism, it is claimed, fails to adequately value the multitude of bonds that link the constituent elements of Britain and justify mutual cooperation within a British framework: 'Devolution does not, will not, separate Scotland from the rest of the United Kingdom. There is a common heritage, economic links, shared experience, challenges and opportunities. I believe we are stronger together, weaker apart.'

The manner in which Dewar envisages a devolved Britain working successfully is somewhat analogous to the European Union principle of subsidiarity, which states that political decisions should be taken at the most localized level appropriate:

'In devolution, we have a settlement which builds on the strengths of the UK. It puts what is best managed in Scotland to be managed in Scotland. It leaves what is best done at the UK level at the UK level. It recognizes our community of interest. It recognizes our rights and responsibilities within that community. By getting the balance right, we strengthen our shared commitment to the UK, we reinforce the Union.'

In this passage Dewar presents post-devolution Britain as a genuine multi-level polity that seeks to give voice to sub-national communities whilst at the same time preserving the benefits that are derived from membership in a larger political unit.

Finally, Dewar argues that the future stability of Britain is depends in large part on its capacity for future reform and adjustment, and the maintenance of good will between its constituent nationalities; a good will ultimately derived from the real unity of values and interest that unite British people:

‘Devolution is a tribute to the maturity and flexibility of the Union and its ability to adapt to meet the needs of its constituent parts. The whole country, all of us, can take credit for that. Devolution will work, not because of clever drafting or the political equivalent of fancy footwork, but because there will be the good will to make it work. The good will is there because we have a shared outlook on the world.’

Alex Salmond

As the current First Minister of the Scottish Parliament and leader of the only major political party in Scotland to support full Scottish independence, Alex Salmond occupies a centrally important position with regard to the present discursive articulation of Scottish national identity and future nation-building project. Prior to the SNPs accession to power in the 2007 Scottish Parliamentary elections, the multinational British state had no previous experience of one of its constituent nationalities being governed by a party committed to its dissolution. Since it is reasonable to assume that the SNP sees in devolution an opportunity to advance its goal of Scottish independence, the character of the ‘national project’ it promotes is of keen interest to our present study into the relationship between Scottish devolution and the wider social cohesion of Britain.

In what follows we examine the content of three speeches delivered by Alex Salmond with a view to identifying some of the dominant themes that appear therein. The speeches analyzed differ both in terms of the audience being addressed and the nature of the issues under discussion; thus enabling a rounded picture of Salmond’s principle discursive themes to emerge.

In May 2007 Salmond addressed the Scottish parliament to deliver his election victory speech following the SNPs triumph in that month's Scottish parliamentary elections.⁵²⁴ Perhaps in part because of the slim margin of the SNP victory (they were compelled to form a minority government), Salmond uses his speech to emphasize the unity and consensus to be found in the Scottish parliament; something that he relates directly to the unity of Scottish nationhood. The Scottish parliament, Salmond suggests, 'is bigger than any of its members or any party', owing to the fact that 'we [the Scottish people] are not divided... We have a sense of ourselves, a sense of community and, above all, a sense of the commonweal of Scotland.' Reference here to 'community' and 'commonweal' are intended to convey the image of Scotland as exhibiting *Gemeinschaft*-like qualities and of its peoples sharing a set of collective values. Concrete evidence for this unity can be found, Salmond argues, in the broad consensus in favour of understanding devolution as a process moving in the direction of an extension of greater autonomy to Scotland; 'there is a broad consensus for the Parliament to assume greater responsibility for the governance of Scotland, as well as an understanding that we are engaged in a process of self-government and an awareness of the distance that we have already travelled.'

Having emphasized the quality of Scottish national unity, Salmond is keen to define that unity as based on an inclusive, 'civic', multicultural and democratic conception of national identity. Speaking of Scotland's Asian population in the context of SNP member Bashir Ahmad winning a seat in the Scottish parliament, Salmond subjects a 'traditional' symbol of Scottish nationhood, in this case tartan cloth, to a distinctively modern interpretation so as to emphasize the inclusive character of Scottish national identity. The Asian community in Scotland, Salmond argues, 'is now woven into the Parliament's tartan and we are much stronger as a result. We are therefore diverse, not divided.' The imagery applied in this quote is particularly instructive, since it evokes an image of Scottish nationhood that is at once *both* informed by culture and tradition (tartan) *and* open to diverse new influences. The phrase 'diverse not divided' is typical of the SNPs preferred mode of nation-building, whereby membership to that nation is not limited to any one ethnic group.

Two further ideas are expressed in Salmond's victory speech. First, he emphasizes the distinctive nature of the Scottish parliament as compared with its Westminster counterpart when he welcomes 'the chance to develop a new and fundamentally more reflective model of democracy in Scotland.' The hope that the parliament at Edinburgh would be informed by a more consensual and deliberative approach to the practice of democracy, in opposition to the partisan and adversarial nature often thought to characterize debate at Westminster, was an oft-expressed one prior to the establishment of devolution in 1999. Often such a desire was related to the (alleged) traditionally more egalitarian and consensual bent of Scottish political culture, embodied in Robert Burns poem, 'A Man's a Man for a' that.'⁵²⁵ Second, Salmond emphasizes his overriding concern for the Scottish 'national interest', declaring that 'Today I commit myself to leadership wholly and exclusively in the Scottish national interest.' This reference to working 'exclusively' in the Scottish national interest should be taken as tacitly implying the inability of a Westminster parliament, or even of UK-wide political parties, to devote the necessary time and attention to specifically Scottish affairs.

The construction of a national museum is an act of nation-building *par excellence*. It is no surprise, therefore, that nation-building provided the guiding motif when in August 2007 Alex Salmond addressed the National Museum of Scotland in Edinburgh. After once again implicitly evoking the *Gemeinschaft*-like qualities of Scottish society – 'This is a nation that loves to express itself, to retell old stories and share new ideas, to pass on information, to hear what's happening. We communicate passionately with each other as friends, as citizens, as family. It's a very deep human need and we feel it particularly strongly in Scotland' – Salmond proceeds to underline the importance of ambition, confidence, and self-belief for the realization of the potential implied by that sense of community; 'while we might have always enjoyed self-expression, we have perhaps at times lacked a little bit of self-belief.' In this he detects an 'incomplete sense of national self-confidence.'

A recurring theme within Salmond's speeches is that of nation-building as a process of collective regeneration based upon the rediscovery of national confidence suppressed by Scotland's long absence of autonomous political and cultural institutions. Along these lines he praises the infrastructure of nation-building, organizations such as the National Theatre of Scotland (bringing 'energy and

excitement' to Scotland), and argues for the devolution of broadcasting (because 'broadcasting perhaps more than any other form of media reflects the sense a nation has of its communicative and expressive abilities.').

Hitherto, the principle obstacle to the pursuit of a distinctive Scottish national project capable of restoring national self-confidence has been, Salmond argues, the marginalization of Scottish interests with British institutional structures: 'It's just not acceptable that networks which purport to serve the whole of the UK should marginalise the creative community in Scotland.'

Salmond links these two ideas – the importance of nation-building as generator of national self-confidence and ambition, and Scotland's present marginalization within British-wide structures – with an appeal to democratic values of civic participation, suggesting that they depend for their successful realization on a wide range of autonomous civil society institutions in addition to the autonomous political arena of the Scottish parliament: 'we need to put in place what software designers have called 'the architecture of participation'. That will mean our institutional structures and priorities may have to change...this is a nation that likes to talk. I have said that we need an architecture of participation, so I hope many will participate.'

By way of contrast to the domestic nature of the two speeches analyzed thus far, we can now turn to a speech given by Salmond in October 2007 to the Council on Foreign Relations, New York. In this speech Salmond uses the opportunity of speaking to a foreign audience to argue that Scotland's lack of political autonomy has trapped it 'in a prism of insularity', which has fostered 'economic underperformance' and 'cultural timidity.' By contrast, devolution has facilitated a 'cultural renewal' creating a 'new Scotland...which is bold, confident, demanding and ambitious.' In so doing, Salmond seeks to portray Scottish nationalism and the demand for greater national autonomy as expansively cosmopolitan rather than narrowly parochial in orientation.

To argue that greater national autonomy fosters a diminution of parochialism chimes with the repeated emphasis on the inclusive and civic nature of Scottish nationalism: 'the re-emergence of Scotland is based on a peaceful, inclusive, civic nationalism – one born of tolerance and respect for all faiths, colours and creeds.' Scottish nationalism, rather than promoting the Scottish national interest by

constructing and emphasizing the exclusivity of Tönnies' vision of community, is, according to Salmond's discourse, effective in its capacity to expand Scottish horizons and create a sense of ambition and boldness within the Scottish nation.

Finally, Salmond makes explicit the link between national self-determination and the construction of a distinctive national project. Once again, such a nation-building project is to be oriented not toward the cultivation of exclusive conceptions of identity but, rather, toward the reinforcement of national self-esteem: 'Self-Government is about more than constitutional change - it is about a transformation of expectations and a seismic shift in mentality. In Scotland, we are not simply trying to build a proud nation, but rather to build a nation of which we can be proud.'

Gordon Brown

In addition to being the current British Prime Minister, Gordon Brown is the leader of the Party that established devolution during its first term in office in 1999. The rhetoric that he chooses to employ in relation to the Scottish parliament is therefore strongly conditioned by the imperative of balancing the interests of Scotland and of the wider Union. Unlike the SNP, Brown conceives of devolution as a reform oriented toward the strengthening of Scotland's integration into Britain, and his discourse reflects this desire to avoid any intimations of a possible conflict between Scottish and British interests. The form of Scottish nation-building that he promotes is thus one in which the Britishness of Scotland is overwhelmingly emphasized.

That explicit reference to distinctively Scottish interests in his speeches is conspicuous in its absence is evident in the choice of rhetoric employed by Brown in a speech given in May 2008 to the Church of Scotland Assembly.⁵²⁶ Although Brown opens his address by acknowledging, and given thanks for, the distinctive moral values that he acquired from his Scottish religious upbringing, he declines to refer to Scotland by name, and emphasises the outward-facing historical stance that Scotland has displayed: 'And all that I was taught [from my childhood] remains with me to this day... And I have never forgotten the lessons I learned in the manse of a parish in a medium-sized town in a nation that has given so much to the world.'

Having thus stressed his own Scottish credentials, the remainder of Brown's address takes as its central theme the idea of the interconnectedness of a globalized world in which people unrelated by nationality or citizenship nevertheless potentially

share a deep well of common values. When Brown makes the claim that ‘we are not moral strangers, but there is a shared moral sense common to us all’, the ‘we’ is left unspecified, with the intimation that it is a global ‘we’. This theme continues as Brown outlines a vision of a global society being transformed into a single moral universe through the power of communications technology: ‘A global society where people anywhere and everywhere can discover their shared values, communicate with each other and do not need to meet or live next door to each other to join together with people in other countries in a single moral universe to bring about change.’ Within this global vision there is little space available for the articulation of a distinctively Scottish national project, and Brown’s de-emphasis of the significance of territory serves partly to detach the idea of shared values, which are otherwise accorded great importance, from the framework of a shared territorial ‘homeland’. Shared territory, according to Brown’s discourse, is no longer a prerequisite for the construction of community: ‘Today we see clearly that we share the same global neighbourhood within the same moral universe.’

In a speech given to CBI Scotland in September 2008, Brown, in obvious contrast to the rhetorical stance of Alex Salmond examined above, emphasizes the complementary character of Scottish and British national interests, which are thereby made effectively indistinguishable. Such a conceptualization is formed on a tacit level in the frequently repeated use of the terms Britain and British, and the absence of any reference to Scotland or Scottish. Brown applauds the work of CBI Scotland in helping to ensure the ‘continued competitiveness of British business’, based upon a realization that ‘Britain cannot insulate itself from these unprecedented shocks because we are part of the global world.’ The ‘we’ that confront the challenges presented by economic recession are the British, not the Scottish; ‘the choice for us is not whether we believe there will be opportunities in the new economy - but how we, the British, choose to seize them.’ The discursive priority accorded to Britain reaches a rhetorical crescendo as Brown stresses the need for unity in the face of economic change: ‘So if the British economy, British firms and the people of Britain are to reap the benefits of a new low carbon future, then every one of us - in every part of Britain - will need to act together.’

The second part of Brown’s speech directly addresses the relationship between Scotland and the wider Union with a view to refuting the nationalist claims

of the SNP. With regard to the politics of Scottish nationalism, Brown's fear is 'of waking up one day to find that the many benefits of the union had been too long taken for granted and thoughtlessly thrown away.' The close interdependence of the economies of Scotland and England point to the clear economic benefits that the former continues to derive from membership in the Union: Scotland generates more money through trade with England, in financial services, than from its trade in all sectors in all areas across the whole of the European Union. That is simple arithmetic of the union. And it adds up.' The beneficial character of Scotland's participation in the wider Union, Brown argues, is ample evidence in support of a continuation of that relationship. Scotland is stronger for its membership of Britain: 'Scotland has benefited from this partnership - a source of strength not weakness.'

Addressing the claims of the SNP, Brown suggests that Scottish secession would be a development out of step with the reality of contemporary global transformations which call instead for the search for strength in unity: 'Set against the global challenges facing us today, the bleak separatist obsession of the nationalists to split Scotland from the rest of the UK looks at best like self indulgent posturing.' The pursuit of a national project aimed at the articulation of a distinctive national identity is portrayed as a an irrelevance to the challenges facing Scotland, which require for the solution a recognition of the strength derived from the Union and the cultivation of skills rather than identity: 'The reality is that we are stronger than we ever could be apart. And what matters is where our talents can take us, not where Scotland ends and the rest of the world begins.'

Whilst therefore strongly in support of Scotland's continued inclusion in Britain, Brown is nevertheless in favour of a flexible attitude toward the structure of the Union, seeing devolution as an evolving process: 'The constitution of the union has always evolved to meet the changing needs and rising hopes of our people as it did most notably when we created the Scottish Parliament - within the United Kingdom - 10 years ago.' As part of this evolutionary process, Brown indicates his support for the extension of a greater degree of fiscal autonomy to Scotland as a way of improving the accountability and responsibility of the Scottish parliament, a measure similarly supported by Alex Salmond. The speech closes with a re-statement of Brown's vision of what devolution means for the future of Scotland and her relationship with Britain: 'Devolution is intended to preserve the unity of the

United Kingdom – and developing devolution is intended to strengthen Scotland's place within it. There is a modern case of the union and it must be heard. It is not about partnership at the expense of pride; nor about pride that can be satisfied only sacrificing partnership.'

In his March 2009 address to the Scottish Labour Party Conference, Brown repeats many of the themes examined above. He once again underlines the importance of shared values but detaches them from a strongly defined Scottish context and points to the inappropriateness of nationalist politics in an age of globalization: 'you cannot retreat into a nationalist dogma – you cannot separate yourself off and opt out of the world. You solve a global problem not by nationalist solutions but by us all working together.' Brown pursues his theme by setting up a discursive opposition between nationalism and social justice, arguing that a concern with relative need rather than geographic location or national identity is the appropriate stance for a politics that seeks to promote fairness and equality:

'the first priority for the people of Scotland is not separation but social justice. People know that what scars Scotland is not its borders but its poverty. That it isn't flags that matter most to the people of Scotland – but fairness. That it's not building embassies that count for the future – but building greater equality. That it's not making a virtue of isolation – it's making a reality of working together.'

Here we see Brown constructing a set of related dichotomies with the aim of making the politics of nationalism appear to be antagonistic to those of social justice. Separation versus social justice; flags versus fairness; embassies versus equality; isolation versus working together. This is an interesting rhetorical device since it contains strong echoes of arguments put forward by anti-devolutionists within the Labour Party (figures such as Tam Dalyell and Robin Cook) in opposition to the proposals to establish devolved political administrations in Britain in the first place. As an avenue of argument, it implies the need for uniform procedures for the distribution of resources administered by a central state without regard to geographical considerations. It is such a line of reasoning that accounted for Labour's post-war retreat from their traditional support for Scottish Home Rule.⁵²⁷

David Cameron

As leader of the Conservative Party, David Cameron heads a Party currently holding just one Scottish seat in Westminster and seventeen in Holyrood. Whilst it might, therefore, be tempting to express scepticism as to the relative importance of the Cameron rhetoric on the Union, to do so would be to ignore two points. On the one hand, the majority of opinion polls currently suggest that Cameron is likely to be Britain's next Prime Minister, meaning that the discourse that he chooses to advance in relation to the 'national question' within the Union will be of central significance to the future direction that Union takes. On the other hand, the dramatic decline in Conservative Party support in Scotland since the late 1950s, and most especially since the Thatcher years, is generally linked to their failure to pay adequate respect to the idea of the Union as a partnership between equals, a perception that they privilege a form of English nationalism, a conception of national interest that ignores the distinctive needs of peripheries, and their long-standing historical opposition to devolution.⁵²⁸ Therefore, it is the Conservatives, more so than any other major political party, for whom the challenge of adapting to devolution is problematic and that might be expected to construct and develop a distinctively English nation-building project.

In September 2006, David Cameron delivered a speech in which the question of Scottish-English relations occupied centre stage.⁵²⁹ The address represents an attempt to outline a defence of the Union that nevertheless recognizes the present existence of a significant degree of discontent with Scotland and England. It is this extra stress on the English interpretation of Union that, as would be expected, distinguishes the discourse of Cameron from both Salmond and Brown. Cameron reminds his audience of the level of support for independence found in polls conducted in Scotland; 'renewed squabbling over the West Lothian Question and the Barnett Formula'; and 'isolated but ugly incidents of English supporters being assaulted on the streets of Scotland.' By drawing attention to the what are sometimes considered the most problematic aspects of the Union settlement as it currently stands, Cameron's discourse provides a space for English self-assertion and nation-building that is unparalleled in the rhetoric of Salmond or Brown where mention of Englishness, the West Lothian Question or the Barnett Formula are studiously avoided.

In order to counter the perception, mentioned above, of the Conservative Party as an essentially English Party incapable or unwilling to stand up for Scottish interests, Cameron emphasizes the long historical pedigree that Unionism can lay claim to north of the border: ‘Unionism, in both an intellectual and emotional sense, is a mainstream position with a long and noble tradition... Scottish Conservatism is not some alien implant... Fifty years ago we secured more than half of all votes cast in Scotland.’

After acknowledging some of the mistakes that the Conservative Party have made in the past with regard to the governance of Scotland, Cameron returns to what is his guiding theme; the importance for ensuring the survival of the Union of addressing ‘both sides of the equation’ of the Anglo-Scottish relationship. This requires addressing ‘the asymmetrical nature of the current arrangements’, which, in the form of the West Lothian Question and the Barnett Formula, provides the principle sources of English grievance. Resolution of such grievances can, Cameron suggests, be pursued through a renewed emphasis on education aimed at reducing ‘the ignorance of English people about the Scots and Scotland.’ It is because ‘the Union is supposed to be a relationship of equals’ that the misunderstanding or misrecognition of one party to that relationship by another feeds separatism and why people in Scotland ‘expect their distinct Scottishness to be both recognised and respected.’

Finally, within the speech Cameron briefly articulates a conception of the nature of British identity and its relationship to the constituent national identities of which it is composed. Stating first that ‘No one is prouder of being English than I am’, Cameron outlines a defence of the importance of Britain and Britishness: ‘But I’m also passionately attached to the idea of Britain. Being British isn’t about ethnicity or local identity. It’s one of the most successful examples in history of an inclusive civic nationalism.’ Cameron here presents an interesting juxtaposition of English and British identities. By situating his strong emotional attachment to an English national identity in the context of his equally strong commitment to a British identity, and then immediately stressing the point that Britishness ‘isn’t about ethnicity or local identity’, Cameron makes the implicit suggestion that Englishness *is* (to some extent) about ethnicity. In so doing, he seeks to argue for the superiority of a British identity which stands above local ethnic and national distinctions,

thereby making it more appropriate to the increasingly plural nature of the societies we now inhabit.

It is clear that the distinction that Cameron is here making, which is part of an attempt to re-conceptualization the British nation-building project, resembles the theoretical distinction between citizenship and nationality, whereby the former refers to an inclusive and universal conception of political membership encompassing (almost) all of those residing in the territory of a particular state, and the latter to an exclusive form of ethnic community based on a sense of belonging inaccessible to significant sections of the population. As a way of repudiating the claims of minority nationalists, Cameron aims to contrast their narrow exclusive nationalism with the expansive inclusive quality of Britain. This is quite clearly incompatible with the version of Scottish identity advanced by Alex Salmond, who rejects the portrait of Britain being an especially good political arena on which to pursue civic and multi-ethnic politics by emphasizing the 'civic' credentials of the Scottish nation itself.

Similar themes are explored in a speech given by Cameron in May 2008 to the Scottish Conservative Party conference, in which he observes that 'the Union between England and Scotland is under attack as never before.' His choice of rhetoric to describe the source of that attack contains echoes of Brown's use of the phrase 'bleak separatist obsession' quoted above. 'Whether we like it or not,' Cameron suggests, 'the ugly strain of separatism is seeping through the Union flag.'

In a discourse markedly at odds with both Salmond and Brown, Cameron makes explicit the idea that identity lies at the heart of Union's present crisis; specifically that the growth of attachment to sub-state national identities at the expense of a British identity represents a serious threat to the Union's coherence: 'The number of people who think themselves British – ahead of Scottish or English – is in decline. People no longer look to the Union flag for their sense of belonging – they look to the cross of St. George or the Saltire...if anything at all.' Employing similar language to that used in the speech analyzed above, Cameron laments the decline in attachment to Britishness on the grounds that it is 'one of the most successful examples of inclusive civic nationalism in the world' and represents 'a shining example of what a multi-ethnic, multi-faith and multi-national society can and should be.' Again, there is the implicit suggestion that the civic, multi-ethnic

quality of Britain can be favourably contrasted with the ethnic, exclusive character of purely Scottish or English identities.

Having argued for a purely civic conception of British identity, Cameron nevertheless criticizes attempts, which he associates with Gordon Brown, to define Britishness in what amounts to a top-down imposition lacking in genuine emotional depth: ‘Gordon Brown’s view of Britishness is mechanical, not organic, it’s something to be redesigned, repackaged and re-launched by Whitehall, not something which lives in our hearts.’ In criticizing such an approach to defining British identity, Cameron outlines a distinctively Conservative vision of the foundations of attachment to Britain. What it means to be British is, according to this vision, to have an ‘emotional connection with the institutions that define Britishness.’ For Cameron, the important institutions that define British identity are those most traditionally associated with a Conservative world-view: ‘Our monarchy. Our armed forces. Our parliament.’

Summary

The idea that devolution represents a grave threat to the continued viability of the British state and a British identity, and therefore undermines social cohesion, is entirely absent from the discourse of the major political figures examined in this section. Certainly, such a claim is not advanced by any of them, even though, particularly in the case of David Cameron, it might be thought that political capital could be gained from the pursuit of such an agenda. Moreover, all five personalities express support for devolution. The fact that none of the mainstream political parties operating in Britain is strongly critical of devolution is significant to the extent that it reflects the weight of public opinion more generally.

Notwithstanding the shared commitment to making devolution work displayed, we can identify significant and revealing differences in the discourse constructed by each in relation to the question of nationality in post-devolution Britain. For Alex Salmond, devolution presents an opportunity for the pursuit of a distinctive Scottish nation-building project capable of acting as a countervailing force against what he perceives to have been a history of Scottish marginalization within the Union. Political autonomy, according to this perspective, is a means through which to reinforce national self-confidence and self-esteem, which will in

turn bring tangible economic benefits. In contrast to the traditional nation-building project associated with the modernizing states of nineteenth century Western Europe, where the principle emphasis lay on the cultivation of homogeneous cultural identities amongst the population, the nation-building project advanced by Salmond is concerned with fostering a greater sense of pride and confidence in an identity assumed to already exist. Of the other non-nationalist politicians examined, Donald Dewar alone makes extensive reference to a distinctive Scottish nation-building project, the promotion of which he argues is an important function of the new devolved parliament. However, unlike Salmond, Dewar repeatedly reaffirms a commitment to a conception of Scottish nationality in which its intimate and long-standing links within a British context.

Of course, Salmond's is also a partly instrumental approach to nation-building, since he hopes that devolution will facilitate the move toward independence. For Gordon Brown however, the motivation underpinning devolution is the belief that it will actively strengthen the Union. Because of this overriding concern, he promotes a British nation-building project, in which the benefits accrued to Scotland from her participation in the Union are repeatedly emphasised. Whereas Salmond is able to invoke his commitment to the Scottish national interest, Brown makes Scottish and British national interests indistinguishable.

All five politicians advocate a democratic, civic, and inclusive understanding of nationhood, and in this sense there is little evidence that devolution has the power to undermine social cohesion by sharpening national tensions. That being said, David Cameron is least reluctant to make explicit reference to national grievances associated with devolution. By highlighting sources of English discontent such as the West Lothian Question and the Barnett formula, and arguing that the resolution of these grievances is an important priority, Cameron creates a discursive space for the expression of views potentially hostile toward devolution. Moreover, he is alone in making explicit the idea that the growth of attachment to sub-state national identities potentially threatens the cohesion of the Union. It is, however, important to recognize both that Cameron adopts a deliberately moderate approach when discussing the issue of English grievances and, more significantly, stresses the importance of dual identities. In contrast to the emphasis placed on Scottishness by Salmond, and the almost exclusive reference to Britishness preferred by Brown and

Blair, Cameron and Dewar make extensive reference to Englishness/Scottishness and Britishness and argue that the coherence of the Union is threatened only where attachment to sub-state national identities grows *at the expense of* attachment to a wider British identity.

Conclusion

The central question of this thesis is how the establishment of devolution in Britain affects the social cohesion of British society? In order to answer this, a number of subsidiary questions are considered, including: In what ways does devolution alter the structure of the British state? What is the significance of national identity within Britain? How should sovereignty be understood, and where is it located, in the context of post-devolution Britain? What is meant by the term social cohesion and what are its principle foundations in Britain?

Analyses of the consequences of the 1999 devolution settlement in Britain are of considerable relevance given that the latter represents arguably the most significant constitutional change since the establishment of the Home Rule Parliament of Northern Ireland in 1921. Despite long-standing symbolic recognition of Britain as a ‘nation of nations’, (that is to say, official public acknowledgement that England, Scotland and Wales constitute distinct *national* communities) until 1999 Britain remained an ostensibly unitary state with a highly centralized political structure. On previous occasions when proposals for the devolution of political authority were advanced, most notably in Prime Minister Gladstone’s support for ‘home rule all round’ in the late nineteenth century and the 1979 devolution referendums, critics of the idea argued that by compromising the unity of the British state and the ideal of Parliamentary sovereignty upon which its authority (allegedly) depends, devolution would unleash fissiparous tendencies latent in Britain’s multinational character precipitating its eventual disintegration.⁵³⁰ More recently, a number of political philosophers have argued that the resilience of any state, as well as its capacity to pursue policies designed to promote redistributive justice, depends upon the existence of a single overriding national identity in order to supply the affective bonds of social solidarity for which legal citizenship alone is insufficient.⁵³¹ It is therefore pertinent to enquire into the relationship between devolution and

identity in Britain; whether devolution fosters attachment to minority national identities at the expense of a unifying British identity?

By way of responding to these questions, this study is divided into two parts: First, a theoretical analysis of the key concepts animating the issue of devolution's consequences. Second, an empirical analysis of devolution in Britain focusing principally on Scotland as the constituent unit of Britain to which the largest and most significant level of political autonomy has been extended. What follows is a summary of the major arguments advanced within the thesis and an examination of their significance for the question of whether devolution undermines social cohesion in Britain.

Theoretical Arguments

(1) Where advanced by national minorities, the demand for a measure of political autonomy short of full independence, justified with reference to a claimed right to national self-determination, stands in tension with the historically dominant conception of the nation-state as necessarily centralized and functionally integrated. Max Weber's celebrated definition of the state as 'a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory'⁵³² is, as is emphasized by both Anthony Giddens⁵³³ and Michael Mann⁵³⁴, an accurate description of the distinctly modern state alone and points to the manner in which the latter exercises direct rule as the unchallenged centre of political authority. The modern state emerged out of the central authority's successful struggle to subordinate autonomous aristocratic power and concentrate legitimate political authority within itself, an achievement made possible by the central state's progressive accumulation of 'infrastructural power' and the corresponding extension in the scope of its rule. As a result, the modern state has traditionally been conceived as being, in the words of Gianfranco Poggi, 'concerned and committed to a distinctive, unified and unifying set of interests and purposes.'⁵³⁵ A state embodying centrality, defined by a centralized and monopolistic structure of political authority, is one that will resist demands for political autonomy advanced by a territorially-concentrated portion of its population that contests the state's political authority. The essence of devolution is the transfer of functionally-specific political powers from the centre to the periphery, conferring

autonomy on the latter whilst maintaining the constitutional superiority of the former. Such decentralization, whilst less extensive than that enshrined in the principle of federation, in which a division of autonomous powers between the centre and peripheries is constitutionally guaranteed, is nonetheless frequently resisted by nation-state's committed to the ideals of unitariness, centralization and a functionally integrated governmental structure.

(2) By demanding political recognition of national diversity, many contemporary nationalist movements challenge the dominant interpretation of the relationship between nation and state, which assumes that the survival of the former as a distinct entity is dependent on its possessing an independent state of its own **and that modern state's are necessarily nationally homogeneous.** The emergence of nations as collectivities inherently constituted by certain political claims is historically linked to developments associated with modernity and in particular the rise of the modern state. An important aspect of the latter concerns the nature of its legitimacy. The modern state's distinctive capacity to govern directly and effectively penetrate civil society expresses an increasingly tight state-society relationship that changes the basis of its legitimacy. Put simply, the legitimacy of the modern state is structured by the relationship between state and society, ruler and ruled, as indicated in the prominence of the ideal of popular sovereignty (see below). Because the modern state therefore derives its legitimacy from the 'people' constituted as a 'nation', it has an interest in promoting the ideal of national homogeneity as a means by which to reinforce its legitimacy. Nation-states therefore access their considerable resources and actively seek to build a nation. The nation-state's nation-building aspirations are aptly described by Yael Tamir where she writes:

‘Since the nation had become the only valid source of state legitimacy, every group of individuals who saw themselves as a nation yearned to establish an independent state, and members of every state hoped to transform themselves from a population into a nation. Governments were pressured to prove that they represented a nation rather than a mere gathering of individuals. As a result, they developed an interest in homogenizing their

populations – they began to intervene in the language, the interpretation of history, the myths and symbols or, to put it more broadly, in the culture of their citizens. The modern nation-state thus became the agent for cultural, linguistic, and sometimes religious unification – it attempted to build a nation.⁵³⁶

By demanding public recognition of national diversity, minority nationalists contest the image of the nation promoted by the central state and seek political autonomy in order to support a countervailing nation-building project. In doing so, they explicitly challenge the tendency to treat nation and state as synonymous and assert their right to be considered a nation, with the corresponding right to political autonomy, regardless of possession of a separate nation-state of their own.

(3) Minority nationalists reject the dominant statist discourse of sovereignty in favour of a non-statist concept of popular sovereignty interpreted as a right to national self-determination. Because of the link between the revival and reinterpretation of the idea of sovereignty and the modernization and development of the unitary nation-state in place of the politically fragmented structure of European feudalism, there has resulted a tendency to collapse the concepts of state and sovereignty into a single ideal of ‘state sovereignty’ whereby sovereignty is interpreted as an intrinsic property of statehood. There is an external and an internal dimension to the ideal of state sovereignty that together function to deny the right of national minorities to be politically self-determining. The ideal of external sovereignty assumes the mutual acknowledgement of the sovereignty of other states within a system of sovereign states.⁵³⁷ By considering the state as the sole legitimate actor in the international system, this interpretation of sovereignty effectively denies sub-state national minorities opportunities for autonomous participation in their external relations. With regard to the internal dimension of sovereignty, despite general acceptance of the principle of popular sovereignty, the nation-state claims the unchallenged authority to determine which groups are nationalities and whether or not they have a right to self-determination.

The demand advanced by some national minorities for political recognition as a separate and distinct nationality with the right to decide upon its own political future rejects the contention that sovereignty is an intrinsic property of states,

positing instead that sovereignty be seen as ultimately residing in the people as popular sovereignty with the assumption that the scope of the demos be subject to revision according to the democratically expressed wishes of national minority groups. According to this perspective, a multinational devolved union by definition consists of a plurality of self-determining political communities meaning that sovereignty is pluralistic, divided and shared. In its capacity to challenge the state-centric doctrine of sovereignty associated with the traditional nation-state model, devolution contains parallels with supra-national political projects such as the European Union. Although its analysis has been beyond the scope of the present thesis, we agree with Keating's suggestion that European integration implies a less state-centric interpretation of the doctrine of sovereignty: 'A crucial effect of the new European order is the way in which it throws into question the whole state-centred doctrine of sovereignty and opens up the possibility of new and pluralistic normative orders.'⁵³⁸

(4) Emotional bonds generated by shared national identity are an important source of social solidarity and cohesion in modern societies, the beneficial effects of which are most effectively realized where national diversity is formally recognized rather than, as has been the dominant view for much of the modern era, where there exists a single encompassing national identity (achieved through nation-building policies) which alone is given political recognition. Contractual relationships among self-interested individuals supported by just institutions and basic citizenship rights are insufficient conditions for the maintenance of social cohesion, which must in part depend upon the existence of affective ties of social solidarity capable of motivating mutual reciprocity and cooperation. With the development of modern industrial capitalist societies, the foundations of social solidarity were transformed as increased mobility, diversity and the rise of individualism eroded traditional communal bonds and the thick shared values they supported.⁵³⁹ Against the backdrop of the radical social dislocations associated with industrialization, nationalism became a tool of social integration promoted by modernizing states, a point made by Mommsen when he writes; 'While traditional social lineages and loyalties had lost much of their binding force, the national idea proved to be a substitute for them in as much as it provided a new sort

of cohesion among the various social and political groupings.⁵⁴⁰ The view that a nationally homogenous population is a necessary condition for the maintenance of social cohesion and democratic governance further underpinned nation-states efforts at nation-building and the marginalization of national minorities.

However, the evident fact that an overwhelming majority of nation-states continue to exhibit significant national diversity represents a serious challenge to the presumption that social cohesion is best secured by making nationality and citizenship congruent. Where stateless nations have retained a sense of distinct national identity over the course of a considerable period of time, the continued pursuit of nation-building is likely to be ineffective, offensive to democratic norms, and have a corrosive effect on social cohesion by further alienating members of national minorities from the state. One advantage of devolution is that it offers political recognition of the national communities to which people actually belong, thus harnessing the emotional bonds of solidarity embodied in national membership. This positive relationship between devolution and social cohesion is noted by Guibernau where she writes;

‘Nationalist movements in nations without states seek to generate a common consciousness among their members and to restore an endangered sense of community among them. The nation, portrayed as a community which transcends the life of the individuals who belong to it, encourages its members’ emotional attachment and favours the emergence of a certain sentiment of solidarity among them.’⁵⁴¹

(5) Active citizen participation in civil society strengthens democracy and promotes social cohesion; owing to the forms of social solidarity embodied in membership of minority national identities, such participation is encouraged where these identities are given public expression. The importance of civil society institutions as *foci* for the integration of the individual into the collectivity and the promotion of social cohesion is recognized by classical social theorists as diverse as Tocqueville and Durkheim, and is a theme that is found in contemporary analyses in social capital theory and communitarianism. Common to all these approaches is an emphasis on the significance of shared values and identity as factors facilitating civic engagement. As communities of mutual identification, sub-

state national minorities embody feelings of social solidarity that can facilitate citizen participation in civil society, and to this extent strengthen social cohesion.

Discussed in abstract terms, these basic theoretical arguments provide an analytical framework with which to approach the study of states and societies which have extended formal political recognition to internal national minorities. In return, empirical case studies of this type provide an opportunity to test the assumptions, arguments and conclusions generated in theoretical analysis. The empirical analysis contained within this thesis is therefore informed by the preceding theoretical analysis as well as oriented toward testing the arguments advanced in that latter.

Empirical Arguments

(1) The survival within an ostensibly unitary British state of multiple distinct nationalities contradicts the oft-put assertion that nations cannot survive without the educational and cultural infrastructure provided by possession of an independent state of their own. As an example, despite the absence of an independent Scottish state following the 1707 Treaty of Union, a distinctive Scottish national identity and a recognizable Scottish nation persists; albeit one that has, like all national identities, undergone various changes throughout its history. The foremost evidence for this claim is to be found in the self-definitions of individuals residing in the territory of Scotland. A significant facet of nationhood is its largely subjective existence; that is, there exists no definitive list of objective factors by which a collectivity can be identified as a nation. Nationhood does not inhere ultimately in objective conditions, although these are important features of nationality, but in the subjective understandings of individuals. This idea underpins Benedict's Anderson's description of the nation as an 'imagined community' and Ernest Renan's description of nationality as a 'daily plebiscite.'⁵⁴² According to recent survey data, roughly a third of people living in Scotland reject all identification with 'Britishness' in favour of exclusive attachment to a Scottish identity. Furthermore, of the remaining two-thirds, over 80 per cent describe themselves as either more Scottish than British or as equally Scottish and British. Just 10 per cent of Scots privilege a British identity over a Scottish one, with only 5 per cent eschewing all identification with Scottishness. Where an overwhelming

proportion of a people consider themselves as constituting a nation, as the above figures suggest is the case in Scotland, then they should be considered as such by the outside observer.

The survival of a distinct Scottish nation in spite of the long absence of a Scottish nation-state, challenges the claim, made most prominently by Ernest Gellner⁵⁴³, that only the independent nation-state is capable of supporting the literate high culture of nationality. What then, in the Scottish case, supported the continued existence of a sense of nationhood? The idea of a Scottish nation has deep historical roots reaching back as early as the twelfth and thirteenth centuries when a combination of institutional modernization effected by the central monarchical state and the experience of prolonged military conflict with England introduced the concepts of sovereignty and territoriality into the Scottish state, expanded the scope of the political community, and created powerful myths upon which future generations of Scots could draw in order to promote nation-building. Most fundamentally, a distinctive sense of Scottish nationhood was forged in the long experience of Scottish independence from 1328 to 1707; by the time of its incorporation into a larger British state, Scotland possessed many of the characteristics of a modern nation-state, and memories of political independence played an important role in maintaining a distinctive Scottish national identity following the loss of that independence in 1707.

Moreover, the survival of an independent Scottish state into the eighteenth century was itself implicated in the terms of the Treaty of Union preserving an important degree of Scottish autonomy, most notably in the spheres of religion, law and education. By maintaining a degree of 'administrative autonomy' Scotland was never comprehensively incorporated into the British state, which consequently resembled a union rather than a unitary state.⁵⁴⁴ Scotland's autonomous civic institutions provided an effective locus of for a continuing Scottish nation-building project that enabled the survival of a distinct Scottish national identity in the absence of the 'political shell'⁵⁴⁵ provided by independent nation-statehood. It is nevertheless important to recognize that a Scottish national identity survived alongside an emerging and significant British identity, which were long experienced by a significant portion of Scots as mutually compatible and reinforcing rather than antagonistic identities.

(2) Two competing discourses of sovereignty have historically been advanced within the context of the British state, grounded in the supremacy of the Westminster Parliament and the status of the Treaty of Union respectively. The conception of sovereignty that has dominated British public discourse is that commonly referred to as Parliamentary sovereignty, an ideal closely associated with the English legal theorist A.V. Dicey.⁵⁴⁶ According to the doctrine of Parliamentary sovereignty, the Parliament at Westminster is considered the unambiguous centre of undivided sovereignty expressed in the idea that there exists no distinction between fundamental and ordinary laws; a simple Act of Parliament is sufficient to alter any and all laws. An alternative interpretation of sovereignty grounded in Scottish legal and political theory emphasizes the significance of the Treaty of Union as a pact between equal partners who despite agreeing to renounce their individual independent statehoods nevertheless retain national sovereignty. According to this perspective and contrary to the doctrine of Parliamentary sovereignty, the Treaty of Union specifies certain fundamental and essential conditions that cannot be altered or repealed by the Westminster Parliament.

According to the Scotland Act 1998 establishing the terms of Scottish devolution, the constitutional doctrine of Parliamentary sovereignty is explicitly upheld. Section 28 of the Act states that though the devolved Scottish Parliament is henceforth enabled to pass primary legislation, the power of the Westminster Parliament to make laws is unaffected. Westminster, in other words, retains the unrestricted right to legislate on all devolved matters and is in this sense the undivided centre of unlimited sovereignty. A number of further observations regarding the status of sovereignty in Britain are nevertheless apposite. First, as a state committed to democratic norms of governance, Britain accepts the principle of popular sovereignty; that is, it is from the people that sovereignty ultimately derives. Accordingly, the notion of unlimited Parliamentary sovereignty must be tempered by recognition that the British people, rather than Parliament, are to be properly regarded as the source of sovereignty authority. Second, Britain's accession to the European Union (then known as the European Economic Community EEC) in 1973 initiated a process by which European Union law now overrides British law, within which it has direct effect. The supremacy of European Union law in the areas of EU

competence was confirmed in the judgements of the Factortame Cases delivered in 1990 and 1991. European Union membership must be seen as a significant erosion of the ideal of Parliamentary sovereignty given the implication that Westminster is no longer able to unilaterally override European Union legislation. The European Union has been described as an arena of pluralistic or divided sovereignty⁵⁴⁷, in which the doctrine of Parliamentary sovereignty inevitably sits uneasily. Third, notwithstanding the terms of the Scotland Act 1998 mentioned above, in practice Westminster would encounter insurmountable obstacles should it decide to unilaterally exercise its constitutional right to repeal devolution and abolish the devolved Scottish parliament. Moreover, the right of Britain's constituent national units to secede should their populations express a clear wish to do so has been publicly acknowledged by the British state. During the 1992 general election, for example, the then Prime Minister John Major acknowledged that 'No nation can be held within a Union against its will'⁵⁴⁸; thus clearly implying each nation's continuing right to national self-determination. Where Britain's constituent national units are acknowledged as entitled to unilaterally secede from the Union, the principle of Parliamentary sovereignty is once again partially abrogated.

(3) The centralization of political power evident throughout the post-war period but significantly accelerated by the Thatcher-led Conservative governments of the 1980s provided an impetus to the Scottish nationalist movement, adherents of which argued that only political devolution could safeguard the accountability of power and ensure that the government of the day could not govern without recourse to the general consent of **its constituent nations'** populations. Although significantly weakened by the outcome of the 1979 referendum on devolution, Scottish nationalism experienced a strong revival in the second half of the 1980s in large part owing to a reaction against the centralizing policies of the Conservative governments of the time which were committed to the twin principles of autonomous executive power and Parliamentary sovereignty. Contrary to the Conservative Party's rhetorical support for 'shrinking' the state, their radical pro-market agenda in fact promoted the concentration of power within central government at the expense of regional and local levels of government. A widespread perception in Scotland that such policies were an attack on Scotland's autonomous

civic institutions guaranteed by the Treaty of Union motivated a dramatic renewal of nationalist political sentiment culminating in the establishment of the Scottish Constitutional Convention. The stability and cohesion of the British state, this episode suggests, is dependent on its recognizing the right of its constituent national units to some means of exercising autonomy over its political future rather than on the existence of a unitary and centralized structure of governance.

(4) Central to the success of devolution and the future stability of Britain as a devolved union are the mechanisms established for managing relations and resolving disputes between Westminster and the devolved administrations. Owing to its common law tradition and unwritten constitution, Britain lacks experience of formal mechanisms for regulating relations between different levels of government, a lacuna that is more significant in the multi-level political system established by devolution. Moreover, given the asymmetrical nature of Britain's devolution settlement and the absence of the neat division of powers characteristic of federalism, there is considerable scope for contested jurisdiction and friction between central and devolved administrations. The extent to which these frictions serve to undermine the cohesion of the British state depends on the establishment of intergovernmental mechanisms capable of resolving disputes in an equitable manner as well as the good will of the different administrations. It is likely that the *ad hoc* and informal approach to intergovernmental relations established by the devolution legislation, as well as the superiority that these afford to central government over its devolved counterparts, will require revision if intergovernmental relations are not to prove a source of serious political instability.⁵⁴⁹

(5) **Whilst claims that the asymmetrical nature of Britain's devolution settlement makes it an inherently unstable one are unfounded, the 'English question' – the fact that devolution is presently not applied to England – stands as a potential focus of political friction should public opinion in England move toward greater support for English autonomy.** Devolution in Britain exhibits a 'double asymmetry': Scotland and Wales have devolved administrations whereas none exists in England, and the extent and character of the devolved administrations that have been established varies in each case. Unlike the case in most federations or

in instances of symmetrical devolution, the relationship of Britain's constituent political units to the system as a whole and to each other lack conformity.⁵⁵⁰ An additional informal asymmetry exists in terms of population size, parliamentary representation and economic strength in which England enjoys a significant advantage. Two claims against the asymmetrical nature of Britain's devolution settlement require consideration: that it offends against principles of justice and that it undermines the stability of the Union by promoting debilitating competition over powers as some territories perceive themselves to be disadvantaged relative to those territories with the most extensive self-government. As a union state created by a voluntary agreement that preserved a degree of regional civic autonomy, Britain has never been a perfectly symmetrical unitary state. Furthermore, a variety of territorial management policies pursued in the nineteenth and twentieth centuries introduced further asymmetries into the governance structure of the British state. Such territorial asymmetries, rather than undermining political cohesion, were defended as necessary for preserving the integrity of the multinational British state. Britain's informal unwritten constitution was in this regard suited to absorbing multiple asymmetries without engendering the type of competition over powers described above.

In addition it is important to recognize the reasons for the present absence of devolution in England; i.e. the lack of significant public support for English devolution. Devolution in Scotland and Wales was established in part as a way of protecting these minority national communities from being subordinated to the interests of the dominant English nation. The widespread perception that England's numerical dominance within a Westminster parliament, whose structure and practice reflects English parliamentary traditions, was cited by national minorities in support of their claim that devolved political administrations were necessary in order to safeguard their distinctive interests. This explains the relative absence of support for devolution in England; put simply, since English MPs represent an overwhelming majority in Westminster, it is not plausible to sustain a vision of the latter as potentially hostile to English interests. Whether or not the present absence of devolution to England generates resentment and a renewed populist English assertiveness threatening to the political stability of the British state depends in large

measure on the willingness of political elites to countenance further constitutional adjustments should public demand for it arise.

(6) A subsidiary facet of the broader ‘English question’ is the so-called ‘West-Lothian question’, analysis of which serves to highlight the importance of regarding devolution as a flexible ‘process’ capable of adapting in response to changing attitudes among the populations of the constituent nations. The West Lothian question is a constitutional anomaly deriving from the exclusion of British MPs from voting on matters devolved to the Scottish parliament at the same time as Scottish MPs continue to legislate in Westminster on matters that do not affect Scotland. Given that an analogous situation existed for approximately half a century with relation to the Stormont parliament in Northern Ireland; the general lack of interest displayed by English MPs in Scottish affairs prior to devolution; and the existence of myriad other anomalies arising from Britain’s unwritten constitutional tradition, it is doubtful that the West Lothian question represents a significant political issue. Of the possible ‘solutions’ to the West Lothian question, the exclusion of Scottish MPs at Westminster from voting on English legislation is the most practical, given the evident lack of support for English regional parliaments and the difficulties of a devolved English parliament representing 80 per cent of the British population co-existing with the Westminster parliament

(7) The financial dimension of the devolution settlement represents the most significant potential source of friction and instability. The absence of revenue-raising powers attached to the devolved administrations combined with a system for allocating resources not based on relative need impact upon the perceived territorial equity of the devolution settlement. The fiscal resources available to Britain’s devolved administrations, as well as their powers of taxation and expenditure have a strong bearing on the manner in which they are able to exercise their legally constituted responsibilities. A number of observations regarding the financial arrangements of devolution in Britain are of particular significance. First, in the case of Scotland, the devolved unit with the most far-reaching financial powers, almost total autonomy over expenditure is combined with very limited revenue-raising powers. This arrangement has two principle effects: (i)

it works against the logic of decentralization that underpins political devolution by perpetuating the dominance of central government over revenue-raising decisions; (ii) the absence of meaningful revenue-raising powers for devolved administrations breaks the link between raising money and spending money that is often thought to be a central principle of democratic governance. By insulating them from the economic consequences of policy-decisions, this carries a danger of undermining the political responsibility of devolved governments lacking fiscal accountability. There is a danger to the political cohesion and stability of Britain if the absence of devolved fiscal autonomy fosters persistent conflict between central and devolved levels of government over spending decisions.

Second, there is a serious issue of territorial equity raised by the present Barnett formula system for calculating expenditure allocation between Britain's constituent national units. The problems associated with the Barnett formula are three-fold; (i) because it makes comparable spending in England the key factor in determining adjustments to the Assigned Budgets, it further reinforces the dominance of the central state at the expense of the devolved administration, since public expenditure levels in the devolved administrations are inevitably driven by English priorities; (ii) because the Barnett formula is based upon existing levels of spending rather than a relative needs assessment,

(8) If it is to be meaningful and legitimate in the eyes of national minority populations, devolution must create scope for genuine policy differentiation. Recognition of this fact is crucial since any strains inherent in the devolution settlement will become more visible as the extent of policy differentiation between the United Kingdom's territories increases. Devolution represents an effort to decentralize political power in Britain, making it more responsive to the needs of its citizens, increasing democratic accountability, and recognizing the democratic right to national self-determination. Underpinning devolution is an assumption that such decentralization will facilitate identification with the political system and address the problem of national minorities' alienation from the British state, the legitimacy and cohesion of which will thereby be strengthened. It is crucial, therefore, that the devolved administrations enjoy a sufficient scope of powers, and the resources to use those powers, to enable them to pursue genuinely differentiated

policy programmes in response to the distinctive demands of national minority populations. It is because Britain's constituent national units exhibit distinct and distinctive attitudes towards important political and social issues that devolution is necessary in order that this diversity can be reflected in policy. Devolution must, therefore, weaken the structural dominance of the central government if it is to achieve the objectives for which it was established. It is important to recognize that the logic of devolution requires that policy differentiation between central and devolved administrations must be possible and where it occurs is both legitimate and desirable, because the successful functioning of devolution is made more challenging as the extent of policy differentiation increases. The conflict and frictions that are a feature of any multi-level polity will become more apparent in the British case as devolution 'beds in' over time and policy differentiation increases; this should be seen as sign that devolution is working rather than evidence of its failure or the disintegration of the British state.

(9) In opposition to the abstract claim that devolution will erode social cohesion by emphasizing sub-state national identities at the expense of a unified British identity, supporters of devolution argue that devolution can strengthen social cohesion by enabling national minorities to more closely identify with, and thus trust, the form of governance to which they are subject. There is little evidence that devolution has significantly eroded or weakened social cohesion, or that it is a 'slippery slope' toward the break-up of Britain. Secessionist sentiment in Scotland, where support for independence is substantially higher than in Britain's other constituent units, has remained stable since the establishment of devolution, and levels of support for the existing constitutional settlement are high.⁵⁵¹ In England, where discontent with the constitutional settlement might be expected to be highest owing to the absence of English devolution, there *is* some evidence of a small growth in levels of dissatisfaction and support for some extension of devolution to England. Such support, however, remains modest and there in any case exists very little opposition to the idea in Scotland and Wales, suggesting that strong growth in support for English devolution, should it occur at some point in the future, need not necessarily represent a serious threat to the integrity and cohesion of Britain.

From the evidence provided by the British and Scottish Social Attitudes surveys, overall levels of trust in the political process and the ability of the government to put the interests of the nation above those of political party are very low. The disengagement and alienation from the political process that these statistics suggest is endemic in British society should be of significant concern for those interested in social cohesion and democratic governance. This, rather than the political recognition of national diversity, represents the gravest threat to social and political cohesion in Britain. Although the difference is modest, there is evidence that Scots, for example, are more inclined to trust the Scottish parliament to advance the national interest over and above party political concerns than the Westminster parliament, suggesting that devolution does have a role in restoring trust in, and engagement with, the political process in Britain. However, in terms of the significance of generalized trust for the maintenance of social cohesion, it should be noted that survey data indicates that individuals who profess a sense of attachment to a wider British identity exhibit greater levels of trust in fellow citizens than those exclusively attached to non-British national identities. This should serve as a reminder that identity *is* pertinent to social solidarity and that the diffusion of a common identity facilitates the maintenance of social cohesion. Were attachment to a British identity to become the preserve of only a small minority, social cohesion would be imperilled and the disintegration of the British state made likely.

(10) Devolution provides Britain's national minorities with significant resources with which to pursue their own distinctive nation-building projects, the effects of which on social cohesion in Britain is in part dependent on their capacity to support 'dual' identities. The founding agreement creating the British state, the Treaty of Union 1707, although incorporating Scotland and England into a single British Parliament, nevertheless preserved a number of areas of regional autonomy, thus making the newly established state a union rather than a unitary state. As indicated above, this fact played a significant role in the preservation of minority national identities (particularly in Scotland) even as a broader sense of British identity was forged in the eighteenth and nineteenth centuries. It is important that for the majority of its history, a significant proportion of its citizens have not understood national identity as a zero-sum game whereby the rise of one occurs

inevitably at the cost of another, but have instead adopted dual identities according to which continuing identification with historical national identities has not been seen as antagonistic or incompatible with commitment to an overall British identity.

The historical coexistence of alternative conceptions of nationality and the prevalence of hybrid identities within British history is an important factor for its capacity to generate strong political and social cohesion. The degree to which devolution either fosters or inhibits such dual identification is therefore an important consideration, since anything that promotes a more exclusive interpretation of personal and social identity does threaten to undermine the integrity of the state and the maintenance of social cohesion. Taking survey data as evidence, there is little indication that devolution has led to a decline in the levels of identification with Britishness within the devolved territories. The distribution of identity attachments in Scotland, where traditionally Britishness has been weakest, has remained largely static since the introduction of devolution, with a clear majority (approximately two-thirds) continuing to identify themselves in some form with a British identity. It is rather the case that alienation from Britishness amongst Scots has increased the most at times when political institutions were perceived as unrepresentative of Scottish political opinion and when the dominance of the central state has been strongest. Devolution, instead of undermining a sense of British national identity upon which the strength of Union partly rests, has instead facilitated dual identities amongst its national minorities by decreasing their sense of alienation from a state often perceived as dominated by English interests. A Litmus test of the impact of devolution on identity in Britain is provided by the types of nation-building discourse advanced in the post-devolution period. Amongst some of the central political figures in post-devolution Britain, significant criticism of devolution is almost entirely absent, and there is universal support for a democratic, civic and inclusive interpretation of nationality that provides the most fertile basis for dual identities.

Notes

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- ¹ See B. Crick, “The English and the British”, in B. Crick (ed), *National Identities*.
- ² See Guibernau, M. *Nations Without States*, pp. 33-59, and Keating, M. *Nations Against the State*, ch.2.
- ³ Keating, M. *Plurinational Democracy: Stateless Nations in a Post-Sovereignty Era*.
- ⁴ Guibernau, M. *Nations Without States*.
- ⁵ Weber, M. *From Max Weber*, p. 78.
- ⁶ Weber, M. *The Theory of Social and Economic Organization*, ch. 1.
- ⁷ *Ibid*, p. 102.
- ⁸ *Ibid*, p. 109.
- ⁹ *Ibid*, p. 92.
- ¹⁰ *Ibid*, p. 107.
- ¹¹ *Ibid*, p. 124.
- ¹² Tönnies, F. *Community and Society*.
- ¹³ Weber, M. *The Theory of Social and Economic Organization* p. 139.
- ¹⁴ *Ibid*, p. 148, (my italics).
- ¹⁵ *Ibid*, p. 326.
- ¹⁶ *Ibid*, p. 330.
- ¹⁷ *Ibid*, p. 340.
- ¹⁸ Giddens, A. *The Nation-State and Violence*, p. 20.
- ¹⁹ *Ibid*, p. 18.
- ²⁰ *Ibid*, p. 8.
- ²¹ *Ibid*, p. 8.
- ²² *Ibid*, p. 10.
- ²³ *Ibid*, p. 11.
- ²⁴ *Ibid*, p. 11-12.
- ²⁵ *Ibid*, p. 13.
- ²⁶ Mann, M. *The Sources of Social Power, Volume II*, p. 55.
- ²⁷ *Ibid*, p. 56.
- ²⁸ *Ibid*, p. 57.
- ²⁹ *Ibid*, p. 59.
- ³⁰ *Ibid*, p. 75.
- ³¹ *Ibid*, p. 85.
- ³² Poggi, G. *The State: Its Nature, Development and Prospects*, p. 19. This definition is itself adapted from Tilly, C. *The Formation of National States in Western Europe*, p. 70.
- ³³ Poggi, G. *The State: Its Nature, Development and Prospects*, p. 8.
- ³⁴ *Ibid*, p. 25.
- ³⁵ *Ibid*, p. 19.
- ³⁶ *Ibid*, p. 31.
- ³⁷ *Ibid*, p. 74.
- ³⁸ See for example, Poulantzas, N. *State, Power and Socialism*; Miliband, R. *The State in Capitalist Society*; Jessop, B. *The Capitalist State*.
- ³⁹ See for example, Dahl, R. *A Preface to Democratic Theory*; Easton, D. *A Framework for Political Analysis*; Lipset, S. *Political Man*.
- ⁴⁰ See for example, Skocpol, T. *States and Social Revolutions*; Evans et al. *Bringing the State Back In*.
- ⁴¹ Weber, M. *From Max Weber*, p. 95.
- ⁴² *Ibid*, p. 102.
- ⁴³ Gellner, E. *Nations and Nationalism*, p. 1
- ⁴⁴ *Ibid*, p. 11.
- ⁴⁵ *Ibid*, p. 21.

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- ⁴⁵ Gellner, E, *Culture, Identity, and Politics*, p. 17.
- ⁴⁶ Hobsbawm, E. *Nations and Nationalism Since 1780*, ch. 1.
- ⁴⁷ *Ibid*, p. 57.
- ⁴⁸ *Ibid*, p. 81.
- ⁴⁹ *Ibid*, p. 91.
- ⁵⁰ *Ibid*, p. 121.
- ⁵¹ *Ibid*, p. 133.
- ⁵² Breuilly, J. *Nationalism and the State*, p. 2
- ⁵³ *Ibid*, p. 22.
- ⁵⁴ *Ibid*, p. 70.
- ⁵⁵ *Ibid*, p. 374.
- ⁵⁶ Smith, A. *The Ethnic Origins of Nations*, p. 32.
- ⁵⁷ *Ibid*, p. 46.
- ⁵⁸ *Ibid*, p. 77.
- ⁵⁹ *Ibid*, p. 133.
- ⁶⁰ *Ibid*, p. 134.
- ⁶¹ Smith, A. *National Identity*. Although it should be noted that in a subsequent article (Smith, A. 'When is a nation?', *Geopolitics* 7(2): 5-35) Smith advances an alternative definition of the nation in which the reference to 'mass' public culture, and a common economy are removed, and 'common legal rights and duties for all members' is changed to 'common laws and customs'. For a discussion of these changes see Guibernau, M. 'Anthony D. Smith on nations and national identity: a critical assessment', *Nations and Nationalism* 10 (1/2): 125-141.
- ⁶² Smith, A. *The Ethnic Origins of Nations*, p. 136.
- ⁶³ *Ibid*, p. 136.
- ⁶⁴ *Ibid*, p. 150.
- ⁶⁵ *Ibid*, p. 215.
- ⁶⁶ Poggi, G. *The State: Its Nature, Development and Prospects*, p. 19.
- ⁶⁷ Guibernau, M. *Nations Without States*.
- ⁶⁸ Hobsbawm, E, *Nations and Nationalism Since 1780*, p. 9-10.
- ⁶⁹ Giddens, A, *The Nation-State and Violence*, p. 119.
- ⁷⁰ *Ibid*, p. 116.
- ⁷¹ M. Keating, *Plurinational Democracy*, p.7; D. McCrone, *The Sociology of Nationalism*, p. 7; M. Guibernau, *The Identity of Nations*, p. 23.
- ⁷² D. McCrone, *The Sociology of Nationalism*, p. 3.
- ⁷³ W. Kymlicka, *Multicultural Citizenship*, p. vii.
- ⁷⁴ *Ibid*, p. vii..
- ⁷⁵ F H Hinsley, *Sovereignty*, ch. 2.
- ⁷⁶ A Giddens, *The Nation-State and Violence*, p. 210.
- ⁷⁷ J Bodin, *On Sovereignty*, p. 1
- ⁷⁸ T Hobbes, *Leviathan*, p. 120.
- ⁷⁹ *Ibid*, pp. 86, 87.
- ⁸⁰ *Ibid*, pp. 88, 96.
- ⁸¹ *Ibid*, p. 90.
- ⁸² *Ibid*, p. 92.
- ⁸³ *Ibid*, p. 120.
- ⁸⁴ *Ibid*, p. 125.
- ⁸⁵ I use the term 'sub-state minority groups' here in recognition of the problematic nature of referring to a national minority in the context of the pre-modern state, for reasons that should be clear from chapter one.
- ⁸⁶ T Hobbes, *Leviathan*, p. 114.
- ⁸⁷ D Held, *Models of Democracy*, p. 50.

⁸⁸ ‘because every Subject is by this Institution the Author of all the Actions, and Judgments of the Sovereigne Instituted; it followes, that whatsoever he doth, it can be no injury to any of his Subjects; nor ought he to be by any of them accused of Injustice’

⁸⁹ D Held, *Models of Democracy*, p. 46.

⁹⁰ See J Gottmann, *The Significance of Territory*.

⁹¹ F H Hinsley, *Sovereignty*.

⁹² J Locke, *Two Treatises of Government*, p. 271.

⁹³ *Ibid*, p. 275.

⁹⁴ *Ibid*, p. 324.

⁹⁵ *Ibid*, p. 324. The term ‘property’ is here used to refer to the ‘life, liberty, and estate’ of an individual, rather than simply their physical possessions, although Locke’s use of the term vacillates between these two meanings.

⁹⁶ *Ibid*, p. 330.

⁹⁷ *Ibid*, p. 367.

⁹⁸ *Ibid*, p. 348.

⁹⁹ *Ibid*, p. 348 – ‘because it may be too great a temptation to humane frailty apt to grasp at Power, for the same Persons, who have the Power of making Laws, to have also in their hands the power to execute them.’

¹⁰⁰ Montesquieu, *The Spirit of the Laws*, p. 3 – ‘Laws in their most general signification, are the necessary relations derived from the nature of things. In this sense all beings have their laws, the Deity has his laws, the material world its laws, the intelligences superior to man have their laws, the beasts their laws, man his laws’.

¹⁰¹ R Aron, *The Main Currents in Sociological Thought Vol I*, p. 18-19.

¹⁰² *Ibid*, p. 23.

¹⁰³ Montesquieu, *The Spirit of the Laws*, p. 10.

¹⁰⁴ *Ibid*, p. 155.

¹⁰⁵ *Ibid*, p. 157.

¹⁰⁶ *Ibid*, p. 157 – ‘the power over the life and liberty of the citizens would be arbitrary, for the judge would be the legislator’.

¹⁰⁷ *Ibid*, p. 157.

¹⁰⁸ *Ibid*, p. 14.

¹⁰⁹ *Ibid*, p. 10.

¹¹⁰ M Keating, *Nations Against the State*.

¹¹¹ J-J Rousseau, *The Social Contract and Discourses*, p. 191, my italics.

¹¹² D Held, *Models of Democracy*, p. 74.

¹¹³ J-J Rousseau, *The Social Contract and Discourses*, p. 81-82.

¹¹⁴ *Ibid*, p. 99.

¹¹⁵ G D H Cole, ‘Introduction’, in *The Social Contract and Discourses*, p. xxii.

¹¹⁶ *Ibid*, p. xxxv.

¹¹⁷ J-J Rousseau, *The Social Contract and Discourses*, p. 193.

¹¹⁸ *Ibid*, p. 194.

¹¹⁹ D Held, *Models of Democracy*, p. 75.

¹²⁰ R Aron, *The Main Currents in Sociological Thought Vol I*, p. 34.

¹²¹ J-J Rousseau, *The Social Contract and Discourses*, p. 207.

¹²² J S Mill, *On Liberty and Other Writings*, pp. 8, 17.

¹²³ *Ibid*, p. 13.

¹²⁴ *Ibid*, p. 8.

¹²⁵ *Ibid*, p. 8-9.

¹²⁶ *Ibid*, p. 13.

¹²⁷ *Ibid*, p. 15-16.

¹²⁸ *Ibid*, p. 60.

¹²⁹ *Ibid*, p. 61.

¹³⁰ Quoted in W Kymlicka, *Multicultural Citizenship*, p. 52.

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- ¹³¹ Ibid, p. 53.
- ¹³² M Weber, *From Max Weber*, p. 78.
- ¹³³ On the specific concept of 'nation-building' see below.
- ¹³⁴ The phrase 'institutional affirmation' as it is employed here is taken from, N Canafe, "Sovereignty Without Nationalism? A Critical Assessment of Minority Rights Beyond the Sovereign Nation-State Model", in Sellers (ed) *The New World Order*, p. 94.
- ¹³⁵ M Guibernau, *Nationalisms*, p. 59-60.
- ¹³⁶ F H Hinsley, *Sovereignty*, p. 26.
- ¹³⁷ N MacCormick, *Questioning Sovereignty*, p. 130.
- ¹³⁸ For an analysis of this tendency within political science see, Biersteker and Weber, *State Sovereignty as a Social Construct*, ch. 1.
- ¹³⁹ H Morgenthau, *Politics Among Nations*, p. 382.
- ¹⁴⁰ M Keating, *Plurinational Democracy*, ch. 1.
- ¹⁴¹ M Keating, "Sovereignty and Plurinational Democracy", in N Walker (ed), *Sovereignty in Transition*, p. 197.
- ¹⁴² M Keating, *Plurinational democracy*, ch. 1.
- ¹⁴³ D Philpott, "In Defense of Self-Determination", *Ethics*, 105: 352-385; K Nielsen, "Liberal Nationalism and Secession", in M Moore (ed) *National Self-Determination and Secession*.
- ¹⁴⁴ D Philpott, "In Defense of Self-Determination", *Ethics*, 105: 357..
- ¹⁴⁵ D Philpott, "Self-Determination in Practice", in M Moore (ed) *National Self-Determination and Secession*, p. 80.
- ¹⁴⁶ K Nielsen, "Liberal Nationalism and Secession", in M Moore (ed) *National Self-Determination and Secession*, p. 103.
- ¹⁴⁷ Ibid, p. 120.
- ¹⁴⁸ A Buchanan, "Democracy and Secession", in M Moore (ed), *National Self-Determination and Secession*, p. 14.
- ¹⁴⁹ Ibid, p. 18.
- ¹⁵⁰ Ibid, p. 18.
- ¹⁵¹ Ibid, p. 21.
- ¹⁵² Ibid, p. 22.
- ¹⁵³ Ibid, p. 23.
- ¹⁵⁴ Ibid, p. 25.
- ¹⁵⁵ D Philpott, "In Defense of Self-Determination", *Ethics*, 105: p. 365 - The lack of enthusiasm amongst citizens of the north-east of England when polled on the idea of a regional assembly emphasizes the point that it is really only to groups that define themselves as distinct nations that the right to self-determination is an appealing political option.
- ¹⁵⁶ A Buchanan, "Democracy and Secession", in M Moore (ed), *National Self-Determination and Secession*, p. 23.
- ¹⁵⁷ N MacCormick, *Questioning Sovereignty*.
- ¹⁵⁸ A Giddens, *The Nation-State and Violence*, p. 210.
- ¹⁵⁹ F H Hinsley, *Sovereignty*, p. 158.
- ¹⁶⁰ Although the realist assumption that only states can act in the sphere of international relations is subject to increasing scrutiny with the rise in importance of transnational political organizations such as the UN and the EU, as well as the proliferation of transnational civil society organizations.
- ¹⁶¹ N MacCormick, *Questioning Sovereignty*, p. 130.
- ¹⁶² Ibid, p. 134.
- ¹⁶³ Ibid, p. 169.
- ¹⁶⁴ Ibid, p. 125.
- ¹⁶⁵ Ibid, p. 134.
- ¹⁶⁶ K Nielsen, "Liberal Nationalism and Secession", in M Moore (ed) *National Self-Determination and Secession*, p. 115.

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- ¹⁶⁷ R. Williams, *Culture and Society*, p. 62, italics added.
- ¹⁶⁸ Ibid, p. xviii.
- ¹⁶⁹ J. Joseph, *Social Theory: Conflict, Cohesion and Consent*, p. 3.
- ¹⁷⁰ See N. McEwan, *Nationalism and the State: Welfare and Identity in Scotland and Quebec*.
- ¹⁷¹ A. Giddens, *The Consequences of Modernity*.
- ¹⁷² A. Giddens, *Modernity and Self-Identity*, p. 14.
- ¹⁷³ A. de Tocqueville, *Democracy in America*, p. 361.
- ¹⁷⁴ Ibid, p. 360.
- ¹⁷⁵ Ibid, p. 21.
- ¹⁷⁶ Ibid, p. 15.
- ¹⁷⁷ R. Aron, *The Main Currents in Sociological Thought Vol II*, p. 187.
- ¹⁷⁸ A. de Tocqueville, *Democracy in America*, p. 18.
- ¹⁷⁹ Ibid, pp. 19-20.
- ¹⁸⁰ Ibid, pp. 16-7.
- ¹⁸¹ Ibid, p. 80.
- ¹⁸² Ibid, p. 189.
- ¹⁸³ Ibid, p. 190.
- ¹⁸⁴ Ibid, p. 56.
- ¹⁸⁵ Ibid, p. 344.
- ¹⁸⁶ Ibid, p. 342.
- ¹⁸⁷ Ibid, p. 499.
- ¹⁸⁸ F. Tönnies, *Community and Society*, p. 237.
- ¹⁸⁹ Ibid, p. 249.
- ¹⁹⁰ Ibid, p. 225.
- ¹⁹¹ Ibid, p. 35.
- ¹⁹² Ibid, p. 37.
- ¹⁹³ Ibid, p. 37.
- ¹⁹⁴ Ibid, p. 42.
- ¹⁹⁵ Ibid, p. 250.
- ¹⁹⁶ Ibid, p. 47.
- ¹⁹⁷ Ibid, p. 59.
- ¹⁹⁸ Ibid, p. 56.
- ¹⁹⁹ Ibid, p. 207.
- ²⁰⁰ Ibid, p. 206.
- ²⁰¹ Ibid, p. 65.
- ²⁰² Ibid, p. 65.
- ²⁰³ Ibid, p. 179.
- ²⁰⁴ Ibid, pp. 78, 87.
- ²⁰⁵ See H. Spencer, *Principles of Sociology*.
- ²⁰⁶ F. Tönnies, *Community and Society*, p. 68.
- ²⁰⁷ Ibid, p. 203.
- ²⁰⁸ Ibid, p. 84.
- ²⁰⁹ Ibid, p. 77, italics added.
- ²¹⁰ Ibid, p. 202.
- ²¹¹ Ibid, p. 230.
- ²¹² Ibid, pp. 196-7.
- ²¹³ R. Aron, *The Main Currents in Sociological Thought Vol II*, ch. 1.
- ²¹⁴ E. Durkheim, *The Division of Labour in Society*, p. xxvi.
- ²¹⁵ See A. Giddens, *Capitalism and Modern Social Theory*, pp. 72-3.
- ²¹⁶ E. Durkheim, *The Division of Labour in Society*, p. 2.
- ²¹⁷ Ibid, p. 60.
- ²¹⁸ Ibid, p. 39.

²¹⁹ Durkheim finds evidence of the strength of the collective consciousness in archaic societies in the predominance of ‘repressive’ sanctions associated with penal law that is found within them. Since, Durkheim argues, the function of repressive sanctions is to expiate transgressions of the collective consciousness, its relative predominance, intensity and specificity can be taken as an index of the strength of the collective consciousness and vice versa.

²²⁰ A. Giddens, *Durkheim*, p. 25.

²²¹ *Ibid*, p. 26.

²²² E. Durkheim, *The Division of Labour in Society*, p. 83.

²²³ *Ibid*, p. 17.

²²⁴ *Ibid*, p. 121.

²²⁵ For Durkheim’s judgement on the Dreyfus case see E. Durkheim, “L’Individualisme et les intellectuels”, *Revue bleue*, vol. 10, 1898, pp. 7-13. See also A. Giddens, *Capitalism and Modern Social Theory*.

²²⁶ A. Giddens, *Capitalism and Modern Social Theory*, p. 29.

²²⁷ E. Durkheim, *The Division of Labour in Society*, p. 173.

²²⁸ R. Aron, *The Main Currents in Sociological Thought Vol II*, p. 29.

²²⁹ J. Dingley, *Nationalism, Social Theory and Durkheim*, p. 2.

²³⁰ E. Durkheim, *The Division of Labour in Society*, ch. 7.

²³¹ *Ibid*, pp. 151-2.

²³² *Ibid*, p. 152.

²³³ *Ibid*, p. 162.

²³⁴ *Ibid*, p. 162.

²³⁵ E. Durkheim, *The Rules of Sociological Method*, p. xlix.

²³⁶ *Ibid*, p. 2.

²³⁷ *Ibid*, p. 9.

²³⁸ M. Weber, *From Max Weber: Essays in Sociology*, p. 78.

²³⁹ M. Weber, *The Protestant Ethic and the Spirit of Capitalism*, p. 17.

²⁴⁰ M. Weber, *Economy and Society*, p. 37.

²⁴¹ *Ibid*, p. 31.

²⁴² M. Weber, *From Max Weber: Essays in Sociology*, p. 80.

²⁴³ M. Weber, *Economy and Society*, p. 215.

²⁴⁴ *Ibid*, p. 216.

²⁴⁵ *Ibid*, pp. 227, 238.

²⁴⁶ *Ibid*, pp. 215, 216.

²⁴⁷ *Ibid*, p. 246.

²⁴⁸ *Ibid*, p. 215.

²⁴⁹ M. Weber, *From Max Weber: Essays in Sociology*, p. 82.

²⁵⁰ M. Weber, *Economy and Society*, p. 223.

²⁵¹ J. Joseph, *Social Theory: Conflict, Cohesion and Consent*, p. 109.

²⁵² See M. Guibernau, *Nationalisms*, ch. 1.

²⁵³ See R. Brubaker, *Citizenship and Nationhood in France and Germany*.

²⁵⁴ See M. Guibernau, *Nations Without States*.

²⁵⁵ See B. Fine, *Social Capital versus Social Theory*, ch. 4; J. Field, *Social Capital*, ch. 1.

²⁵⁶ See *Ibid*.

²⁵⁷ R. Putnam, *Bowling Alone*, p. 19.

²⁵⁸ *Ibid*, p. 22.

²⁵⁹ *Ibid*, p. 72.

²⁶⁰ R. Putnam, “E Pluribus Unum: Diversity and Community in the Twenty-first Century The 2006 Johan Skytte Prize Lecture”, *Scandinavian Political Studies*, Vol, no, 2, pp. 134 -5.

²⁶¹ *Ibid*, p. 138.

²⁶² *Ibid*, p. 144.

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- ²⁶³ Ibid, p. 149; pp. 150-1.
- ²⁶⁴ Ibid, pp. 138-9.
- ²⁶⁵ Ibid, pp. 160-1.
- ²⁶⁶ Ibid, p. 161.
- ²⁶⁷ R. Sennet, *The Fall of Public Man*.
- ²⁶⁸ Ibid, pp. 222-3.
- ²⁶⁹ Ibid, p. 264.
- ²⁷⁰ R. Putnam, *Bowling Alone*, ch. 22.
- ²⁷¹ Ibid, ch. 22.
- ²⁷² B. Fine, *Social Capital versus Social Theory*, p. 86.
- ²⁷³ See S. Tarrow, "Making Social Science Work across Time and Space: A Critical Reflection on Robert Putnam's 'Making Democracy Work'", *American Political Science Review*, vol 90, no. 2, pp. 389-97.
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- ²⁷⁵ R. Dworkin, "Liberalism", in M. Sandel (ed), *Liberalism and its Critics*, p. 64.
- ²⁷⁶ J. Rawls, *A Theory of Justice*, pp. 3-4.
- ²⁷⁷ J. Rawls, "The Right and the Good Contrasted", in M. Sandel (ed), *Liberalism and its Critics*, p. 45.
- ²⁷⁸ A. MacIntyre, "The Virtues, the Unity of a Human Life, and the Concept of a Tradition", in M. Sandel (ed), *Liberalism and its Critics*, p. 128.
- ²⁷⁹ M. Sandel, "Justice and the Good", in M. Sandel (ed), *Liberalism and its Critics*, p. 166.
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- ²⁸³ Ibid, p. 67.
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- ²⁸⁵ Ibid, p. 130.
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- ²⁸⁷ D. Miller, *On Nationality*, p. 140.
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- ²⁸⁹ Ibid, p. 188.
- ²⁹⁰ Y. Tamir, *Liberal Nationalism*, p. 121.
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- ²⁹⁵ J. Kellas, "A very British Scot", *Nations and Nationalism*, vol. 3, 1996, pp. 441 – 443.
- ²⁹⁶ B. O'Leary, "Insufficiently liberal and insufficiently nationalist", *Nations and Nationalism*, Vol. 3, 1996, pp. 444 – 451.
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- ²⁹⁹ Ibid, p. 442.
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- ³⁰³ A. D. Smith, *National Identity*, pp. 16-7, italics added.
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- ³¹² *Ibid*, p. 22.
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- ³³⁷ *Ibid*, p. 192.
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- ³⁵⁴ C. Kidd, *Subverting Scotland's Past*, p. 205.
- ³⁵⁵ J. D. Mackie, *The History of Scotland*, p. 266.
- ³⁵⁶ A. Brown et al, *Politics and Society in Scotland*, p. 49.
- ³⁵⁷ G.S. Pryde, *Scotland from 1603 to the Present Day*, p. 60.
- ³⁵⁸ Ibid, p. 60-1.
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- ³⁶³ Ibid, p. 66.
- ³⁶⁴ A. Smith, *The Ethnic Origins of Nations*, p. 191.
- ³⁶⁵ Ibid, p. 200.
- ³⁶⁶ Ibid, pp. 197, 200.
- ³⁶⁷ The term 'civil autonomy' is taken from A. Brown et al, *Politics and Society in Scotland*, in which it is used to emphasize the largely autonomous nature of Scottish civil society post-1707.
- ³⁶⁸ T. M. Devine, *Scotland's Empire*, p. xxv.
- ³⁶⁹ Ibid, p. 27.
- ³⁷⁰ L. Colley, *Britons: Forging the Nation 1707-1837*, p. 5.
- ³⁷¹ Ibid, p. 5.
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- ³⁷³ T. M. Devine, *Scotland's Empire*, p. 70.
- ³⁷⁴ T. M. Devine, *Scotland's Empire*, p. 96.
- ³⁷⁵ Ibid, p. ch. 1.
- ³⁷⁶ Ibid, pp. 5, 26.
- ³⁷⁷ Ibid, pp. 103, 108, 188.
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- ³⁷⁹ N. Ferguson, *Empire: How Britain Made the Modern World*, p. 45.
- ³⁸⁰ T. M. Devine, *Scotland's Empire*, p. 251.
- ³⁸¹ Ibid, p. xxvi.
- ³⁸² Ibid, p. 269.
- ³⁸³ C. Kidd, *Subverting Scotland's Past*, pp. 206-15.
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- ³⁸⁹ Ibid, p. 11.
- ³⁹⁰ T. Nairn, *The Break-Up of Britain*, ch. 3.
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- ³⁹⁹ See M. Keating, *Plurinational Democracy: stateless nations in a post-sovereignty era*.

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- ⁴⁰² M. Keating and D. Bleiman, *Labour and Scottish Nationalism*, p. 31.
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- ⁴⁰⁴ H. J. Hanham, *Scottish Nationalism*, p. 103.
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- ⁴¹¹ Ibid, p. 66.
- ⁴¹² Figures adapted from C. Harvie, *No Gods and Precious Few Heroes*, p. 36. The figures represent current prices (1998).
- ⁴¹³ R. Finlay, *Independent and Free: Scottish Politics and the Origins of the Scottish National Party 1918-1945*, p. 241.
- ⁴¹⁴ M. Keating and D. Bleiman, *Labour and Scottish Nationalism*, pp. 129-30.
- ⁴¹⁵ J. Breuilly, *Nationalism and the State*, p. 280.
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- ⁴¹⁷ C. Harvie, *Scotland and Nationalism: Scottish society and politics 1707 to the present*, p. 116.
- ⁴¹⁸ R. Finlay, *Scotland in the Twentieth Century*, pp. 268-9.
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- ⁴²⁶ T. M. Devine, *The Scottish Nation 1700-2000*, p. 601.
- ⁴²⁷ C. Harvie, *Scotland and Nationalism: Scottish society and politics 1707 to the present*, p. 160.
- ⁴²⁸ See T. M. Devine, *The Scottish Nation 1700-2000*, p. 595.
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- ⁴³³ See S. Rokkan and D. Urwin, *Economy, territory, identity : politics of West European peripheries*.
- ⁴³⁴ O.D. Edwards (ed), *A Claim of Right for Scotland*, pp. 51-3.
- ⁴³⁵ T. M. Devine, *The Scottish Nation 1700-2000*, p. 612.
- ⁴³⁶ V. Bogdanor, *Devolution in the United Kingdom*, ch. 1.
- ⁴³⁷ See A. Aughey, *Nationalism, Devolution and the Challenge to the United Kingdom State*, ch. 5.
- ⁴³⁸ See N. McEwan, *Nationalism and the State: Welfare and Identity in Scotland and Quebec*, ch. 3.

⁴³⁹M. O'Neill, "Great Britain: From Dicey to Devolution", *Parliamentary Affairs*, Vol. 53, No. 1, p. 81.

⁴⁴⁰J. McEldowney, *Report on the British constitution and proposed European constitution*.

⁴⁴¹See A. V. Dicey, *An Introduction to the Study of the Law of the Constitution*.

⁴⁴²*Ibid.*

⁴⁴³*The Scotland Act 1998*, s. 28 (1).

⁴⁴⁴*The Scotland Act 1998*, s. 28 (7).

⁴⁴⁵The practical exercise of this right is governed by the 'Sewel Convention', according to which the consent of the devolved legislatures will usually be sought. This, however, in no way affects the Westminster Parliament's legal right to legislate on devolved matters against the wishes of the devolved Parliament.

⁴⁴⁶R. Watts, *Comparing Federal Systems*, pp. 88-9.

⁴⁴⁷A. V. Dicey, *England Case Against Home Rule*. See also D. G. Boyce, "Dicey, Kilbrandon and Devolution", *Political Quarterly*, Vol. 46, No. 2.

⁴⁴⁸A. V. Dicey, *England's Case Against Home Rule*, pp. 23-4.

⁴⁴⁹*Ibid.*, p. 24.

⁴⁵⁰V. Bogdanor, "Devolution: Decentralisation or Disintegration?" *The Political Quarterly*, Vol. 70, No. 2, p. 185.

⁴⁵¹*Ibid.*, p. 185.

⁴⁵²See A. Trench, "Washing dirty linen in private: the processes of intergovernmental relations and the resolution of disputes", in A. Trench (ed), *Devolution and power in the United Kingdom*, pp. 169-172.

⁴⁵³V. Bogdanor, "Devolution: Decentralisation or Disintegration?" *The Political Quarterly*, Vol. 70, No. 2, p. 188.

⁴⁵⁴C. Harlow, "Disposing of Dicey: from Legal Autonomy to Constitutional Discourse", *Political Studies*, Vol. 48, p. 357.

⁴⁵⁵See for example T. Dalyell, *Devolution: the End of Britain?*, pp. 251-254.

⁴⁵⁶A. V. Dicey, *England's Case Against Home Rule*, p. 249.

⁴⁵⁷*Ibid.*, p. 250.

⁴⁵⁸*Ibid.*, p. 252.

⁴⁵⁹T. Dalyell, *Devolution: the End of Britain?*, p. 244.

⁴⁶⁰*Ibid.*, p. 245.

⁴⁶¹See M. Guibernau, *Nations Without States: Political Communities in a Global Age*, pp. 49-50; W. Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*, pp. 36-7.

⁴⁶²D. Marquand, "Democracy in Britain", *The Political Quarterly*, Vol. 72, No. 1, pp. 268-9.

⁴⁶³*Ibid.*, p. 272.

⁴⁶⁴B. Crick, "The English and the British", in B. Crick (ed), *National Identities*, p. 102.

⁴⁶⁵*Ibid.*, p. 101.

⁴⁶⁶M. O'Neill, "Great Britain: From Dicey to Devolution", *Parliamentary Affairs*, Vol. 53, No. 1, p. 79.

⁴⁶⁷A. Trench, "Washing dirty linen in public: the processes of intergovernmental relations and the resolution of disputes", in A. Trench (ed), *Devolution and Power in the United Kingdom*, p. 170.

⁴⁶⁸Lord Chancellor, *Memorandum of Understanding and Supplementary Agreements between the UK Government, Scottish Ministers and the Cabinet of the National Assembly for Wales*, para 26. See also R. Hazell (ed), *The State of the Nations: The First Year of Devolution in the United Kingdom*, pp. 157-161.

⁴⁶⁹R. Hazell (ed), *The State of the Nations: The First Year of Devolution*, p. 159.

⁴⁷⁰*Ibid.*, p. 158.

⁴⁷¹M. O'Neill, "Great Britain: From Dicey to Devolution", *Parliamentary Affairs*, Vol. 53, No. 1, p. 84.

- ⁴⁷²R. Hazell (ed), *The State of the Nations: The First Year of Devolution in the United Kingdom*, p. 151.
- ⁴⁷³M. O'Neill, "Great Britain: From Dicey to Devolution", *Parliamentary Affairs*, Vol. 53, No. 1, p. 80.
- ⁴⁷⁴See D. Held *et al*, *Global Transformations: Politics, Economics and Culture*.
- ⁴⁷⁵*Ibid*, p. 74.
- ⁴⁷⁶*Ibid*, p. 74.
- ⁴⁷⁷G. Fitzgerald, "The British and the Irish in the Context of Europe", in B. Crick (ed), *National Identities*, p. 7.
- ⁴⁷⁸See M. Keating, "What's Wrong with Asymmetrical Government?" *Regional and Federal Studies*, Vol. 8, No. 1, pp. 195-218.
- ⁴⁷⁹C. Tarlton, "Symmetry and Asymmetry as Elements of Federalism: A Theoretical Speculation", *The Journal of Politics*, Vol. 27, No. 4, p. 867.
- ⁴⁸⁰R. Watts, "The UK as a Federalised or Regionalised Union", in A. Trench (ed), *Devolution and Power in the United Kingdom*, pp. 247-8.
- ⁴⁸¹C. Tarlton, "Symmetry and Asymmetry as Elements of Federalism: A Theoretical Speculation", *The Journal of Politics*, Vol. 27, No. 4, p. 870.
- ⁴⁸²*Ibid*, p. 872.
- ⁴⁸³M. Keating, "The United-Kingdom as a Post-Sovereign Polity", in M. O'Neill (ed), *Devolution and British Politics*, p. 322.
- ⁴⁸⁴S. Rokkan and D. Urwin, *The Politics of Territorial Identity*, p. 11.
- ⁴⁸⁵See M. Keating, "What's Wrong with Asymmetrical Government?", *Regional and Federal Studies*, Vol. 8, No. 1, p. 195.
- ⁴⁸⁶B. Crick, "Ambushes and Advances: The Scottish Act 1998", *Political Quarterly*, Vol. 66, No. 4, p. 243.
- ⁴⁸⁷T. Nairn, "Ukania under Blair", *New Left Review*, Jan-Feb 2000, p. 101.
- ⁴⁸⁸*Ibid*, p. 102.
- ⁴⁸⁹D. Marquand, "Democracy in Britain", *The Political Quarterly*, Vol. 72, No. 1, p. 275.
- ⁴⁹⁰T. Dalyell, *Devolution: The End of Britain?*, pp. 247-8.
- ⁴⁹¹V. Bogdanor, "Devolution: Decentralisation or Disintegration?" *The Political Quarterly*, Vol. 70, No. 2, p. 189.
- ⁴⁹²M. Keating, "What's Wrong with Asymmetrical Government?", *Regional and Federal Studies*, Vol. 8, No. 1, p. 209.
- ⁴⁹³R. Watts, "The UK as a Federalised or Regionalised Union", in A. Trench (ed), *Devolution and Power in the United Kingdom*, p. 253.
- ⁴⁹⁴See for example, A. Midwinter and M. McVicar, "The Devolution Proposals for Scotland: An Assessment and Critique", *Public Money and Management*, Vol. 16 (4), pp. 13-20; D. Bell and A. Christie, "Funding devolution: the power of money", in A. Trench (ed), *Devolution and Power in the United Kingdom*.
- ⁴⁹⁵R. Watts, "The UK as a Federalised or Regionalised Union", in A. Trench (ed), *Devolution and Power in the United Kingdom*, p. 253.
- ⁴⁹⁶*Ibid*, p. 254.
- ⁴⁹⁷Scottish Office, *Scotland's Parliament*, Cm 3658, para 7.24.
- ⁴⁹⁸D. Bell and A. Christie, "Funding devolution: the power of money", in A. Trench (ed), *Devolution and Power in the United Kingdom*, p. 76.
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- ⁵⁰⁰V. Bogdanor, *Devolution in the United Kingdom*, p. 237.
- ⁵⁰¹D. Heald *et al*, "Financial arrangements for UK devolution", *Regional and Federal Studies*, 8:1, p. 28.
- ⁵⁰²R. Watts, "The UK as a Federalised or Regionalised Union", in A. Trench (ed), *Devolution and Power in the United Kingdom*, p. 256.
- ⁵⁰³V. Bogdanor, *Devolution in the United Kingdom*, p. 242.

- ⁵⁰⁴See D. Heald and A. McLeod, "Beyond Barnett? Financing Devolution", in J. Adams and P. Robinson, *Devolution in Practice*, p. 149.
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- ⁵⁰⁶Ibid, p. 80.
- ⁵⁰⁷M. Keating, "What's Wrong with Asymmetrical Government?", *Regional and Federal Studies*, Vol. 8, No. 1, p. 212.
- ⁵⁰⁸D. Heald *et al*, "Financial arrangements for UK devolution", *Regional and Federal Studies*, 8:1, p. 42.
- ⁵⁰⁹D. Bell and A. Christie, "Funding devolution: the power of money", in A. Trench (ed), *Devolution and Power in the United Kingdom*, pp. 80-1.
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- ⁵¹¹B. Crick. "Ambushes and Advances: The Scottish Act 1998", *Political Quarterly*, Vol. 66, No. 4, pp.239-240.
- ⁵¹²See M. Keating, "Devolution and public policy in the United Kingdom: divergence or convergence?", in J. Adams and P. Robinson, *Devolution in Practice: Public Policy Differences within the UK*.
- ⁵¹³M. O'Neill, "Great Britain: From Dicey to Devolution", *Parliamentary Affairs*, Vol. 53, No. 1, p. 84.
- ⁵¹⁴See A. Trench (ed), *Devolution and Power in the United Kingdom*.
- ⁵¹⁵Quoted in B. Crick. "Ambushes and Advances: The Scottish Act 1998", *Political Quarterly*, Vol. 66, No. 4, p. 244.
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- ⁵¹⁷Bromley et al, *Has Devolution Delivered?*, pp. 8-9.
- ⁵¹⁸The results for 1997 are from the Scottish Election Study series and those from 1999 to 2006 from the Scottish Social Attitudes survey. In each case the same question was asked.
- ⁵¹⁹See M. Guibernau, "National identity, devolution and secession", *Nations and Nationalism*, 12 (1), 2006, 51-76.
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- ⁵²¹See, for example, M. Hechter, *Internal Colonialism: the Celtic fringe in British national development, 1536-1966*.
- ⁵²²A similar conclusion is reached by Bromley et al, *Devolution – Scottish Answers to Scottish Questions?*, C. Bromley et al, *Has Devolution Delivered?*, and M. Guibernau, "National identity, devolution and secession in Canada, Britain and Spain", *Nations and Nationalism*, 12 (1), 2006, 51-76.
- ⁵²³Transcript of Tony Blair's speech referred to in this section can be found at ...
- ⁵²⁴Transcripts of the speeches of Alex Salmond referred to in this section can be found at <http://www.scotland.gov.uk/News/This-Week/Speeches/First-Minister>; last accessed on 31st March 2009.
- ⁵²⁵R. Burns, *A Man's A Man For A' That*.
- ⁵²⁶Transcripts of the speeches of Gordon Brown referred to in this section can be found at <http://www.number10.gov.uk/news/speeches-and-transcripts>, last accessed on 1st April 2009.
- ⁵²⁷See Chapter Five.
- ⁵²⁸See Chapter Five.
- ⁵²⁹Transcripts of the speeches of David Cameron referred to in this section can be found at <http://www.conservatives.com/News/SpeechList.aspx?SearchType=NewsAuthor&SearchTerm=ebbc20f4-c4b7-45f6-8514-64f027094ab8>, last accessed 1st April 2009.
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- ⁵³¹See D. Miller, *On Nationality*, Y. Tamir, *Liberal Nationalism*.
- ⁵³²Weber, M. *From Max Weber*, p. 78.

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- ⁵³³ A. Giddens, *The Nation-State and Violence*.
- ⁵³⁴ M. Mann, *The Sources of Social Power Vol II*.
- ⁵³⁵ Poggi, G. *The State: Its Nature, Development and Prospects*, p. 19.
- ⁵³⁶ Y. Tamir, *Liberal Nationalism*, p. 62.
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- ⁵⁴⁰ W. Mommsen, "Varieties of the Nation State in Modern History: Liberal, Imperialist, Fascist and Contemporary Notions of Nation and Nationality", in M. Mann, *The Rise and Decline of the Nation-State*, pp. 222.
- ⁵⁴¹ M. Guibernau, *Nations Without States*, p. 179.
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