

Reactions to the Devolution White Paper

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When the White Paper on Devolution was published on 27 November 1975, it immediately raised a storm of controversy in Scotland and beyond. For it appeared that while 'Home Rule for Scotland and Wales' was at last practical politics and was to be implemented by the Labour Government, the nature of that Home Rule was far from satisfactory to opinion in Scotland, or in England.

To the majority of Scots, it seemed that it 'did not go far enough'. To most in England, on the other hand, it represented a 'threat to the unity of the United Kingdom', or the first step on the 'slippery slope' to Scottish independence.

The sort of devolution (the new name for Home Rule) proposed by the Government was supposed to provide for 'a massive handover to the new elected Assemblies of responsibility for the domestic affairs of Scotland and Wales, within the firm continuing frame work of the United Kingdom' (par. 4). In a phrase the government revealed that high hopes and strong fears were invoked by its scheme.

The 'massive handover' concerned the more local functions of central government, such as education, housing, health, roads and transport, and environmental planning. These are all at present under the control of the Scottish Office in Edinburgh, and would now come under the Scottish Assembly. But the 'firm continuing framework of the United Kingdom' meant that major functions of central government such as taxation, economic management and industrial development remained with the UK

Government, either in the Scottish Office, or in other Whitehall departments. Moreover, the 'sovereignty of Parliament' over all the affairs of the country was to be maintained intact, and new powers of 'veto' were introduced: a veto over *ultra vires* Bills of the Scottish Assembly, and a 'policy' veto over Scottish Assembly Bills which were 'unacceptable on policy grounds' to the UK Government. The first veto would be exercised solely by the Secretary of State for Scotland, and the second by the Secretary of State with the confirmation of Parliament (pars. 56-60).

It was explained that any surrender of the UK Government and Parliament's sovereignty 'would imply federalism, not devolution', and it was added for emphasis later on that those who were demanding a share of the oil revenues for a Scottish government were 'in effect demanding a separate Scottish state. The circle cannot be squared: it is not possible for Scotland - or any other part of the United Kingdom - to enjoy rights which can only go with separatism yet not have separatism itself' (par. 97).

Thus two alternatives to devolution, federalism and 'separatism', were firmly ruled out, on the rather shaky grounds that the sovereignty of Parliament and the monopoly of oil revenues by the central government were principles that could not be negotiated.

This left a kind of Home Rule eminently suitable as an extension of the local government system, but not one which could meet the discontents associated with the rise in nationalism, and the feeling that economic and social deprivation in Scotland could be tackled through the application of oil revenues to the regeneration of the Scottish economy. Yet such seemed to be the situation in Scotland: the Scottish National Party had risen to 30 per cent of the vote and 11 MPs in October 1974. The focus of the political debate in Scotland was on the run-down nature of the economy and its potential salvation through the discoveries of North Sea oil.

This was not of course how devolution or Scottish problems were viewed in London, or in the depressed regions of England. In London, the argument ran that Scotland was receiving more per head in public expenditure than other parts of the country, and had been given special attention in regional incentives to attract industry. It had no right to pre-empt itself a further bonus from oil revenues, these were in any case mortgaged for the elimination of the British balance of payments deficit. While Scotland might be entitled to a further strengthening of its existing governmental structure, it could not hope to transform its function into those of major policy-making in economic and social affairs. If the 'political and economic unity' of the United Kingdom were to be preserved, these must remain in London.

In the regions of England, the threat that Scotland might gain added political leverage through devolution, and so win a larger slice of the national cake, made many English M.P.s anxious to resist a Scottish Assembly. Some used the argument that their own regions were equally entitled to devolution; others accepted that few English people desired a parallel set of institutions in the English regions to those proposed for Scotland, yet they too opposed the Scottish proposals. In either case, Scotland should not get its Assembly, for that meant shifting resources

away from their constituencies.

Clearly, the resolution of the devolution issue in British politics depends on the balance between Scottish aspirations and English fears. How far would the Scots really go towards independence, and how far would the English go in resisting 'meaningful' or 'maximalist' devolution (that is, devolution with economic powers, and with freedom from the vetoes of London)?

Put in this way, the problem exaggerates the degree of Scottish-English antagonism, even if it is essentially accurate. Within Scotland, there are several strands of opinion on the constitutional issue, ranging from the supporters of the status quo, to the 'separatists' (a word shunned by the Nationalists). These strands cut across party lines, and across economic interests, social and educational sectors, and the media. There is no easy formula to say who is where on the Home Rule issue in Scotland. Within each political party there are pro- and anti-devolution wings, although the Liberals and SNP leaders are much more united than the Labour and Conservative ones. Liberal and SNP supporters, however, display the same diversity of opinion as do Labour and Conservative supporters. For example, it is possible to find crypto-nationalists in the Conservative and Labour parties who would like a strong Scottish government with control over oil revenues. And there are many SNP voters who have no interest in the question of Scottish self government at all. They could be called 'protest' or 'tactical' voters, depending on their motivations.

In England, there are some who are passionate about the 'unity of Britain' and the 'sovereignty of Parliament', and who consider that Scottish home rule aspirations are dangerous. But the majority are probably uninterested in constitutional matters, and, since the EEC Referendum of June 1975, have stopped arguing about sovereignty and national unity. They are especially uninterested in and uninformed about Scottish questions, and would be most surprised to learn of the separate Scottish legal, educational, administrative, and local government systems. While they are annoyed to find that Britain is not as homogeneous and as united as they think it is, they are ultimately unconcerned about such diversity, as long as it does not interfere with their own lives.

To finding a solution to the devolution question in Scotland, any British government must take account of the variety of opinion which is expressed on the matter. This opinion takes various forms, notably popular feelings in elections and surveys, and elite opinion in the House of Commons, the main interest groups, and in the media. In each case, there is an English and a Scottish form to that opinion.

It is obvious that electoral considerations and not elite opinion have provided the driving force in the devolution issue. Without the dramatic rise in the votes for SNP, there would have been no White Paper in 1975. Much of the debate in the other parties has concerned the need to win back votes from the SNP, and generally to satisfy Scottish opinion on home rule.

In Scotland, this has of course most concerned the M.P.s themselves, whose very seats are in danger. But in England, the party managers, have also been determined that their support in Scotland should not wither

away, thereby making the formation of a government difficult. Labour, with 41 out of the 71 seats in Scotland, needs the Scottish contingent if it is to form a Government. The Conservatives, with only 16 M.P.s in Scotland, are less dependent on the Scottish seats, though they look back nostalgically to 1955 when the Party had 36 seats in Scotland. Some believe that a home rule platform might regain some of their seats.

The distinction between M.P.s and party managers in England explains some of the differences in their reactions to devolution. To the managers, and party leaders, devolution is a means of winning seats in Scotland. To the English M.P.s, there is no threat to their seats from Scotland, and their constituency interests are not favourable (for reasons already given) to Scottish devolution. Thus the party leaders in the House of Commons find it difficult to bring their English colleagues into line in support of devolution.

The threat to major party seats in Scotland remained evident after the publication of the White Paper. Opinion polls gave adverse results on its acceptability, and local elections showed a strong advance for the SNP. In general, the SNP surged forward in public support from November 1975 to January 1976, thereafter falling back to its October 1974 level of 30 per cent support. There was, however, no parliamentary by-election in the period.

Among the political elite in Scotland, there was considerable agitation. Two M.P.s, Jim Sillars and John Robertson, actually deserted the Labour Party in December 1975, to form their own 'Scottish Labour Party'. One aim of this party was to secure the maximum amount of devolution or independence compatible with membership of the United Kingdom. Such devolution would include separate Scottish representation at the European Community, and strong economic powers for a Scottish Government.

In response, the Labour Party in Scotland expelled the secessionists, although the Labour Whips in the House of Commons continued to count them in the Labour total. It also decided to strengthen the White Paper proposals, by transferring the Scottish Development Agency to the Scottish Assembly, and by removing the veto powers from the UK Government, leaving only the over-riding power of an Act of the UK Parliament. All this was passed at the Scottish conference in March 1976, and seemed to be accepted by the Labour Government. The anti-devolution faction within the Labour Party in Scotland, very strong before 1974, and formerly including the Labour Secretary of State for Scotland, William Ross (1964-70, 1974-76), made some ground at the 1976 conference, but the devolution programme was now practically unanimously carried. It was strongly supported by the principal trade unions, such as the Mineworkers, Transport and General Workers, and Engineering Workers. The leading anti-devolutionists were Tam Dalyell M.P. and Willie Hamilton, M.P..

At the start of 1976, the Labour Party in Scotland launched a campaign, 'Devolution not Separation', but this seemed to fizzle out quite quickly. It was evident that Labour found it difficult to argue against nationalism in Scotland, while itself being accused of nationalism by anti-devolutionists, in Scotland and in England. The absence of enthusiasm for devolution among English Labour M.P.s made the campaign rather unrealistic as an

expression of Labour belief.

The Conservative Party was also faced with disunion in its ranks, within Scotland and between Scotland and England. The Scottish Conservative Party had first decided to support a Scottish Assembly in 1968, and had re-affirmed that view in 1970, 1974, and 1975. (but not 1973). This policy was more the result of decisions at the top of the party, than of grass-roots demand, and by May 1976 the grass-roots anti-devolutionists had formed themselves into a faction, the 'Keep Britain United' campaign. The leaders were Iain Sproat, M.P., Teddy Taylor, M.P. and Michael Clark Hutchison, M.P. These anti-devolutionists made a much bigger showing at the Scottish Conservative Conference in 1976 than their counterparts in the Scottish Labour Conference. They challenged their leaders' proposals for a Scottish Assembly, and were able to muster over a third of the delegates, despite the presence at the conference of leaders such as Margaret Thatcher, William Whitelaw, and Lord Home, all of whom supported a Scottish Assembly.

Behind this disunity in Scotland, there was the same difference between the Scottish and English M.P.s. Only five of the sixteen Scottish Conservative M.P.s were hostile to devolution, but a meeting of Conservative back benchers in the House of Commons just before the Scottish conference showed a large anti-devolution group from English constituencies.

The Conservative leadership was able to resolve this problem, at least temporarily. Even before the White Paper came out, the Conservatives showed their opposition to the Labour plans, for they wanted to see the establishment of a Scottish Assembly **without** a Scottish Executive. There would thus be two legislative bodies (Edinburgh and Westminster), but only one Government (UK Government in London).

The plan was to take 2nd Readings and Committee and Report stages of Scottish Bills in Edinburgh. Thus, a directly elected Scottish Assembly could control Scottish legislation. Or could it? It was not at all clear whether the Tories were overlooking - or counting on others to overlook - the possibility that Bills thus produced could still, in principle, be rejected at final Reading stage, or during House of Lords proceedings at Westminster.

While this was obviously not enough to silence the anti-devolutionists in the party, in practical terms it meant that the Conservatives would be opposed to the Labour Bill, and would thus be united against any devolution on offer in the immediate future. Were they to be returned to power, however, they would be faced with implementing their own scheme, over the opposition of many of their supporters, and presumably over the opposition of public opinion in Scotland, which favoured at the very least the Labour proposals.

The Liberal Party was going through a bad patch in late 1975 to mid 1976. Its electoral support had declined badly in England, and was no healthier in Scotland, were it had reached a mere eight per cent in 1974. In May 1976 it lost its leader, Jeremy Thorpe. Although its federal solution was the one most favoured by the Scottish people, if opinion polls are to be believed, it could not sell this electorally in the absence of the emotional appeal of

nationalism, and the superior organisation of the SNP. Moreover, it had only three M.P.s from Scotland to make its case, compared to the eleven SNP M.P.s.

As with the Labour and Conservative Parties, there was a division between the Scottish and English sections of the Liberal Party. The Scottish Liberal Party wanted a fully-fledged federal system based on Scotland, England, Wales and Northern Ireland. The Liberal Party in England, did not wish to see an English Parliament set up, and supported instead several English regional parliaments. The Scottish Liberals asserted that 50 per cent of the revenues from North Sea Oil should accrue to a Scottish government. The (English) Liberal Party did not make such a claim. While Jo Grimmond (M.P. for Orkney and Shetland) became leader in May 1976, he was not in a very strong position to re-unite the Party on devolution, for his own Shetland constituents had expressed through their local council their opposition to Scottish devolution. The reasons for this relate to the very successful financial deal that Shetland had made with the oil companies, and the special powers granted by Act of Parliament to Shetland Island Council. There were fears that a Scottish government would revoke some of these privileges in the interests of the more populated areas of Scotland, which were suffering from economic decline.

The Scottish National Party, as the party of national independence, did not support the White Paper, which it saw as not going nearly far enough. It proposed an amendment in the House of Commons to the motion to 'Take Note' of the White Paper, regretting that the Assemblies were to be given no meaningful control over their economies (19 January 1976). This received 27 votes (12 Nationalists, 12 Liberals, 2 'Scottish Labour Party') and one Labour (David Lambie, M.P. for Central Ayrshire). But when the Conservatives put down their motion condemning the White Paper, the SNP rallied to its support, and the general SNP view was that 'half a loaf' was better than no bread. With only 20 per cent of the Scottish electorate in favour of Scottish independence according to surveys, the SNP was careful to avoid appearing to wish to wreck devolution in order to produce independence. Indeed, Donald Stewart, M.P., the leader of the SNP in Parliament, went so far as to say that they had no intention of seeking the 'Break-up of the United Kingdom'. Thus the SNP was somewhat afraid that if it pressed its case too far there might be a backlash against it in Scotland as well as in England, and that devolution might fail to be realised. While this might conceivably hasten independence, it might also mean the perpetuation of the status quo.

The Communist Party, while electorally insignificant, spoke strongly through individual members in prominent positions in the trade union movement. The Party wanted a 'Maximalist' system of devolution with a share of oil revenues, more on the lines of a federal system. Jimmy Reid of the Engineers and U.C.S. 'work-in', Jimmy Milne, General Secretary of the STUC, and Mick McGahey of the Scottish Mineworkers, were Communists who pressed for economic powers to be given to the Scottish Assembly.

Outside the political parties, the interests of Scotland voiced their

opinions. Some of these interests were closely allied to the parties themselves. The individual trade unions have already been mentioned in the context of the Labour Party Scottish Conference. The Scottish Trades Union Congress has taken a 'maximalist' position on devolution for some years, and in 1976 re-affirmed its desire to see further economic powers devolved to Scotland. But it did not press this strongly after the Labour Party in Scotland strengthened its proposals in March 1976. It then preferred to fall into line with 'official' Labour thinking. Labour Parties in local government, too, moved from an anti-devolution stance in 1974 to one supporting the White Paper proposals. Fears were frequently expressed, however, that the local government structure as reorganised in 1974 on a 'regional' and 'district' basis might prove to be vulnerable, in the event of devolution. Most regional authorities sought to prevent the Scottish Assembly acting to abolish the regions in the near future; district authorities tended to look to a one-tier system of local government under devolution, in which the one tier would be the district.

The interests most closely associated with the Conservative Party are the business organisations, the farmers, landowners, and some professional bodies such as the British Medical Association. None of these, however, occupies a position in the Conservative Party similar to that of the trade union movement within the structure of the Labour Party. Thus, their influence on Conservative policy making is somewhat less. The CBI, the Chambers of Commerce, and the farmers were careful not to attack the principle of devolution as such, but were clearly opposed to the Labour proposals. Conservative held local authorities, such as Grampian and Tayside Regions, also opposed Devolution.

Despite their large measure of professional devolution in Scottish organisations, the Scottish judges, university principals and lecturers, and doctors were not in favour of being brought under the control of a Scottish Assembly. The White Paper had carefully excluded the courts, universities, and pay and conditions in the health service, from the Scottish Assembly's powers. Nevertheless, it provisionally favoured the devolution of power to legislate about the control of the legal, teaching, health and town planning professions (but not architects and engineers). It was perhaps this aspect that worried the judges and doctors most.

One business promotion body that clearly favoured devolution was the Scottish Council (Development and Industry). This body, made up of representatives of industry, trade unions, local government, and central government, had long pressed for 'decentralisation' of political and economic power to Scotland. It was anxious to secure a form of devolution which would include the power to shape the Scottish economy through taxation powers and special regional incentives. It also desired the decentralisation of decision making within industry itself. The Scottish Council Research Institute reported before the White Paper came out that

half of the revenues from North Sea oil should be given to a Scottish Government.

Some prominent businessmen in Scotland moved to a devolutionist or nationalist stance. Sir William McEwan Younger, chairman of the Scottish Conservatives from 1971 to 1974, took an intense dislike to 'Whitehall over centralisation' in the early 1970s, and warned the Scottish Conservative conference in May 1976 that if devolution were blocked at Westminster, he would be tempted to vote for independence. Sir Hugh Fraser, the commercial magnate, had already announced his conversion to the SNP in 1974.

Other fears were expressed that standards or prestige would decline in a devolved system of education, health and judicial administration. University teachers were predominantly in favour of retaining the links with the University Grants Committee, the research councils, and the Department of Education and Science. There was, however, a growing faction within the Association of University Teachers (Scotland) that wished to unify the Scottish educational system under devolution. The National Union of Students in Scotland supported this. At the same time, the Scottish Secondary Teachers Association considered that devolution would be a waste of time for Scottish schools, since the Westminster M.P.s would leave control over Scottish education in London. The judges of the Court of Session pronounced collectively against devolution of the Court; Lord Wheatley, speaking on their behalf in the House of Lords on 27 January 1976, stressed the 'derogation of the status' of the Scottish courts if they were to be removed from the responsibility of the 'Sovereign Parliament' at Westminster. The Scottish Bar, represented by the Faculty of Advocates, and the solicitors, represented by the Law Society of Scotland, appeared to favour devolution. Both these bodies were more inclined to free Scots Law from the constraints imposed on it by Westminster procedures and politics, and looked towards a much more independent and purely Scottish legal system. Lord Hunter, Chairman of the Scottish Law Commission, made several speeches in 1975 and 1976, voicing similar sentiments. In particular, Scots lawyers called for a single legal department of Scottish government which would speak for Scots Law, not only in Britain but also in the European Community.

A most significant reaction to the White Paper came from the newspapers and broadcasting in Scotland. Bridging the gap between 'mass' and 'elite' opinion, the media reflected as well as shaped the aspirations of the people of Scotland. The 'quality' newspapers, **The Scotsman**, and **Glasgow Herald**, take the place among middle class readers in Scotland occupied by the **Daily Telegraph**, the **Times**, and the **Guardian** in England. The **Scotsman** greeted the publication of the White Paper with the headline 'Instant fury on plan for an Assembly in chains' (28 November 1975). It was in no doubt that only a federal solution was appropriate for Scotland. The **Glasgow Herald** (owned by Sir Hugh Fraser, now an SNP supporter) had previously opposed devolution, but now supported the White Paper as 'the first step towards realistic devolution'. Its front page headline, however, ran 'Charter for Conflict: Government attacked on all

sides'. The English 'quality' press, on the other hand, was distinctly cool, and the **Daily Telegraph** said that 'there is no subject that is less relevant to the real problems facing the people of Britain than this'. The **Times** grudgingly acknowledged that devolution 'is not an exercise in pursuit of the ideal; it is a recognition of necessity', and the **Financial Times** warned against 'A surplus of government', but supported devolution in principle. The **Guardian** gave a 'qualified, apprehensive welcome' under the headline 'On the edge of the slope looking over'. The **Sunday Times** and **Observer** shared this caution (30 November 1975).

The popular press in Scotland is also distinct from that in England. Even the **Daily Express** comes out in a separate edition, the **Scottish Daily Express**, with separate editorials. The Scottish editor wrote that the White Paper was 'a black betrayal of the people of Scotland who aspired to a greater say in the running of their own affairs. It makes a sham of the Scottish Assembly'. The **Daily Record** headlined 'We were PROMISED, more, now ... WE WANT MORE because, Harold, your deal is just not good enough'. But its sister IPC paper in England, the **Daily Mirror**, wrote 'It's the least that could be offered and also the most'. The London **Daily Mail** said 'Great Britain needs devolution like it needs a hole in the head', and the **News of the World** called devolution 'apartheid'. But the Glasgow **Sunday Mail** pronounced ominously, 'that if devolution were stopped because of the English backlash then next time they'll find Scots all speaking with one voice. And the word that voice will be using will be something a damn sight more extreme than Devolution'. The **Press and Journal** (Aberdeen) and the D. C. Thomson press (Dundee) was non-committal, tending to opposition. Most other Scottish papers supported devolution, and only the **Scottish Daily News** (emergency edition) declared 'It must be independence or nothing at all. There's no halfway house'.

While the broadcaster in Scotland could not give an opinion on the White Paper, he certainly gave devolution ample time on TV and radio. Both the BBC and STV discussed the subject for weeks on end, with interest dying around February 1976. But even then, the subject picked up once more with the round of Scottish party conferences from March to May.

All this exposure for devolution in the media gave the impression that the issue was one of the highest priority for the Scottish electorate. Yet surveys continued to show that few in fact placed it on a par with inflation, unemployment and other socio-economic issues. The paradox could only be resolved if one interpreted the 'ends' of policy as dependent on the means (in this case, devolution). The Scottish people might still show the ends as priorities but look towards constitutional change for their realisation.

Since the publication of the White Paper in November 1975, Scottish politics have remained fairly static. No parliamentary advances have been made by the SNP, in the absence of by-elections. Only minor changes have been made in party policies, though some of these (e.g. the Labour policy on the White Paper) have been strongly argued over. The new Scottish Labour Party, after an initial splash, has not yet produced a wave of support. Perhaps more movement has occurred in England, which is

'Wakening up' to devolution.

The problem of finding a solution to the government of Scotland will continue to dominate British politics for many years to come. Even if Scottish nationalism declines electorally, the experience of the last few years has put the question of devolution firmly on the agenda. Far too many parties, organisations and individuals are now committed to it to allow it to drop, although there may well be a temporary setback in the House of Commons (or House of Lords).

More importantly, the changing structure of Scottish society and its economy puts Scotland at the forefront on European politics in the late 1970s and 1980s. The focus on North Sea Oil, the new political generation in Scotland, and the changing nature of the party system almost guarantees to Scotland a new power within Britain and the European Community. After 270 years of 'incorporating union' with England, Scotland still retains a strong British identity and sympathy. But the balance of union is being altered in the direction of the statehood which was ended in 1707, just as Britain itself is moving hesitatingly towards the European Community, after having been 'outside Europe' for five hundred years. These grand changes of politics are only dimly perceived in the Scotland of 1976.