

MURRAY PITTOCK

SCOTLAND AND BREXIT:
THE ROAD TO NOW

NISE ESSAYS 7

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*Scotland and Brexit:
the Road to Now*

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Murray Pittock
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In the 2016 Brexit Referendum, Scotland voted to remain in the European Union by a 24% majority, and every one of the country's 32 local authority areas voted to Remain. Although Scotland had voted against independent statehood by the relatively narrow margin of 55-45 in 2014, the Brexit vote opened up the question of Scottish independence afresh, not least because the UK government made no concessions whatever to Remain opinion in Scotland or elsewhere, and indeed adopted a form of Brexit more absolute than that advocated by Vote Leave and leading figures in the current UK government during the campaign. This paper charts the background to Scotland's compellingly different vote in 2016 in the context of the structures of the country's history and the nature of the Scottish national movement, and examines in detail the course of politics since that date. It focuses in particular on Scotland's continuing engagement with the EU under Nicola Sturgeon's SNP government in trade and policy terms, and on the premises and implications of the UK Government's Internal Market Bill, designed to replace the European single market post-Brexit. The latest polling in Scotland continues to suggest a country more or less equally divided on independence, with peak support at up to 66% in Glasgow. This article closes with an evaluation of likely future developments in the context of the fundamental nature of Scottish nationalism and the Scottish polity.

This essay addresses the situation in Scotland since the Independence and Brexit referendums of 2014 and 2016. However, the nature of Scottish nationality also calls for some explanation. It is almost a commonplace in Scotland but still not perfectly understood elsewhere that the central conceptualisation of Scottish nationality is that it is neither linguistic or ethnic; it is rather based on institutions and ideas bound up with the country's history and at the heart of its self-definition, and is thus civic in the sense of being institutional and not centrally ethno-cultural. Scottish nationalism is thus more like that of a 'new' country such as Australia or Canada than Balkan, Flemish or Catalan nationalism, despite its lack of large immigrant communities such as are characteristic of the former British Dominions. Accordingly attempts to align Scottish nationality with 'Braveheart' politics or simplistic memories of a historic Scottish state are far from providing an appropriate or accurate account of what has been happening in Scotland over the last sixty years. One of the clearest signs of this is that immigrant communities in Scotland show a significant – and sometimes very strong – tendency to identify with Scotland and support greater domestic political control within Scotland, up to and including independent statehood. The appearance of English and Asian Scots for 'Yes groups' in the last few years demonstrates the continuing politicization of hybrid identities in the Scottish independence debate in a manner which is remote from the ethno-cultural nationalisms familiar from the legacy of Romantic Europe.¹

In the 2011 Scottish elections for example, some 41% of Poles in Scotland (the largest non-UK born migrant community) voted for the Scottish National Party (SNP), and while they intended to vote 2:1 against independence three years later, this was significantly driven by fears over Scotland's continuing EU membership being at risk in the event of a Yes vote.² By contrast, Awaz FM's 2014 polling suggested 64% of Scots Asians would vote for independence in that year's referendum.³ In total, those born in Scotland voted Yes by a majority of 6%, those born outside Scotland but in the UK, voted No by a 72-28 margin, and those born outside the UK in aggregate also voted No, but only by 57-43, while the SNP enjoyed 38% support among the non UK born. The first minority ethnic MSP, Bashir Ahmad, and the first Cabinet member Humza Yousaf, were both elected for the SNP, while Tasmina Ahmed-Sheikh, winner

of the UK-wide Asian Women of Achievement award in 2012, played a prominent role in the Yes-campaign before being elected an MP. In the 2021 election, two women of colour were elected to Holyrood, including Kaukab Stewart for the SNP in Glasgow Kelvin. In the 2011 census, 62% of the country's population identified as 'Scottish only' rather than accepting any British identity; 50% of those of Pakistani background defined as Scottish to some degree, including 31% who identified as Scottish: by contrast, only 13% identified as Pakistani. Of those born outside the UK, 43% identified as more Scottish than British, and a further 25% as equally Scottish and British. In Scotland itself, 40% thought that immigration improved the country, a relatively high positive score: a recent study concludes that 'there is no doubt that immigration has not become a political issue as in other countries and that immigrants themselves say that they have experienced relatively little hostility or racial prejudice' in Scotland. This may be too rosy a view, but the data indicates it is an arguable one.⁴

It thus appears that what Patrick Dove memorably claimed in 1853, 'Whoever ... be he black, white, red, or yellow, the moment he identifies with the institutions of Scotland, that moment he became a member of the Scottish nation' seems to be at least partly true.⁵ While it would be idle to deny the presence of racism and discrimination in Scottish society, it is still the case that there is widespread acceptance of Scottishness among particularly young members of ethnic minorities, up to 80% in one study, and from the time of the National Library's New Scots exhibition of 2006, there has been increasing awareness and use of the term. On 14 June 2013, as the independence referendum drew closer, the BBC reported that 'Race crime in Scotland falls to lowest level in 10 years', while the vast majority of English migrants to Scotland (94% in 2002) also do not report racism as a problem, despite repeated attempts to inflame the issue in the mainstream media and the popular press. As was pointed out by Adam Ramsay in 2013, the fact that Scots comics do not make fun of the English while the reverse is very much the case, is one clear cultural indicator that anti-English racism is more of a bogeyman than a reality.⁶

What is this Scotland with which a young person from a Krakow or Peshawar family can identify today? Scotland dates back in its own self-consciousness for more than a thousand years, but its central conception

of itself as a constitutional entity began to emerge in the era of the country's existential struggle against the Plantagenet ambitions of Edward I (reigned 1272–1307). The Community of the Realm of Scotland (a concept which is not unique, but which differs in Scotland from its French and English articulations) first appears openly as a concept after 1286, and its notion of the compatriot Scots under the banner of St Andrew seems to have underpinned a shift from the idea of a 'Kingdom of the Scots' towards that 'of the Scots as a wholly individual and distinct people' whatever their actual ethno-cultural origins. The Declaration of Arbroath (1320) famously included a – largely rhetorical but subsequently inspirational – deposition clause which raised the possibility that the Scots could rid themselves of their king, Robert I (the Bruce) if he failed to stand up for their rights. Arbroath summed up the constitutional views expressed in earlier documents from the conflict now known as the Wars of Independence, and echoed the Scottish philosopher John Duns Scotus' (1265–1308) view that peoples should have the right to consent to their own governments and have occasion to renew that consent. As a Scot and a European (his epitaph in Cologne reads *Scotia me genuit. Anglia me suscepit. Gallia me docuit. Colonia me tenet*: Scotland bore me, England sustained me, France taught me, Cologne holds me), a major philosopher of freedom and one of the leading intellectuals of mediaeval Europe, Scotus almost certainly had a direct influence on the development of political thought among his contemporaries, one of whom, Baldred Bisset (c. 1260–1311) later Vicar-General at Bologna, presented the Scottish constitutional case to the Curia in 1301.⁷

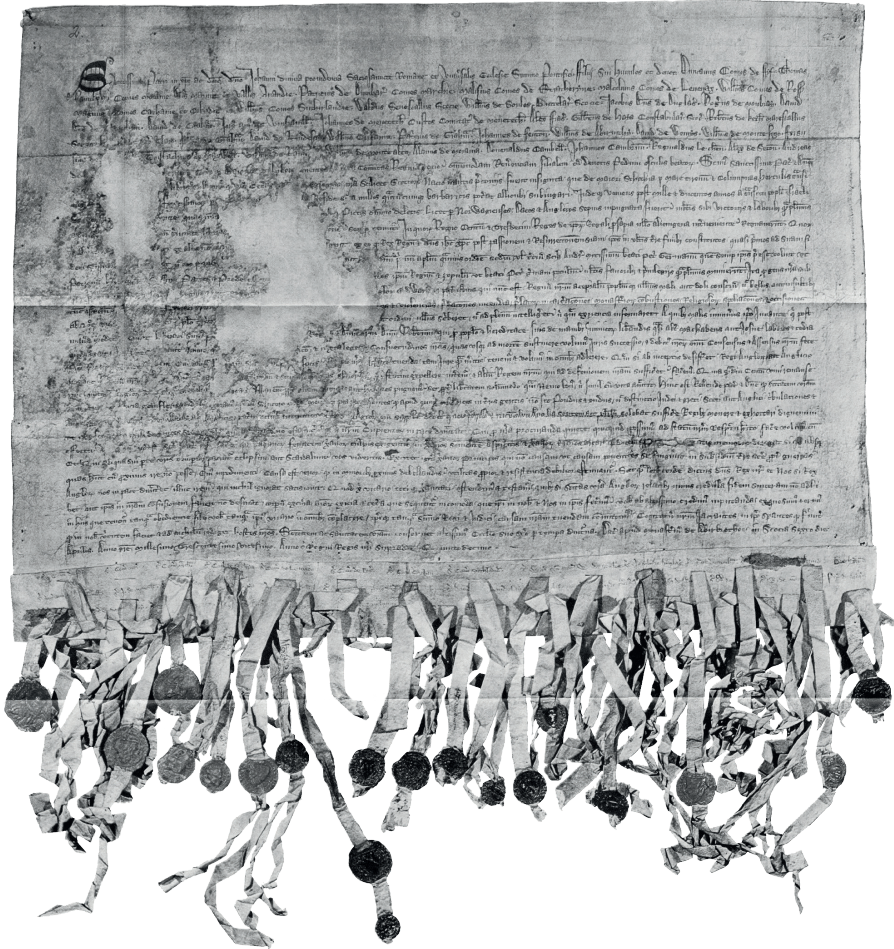
The concept of elective monarchy, present in Arbroath, resurfaces in Presbyterian thought in the sixteenth century. The contractual nature of the Crown was noted by the General Assembly of the Kirk of Scotland in both 1567 and 1649. In 1689, Arbroath was republished in full in English for the first time as *A Letter from the Nobility, Barons & Commons of Scotland* because it was seen as a forerunner of the Scottish Parliament's Claim of Right which asserted a constitutional entitlement to depose King James VII for misconduct in office. James Anderson (1662–1728) wrote that 'a Claim of Right is no novelty in Scotland, but the principle and Practice of our Fathers'. That Claim was arguably ultimately based on Arbroath, and today its original is seen by many in North America as underpinning the

American Declaration of Independence under Senator Trent Lott's 1998 Resolution. The Resolution (Senate Resolution 155) runs as follows:

'Designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States. Whereas April 6 has a special significance for all Americans, and especially those Americans of Scottish descent, because the Declaration of Arbroath, the Scottish Declaration of Independence, was signed on April 6, 1320 and the American Declaration of Independence was modeled on that inspirational document; Whereas this resolution honors the major role that Scottish Americans played in the founding of this Nation, such as the fact that almost half of the signers of the Declaration of Independence were of Scottish descent, the Governors in 9 of the original 13 States were of Scottish ancestry, Scottish Americans successfully helped shape this country in its formative years and guide this Nation through its most troubled times; Whereas this resolution recognizes the monumental achievements and invaluable contributions made by Scottish Americans that have led to America's preeminence in the fields of science, technology, medicine, government, politics, economics, architecture, literature, media, and visual and performing arts; Whereas this resolution commends the more than 200 organizations throughout the United States that honor Scottish heritage, tradition, and culture, representing the hundreds of thousands of Americans of Scottish descent, residing in every State, who already have made the observance of Tartan Day on April 6 a success; and Whereas these numerous individuals, clans, societies, clubs, and fraternal organizations do not let the great contributions of the Scottish people go unnoticed: Now, therefore, be it Resolved, That the Senate designates April 6 of each year as "National Tartan Day"'.⁸

If Arbroath was indeed influential on the American Declaration of Independence as this Resolution claims, it was probably largely mediated through the Presbyterian and Enlightenment inheritors of its ideas, though it must be noted that more than a dozen editions of the Declaration were

produced between 1689 and 1760 and that the figures of this era referred directly to the text or language of the Declaration on several occasions.



The Declaration of Arbroath. [Public domain]

In 1707, Scotland united with England in a political union. At that time, Scotland was a state unnaturally impoverished by almost seventy years of intermittent conflict – aggravated to a controversial degree by the longer-term effects of climate change – and by the efforts made to give the country a place on the world stage. Scotland’s shrinking resources had been overstretched by military expenditure and failed colonial schemes which expended capital while not bringing in material rewards. These failures had disrupted its traditional elites, who were in any case increasingly divided on sectarian lines.

The Union – an agreed treaty passed into law by Acts of both the Scottish and English (but not the British) parliament – created one state while allowing for the presence of two jurisdictions. The Union document was created before the creation of the British constitutional doctrine of the Crown in Parliament – found in the Declaratory Act of 1719 (6 Geo, I c.5) which ‘declared the Irish Parliament subordinate’ through the Crown acting in and through its Parliament and not alone – but after the Bill of Rights in 1688 paved the way for the constitutional theory of parliamentary sovereignty. There was thus a separation between the rights of Crown and Parliament in 1688–1719, and the Royal Assent was not automatically given to parliamentary bills during all this period. Indeed, Queen Anne’s refusal to grant it in 1708 is the last time it was withheld. The doctrine of absolute Parliamentary sovereignty entails that no Parliament can bind its successors, but in general the Union has been seen as occupying an ambivalent position between being a piece of legislation like other legislation, and being a foundational constitutional document and not simply law. Naturally, Scottish discussions generally veer towards the second position, but it appears that both positions are granted recognition in the approved text of the Union legislation. This simultaneously uses terms such as ‘that part of the United Kingdom now called Scotland’, but also references the ‘Kingdom of Scotland’ which continues to subsist in respect of religious, legal, official and institutional rights. The Union with Scotland conceives of a United Kingdom over which Parliamentary rights are sovereign, while the Crown maintains its historic rights in the Kingdom of Scotland and the patronage and protection of private right within Scotland (my italics). Those of the Union’s clauses linked to the Crown tend to use language (e.g. ‘for ever’) which places them in

a constitutional zone beyond the reach of Parliament, and it can be said that 'the permanency of the union seems to inhere in Crown rights over Scotland, the preservation of Scottish institutions hinges on Crown rights within Scotland'. More than three hundred years on, the Union remains an extraordinarily interesting document.⁹

Clause IV of the Union opened England's overseas markets to Scotland on a basis of equality. Scotland had always used its expertise in war, trade and intellectual pursuits to leverage its influence in the European sphere, but had been frustrated in its goal of building up a significant position in the new markets of America and the Indies by the Navigation Acts which excluded Scotland from English colonies and trade, local and central English governmental intransigence and Scotland's own inability to project either capital or force. Many individual Scots had made their way in global markets via local or surreptitious agreements, or through careers in the Dutch VOC, the Swedish service and elsewhere, but the British Empire gave Scotland opportunities in overseas trade and the power to protect those opportunities such as it had never enjoyed before and could never have enjoyed otherwise. A global Scotland emerged, which in time was sustained and complemented by Caledonian Associations, Burns Suppers and Highland Games throughout the world: today some 9.5 million people attend Burns Suppers annually worldwide. At the same time, Scottish attitudes to the Empire were frequently instrumental: it was a zone of opportunity in which Scotland was a national player, not an integral part of the nation's identity. Empire Day was never popular in Scotland and although huge opportunities were removed by the loss of the British Empire – for Scots often disproportionately engaged in it – nostalgia for it was very limited. Indeed at the peak of Empire the creation of the national Wallace Monument at Stirling (opened in 1869, and publicly supported by the prominent Hungarian and Italian nationalists Lajos Kossuth (1802–94), Giuseppe Garibaldi (1807–82) and Giuseppe Mazzini (1805–72)) was indicative of the continuing power of Scottish patriotism and its awareness of its history, not least the Wars of Independence fought by William Wallace (c. 1270–1305) and Robert I Bruce (1274–1329), from which the Declaration of Arbroath had been born. Garibaldi wrote that 'William Wallace, Scotland's noblest hero, sheds as bright a glory on his valourous nation, as ever was shed upon their country by the greatest



The Wallace Monument, Stirling. [Public domain]

men of Greece and Rome’, while to Mazzini, ‘Wallace stands forth from the dim twilight of the past as one of the High Prophets of Nationality to us all: Honour him; worship his memory; teach his name and deeds to your children’. Had the rejected design for the memorial by Noel Paton (1821–1901) been accepted, with its image of the Scottish lion crushing the English serpent – and it was briefly accepted at what was later deemed an iniquitous meeting – it would have been exceptionally controversial. However, the fact that it could be conceived at all and advanced as appropriate reveals something of the double mindedness of Scottish patriotism within the British Empire, designed in its numerous overseas associations to promote the interests of Scots at the expense of everyone else in promoting what General Charles James Napier (1782–1853) called, with chilling jocularly, ‘the usual Anglo–Saxon process of planting civilization by robbery, oppression and murder’.¹⁰

Nonetheless, since the end of its distinct statehood in 1707– and particularly after the defeat of the last major Jacobite Rising forty years later – Scotland took a full role in the British Empire, British overseas markets, British military ventures, British finance, industry, politics and governance. Scots (most recently Tony Blair and Gordon Brown) have been British Prime Ministers, Scots have led British science and engineering, Scots have been to the forefront in the UK’s successes and innovations, from steam to television, fingerprinting to cloning. When it comes to social attitudes surveys, in most areas (with the interesting exception of redistribution of wealth, where Scottish responses are distinctly Scandinavian), the Scottish public answer in much the same way as those in England do. Unlike Wales and Northern Ireland, which are distinctly poorer than England, Scotland’s GDP per capita is almost exactly the same as its southern neighbour’s. Where is the oppression, the violence, the deprivation of civil rights, the colonization, the occupation, the imprisonment without trial, the internment, the discrimination, the impoverishment? Who are Scotland’s Habsburgs? Where is Franco, Tito, Milosevic, Stalin? What does Scotland have to complain about, and given that it was long indistinguishable from Great Britain in many ways to the external gaze, how did matters arrive at the dislocated reality of today?¹¹

Scotland began to diverge politically and culturally from the British state to a remarkable degree some 60 years ago, driven thither by two main engines of change: the loss of the British Empire, and the related centralization of Britain, not as an international multinational imperium, but as a single entity, increasingly substituting a fictive homogeneity for its previous baggy internationalism. At the time of the last Empire Exhibition in Glasgow in 1938, visited by 12 million people, you could be Scottish and British, New Zealand and British, Canadian and British, South African and British or Fijian and British, though this dual identity was only widely accepted for whites.

The initial formulation of a unitary Britishness – developed in the 1940–1951 period, during which Scotland was for the first time called a ‘region’ in World War II planning documents – was the beginning of a longer trend. The public ownership policies of the Labour Party after 1945, which drove the centralization in London of certain areas of heavy industry which had previously enjoyed significant retained Scottish control, may have given a fresh lease of life to the Scottish Unionists, who campaigned on just this issue. The Unionists had a more ‘national’ view of Scotland within the Union, and briefly achieved a majority of Scottish seats in the 1950s before their amalgamation with the English Conservative Party in the following decade arguably diluted their appeal. The moment of change for Scotland as a local nationality within empire can arguably be seen in the move from the national representation of Scotland in the 1938 Empire Exhibition’s Scottish Pavilion to the presentation of ‘The Land and the People’ of Britain in the 1951 Festival of Britain, which ‘sought to portray Britain as a cohesive singular nation, with diverse cultures, but existing as a seamless whole, one of whose symbols was a common language’.¹² In other words, Britain and Britishness were to be presented not as a globally hybrid identity, but as a Romantic national culture realized within its borders by a commonality it had never possessed. In 1938 as in 1911, *An Clachan*, ‘the village’, a modelled replica of a traditional crofting township, had been one of the most popular exhibits at the Empire Exhibition: but there was no Gaelic and no subtitling for the Welsh Folk Museum event either in the Festival in the summer of 1951.

Nationalisation and the creation of more ‘British’ public sector jobs in the National Health Service, BBC and elsewhere, regulated centrally from London and often recruited directly to London, thus compounded the conditions brought about by the loss of Empire and incipient globalization through a tendency to export headquarters functions to England and to diminish the influence of Scottish networks (except within London). An initially unpopular Union had become grounded in Scotland through the opportunities offered by imperial markets combined with extensive domestic and local control of education, culture and professional and financial opportunity, while the great power status of the British Empire assured to Scots internationally the ability to organize and network to promote their own interests: there were at least 100 Caledonian Societies in New Zealand alone by 1900. In the imperial era, London had been content with such arrangements; by the 1950s by contrast, political pressure was building for a unified Britishness within Britain, as retreat from overseas commitments made the international nature of Britishness less and less tenable, and postwar politics and planning promoted homogeneity. But was there any other Britishness to be had apart from international Britishness? Scotland had long been content with the latter, but as part of a union state not a unitary state.¹³

In the aftermath of the final rush to independence of the two dozen or so states who left the British Empire between 1961 and 1967 and helped precipitate the foreign policy retreat ‘west of Suez’, being Scottish and British suddenly became an exceptional claim for status, not a general recognition of it. Meanwhile, a post-imperial and artificially unified ‘Britain’ was constructed in the narratives of its public memory as a new version of the state, now presented not as a global entity but an island standing alone, forged in the common sacrifices of the Second World War. Typically, British public memory and representation of the world wars now occludes imperial and Commonwealth forces (the Canadian film industry responded rather irritably to this with *Passchendaele* (2006)) and Scots—still very visible in major films such as *The Charge of the Light Brigade* (1969) and *Waterloo* (1970), if not in films of more recent conflicts, began to fade from view in all historic representations of Britain at war. In 2021, the Commonwealth War Graves Commission Report on Historical Inequalities in Commemoration noted the lack of recognition

given to imperial forces.¹⁴ Such representations, no longer focused on the Empire or its contribution but laid more and more stress on British conflict with European powers. It was a conflict in which the British Army was often represented as both English and without imperial or external European allies: the Polish pilots of *The Battle of Britain* (1970) have long disappeared from representations of that struggle. In representing the World Wars, Britain no more stands shoulder to shoulder with France (there were 1 million Free French forces in the European theatre alone in 1944–1945, and while Montgomery did not forget to cite the French contribution at El Alamein, it has now largely disappeared, as has the consciousness that the Eighth Army in North Africa included two Indian and two Anzac divisions) than it does with India. German diplomats in the UK have complained about the now unceasing educational and media focus on the Nazis as the defining representation of German culture and society. It is a strange week on the television schedules in Britain when there are not 10–20 programmes on the Nazis or set in World War 2. Two randomly chosen days in October 2020 produced *Foyle's War*; *Hitler: Germany's Fatal Attraction*; *Nuremberg: Nazis on Trial*; *The Dark Charisma of Adolf Hitler*; *Inside the Spitfire Factory*; *WW2 Battles for Europe*, *Adolf Hitler's War* and so on, ad nauseam. The construction of the 1939–1945 war as a 'battle for Europe' by Britain with some American help and 'Germany's Fatal Attraction' as the problem is typical. The proposed 'Franco-British Union' of 1940 is a long way from the use of World War II in Brexit.¹⁵

The semi-autonomous position of Scotland within the Union and its ability to project its own soft power overseas had allowed concentric Scottish and British identities to be acceptable to Scots from the middle of the eighteenth to the middle of the twentieth century. Between 1945 and 1960, accelerating after the latter date, this model began to become destabilized, and it became increasingly – if gradually – a question of 'Scottish or British', with allegiance to the primary nationality beginning to be seen as disloyal by those who prioritized the UK, in a marked demarcation from earlier forms of Scottish Unionism. There was growing resistance in Scotland to the promotion of the idea of 'Britain' as a *Kulturstaat* as awareness of these claims increased. When asked to choose the identity 'Scottish' or 'British' in 1979, 56 per cent of Scottish residents opted for the former, and by the late 1990s that had reached 85 per cent, despite

increased immigration from England and elsewhere in the intervening years. Meanwhile, the proportion choosing 'British' fell from 38 to 15 per cent. In November 1999, an issue of *The Economist* appeared with a cartoon of the Labour Prime Minister Tony Blair portrayed as Guy Fawkes on the front cover, in the act of blowing up the Houses of Parliament. This incendiary view of the relatively modest devolution of power to Scotland, Wales and Northern Ireland by the British Government was – and is – not untypical of British centralists. The image was accompanied by a survey on political attitudes, one of the few occasions on which such surveys – widely carried out within Scotland – reached a substantial international public. In the survey, only 49% of Scots identified with the Union flag, while 72% primarily identified as Scottish rather than British. In Scotland, 46% thought Holyrood would have the greatest degree of influence on the country's government by 2019, 31% chose the EU and only 8% the UK. Four times as many English as Scots identified with the Stars and Stripes of the United States, and there was little interest south of the border in the European flag.¹⁶

By 2005, only 14 per cent chose a British identity in a forced choice between Scottish and British, compared with 25 per cent in 1992. Movement at the extremes of identity has been rapid. There were parallel, though much milder, rises in the declaration of English identity south of the border. Between 1992 and 2000 alone, the proportion of Scots declining any British identity even when free to admit it, doubled. Though 64 per cent expressed some pride in Great Britain in 2007, only 23 per cent expressed a strong pride, little more than half the English total. The rise in Scottish nationality was also borne witness to in a major shift from those opting for class as a primary determinant of identity over nationality (54 per cent in 1979 opted for class not Scotland, but by 1999 this was down to 35 per cent). Some of this may have been due to a stronger association of nationality with class values brought about by Mrs Thatcher's government, which was widely hated in Scotland. In 1999, 61 per cent of Scots favoured redistributing income and wealth, but only 36 per cent in England, while in 2010 – after 13 years of Labour government – 40 per cent of Scots favoured 'increasing taxation and government spending', compared to 30 per cent in England. In effect, class was becoming nation: Scotland as a concept was becoming the national manifestation

of continuing support for the 1945–1979 British social democratic model, but the Labour Party, so long associated with that model, was no longer trusted to run it in Scotland’s best interests because of its relentless British centralism, which was increasingly visible to the Scots electorate. According to recent research, Scots remain the most dissatisfied substate country in Europe in respect of the division between their domestic and Westminster powers, and in the 2020 Scottish Social Attitudes survey, 73% think the Scottish Government should have most influence over how Scotland is governed, with only 15% opposing. Moreover, it is Scotland’s own government which enjoys credibility as a government. An October 2020 Progress Scotland poll indicates that the Scottish government leads the UK government in public approval by 21 points for authoritativeness, 37 points for competence and effectiveness, 51 points for empathy and understanding and 52 points for good communications. Accepting that a Labour government might fare better than the Johnson administration, these figures indicate a serious breakdown in trust in Scotland. This is only the latest stage in what has been a long process.¹⁷

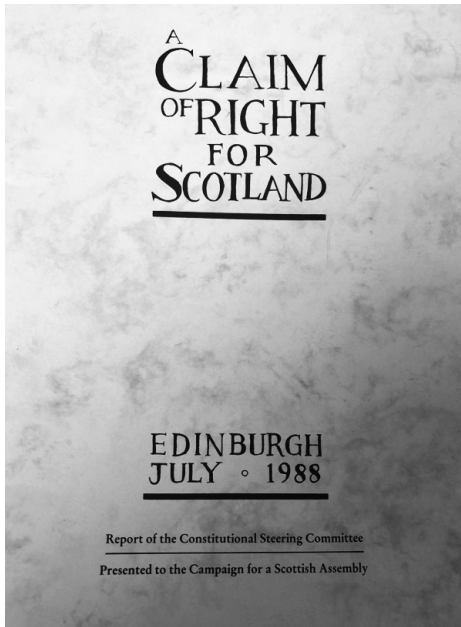
The Scottish National Party (SNP) began to succeed as this process progressed. The SNP grew out of a number of campaigning groups that dated back to the late Victorian era, and the election of five Crofting MPs in Scotland in the 1885 election (with a sixth in 1886) as the parliamentary wing of the Highland Land League. The Scottish Home Rule Association (SHRA), founded in 1886, was refounded in 1918, and was followed by the Scots National League (1921), founded by William Gillies (1865–1932), a supporter of the Easter Rising with a Land League background, and Ruaraidh Erskine of Mar (1869–1960), a scion of the Earls of Buchan and co-founder of the Legitimist Jacobite League in 1891. The SNL’s newspaper, *The Scots Independent* (1926) still survives, but the organization, which was often broadly sympathetic to Irish republicanism, amalgamated with the more moderate SHRA and others in 1928 to form the National Party of Scotland (NPS). A more right wing and pro-Empire Scottish Party was founded four years later in 1932, and it and the NPS amalgamated to form the SNP in 1934. Although the party won its first seat at a wartime by-election, it was not until Winnie Ewing’s 1967 Hamilton by-election victory that it began to break through as a major Scottish political force. Tellingly, when she most unexpectedly won the seat, Ewing said ‘Stop

the World. Scotland wants to get on' in reference to the marginalization of the country in the post-imperial era. One of her election posters showed her sitting on top of a globe with the slogan 'Put Scotland on the Map'. Within a few years, her nickname in the European Parliament was 'Madame Ecosse'.



Winnie Ewing by-election poster, Hamilton 1967. [Public domain]

The sudden rise of the SNP can thus be mapped almost exactly on to the acceleration of the decolonization process abroad and the rapid rise of central planning operating in a context of decline at home. This process of centralization was early diagnosed by the Nationalist politician John MacCormick, who identified this tendency in government policy as ‘the new and spurious and artificial nationalism of Greater London’ which ‘requires a counterpoise if what we all unconsciously recognize as British is to survive’.¹⁸ The double compact of the 1707 Union— domestic Scottish autonomy and access to a global British marketplace—was in double jeopardy.



A Claim of Right for Scotland. Although a document produced by a body simply calling for a Scottish parliamentary body within the UK, it invoked claims of Scottish national and popular sovereignty. [Collection Murray Pittock]

A CLAIM OF RIGHT FOR SCOTLAND

We gathered as the Scottish Constitutional Convention do hereby acknowledge and assert the sovereign right of the Scottish people to determine the form of government best suited to their needs, and do hereby declare and pledge that in all our actions and deliberations, their interests shall be paramount.

We further declare and pledge that our actions and deliberations shall be directed to the following ends:

To agree a scheme for an Assembly or Parliament for Scotland.

To mobilise Scottish opinion and secure the approval of the Scottish people for that scheme.

To assert the right of the Scottish people to secure the implementation of that scheme.

The image shows two columns of handwritten signatures in cursive script, separated by a vertical line. The signatures are written in dark ink on a light-colored background. The names are written in a fluid, personal style, typical of handwritten signatures. The first column contains 15 signatures, and the second column contains 15 signatures.

Left Column Signatories:
The Hon. Robert
P. B. B. B.
James M. G. G.
David G. G.
M. C. C.
M. H. H.
David G. G.
M. A. R. R.
D. C. C.
D. S. S.
John G. G.
M. H. H.
S. M. M.
R. G. G.
M. R. R.
D. G. G.

Right Column Signatories:
Robert G. G.
D. G. G.
Alexander J. J.
Robert G. G.
M. G. G.
D. G. G.
James K. K.
M. G. G.
M. G. G.
Chris W. W.
John G. G.
D. G. G.
George G. G.
M. G. G.
M. G. G.
M. G. G.

The first page of signatories of the 1989 Claim of Right of the Constitutional Convention: no Nationalists among them. The fact that the signatories of the Claim came from the Labour and Liberal Democrat parties which have subsequently shown no interest in honouring its terms is a contributory reason to their current decline. [Public domain]

Initially, the SNP gave Scots an opportunity to demonstrate that they were a separate country without ever committing them to doing more than using it as a protest vehicle to show just this. SNP pressure brought about a referendum on a Scottish Assembly in 1979, which despite delivering a narrow majority failed on the technical provision which had been set through a 1978 amendment that 40% of the electorate would have to vote Yes to implement the result. In the late 1980s, a final phase of campaigning for a Scottish Parliament began through the Labour Party's decision to join the Scottish Constitutional Convention (called for by the 1988 *Claim of Right for Scotland*) in the wake of the SNP's major by-election victory in Glasgow Govan in 1988. There was a strong rhetoric of Scottish national status and the importance of Scottish consent in British governance to the Claim of Right and the Convention. In 1989, the vast majority of Scotland's MPs supported the Claim that the Convention stood in support of 'the sovereign right of the Scottish people to determine the form of Government best suited to their needs, and do hereby declare and pledge that in all our actions and deliberations their interests shall be paramount'. However, Labour in office in London and Holyrood failed – except for Henry McLeish's brief term in office in 2000–2001– to act as if they truly considered Scotland to be a national entity in the terms outlined in the 1988–1989 documentation. The 1988 Claim's Section 4, 'The English Constitution– An Illusion of Democracy' and Section 3, 'The Present– and the Future Being Forced Upon Us' read particularly hollowly in 2020, with both the Labour Party and the Liberal Democrats committed to supporting Brexit despite its comprehensive rejection in Scotland.

There had been many early strongly pro-European nationalists such as Marian McNeill (1885–1973) and William Power (1873–1951) who argued how Scotland could benefit from 'a United States of Europe', while in 1957 the Scots Independent argued that 'European Union can be our Hope for the Future'. Following a period of closer alignment with Norway as a comparator and suspicion of the EEC in the 1960s and 1970s, in 1989, the SNP committed to Independence in Europe as a policy and began to commission background research on Scotland's future development in the EU as an independent state. Among the figures in the foreground of the SNP's EU engagement were John's son Sir Neil MacCormick (1941–2009), Regius Professor of

The Scotland in Europe policy document launched by the Scottish Government in Scotland House, London in January 2018, and followed by a Burns Supper for the EU diplomatic corps in attendance, at which the author gave the Immortal Memory. [Collection Murray Pittock]



Public Law at Edinburgh, later an MEP (1999–2004), who drafted the Constitutional Treaty of the European Union, which – though agreed by eighteen member states – was not in the end finally ratified and was replaced by the Treaty of Lisbon; Professor Christopher Harvie (b1944; Professor of British and Irish Studies at Tübingen, and Member of the Scottish Parliament, 2007–11), and Winnie Ewing herself, MEP from 1975–99 and one of the key architects of ERASMUS. SNP support rose, and was typically higher still at European elections. A 1994 poll suggested that 26% of Tories in Scotland, 27% of Liberal Democrats, 55% of Labour supporters and 64% of Nationalists regarded themselves ‘to some degree Scottish and European’ as joint identities.¹⁹

In 1997, a Scottish Parliament was established on the back of a decisive referendum victory, where 74% supported a Scottish Parliament, and

63% wanted it to have tax-varying powers. By 2007, the SNP were the government and had started a 'National Conversation' as a prelude to a further referendum on the creation of a separate Scottish state. In 2011, they won an overall majority in a Scottish general election with 45% of the vote, and proceeded to legislate for a referendum, the terms of which were agreed by the British Government under the Edinburgh Agreement. This was a remarkable political sea-change.

From the beginning, and long before the Nationalists came to power in 2007, the Scottish Parliament saw itself not as a substate regional government, but as a national parliament 'reconvened' as Winnie Ewing, with her gift for historic quotation, described it in the first session after the 1999 election. At its official opening two months later, Donald Dewar, the Labour First Minister, gave a speech which echoed that of the Irish Party leader Charles Parnell at Cork in 1885:

'This is more than our politics and our laws. This is about who we are, how we carry ourselves...Walter Scott wrote that only a man with soul so dead could have no sense, no feel of his native land. For me, for any Scot, today is a proud moment: a new stage on a journey begun long ago and which has no end'.²⁰

This so clearly echoed Parnell: 'We cannot ask the British constitution for more than the restitution of Grattan's parliament, but no man has the right to fix the boundary of a nation. No man has the right to say to his country: "Thus far shalt thou go and no further", and we have never attempted to fix the "ne plus ultra" to the progress of Ireland's nationhood, and we never shall', suggested that devolution was a process which might be expected to develop, not a terminus. The fact that Dewar had pressed at Westminster for a devolutionary model based on reserved not devolved powers – one very similar to Gladstone's Irish model outlined originally under his 1885 Memorandum – lent constitutional weight to the comparison. Most importantly, it was a statement of Scottish nationality, a 'we' that transcended the constitutional arrangements of substate government. This was recognized in the language of further extensions to Scotland's devolved powers in the years that followed, with the 2009 Commission on devolution chaired by Sir Kenneth Calman explicitly stat-

ing that ‘the United Kingdom has never been a unitary state’. Calman also acknowledged both the Acts of Union of the Scottish and English parliaments as foundational constitutional documents of the UK, thus clearly breaching the notion of unlimited Westminster sovereignty, which is described as only a ‘convention’ (1.171), and stated that the ‘UK has always had a territorial constitution’ with ‘more than one legal jurisdiction’ (1.172). The Calman report pointed out (2.5 ff) that many post Union institutions had a distinctively Scottish cast, thus renewing as well as preserving elements of domestic sovereignty. In stating that ‘the UK is ... a State of different unions ... each ... has its own history, dynamic and likely path of future development’, Calman’s conclusions reconstituted the Scottish parliament as a state actor, recommending it reaches agreement with Westminster on the terms of the British social union (Recommendation 2.1), which itself is presented both as a given and as something to be negotiated, as ‘the balance between... distinctive and shared elements’ of sovereignty have been historically ‘determined...by what the Scottish people have aspired to’ (Summary 12). The Calman Report – though it recommended only further powers for the Scottish Parliament, and not independence – acknowledges the Scottish Parliament as to a degree a state actor, operating on behalf of the Scottish people, not simply as a branch of Westminster government. The idea that devolution compromised Westminster sovereignty was one which was not simply floated by Calman, but was already in circulation. Lord Steyn’s 2005 judgement in *R (Jackson) versus Attorney General* that ‘the supremacy of Parliament...is a construct of the common law’ and that the 1998 Scotland Act settlement ‘points to a divided sovereignty’ was supported in the same case by Lord Hope’s insistence on the gradual qualification of a ‘Parliamentary sovereignty...no longer, if it ever was, absolute’. Parliament of course, where the Commons has diminished the power of the Crown and the Lords and the patronage of the Executive has much greater power than was once the case in the Commons, did and does not necessarily agree. The Calman Report led to additional devolved powers, but the constitutional grounds on which it argued were of little interest to the UK government, though they were consonant with the contemporary language of respect for the Scottish Parliament and government espoused by the Conservative-Liberal Democrat coalition under the premiership of David Cameron.²¹

By the time Calman's recommendations were acted on in the Scotland Act of 2012, Alex Salmond's government was already on course to hold an independence referendum. The British government consented to that under the terms of the Edinburgh Agreement of 15 October that year, which agreed that the referendum would be beyond legal challenge (the so-called Section 30 Order), could be legislated for at Holyrood, would be conducted so as to command confidence among its stakeholders, and that all parties would respect the result. Cameron was a liberal Prime Minister, but he also, and in common with most of the British political class, expected a resounding victory that would quieten the nationalists for a long time to come. Although support for independence was somewhat volatile, as late as 12 October 2013 the Scotsman was reporting polling putting support for independence at 25%, although this was 36% excluding those who did not know how they would vote.²²

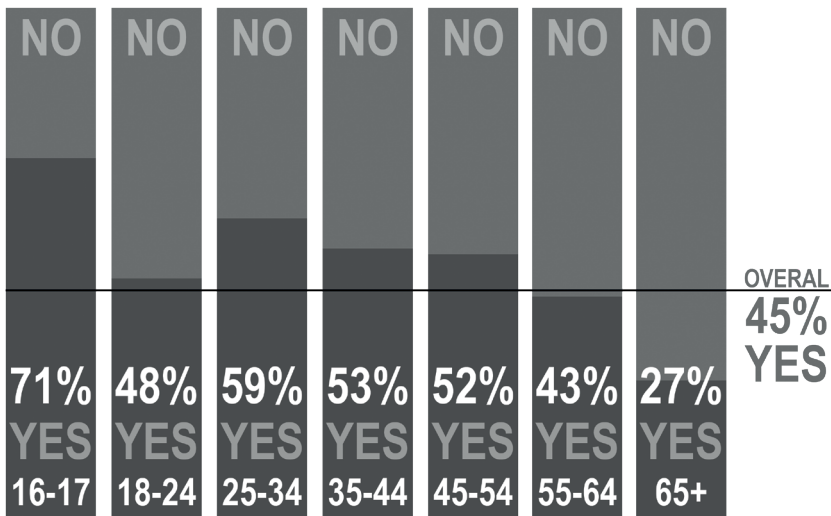
The Yes campaign's multiple sectoral groups, strong engagement across civil society, optimistic and hopeful (if sometimes imprecise and utopian) message and innovative use of social media were all very effective.²³ The Better Together (No) campaign, led by Alistair Darling, the former Labour Chancellor, focused on the dangers and risks of independence, particularly with regard to currency, the economy, pensions, EU membership and oil revenues, as well as some less plausible golden oldies, like the status of Orkney and Shetland, where the majority of the inhabitants self-identified as Scots at levels more or less identical with those on the mainland. Better Together's economic arguments—and among non UK EU citizens resident in Scotland in particular, the EU case—were tactically effective if strategically less so, for the campaign for the Union also accelerated already evident damage to the Labour Party by making it a spokesperson for a political position held most strongly by the Conservatives. A substantial proportion of Labour voters supported independence, but this position did not receive any recognition from the party. When Wendy Alexander, its Scottish leader, had supported an independence referendum in May 2008, she was immediately contradicted by Gordon Brown as Prime Minister, and within a month was no longer leading the Labour Party in the Scottish Parliament. Now Labour doubled down on that uncompromising position, while the Better Together campaign as a whole overlooked the number of soft or persuadable No voters by failing to come

up until the very last minute with anything resembling a coherent development of the status quo.²⁴

Perhaps partly as a consequence, in September 2014, Scotland almost surprised the British Government. The independence referendum saw an 85% turnout (almost a complete turnout, given the vagaries and duplications of the British electoral register) across Scotland. The result was far closer than David Cameron had expected when he agreed the referendum, but by the time the votes were counted, the No side was anxious, with some late polls for the first time suggesting the possibility of a victory for Yes. In the end 45% voted Yes to complete sovereign status and the

WHAT ARE THE CHANCES YOU VOTED YES TO SCOTTISH INDEPENDENCE?

YES and NO referendum votes broken down by age



Voter demographics in the 2014 referendum.

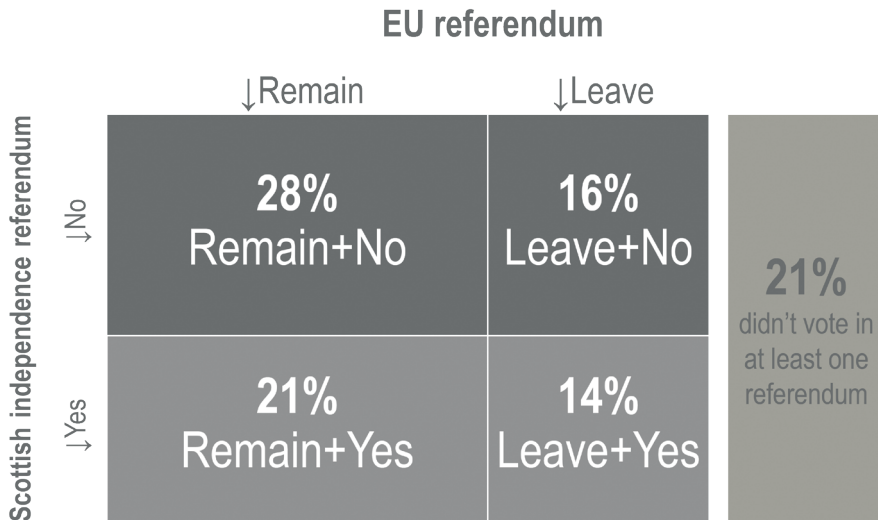
creation of an independent Scottish state reigned over by – as more than a dozen countries worldwide are, including Canada and Australia – the British Crown. Three of the Scotland’s 32 local authorities registered a Yes vote, including the cities of Glasgow – the largest in the country – and Dundee. A majority of Scots-born voted Yes as did a majority of all those under 55, irrespective of origin.

The vote was seen as a vindication by the British government, not as a warning. Some small concessions on devolutionary powers – which were promised the week before the result to head off a still tighter outcome as part of a UK cross-party Vow – were offered as a sop to Scottish opinion following a further Commission on devolution, the Smith Commission. The Vow set out three points: that the Scottish Parliament would be constitutionally permanent (a very doubtful promise given the British constitutional reliance on the absolute sovereignty of Parliament, and the inability of any Parliament to bind its successors); that the present pattern of funding would continue, and that extensive new powers would be devolved. Fewer powers than expected were in the end devolved, and nationalists looked on the Vow as not having been implemented. The lukewarm response of the British government to the Vow following the victory of the No side was accompanied by an emphasis on restricting Scottish MPs’ right to vote on English issues in the Commons. This was evident from the morning after the result when Cameron rather gracelessly responded to his victory by proclaiming that in future there would be ‘English votes for English Laws’ (EVEL) at Westminster from which Scots MPs would be excluded. All these developments combined to support consolidation of the Yes vote, which led to 56 of the 59 Scottish seats at Westminster falling to the SNP at the 2015 General Election, in which they recorded half the Scottish vote. A significant proportion of the SNP’s success derived from Labour Yes voters moving over to the Nationalists. Not only has it proven hard for the Labour Party to retrieve this support, but also the number of Yes voters in their own ranks has grown back from its low 2015 base, suggesting a fresh fissuring of their vote could occur in the event of their adoption of an uncompromising position in a future referendum. In addition, strong Labour Unionist voters began to defect to the Conservatives in Scotland, as Labour paid the price on two fronts for failing to differentiate their constitutional offer in the 2014 campaign

from that of the Tory Government they were supposed to be in opposition to. In 2020 polling, Labour sunk as low as 12%, though the election of Anas Sarwar as leader with his more ameliorative tone and unwillingness to follow Tory lines on the Union and the SNP unreservedly seems to have begun to rescue their position.²⁵

In 2016, Scotland once again demonstrated how far it was a different country from England. In the referendum on leaving the European Union that June, all 32 of Scotland's local authority areas voted to Remain in the

How did Scots vote at the independence and EU referendums?



3,166 Scottish adults surveyed between August 29 and December 16, 2016

The 2014 and 2016 votes in Scotland

EU, some by very large majorities, as for example the capital Edinburgh, where the margin for Remain was almost three to one (74–26). The vote in Scotland was completely ignored by the British government, and by both the UK opposition parties. UK wide, the nature and scale of the vote indicated a preference for a continued UK presence in the single market or a deal which retained those benefits. Such had been widely promised by the Leave campaign, and while many Leave voters wanted a total severance from the EU and its institutions which appears to be closer to the eventual outcome, polling showed some 20–30% of the Leave vote favoured a European Economic Area (EEA) type solution. In Scotland, the frustration of the democratic vote did not lead directly to increased support for independence. The extent to which the Remain vote depended on Unionist support and the significant proportion of nationalists voting Leave both served to undermine the Scottish First Minister Nicola Sturgeon’s call in 2017 for a fresh independence referendum, and saw a recovery in the Unionist vote in Scotland.

Around 10% of SNP voters in north-east Scotland migrated directly to the Conservatives in the 2017 General Election: these were often Leave voters driven by issues such as irritation at the poor fishing deal the UK had received from the EU. There was some constituency for EFTA/EEA membership in Scotland, particularly in the north-east, and the SNP themselves had espoused the merits of a Norway-style economy and relationship before Independence in Europe was adopted as a policy in the late 1980s. However, the fact that even Scotland’s Tories were on the whole moderate in their views towards the EU did not help them when the chauvinism of the British negotiating position became ever clearer. The SNP began to gain votes once again, and in the 2019 General Election, held on the Withdrawal Agreement – to which the Conservative Party demanded complete loyalty from its candidates less than a year before it whipped its MPs to vote to breach it through the Internal Market Bill – the SNP’s vote accelerated in Scotland. Scandinavian style semi-detachedness from the European project has got some traction in Scotland; xenophobic self-congratulation about the wonders of being British, not so much. Even in England of course, it had long been unthinkable that a government would choose to take the Victorian bourgeoisie’s favourite operetta librettist seriously:

*He is an Englishman!
For he himself has said it.
And it's greatly to his credit,
That he is an Englishman!
That he is an Englishman !
For he might have been a Roosian
A French or Turk or Proosian
Or perhaps Itali-an
Or perhaps Itali-an
But in spite of all temptations
To belong to other nations
He remains an Englishman'*
(W.S. Gilbert, HMS Pinafore, 1878).

A Victorian *Opera Comique* joke was now bearing more than a passing resemblance to British foreign policy. Faced with such extremes, the Scottish vote began to drift back towards the SNP, moving it from strong to exceptional levels of support, evident in the 2019 European elections and 2020 polling. In the final UK European election, the Brexit Party topped the poll in the whole of England and Wales, barring London; the SNP topped the poll in every Scottish local authority area. On 7 September 2020, *The National* reported that internal UK government polling had found 56% would support independence, while only 46% of those resident in England thought Scotland should stay in the UK. An 11 September Survation poll showed support for the SNP in the 2021 Scottish general election running at 53%, with 51% prepared to vote SNP in a UK general election. The Scottish Political Monitor for October 2020 indicated that 58% supported independence, with the same percentage planning to vote for the SNP in the constituency vote at Holyrood in 2021; Ipsos-Mori indicated SNP support at an all time high of 60%.²⁶

The further narrowing of rhetoric in British identity towards chauvinism, exceptionalism, Westminster sovereignty and the Crown is quite possibly exacerbating Scottish opinion. Royalism, very much in evidence during the Queen's Silver Jubilee in Scotland in 1977, is now in muted decline, and the blanket media mourning for HRH the Duke of Edinburgh in 2021 met with little reciprocal enthusiasm in Scotland. Street parties for royal

occasions have never been popular, and were almost non-existent for the Diamond Jubilee in 2012 and the weddings of Prince Charles or the Duke of Rothesay's sons. In Scotland, 55% are not proud of the Queen, compared with 17% in England, and 15% are proud, compared with 50% south of the border.²⁷

The still further narrowing of 'British' identity is evident in the current 2020-UK Internal Market legislation, which has caused such consternation externally in the EU due to its infringement of the Brexit withdrawal agreement between the UK and the Union. The UK Internal Market Act rests internally on the premiss advanced in the preceding White Paper that all Britain's Union legislation (1536, 1543, 1707, 1800) was enacted with the goal of creating an internal market between the UK's four nations, whereas in fact all these acts had differing constitutional aims and origins. The relevant Union documents with Wales from 1535-43 aimed to secure the full incorporation of Wales into the English polity, not a Union of two kingdoms as was the case in 1707 and 1801.²⁸ Wales had no Parliament and formed no party to these Acts, which were imposed by the English Parliament. The Wales and Berwick Act of 1746 (20 Geo. II c.42), a post-Union Act of the United Kingdom Parliament, ruled explicitly that 'England' should be taken to include Wales, and this was not repealed with regard to Wales until 1967.²⁹

The 1707 Acts of Union with Scotland and 1800 Act of Union with Ireland were very different beasts. The former was geared economically not so much to Scottish access to English markets (50% of all Scottish trade in 1700, 60% today), but to enable Scottish access to imperial markets, hitherto hindered by the English Navigation Acts and other obstructionism. The 1800 Irish legislation made provision for a Customs Union (Article VI) with a variable adjustment delay for certain textiles and other goods and also contained provisions affecting re-export and certain specified categories of goods. It did not immediately create a UK Internal Market which was on the same footing as the market outwith Ireland. Moreover, the Union was ended for the majority of the island of Ireland in 1921-1922. While Belfast was the pre-eminent city economically in nineteenth-century Ireland, the GDP per capita of the Irish Republic (56% of the UK average in 1921) is now 2.5 times that of Northern Ireland and its Gross

National Income (GNI) 1.9 times. The Government of Ireland Act of 1920 (10 & 11 George V c.67), while retaining (Clause 75) the supremacy of the UK parliament and its ability to legislate throughout Ireland, clearly makes provision for variation in subsidies and incentives within the Irish market (clause 25) and allows for separate Exchequers in the Irish jurisdictions it establishes.³⁰ In Scotland as noted above, Clause IV of the Scottish Union Acts makes clear the primacy of imperial – rather than domestic – markets. The Internal Market Act thus rests on a premiss which is a partial fiction as regards Great Britain’s internal politics, while in an Irish context it of course neglects the fact that as the Republic of Ireland is a party to the 1998 Good Friday Agreement through which peace is guaranteed in Northern Ireland, so the European Union is – as is in a different sense the United States – its guarantor. As Article 2 of the 1998 Agreement guarantees Irish citizenship as the right of the inhabitants of Northern Ireland, it is consequentially clear that European citizenship is thus the right of Northern Ireland’s people, despite the ‘one United Kingdom’ rhetoric of the British government. In addition, the north’s democratic institutions are guaranteed under the Agreement by the European Convention on Human Rights (ECHR) (I:5b), which the UK undertakes to embed into Northern Irish legislation, and the North’s right to a territorial referendum to secede is equally protected by the 1998 Agreement, which again points up the constitutional inequalities which in reality underpin the claims to the unity of the United Kingdom pretended to by the Internal Market legislation. As regards Scotland, the ‘UK Internal Market’ also threatens to undermine institutional autonomy of key areas, as the framing of the legislation can appear to be under the impression that Scots Law is the only reserved power in Scotland under the terms of Union. This has never been the case, and is less so now. Jurisdictions are not self-referential entities: law is for something and not just a solipsistic system. Hence, huge areas of Scottish life from the National Health Service to University tuition fees, from house sales to alcohol pricing, depend on Scotland’s law and the legislature which governs the Scottish jurisdiction, which in its turn engages with Scotland’s national Law Commission. Here as elsewhere, Brexit is proving to be a zero sum game. Though the internal market legislation is not a compelling issue at present to the average voter, that may change. There is still a great deal of uncertainty concerning the outcome of Brexit, always a slow burn rather

than a cataclysmic disaster: April 2021 polling indicated that only 41% of Scots think it has gone badly, and 16% think it has gone well, though 25% of Labour voters indicated that Brexit had pushed them towards supporting independence.³¹ The Scottish Parliament rejected a legislative consent motion – nonetheless imposed – to the Internal Market Bill by 90 votes to 28, in recognition of the view that as matters stand, the repatriation of sovereignty from Brussels to London is being matched by a repatriation to London from Edinburgh. Beyond this, the constitutional position of Northern Ireland is the subject of continuing obfuscation, which, initially facilitated by the near universal lack of interest in the province in British public discourse and the media, began to attract attention in the context of greater awareness of the consequences for the Good Friday Agreement, and the likely views of the Irish-American lobby, while the British Government must choose between a border in the Irish Sea or on the island of Ireland. The latter breaches an international agreement supported by the US and the EU; the former breaches the United Kingdom. The constitutional dilemma this represents has been fudged or ignored by the British Government and a largely compliant or uninterested media, though the Democratic Unionist leader in Northern Ireland, Arlene Foster, has already fallen victim to its contradictions.

In this context, what is likely to happen next? In the May 2021 General Election, the Scottish National Party (SNP) did not reach the heights it had hit in the polls in the weeks before Brexit, but reached some 48% of the popular vote in the constituencies, with a lower vote for the 56 list seats, where the pro-independence Scottish Greens and the activist and more populist Alba Party (70% of whose supporters want a referendum in 12 months, as opposed to 48% of SNP and 35% of Green voters) shared about a fifth of the Nationalist vote between them.³² The SNP gained 64 from 129 seats in total and remain in government for a fourth term. Taking the vote in aggregate, Unionists led 51–49 in the constituencies and Nationalists 50–48 (there are a few neutral parties) on the lists: a 50–50 split, which is roughly where aggregate support for independence sits. There is an overall majority for independence of 15 seats, around twice that obtaining in the previous two parliaments.

The election was clearly about independence: a Scottish Television/IpsosMORI poll in April showed that ‘among 49% of voters, Scottish independence and devolution is the most important issue’, a figure almost twice as high as those who chose health or education, and the extent of tactical voting in Unionist constituencies to fend off the SNP suggests that the constitution did indeed loom large. In this sense, the 2021 election has served as a proxy referendum.³³ In its aftermath, the UK government seem likely to move away from their strategy of weaponizing one of the statements made in the 2014 referendum – that it was a once in a generation opportunity – towards a strategy of delaying the referendum by bringing more overt British government activity and money into Scotland, thus in the end aiming to integrate Scotland to a greater degree with UK-wide spending and weakening the SNP. Maintaining visible central government activity was a key element of Castilian practice in Catalonia: it was not notably successful. But British Government moves in this direction are probably gambling on the relatively weak and shallow nature of Scottish nationalism historically. This weakness is perhaps borne witness to in the fact that despite having large majorities of Scottish seats at Westminster since 2015, the SNP have eschewed the kind of parliamentary spoiling tactics pursued by Parnell’s Irish Party, despite the substantial Unionist majority in the 1886 Parliament.³⁴

Polling by Survation (7 September 2020) indicates that 84% of 16–24 year olds and 75% of 25–34 year olds would vote Yes in another independence referendum, and if British Government policy points in one direction, demographics point in another. The Scottish Government look likely to legislate for a referendum in 2022 or 2023 in preference to asking nicely for another Section 30 order which on the basis of previous experience would be rejected. The British Government hopes that the Scottish Government’s own law officers might rule the bill incompetent in terms of Holyrood’s powers, but this seems unlikely. In which case a legal battle which could end up in the UK Supreme Court might be the consequence: but the UK Government is aware that compelling Scotland to remain in the Union by legal means is a high-risk strategy, despite some admiration for the Castilian example. In such a case, it is likely that consent for another referendum to be beyond legal challenge would be a matter of negotiation, with the UK authorities seeking to inflect the wording and

timing of the questions, and possibly the number of questions and the electorate itself, to its advantage as part of such negotiations.

For its part, the SNP has been circumspect, particularly in the context of the 2017 Catalan Referendum, as the Scottish Government are aware of the risks of a Spanish veto on EU membership if a referendum is carried without ultimate British government consent to its process. However, some of the party's MPs and MSPs and many in the wider Yes movement, which can now put marches of 100 000 on the streets of Scotland's major cities, a multiple of previous march numbers, are impatient with this process. The 2010 International Court of Justice (ICJ) decision which recognized Kosovo's secession from Serbia has in the past been seen by some nationalist theorists as having 'shifted the balance towards an inherent right of self-determination'. On the other hand, the situation which has developed in Catalonia—inflamed by the Spanish Constitutional Court's 2010 intervention to strike out partly or wholly fourteen of the agreed provisions of Catalan nationality arising under the terms and result of the legitimate 2006 referendum on the Statute of Autonomy, including the use of the term 'nation'—points in the other direction. There is understandable caution in some quarters about making the issue of Scottish independence into a 'playground for lawyers'.³⁵ Under the leadership of Alex Salmond, who visited Catalonia in 2008, the Scottish Government was very positive towards the Catalan case (indeed the Scottish Parliament itself had been the design of a Catalan architect), and the 'symbolic referenda' in Catalan municipalities were closely observed. But after the 2017 Catalan Referendum, though prominent Scottish lawyer Aamer Anwar was to the fore in defending Clara Ponsati, the former Councillor for Education in the Generalitat, who also holds an academic post at St Andrews, from extradition, the Scottish Government itself was notably circumspect. A similar process occurred earlier in the case of Quebec, once prominent as a Scottish comparator and then marginal and in the last ten years much less heard of. In part this is due to a greater focus on Europe; in part to the fact that provincial powers within the federal state of Canada and the — albeit unofficial — recognition of the Québécois as a 'nation' by the federal house of Commons in 2006 have lowered nationalist pressures. It may well be argued that if a federal or federal to confederal structure had been introduced in Ireland in the 1880s or Scotland a century later, a

similar process might have been observed in the British archipelago. But the obsession with Westminster's absolute sovereignty which dates back to the 1688-1720 period and is so evident in the Brexit process, combined with the additional accelerant of seeking to claw back powers to the executive, has seen to it that the kind of processes seen in Canada are unthinkable in a UK context.

The Scottish government has continued to position itself globally, with offices now not only in Brussels and Washington, but in London, Paris, Dublin, Berlin, Beijing and Ottawa, acting as locations for trade missions and other forms of paradiplomacy; as they often share British Embassy



Alex Salmond (then First Minister of Scotland) and the author, press conference at Port Olimpic, Barcelona, December 2008 (My image). [Collection Murray Pittock]



Yes march in Glasgow, 2019. [phot. source: <https://www.thenational.scot/news/17619352.glasgow-attracts-huge-turnout-yes-supporters-pro-independence-march/#gallery0>]

premises, diplomacy is needed at all levels, though this often works more smoothly than political rhetoric might indicate. The hubs also act as locations for events boosting Scottish culture or research and providing a space for diplomatic exchange: the author organized the Dublin and Glasgow: Creative Cities event at the Dublin hub in 2019, the year in which the European Commission's *Cultural and Creative Cities Monitor* identified Glasgow as the leading creative city in the UK. Hub activities take place in a wider political context. In 2019–2020, the Scottish Government launched a joint strategic review with the Irish Government, designed to stocktake existing collaborative activity and to plan for future collaborative activity between Ireland and Scotland in the years 2020–2025. The newly elected 2021 Scottish Government will look to establish new hubs, with Europe being a priority location. Continuing to develop external interest in Scottish trade, business, culture and politics throughout the democratic West in general and the EU in particular will no doubt form an important part of the Scottish Government's constitutional charm offensive.³⁶

Scottish nationalism is a much more unusual creature than conventional historians of nationalism might suppose. As I have suggested, it is closer in many respects to the political development of New Zealand or other former dominions than to ethno-cultural nationalism of a more familiar European type. It is also not riven between left and right to the extent one might expect, particularly in the world after 2008. In 2014, Salmond – who had by this stage presided over a 7-year freeze in local council tax rates in cash terms – presented a vision for a Scotland which was a modern European state, immigration-friendly, Scandi-lite in tax and social policy and at the cutting edge in the knowledge economy (Scotland is the third highest cited jurisdiction per capita in the world) and renewable energy. In 2016, the somewhat more left leaning Nicola Sturgeon established the Sustainable Growth Commission under the chairing of Andrew Wilson, with the following remit:

‘To assess projections for Scotland’s economy and public finances, consider the implications for our economy and finances under different potential governance scenarios, and make recommendations for policy on:

- Measures to boost economic growth and improve Scotland’s public finances – both now in the aftermath of the EU referendum and in the context of independence.
- The potential for and best use of savings from UK programmes in the event of independence, such as Trident.
- The range of transitional cost and benefits associated with independence and arrangements for dealing with future revenue windfalls, including future North Sea revenues.

In addition, the Commission was asked to take account of the recommendations of the 2013 Fiscal Commission reports, and the outcome of the EU referendum, and consider the most appropriate monetary policy arrangements to underpin a programme for sustainable growth in an independent Scotland’.³⁷

The Wilson Commission’s findings proved to be too fiscally conservative for the utopian Yes left, who range from those with strong Green views

(not that the SNP government is not strongly green, as we shall see) to the verges of Occupy style street activism. But much of the broad support for an independent Scotland comes from those who see it as combining a modernized version of the 1945–1979 British social and welfare compact with the creation of a state freed from the lumber of chauvinist and ceremonial exceptionalism. This position is one reason for the relative weakness of Scottish nationalism and its lack of interest in revolutionary transformation of any kind: in some respects, much of its support comes from those who would ideally like to see a modernized UK with an established position for Scotland within it. The historic volatility of the SNP vote – by contrast, for example, with the relative stability of Irish nationalist support from 1885–1918 – provides plenty of evidence for the thin nature of support for an independent state. Many Scots have hoped for an intermediate position: a modernized and federal (maybe with some confederalism thrown in) UK. Many of these have now lost faith in the ability of the UK to change into that modern state, and this is yet another sphere where the Brexit referendum has played out. Contemporary Scotland increasingly echoes Dean Acheson’s speech at West Point in December 1962, when he said:

‘Britain’s attempt to play a separate power role – that is, a role apart from Europe, a role based on a ‘special relationship’ with the United States, a role based on being the head of a Commonwealth which has no political structure or unity or strength and enjoys a fragile and precarious economic relationship – this role is about played out’.³⁸

Reading these lines almost sixty years later, they seem as prophetic, accurate and ignored by their target audience as ever.

So whither Great Britain, where the Labour Party explicitly supports and voted for the Tories’ very restrictive Brexit deal, which restricts the UK’s advantage in the European market for services in return for securing a trade agreement where the advantage lies in the other direction? Any pre and post Brexit British parliamentary party (which now includes both Labour and the Liberal Democrats) would have difficulty persuading the Scottish electorate that they would in reality cede power within a federal

structure, even if there was some inclination to believe them, for the core Brexit argument is that sovereignty is indivisible. The slow economic damage it will cause (on the UK Office of Budget Responsibility figures)³⁹, will be concealed as much as possible by politicians and the media, but almost certainly will lead to a resumption of the long-term decline that successive British governments sought to address in attempting and in the end succeeding in joining the EEC. The only success possible for Brexit Britain is to become more like Singapore; but that while some politicians may imagine that the UK is like the United States it is in reality a European country with high levels of social spending and a demand for more. The current dominant discourse in British politics and the media – the need for extensive increases in taxes and to reduce inequality – is in essence a summary of the ideas of the French economist Thomas Piketty, and is thus central to the European left rather than to the buccaneering free markets notionally espoused by leading Brexiteers. The British economy, never particularly efficient and supported by major infrastructure spend in the south east but not to the same extent elsewhere, has contracted due to Covid-19 faster than any EU member state. Brexit will bring further damage to the economy. The political response will be to raise taxes in a climate of increasing rage where many believe the rich are defrauding the country and immigrants are cheating it, rather than developing an understanding of the reasons for the decreasing tax base which the underprivileged in many cases themselves voted for. It may turn out better than this of course, but all these ingredients are evident. The constitutional outcome of the next few years will thus depend on the extent of Scotland's lack of trust in any British government, the extent to which there has been active and visible demonstration of that in public opinion, actions and institutions, and the outcome – perhaps in the shorter term most centrally the perceived outcome – of Brexit.

If Scotland were to become independent following concession of a referendum by a Westminster government exhausted by the issue and the continuing lack of support for British parties in Scotland (or by another process, though this seems less likely), what would this new Scotland be, and where would it stand in the world? In 2019, Scotland's GDP stood at £168bn. Goods exports are growing more strongly than elsewhere in the UK, as is productivity, which has grown roughly twice as fast as the UK

average while the SNP have been in power. France was Scotland's largest export market in the EU 27 in 2019–20, followed by the Netherlands: the same countries were the top two recipients of Scottish exports in 1700. Scotland's largest industries are energy (oil, gas and renewables, 9% of GDP), financial services (7% of GDP, per capita as high as England), tourism (up to 5% of GDP) and food and drink; strengths in these areas are widely spread geographically. Scotland exported £6.3bn in food and drink and £3–4bn in both professional services and oil and chemicals in 2019–20.⁴⁰

Energy	101 000 jobs	£16.2bn GVA (Gross Value Added)
Financial Services	247 000 jobs (9.5% of employment)	£15.7bn GVA (11%)
Engineering	126 000 jobs (4.8%)	££8.1bn GVA (5.8%)
Construction	149 000 jobs (5.7%)	£7.9bn GVA (5.7%)
Digital	97 000 jobs (3.7%)	£6.6bn GVA (4.7%)
Creative Industries	77 000 jobs (3%)	£4.4bn GVA (3.3%)
Tourism	218 000 jobs (8.3%)	£4.1bn GVA (3%)
Food and Drink	44 000 jobs (1.7%)	£3.6bn GVA (2.7%)
Life Sciences	40 000 jobs (1.5%)	£2.4bn GVA (1.8%)
Chemicals	11 000 jobs	£1.3bn GVA (1%)
Textiles	8 000 jobs	£321M GVA (0.25%)
Fishing	4 860 jobs	£301M GVA (0.25%)

Renewables were over 99% of gross electricity production in 2020, up from 59% in 2015.⁴¹ Food and drink is worth around £14bn annually, and employs over 100 000 people; in higher education, Scotland generally has four or five universities ranked in the top 200 in the world.⁴² But all is not of course sweetness and light: Scotland's higher public spending gives it a greater deficit than the rest of the UK (even allowing for UK expenditure a Scottish state might not want to replicate), its small and medium-sized enterprises are less attuned to export, and although Scotland is roughly as well off as England in GDP per capita, a small but not insignificant part of that derives from the attribution of highly volatile oil and gas revenues. In addition, Scotland has major internal inequalities. The average salary is the highest in the UK outside the south east, and generally lower house prices and more free and good quality public services compensate for a higher tax bill on medium and upper incomes. However average pay in different locations in Scotland varied in 2018 from over £550 for a 40-hour week (Edinburgh, Aberdeen) to under £420 (Dumfries and Galloway, East Renfrewshire), a significantly larger gap than exists between the poorest and richest areas of the UK excluding London. In addition, while growth is strong in the major cities (Glasgow was twice the Scottish average in 2019, and Edinburgh, Glasgow and Stirling are predicted to be the Gross Value Added (GVA) growth leaders in 2020–2024), many other areas are very weak indeed, contributing to an anaemic overall growth rate and many locations of poor opportunity and endemic poverty.⁴³

That is how Scotland is internally, but how is it seen abroad? The Scottish Government commissions an annual report on the country's national brand recognition via the Anholt–GfK Roper (now Anholt–Ipsos) national brand study of 50 countries carried out since 2008. Scotland's position in the Anholt–Ipsos measure tends to come in at around 15th (2020 was a low 17th) a position of relative strength underpinned by a very strong set of primarily cultural images. It is particularly noteworthy that much of the image of Scotland abroad is reflective of a national reputation which was created in the period from 1740–1860. This provides underpinning strengths, but also a number of limitations.

The Index measures perceptions under six headings: Exports, Governance, Culture, People, Tourism, Investment and Immigration. Scotland ranks

highly for Governance (it was 13th in 2020) with particular subsidiary strengths in the environment (10th) peace and security (12th) and citizens' rights (12th) arising from a strong belief in the country's fairmindedness, humanitarian values and developed justice system: reliability and trustworthiness came across strongly. There is also a high ranking for Tourism (12th) and cultural heritage (11th), but the country's innovation in science and technology is less highly regarded (24th for innovation and science, 21st for creativity), despite a history of colossal achievement and the current reality of Scotland being responsible for 1% of global citations on 0.07% of global population. There is thus currently poor understanding internationally of Scotland's significance in modern science and technology.

In general terms, Scotland's rankings reflect its international visibility, which is highest in the US, Commonwealth, Russia, China and Sweden, and low in its erstwhile ally France. On the whole however, Scotland's international visibility is rising everywhere. Scottish culture is seen by those who think they recognize it as being old-fashioned in its social and industrial organization, rural, 'Fascinating' and 'Romantic'. Agriculture, Food and Crafts all gain high recognition within the perception of Scottish culture (though interestingly the British Council survey on Scotland's soft power is more negative here), while Museums, Music, and Sports, are also all seen as important. Scots are seen as hard-working, honest and skilful: all very nineteenth-century stereotypes, while the country is ranked 7th in the world for national beauty, in keeping with its Romantic appeal. The typical Scot, therefore, seems to be someone who works hard and smart on the farm to produce good food before attending a fun ceilidh in the evening and is out on the mountains before visiting a museum or castle at the weekend.⁴⁴

There are other indicators of the historic inheritance of the Scottish brand. One of these is translation. Scotland prides itself on its intellectual influence across the world. As at c2005 (more recent data is not yet available), Adam Smith had been translated 262 times and David Hume on 461 occasions. But these figures are dwarfed by the writers and memorialists of the Romantic Scotland: Burns with 3100 translations, Scott with 2900 and Stevenson with 3500.⁴⁵ The global celebration and articulation

of Scotland generally falls into this pattern. But the partial nature of the global understanding of Scotland the brand is a sideshow to the brand's overall strength. There is a global marketplace for Scotland the brand, and an increased appetite to take advantage of that marketplace. Winnie Ewing's words on her election in 1967- 'Stop the world, Scotland wants to get on' remain as relevant as ever. The question is, what does Scotland want, and does its electorate want it enough?

ENDNOTES

1 See <https://www.medievalists.net/2014/08/braveheart-scottish-independence/> and many other archived discussions—or rather speculations—from the time of the 2014 referendum. The current author and Alibhai-Brown clashed on this issue publicly at the ‘British Island Stories’ conference at York (part of the Economic and Social Science Research Council’s Devolution and Constitutional Change Programme) in April 2002.

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6 M. Pittock, *The Road to Independence? Scotland in the Balance*, London, Chicago, 2013 [2008], pp. 176–178; <https://www.opendemocracy.net/en/opendemocracyuk/do-scots-really-hate-english/>.

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1. Social Contract: The people are to choose their ruler by agreeing among themselves as to who the ruler should be.
2. The people also choose the principle of transference of authority.
3. The ruler is put in place because there is a job to be done, one that requires exercise of practical right reason, that is, prudence. The ruler must be able to guide the people better than the people individually can guide themselves.
4. The people can choose as a ruler either a single person or a 'community'

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11 2011 Centre for Scottish Social Research; S. Maxwell, *Arguing for Independence*, Edinburgh, 2012, pp. 28, 82; I. McLean, Jim Gallagher and Guy Lodge, *Scotland's Choices: The Referendum and What Happens Afterwards*, Edinburgh, 2013); see M. Pittock, *The Roots of Scottish Nationalism*, five part BBC Radio 4 series (October/November 2013): <https://www.bbc.co.uk/programmes/b03hcl9p>.

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- 19 Pittock, *Scottish Nationality*, 8, 126.
- 20 For Ewing's speech in May 1999, see https://www.youtube.com/watch?v=PB_aOAOoc4g; W. Alexander, D. Dewar, *Scotland's first First Minister*, Edinburgh, 2005, p. 5. http://www.parliament.scot/EducationandCommunityPartnershipsresources/New_Parliament_Levels_A-F.pdf).
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