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The 2016 Scottish Parliament Election: A Nationalist Minority, A Conservative Comeback and A Labour Collapse.

Paul Anderson

Canterbury Christ Church University

Election Report 2016

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Paul Anderson

School of Psychology, Politics and Sociology

Canterbury Christ Church University

North Holmes Road,

Canterbury,

CT1 1QU

P.anderson161@canterbury.ac.uk

Abstract

This article examines the political context, campaign, election results and outcomes of the 2016 Scottish Parliament election. The Scottish National Party (SNP) secured its third electoral victory, yet failed to achieve a widely predicted majority. With just 2 MSPs short of a majority, the SNP has ruled out any formal coalition with the opposition and will instead govern as a minority administration. The composition of the parliament's opposition also significantly changed. The Scottish Conservatives increased their share of the constituency and regional votes, and became, for the first time, the largest opposition party in the chamber. Scottish Labour suffered a severe electoral drubbing, losing 13 of its seats. The election was also important for the Scottish Liberal Democrats and Scottish Green Party. The latter increased its vote share and number of seats, leapfrogging the LibDems to become the fourth largest party in the chamber.

Keywords: Scotland, Devolution, Scottish Parliament, Regional Election, Scottish National Party.

Introduction

The third consecutive electoral victory for the SNP in the 2016 Scottish Parliament election is lucid evidence of the transformation of Scottish politics that has taken place in recent years. Despite failing to achieve a widely predicted majority, the SNP, now a minority government, will continue to dominate politics in Scotland, with the *raison d'être* of the party – independence for Scotland – remaining at the forefront of the political agenda. The success of the nationalists, however, was not the only talking point of this election. Scottish Labour secured its worst ever electoral result north of the border in more than 100 years, whereas Ruth Davidson's Conservatives made significant gains from both Labour and the SNP, securing 24% of the parliament's seats to become the largest opposition party. The Scottish Green Party won 6 seats, leapfrogging the Scottish Liberal Democrats to become the fourth largest party.

Since the last Scottish Parliament election in 2011, the Scottish electorate has been asked to go to the polls 5 times: to elect members of the European Parliament (2014); the Westminster Parliament (2015) and the Scottish Parliament (2016), as well as two referendums, the first on Scottish independence (2014) and the latest on Britain's future membership of the European Union (EU) (2016). Notwithstanding concerns of potential electoral fatigue, turnout in 2016 at just over 55% remained consistent with previous Scottish elections, although was markedly lower than the 2014 independence referendum and the 2015 general election. The unexpected electoral victory of David Cameron's Conservative Party in the 2015 general election belied poll predictions of a hung parliament. The Conservatives, however, failed to make any ground in Scotland, which elected 56 SNP MPs. The strong SNP presence in Westminster has ensured further debate on constitutional politics, although the focus of debate has shifted towards England, as well as Scotland. The issue of territorial politics continues to dominate governmental agendas in Holyrood and Westminster. However, while the key talking points remain the same, the most recent elections have indisputably turned a page on a new chapter in Scotland's history. This article examines the results of the election, paying specific attention to the electoral system, political context, the party campaigns and the initial outcomes of the result.

Context

The 2016 Scottish Parliament elections, held on Thursday, 5 May, were the fifth set of elections to the devolved legislature since the inception of devolution in 1999. The Scottish Parliament, unlike the Welsh Assembly, has always had legislative powers and can enact laws on issues such as education, health, the environment and transport. As detailed in the Calman Commission, set up in response to the SNP's 2007 electoral victory and subsequent 'National Conversation' on independence, the Scottish Parliament has received more powers in recent years, including the devolution of stamp duty, land tax and landfill tax and new borrowing powers for the legislature. In addition, the introduction of the new Scottish rate of income tax (SRIT) in 2016 endows the parliament with new fiscal powers and control, albeit limited, over income tax in Scotland.

The first eight years of the parliament were governed by a Labour-LibDem coalition, followed by the election of a minority SNP government in 2007, and a majority SNP government in 2011. The electoral success of the SNP in 2011, winning 69 of the 129 seats on 45% of the

vote was no mean feat, and it remains the only party to have ever secured such a majority. This electoral victory triggered discussion and debate on a key manifesto pledge: a referendum on independence. Constitutional matters are reserved for Westminster, but the clear mandate given to the SNP was such that the Conservative-led coalition government in London accepted negotiations with the Scottish Government on the issue. On the 18 September 2014, over 3.5 million voters resident in Scotland, including for the first time 16 and 17 year olds, participated in this historic referendum; 55% voted to remain as part of the United Kingdom (UK). The referendum campaign witnessed unprecedented levels of public engagement. Voter turnout for the referendum was 84.6%, the highest for any Scottish electoral event since the introduction of universal suffrage (Electoral Commission, 2014: 1). These record levels of participation were also observed in the subsequent UK-wide general election in May 2015, when turnout for Scotland was 71%, the highest figure of all four countries in the UK (Hawkins et al, 2015: 67).

Following the independence referendum and in the run up to the 2015 general election, the SNP more than tripled its membership, becoming the third biggest political party in the UK with more than 110,000 members (Keen, 2015: 10). The 2015 general election, however, proved historic for reasons other than turnout and party membership. The SNP in an unprecedented landslide won all but 3 of Scotland's 59 seats in the House of Commons, a historic victory which has completely changed the face of British party politics. Whereas the Conservatives held on to their only Scottish seat, both Labour and the Liberal Democrats suffered huge electoral losses, including leading party figures such as Labour's shadow foreign secretary Douglas Alexander and the Liberal Democrat's Chief Secretary to the Treasury, Danny Alexander (BBC News, 2015). Labour won just 24.3% of the vote, and returned only 1 MP to Westminster (in 2010 Labour won 42% of the vote), while the Liberal Democrats lost all but 1 of their previous 11 seats (Hawkins et al, 2015: 14).

Although referendums in the UK are a rare occurrence (Tierney, 2015), within the period of only two years the Scottish electorate have participated in 2 momentous votes the first on Scottish independence and the most recent on Britain's membership of the European Union. These issues have been important topics which have dominated UK-wide debate, and have had a significant impact on Scottish politics in recent years. Since 2007, the issue of constitutional change, primarily 'the Scottish Question' (Mitchell, 2014) has been, and remains, a central feature of both Scottish and British politics. The referendum delivered a relatively conclusive result, yet the issue of independence has not subsided from the political agenda and featured prominently in the 2015 and 2016 election campaigns. A majority may have voted in favour of remaining in the Union, but the issue, at least for the time being, is far from settled. Membership of the EU was an issue which dominated both the independence referendum and British general election, although for different reasons. While Scotland's hypothetical membership of the EU as an independent nation was under close scrutiny during the referendum campaign, in 2015 the principal issue was the growing popularity of the Eurosceptic party UKIP and the Conservative Party's manifesto pledge to hold an 'in-out' referendum on Britain's membership of the EU (Conservatives, 2015: 72). The Conservative's unexpected victory set the 'in-out' referendum in motion and the issue of Britain's future relationship with the EU was brought firmly to the fore.

The Scottish Electoral System

The Scottish electoral system designed by the Scottish Constitutional Convention in the 1990s, is used to elect 129 MSPs, 73 from the constituency vote, which uses the first-past-the-post system (i.e. the same system to elect MPs to Westminster) and 56 from regional lists. This system is referred to as the Mixed-Member Proportional (MMP) system, also known in the UK as the Additional Member System (AMS) (Lundberg, 2007). Divided into 73 constituencies and 8 regions (each region has a total of 7 MSPs elected from the lists), voters in Scotland have two ballots: the constituency vote, where they elect 1 MSP, and the regional vote, where they choose a party. The regional list element of the system, that is, the proportional component, is used to 'top-up' the constituency results, thus offsetting the distorted results produced by the first-past-the-post system. This is done through the d'Hondt formula which divides the number of votes a party receives by the number of constituency seats won plus 1 ($\text{Votes}/\text{seats}+1$). A party that fares rather well under the constituency vote is less likely to secure many seats on the regional list. Smaller parties, however, which are traditionally punished by the first-past-the-post system, and which achieve around 5-6% of the regional vote, have a chance of gaining seats. The proportional system was designed to prevent any single party from gaining a majority, while equally ensuring the fair representation of smaller parties, such as the Greens (Mitchell, 2000). Yet, in 2011 the SNP won a majority of seats, proof that while proportional systems tend to eschew majoritarian governments, they are not equipped to withstand a strongly expressed popular public opinion (Mitchell, 2014: 273).

The Party Campaigns

The Scottish electoral campaign of 2016 was framed as boring, dull and lacklustre (Cairney, 2016). The apparent foregone conclusion of the election, alongside potential voter fatigue, were heralded as the principal reasons for the campaign's lack of excitement. Party leaders, as is now the norm in British and Scottish politics, engaged in several televised debates where issues such as education, the Scottish rate of income tax and of course, independence reigned supreme. Although, as in all electoral campaigns, the key talking points were policy, – the 2011 campaign, for instance, was focused around the issue of having a 'costed' manifesto – this campaign was dominated by a focus on style and personality, something which both the SNP and Conservatives sought to exploit.

Scottish National Party

For several reasons, the SNP's 2016 campaign differed significantly from its previous campaigns in 2007 and 2011. First, whereas in previous elections the SNP's victories were surprising, its electoral victory in 2016 was billed as a foregone conclusion. Second, in both 2007 and 2011 a referendum on independence had been at the heart of the SNP's electoral programmes, whereas this time around there was no explicit commitment to a second referendum. The manifesto, however, supported the Scottish Parliament having the power to hold another referendum should there be 'clear and sustained evidence' of an increase in support for independence (SNP, 2016: 23). Despite the devolution of new income tax powers, the SNP advocated, at least for the time being, and in contradistinction to Labour and the

Liberal Democrats, not raising the additional rates (SNP, 2016: 17). The nationalists fought a strong campaign, asking the electorate to ‘re-elect Nicola’ and give the first minister a ‘personal mandate’ to lead and govern. This focus on style and personality, at times in lieu of policy, ensured a leader-centric campaign. Since becoming first minister in November 2014, Sturgeon has proved a popular leader, recognised following the televised debates in the 2015 general election as ‘the most popular politician across Britain’ (The Herald, 2015). It is no surprise then, that the SNP campaign sought to maximise what many think is the party’s strongest asset - the party leader herself.

Scottish Labour Party

Charges of complacency and arrogance concerning the position of Labour in Scotland have dogged the party for many years (Hassan and Shaw, 2012). The party’s increasing unpopularity culminated in electoral Armageddon in Scotland in the 2015 general election, and left Labour in a precarious position for the 2016 Scottish elections. Polls as early as March predicted an electoral drubbing for Scottish Labour, a result which risked pushing it into third place behind the Tories. Kezia Dugdale, the fifth Scottish Labour leader since 2007, thus promised a positive campaign on a manifesto rooted in traditional Labour values. At the heart of Labour’s campaign were the issues of education and public services, investment of which would come from using Scotland’s new tax powers to raise the basic and higher rates of income tax (Scottish Labour, 2016: 12-14), alongside an initial but later abandoned plan of compensation for lower earners (BBC News, 2016a). Battling the abovementioned poll predictions, the party message (at least until election night) remained positive, yet party rhetoric, despite the prevalence of the constitutional issue, consistently downplayed this matter. Dugdale religiously urged the SNP to ‘move on’ from constitutional politics, yet Scottish Labour’s own stance on the constitutional question was less than clear. This lack of clarity ultimately cost the party so many votes (Smith, BBC News, 2016).

Scottish Conservative and Unionist Party

Strangely for a political party, the Scottish Conservatives began their electoral campaign conceding defeat to the SNP. Instead, the party sought to put forward a case for a strong Conservative opposition with Ruth Davidson at the helm holding the SNP to account and focusing on bread-and-butter issues rather than constitutional matters. On the constitutional issue, the Scottish Tories, unsurprisingly, promoted themselves as the natural party of the Union and thus opposed to a second independence referendum (Scottish Conservatives, 2016: 6-7). The party manifesto included a catalogue of promises such as a guarantee not to raise taxes, a commitment to closing the attainment gap in education, and a promise to freeze business rates (Scottish Conservatives, 2016). Additionally, the party advocated some rather more divisive pledges – support for fracking, a ‘graduate contribution’ for university graduates and a tapered introduction of prescription charges. Since the onset of devolution, the Scottish Conservatives have struggled to completely detoxify the party’s ‘anti-Scottish’ image (Convery, 2014). The 2016 election campaign, however, cleverly focused on Ruth Davidson as opposed to the Scottish Conservatives, capitalising on her popularity among the electorate and avoiding the branding problem which continues to haunt the party.

Scottish Liberal Democrats

Since 2010, when the Liberal Democrats accepted the poisoned chalice of going into coalition with the Conservatives in Westminster, the former's electoral support and popularity has plummeted. Despite such dire results – the party for instance lost 11 seats in the 2011 Scottish election – the Scottish LibDem election campaign in 2016 seemed to have put this barrage of disastrous election results behind it, instead choosing to focus on core liberal issues led by an enthusiastic, if not zealous party leader, Willie Rennie. Scottish LibDem party pledges included investment in mental health, the restoration of traditional policing and increasing the supply of affordable housing (Scottish Liberal Democrats, 2016). One major policy that stood out was 'A penny for education', whereby the LibDems proposed increasing income tax by a penny across all bands to raise additional funds to invest in education (Scottish Liberal Democrats, 2016: 7). Despite the upbeat campaign, commentators and polls predicted early on that the increasing popularity of the Green Party, which consistently polled higher than the LibDems in the regional vote, would challenge them for their fourth place position. On election night, the LibDems achieved significant results, including the election of their party leader in a previously SNP held constituency seat and the re-election of their candidates in Orkney and Shetland, both with significantly increased majorities; yet this did not quite prevent the party from slipping, as predicted, into fifth place.

Scottish Green Party

The Scottish Green Party, emboldened by its increased popularity in the independence referendum, sought to emulate the success of its 2003 electoral result when it won 7 seats in the Scottish Parliament. The party pursued a second vote strategy fielding only one candidate – the co-convenor Patrick Harvie – on the constituency vote. The party's manifesto went far beyond ecological issues with bold ideas on taxation, education and welfare. The boldest proposal, to introduce a new 60p tax rate for high earners while cutting rates for the least paid, served, as the party hoped, to set it apart from the other parties (Scottish Greens, 2016). The party's ambitious approach on issues such as a permanent ban on fracking and a continued commitment to campaign for independence, certainly resonated with some voters, enabling it to leapfrog the LibDems to become the fourth largest party at Holyrood, although just one MSP short of its 2003 victory.

The Minor Parties

Several minor parties fielded candidates on the list ballot in different regions, but only three parties put forward candidates for all 8 Scottish regions: RISE, Solidarity and UKIP. Whereas UKIP is a UK state-wide party, RISE and Solidarity operate only in Scotland. RISE is a new political party which grew out of the increased political mobilisation of leftist groups in the independence referendum. Its core commitment, akin to Tommy Sheridan's Solidarity, was the holding of another referendum on independence (RISE, 2016). Solidarity, unlike RISE which purported a stance of indifference, supported Britain leaving the EU, alongside other policies such as a ban on fracking and an end to austerity (Solidarity, 2016). UKIP similarly supported

Brexit (albeit for diametrically opposed reasons) and campaigned on policies such as opposition to increased taxes, a halt in the devolution of further powers to Scotland and the reintroduction of smoking rooms in pubs (UKIP, 2016). The party failed to achieve the electoral earthquake it desired to ‘shake up Holyrood’, winning only 2% of the regional list vote. Despite hopes of a rainbow parliament and a return to the ‘moderate pluralism’ (Bennie and Clark, 2003) that characterised the 2003 parliament, no minor party, save the Greens, managed to achieve an electoral breakthrough.

The Election Results

As results flooded in during the early hours of May 6, pollsters and commentators continued to predict a majority result for the SNP. However, as a new day broke over Scotland, it became clear that yes, the SNP had won most seats and would form the fifth Scottish government, but that widely expected majority had failed to materialise. With only 63 seats, (see Table 2) the SNP were two seats short of a majority.

Turnout at the 2016 election was 55.6%, the second highest turnout recorded since 1999 (see Table 1). Given the high levels of engagement and participation in the independence referendum and the 2015 general election, as well as allowing 16 and 17 year olds their first opportunity to vote in a Scottish election, it was hoped that turnout would sharply increase. Despite disappointment at the ‘low’ turnout, 15% lower than the general election the previous year, turnout was consistent with previous Scottish elections, which has never quite reached 60%.

Table 1: Voter Turnout in Scottish Parliament Elections (1999-2016)

Election	Voter Turnout %
1999	58.2
2003	49.4
2007	52.4
2011	50.4
2016	55.6

Source: SPICe (2016).

As expected, the SNP won its third consecutive victory. Winning 63 seats, 59 of which were won on the constituency vote, the MMP electoral system stymied the SNP’s hopes of governing with a majority. On the regional lists the party gained just 4 seats, perhaps underlining the campaigning success of some opposition parties which championed split-ticket voting, whereby voters would choose a constituency MSP from one party on the first ballot and a different party on the second ballot (Curtice, 2016). Although the SNP hoped to emulate its electoral majority from the 2011 election, the MMP system, as noted earlier, makes this extremely difficult, and given the system was designed to prevent any single party ever gaining a majority, it is unsurprising the SNP failed to do so in 2016. In 2011 the SNP effectively broke the system, thus the results produced in 2016, despite grumblings of disappointment from the SNP ranks, is the expected result from a proportional system. The SNP increased its share of the constituency vote, becoming the first party to ever poll over a million votes in the first ballot. Moreover, it also made huge gains in the historic Labour heartlands such as Glasgow and ‘Red Clydeside’, winning no fewer than 11 constituencies from Labour, including Glasgow

Provan, Glasgow Pollock, Glasgow Maryhill and Springburn, Rutherglen, Greenock and Inverclyde and Renfrewshire South.

Table 2: Scottish Parliament Election Results 2016

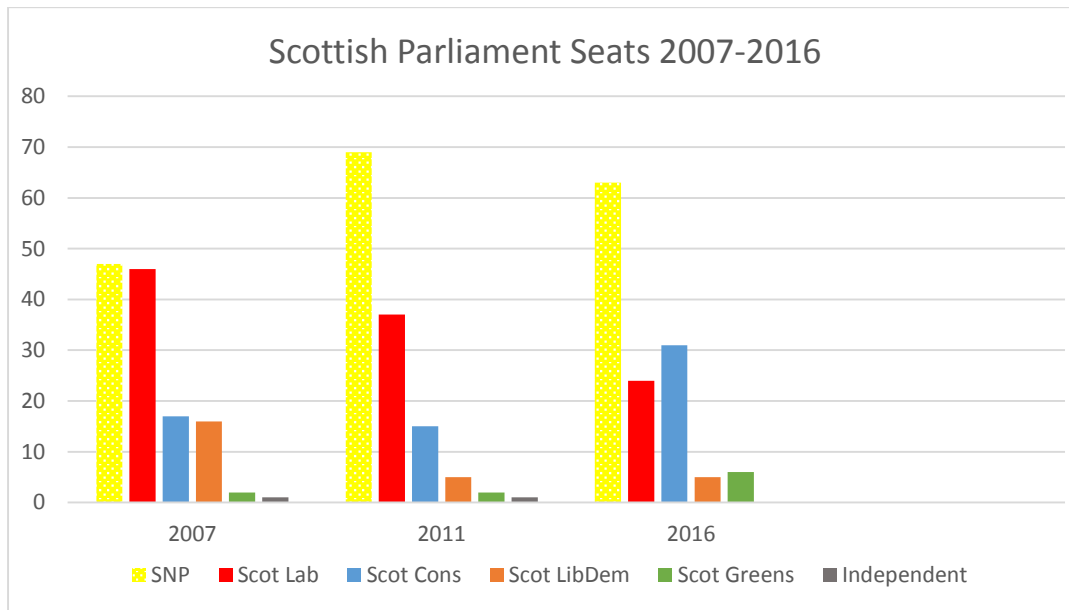
	Constituency Vote	Seats	Regional Vote	Seats	Total Seats
SNP	46.5%	59	41.7%	4	63
Scottish Conservatives	22.0%	7	22.9%	24	31
Scottish Labour	22.6%	3	19.1%	21	24
Scottish Greens	0.6%	0	6.6%	6	6
Scottish Liberal Democrats	7.8%	4	5.2%	1	5

Source: BBC News (2016b).

For Scottish Labour, the 2016 election result was disastrous, and the worst result for the party in Scotland since 1910, pushing it into third place behind the Conservatives. The party's share of the vote fell in almost every constituency seat, resulting in the loss of 13 seats with only 3 MSPs (Iain Gray, East Lothian; Jackie Bailie, Dumbarton and Daniel Johnson, Edinburgh Southern) being elected on the first vote. The election of Daniel Johnson in Edinburgh Southern, however, was Labour's most triumphant victory of the night, a seat gained from the SNP. Overall, Labour won 24 seats, although as noted in Figure 1, this is a significant decrease from the party's performance in 2007 and 2011 (and less than half of the seats won in 1999). In the early years of devolution, scepticism ensued amongst the Labour ranks over regional lists since this proportional element benefited other parties more than Labour (Lundberg, 2014). In 2016, however, the regional lists saved Scottish Labour from electoral oblivion; 88% of Labour's overall seats were gained from the d'Hondt method.

Ruth Davidson's Conservative and Unionist Party was the clear victor of the election. The party achieved its best result since devolution, winning enough seats to overtake Labour and become, for the first time, the largest opposition party in the Scottish Parliament (see Table 2). The Conservatives appear to have benefited most from the fall in Labour support; as the Labour vote collapsed in many constituencies, the Conservative vote increased, although the Greens also made significant gains in vote share from Labour's demise. The party's constituency vote increased by just over 8%, while its regional support grew by 10.6%. Furthermore, the party increased its share of seats on the constituency vote from 3 to 7, taking Edinburgh Central and Aberdeenshire West from the SNP, and Dumfriesshire and Eastwood from Labour.

Figure 1: Summary of Seats by Party (2007-2016)



Source: SPICe (2016; 2011; 2007).

The Scottish LibDems had a rather even performance in the election, managing to maintain their 5 seats. Although the LibDems are now the smallest party in the Scottish Parliament, there was practically no change in the party's electoral support compared to 2011. In addition, whereas in 2011 the party won only 2 seats on the constituency vote, this time around it secured 4, comfortably holding the island seats of Orkney and Shetland, and gaining 2 seats (Edinburgh Western and Northeast Fife) from the SNP.

For the second time in the history of the Scottish Parliament, the Scottish Greens made an electoral breakthrough winning 6 seats from the regional list (see Figure 1). With the exception of Patrick Harvie in Glasgow Kelvin, the Green Party fielded no candidates in the constituency vote, instead focusing its attention on the regional lists. Harvie was unsuccessful in his bid to replace the SNP's Sandra White in Glasgow Kelvin, but he achieved an extraordinary result, polling 24.3% of the vote, and coming second, behind the SNP, but still circa 1000 votes in front of Labour. The dominance of the Greens, coupled with the significant numbers of seats for Labour and the Conservatives, prevented any other minor parties from winning on the list vote. With the Green Party now the fourth biggest group in the parliament, it has, at least until 2021, broken free of its 'minor' party status.

Election Outcomes

On the 6 May, only hours after winning 63 of the Scottish Parliament's 129 seats, Nicola Sturgeon, the newly re-elected First Minister ruled out a formal coalition with any opposition party. According to Sturgeon, the strength of the number of SNP MSPs elected gave her party 'a clear and unequivocal mandate' to govern as a minority administration and implement the SNP's manifesto (BBC News, 2016c). However, while it is a truism that the SNP will find it easier to govern as a minority this time around as compared to 2007-2011 when it had fewer

MSPs, the government will still need the support of at least one opposition party to legislate and pass budgets. The Greens, at least at first sight, appear to be the SNP's natural ally, although there are significant policy differences on issues such as fracking and tax that may impede Green support or result in significant SNP policy shifts. Sturgeon has also promised a more 'inclusive' style of government, yet whether this will materialise, particularly when there are such divisions amongst the parties on issues like tax, the named person's initiative and of course, the constitution, remains to be seen. Additionally, Ruth Davidson's rhetoric, focused on opposition rather than cooperation, may from the outset impede the idealised vision of a cohesive parliament. Adversarial politics looks set to continue.

With just 2 MSPs short of a majority, the SNP will not find it too difficult to implement its manifesto. Yet, the role the opposition parties will play in assisting the government pass legislation is still unclear. In addition, as alluded to above, with such sharp policy differences between the opposition parties, there is not an easily identifiable policy, save the Offensive Behaviour at Football Act, around which they could coalesce and form a bulwark against government legislation. This does not mean ineffective opposition will ensue, but may eschew any significant hurdles for the minority government in implementing its manifesto pledges.

The issue of Scottish independence also looks set to continue to dominate political discussions. The SNP put forward no clear plan for a second referendum in its election manifesto, but were careful not to rule out the possibility should any significant 'material change' arise (SNP, 2016: 23). In less than a day after the election, both the Conservatives and Liberal Democrats had already called on the first minister to rule out a second referendum, but the SNP has, rather unsurprisingly, refused to do so. The Conservatives believe the lack of parliamentary majority coupled with no clear commitment to a referendum in the SNP manifesto 'takes that second referendum off the table for the next five years', but the SNP argues that it won the election, and will thus implement the manifesto it was elected on (The Herald, 2016).

It has often been argued that a vote for the SNP, is not necessarily a vote for independence. This was the case in 2011 when the SNP won its electoral majority (Johns et al, 2013). Although, it is still too early to reach such conclusions on the 2016 election, future analyses of this issue and the importance of 'performance politics' versus the constitutional matter, will make interesting reading. Notwithstanding this, it seems indisputable that the SNP will have to muster a stable equilibrium between governing with competence and its constitutional preference. The electorate may have already rejected independence at the polls, but constitutional turbulence is as much an issue for the future as it was of the past.

Conclusion

The politics of devolution in Scotland continue to evolve, underlining the oft-quoted dictum 'devolution is a process not an event'. The 2016 election has ushered in a new chapter in Scottish history, with the constitutional issue remaining at the heart of Scottish politics. The SNP, a significant electoral force both in Holyrood and Westminster, will continue to lead in Edinburgh. The party's lack of an overall majority, however, will necessitate building consensus with opposition parties, probably on an issue by issue basis, and not without concessions. The election of the Conservatives as the biggest opposition party may well lead to a reinvigorated, energetic and enthusiastic opposition, but whether Ruth Davidson will be

able to step up and provide the strong, effective, accountable opposition she championed during her electoral campaign remains to be seen. Labour, historically hailed as the party of Scotland, is now the most toxic party brand in Scottish politics. As the party, once again, initiates a process of electoral recovery, it must seek a new identity with clearer ideas and policies should it not wish to be left behind from the fundamental realignment of Scottish politics now underway. The 2016 election has introduced many new dynamics, puzzles and contradictions into the mix of Scottish politics. How the parties will react, in terms of both style and policy, is as of yet unknown, but will undoubtedly make for interesting observation.

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