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'Quality of Scottish Democracy', by Thomas Carl Lundberg
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Abstract

The founders of Scottish devolution intended to create a 'new politics' that would be less adversarial than British politics. Some of their aspirations resonate with the basic themes of freedom, equality and democratic control in the quality of democracy literature dating back to the 1970s. Authors of this literature disagree on some aspects of what constitutes democratic quality, so a distinction can be made between minimalist and maximalist democratic conceptualisations. This chapter provides examples of both types of conceptualisation present before and after devolution, noting that more recent developments are pushing Scotland in the highly contested maximalist direction.

Introduction

Between the 1970s and the present day, Scotland undertook a democratic journey. In the late twentieth century, demands for greater autonomy or independence saw the rise of the Scottish National Party (SNP) from little more than a pressure group to a party that had elected several Members of Parliament (MPs). In 1979 a referendum on decentralisation – called devolution in British terminology – was unsuccessful, though support for greater autonomy remained and grew during the 1980s and 1990s. This era of Conservative government at Westminster saw an increase in Scottish alienation from the centre, with opposition to Prime Minister Margaret Thatcher's policies and her approach to governing Scotland leading to a significant decline in Scottish support for the Conservatives. In opposition, the Labour Party and the Liberal Democrats worked with civil society groups in the Scottish Constitutional Convention on plans for a revival of devolution, coming up with what became much of the blueprint for the Scottish Parliament (often called 'Holyrood' after its location in Edinburgh) that was established after Labour returned to power in 1997.

In 1998 the Labour government charged the Consultative Steering Group, consisting of politicians, civil society figures and academics, with setting out the details of how the Scottish Parliament, elected in 1999, would work. After two Labour-Liberal Democrat coalition governments (for a total of eight years), the SNP formed a minority government in 2007, followed by a majority government in 2011. This SNP majority allowed for an independence referendum to be held in 2014. Thus, Scotland's democratic journey took the nation from being part of a rather centralised United Kingdom to the brink of independent statehood by means of devolution, which one prominent Labour figure, George Robertson, claimed in 1995 would 'kill nationalism stone dead' (Watt 2011). While devolution failed to prevent the independence movement from gaining considerable, though not majority, support, one result was a greater level of public engagement with politics, engagement that has outlasted the referendum campaign (Nicolson 2015).

Enhancing the quality of Scottish democracy appeared to be a significant aspiration for those who devised the blueprint for devolution in the 1990s. Many of those who sought devolution claimed there would be a 'new politics' (Brown 2000) that would differ from the politics of Westminster, which was seen in a negative light. Indeed, one contribution to an edited volume on Scottish devolution published around the time of its enactment was entitled 'Scotland's Parliament: A Mini Westminster, or a Model for Democracy?', implying that the British Parliament was not very democratic (Millar 2000). The use of a proportional electoral system for Scottish Parliament elections was probably the most significant departure from Westminster's procedures, though the apparent goal was to prevent the SNP from winning a seat majority at a future election (Taylor 1999: 57).

While those espousing a new politics were, to some extent, simply reacting to the perceived evils of Westminster (often from a partisan, anti-Conservative perspective – Labour was locked out of power for 18 years in this era), some of the aspirations for genuine political change invoked themes expressed in the literature on democratic quality. Building on longstanding ideals, literature dating from the 1970s attempted to measure, or at least systematically assess, the democratic quality of political systems around the world. The basic themes of freedom, equality and democratic control are prominent, and these resonate with the aspirations of many of those involved in

designing Scottish devolution.

As the following review of the literature on democratic quality will show, some of the complaints about Westminster appear to be more focused on the style, rather than the quality, of democracy. Institutional engineering has its limits; if participants do not want to change established practices, politics will not change. Nevertheless, some complaints about democracy in Britain – and specifically in Scotland – do lend themselves to analysis in the context of the democratic quality literature. Furthermore, much of the debate over Scottish democracy goes beyond the minimalist conceptualisation of democratic quality in the literature, moving into maximalist conceptualisations that are highly contested. This chapter will consider some illustrations of how Scottish democracy in practice relates to the democratic quality literature. While not an exhaustive analysis of the quality of Scottish democracy, these examples reveal a rather mixed record of democratic quality.

Quality of democracy

Democratic quality is not easy to define in detail, let alone critically assess, though much of the scholarly literature on the topic seems to be converging on which basic characteristics of a political system should be analysed. Researchers exploring democratic quality typically focus upon citizen participation and politicians' responsiveness, as well as the linkage between citizens and their state (Dahl and Tufte 1973: 13-5), with more recent research expanding upon this basic approach. Leonardo Morlino focuses on rule of law, accountability, responsiveness, civil rights, and equality (2004: 7). Stein Ringen focuses on 'the security of freedom' (Ringen 2007: 30); his conceptualisation of democracy includes measurements of strength, capacity, security and trust (Ringen 2007: 42). Andrew Roberts cites the linkages between citizens and policy makers, focusing on electoral accountability, mandate responsiveness, and policy responsiveness (2010: 32-2). The Economist Intelligence Unit focuses on electoral processes and pluralism, functioning of government, political participation, democratic political culture, and civil liberties (2013: 29-39).

The main disagreement in the literature is over whether scholars should focus on simply 'input' – procedures, institutions and institutional rules, and the legal protection guaranteed to them – or also examine 'output' – the outcomes, which could be measured in terms of congruence between what citizens voted for and which policies they got, as well as the level of gender equality in parliaments and cabinets, voter turnout, and even the extent of socioeconomic equality. Some scholars insist on more minimalist perspective of democratic quality. A recent reconceptualisation of democratic quality reviewed much of the literature before concluding that in a democracy, 'the only means of access to government offices' is through elections, which should be 'clean, inclusive and competitive' and allocate seats on the basis of proportional representation in unicameral legislatures where simple majority voting is the rule; furthermore, civil rights ('Freedom of expression, association, assembly, and access to information') are respected and socioeconomic inequality is prevented from turning into political inequality (Munck 2016: 17). The criteria here focus on democratic input, not output.

In this minimalistic reconceptualisation, Gerardo Munck invokes modern classics, like Robert Dahl's *Polyarchy* – much of the above reflects Dahl's (1971: 3) 'Some Requirements for a Democracy among a Large Number of People' – as well as more

recent theoretical works, like Anthony McGann's (2006) *The Logic of Democracy*, where the author argues that 'political equality implies majority rule and proportional representation' (McGann 2006: 202) and that 'most institutional features we refer to as checks and balances (bicameralism, presidentialism, federalism, division of power) – violate political equality just as much as explicitly supermajoritarian rules' (McGann 2006: 203). McGann's approach partially contradicts the logic behind Arend Lijphart's preference for the consensus model of democracy, which includes McGann's checks and balances as well as proportional representation, all of which Lijphart sees as dispersing power away from the centre and, as a consequence, working against 'bare' majoritarianism to increase the size of the democratic mandate (Lijphart 2012: 2). Another scholar, Bingham Powell, also argues in favour of something similar to Lijphart's consensus model, what he calls the 'proportional vision' of democracy, finding it to be more congruent with the median voter than the 'majoritarian vision' (Powell 2000).

Lijphart's well-known framework for analysis, which uses the majoritarian and consensus models of democracy as ideal types, is useful for analysing where power lies in a political system. However, the democratic quality of the models, as noted above, may be contentious. Lijphart makes his preference for the consensus model clear in his book *Patterns of Democracy*, stating that 'kinder, gentler' consensus democracies are 'more likely to be welfare states; they have a better record with regard to the protection of the environment; they put fewer people in prison and are less likely to use the death penalty; and the consensus democracies in the developed world are more generous with their economic assistance to the developing nations' (Lijphart 2012: 274-5). He also points to democratic quality rankings, such as the one developed by the Economist Intelligence Unit, and quantitative indicators, such as the percentage of parliamentarians and cabinet ministers who are female and voter turnout levels, in order to make his case (Lijphart 2012: 276-7).

Munck's literature review takes issue with many of the recent works on quality of democracy, including that of Lijphart. While he does find that most authors he reviews go 'beyond the conventional electoral conception of democracy by including elements about the process of government decision-making', Munck is concerned about how scholars expand the concept of democratic quality into specific outcomes, complaining that 'scholars rarely engage in rigorous theorizing from established general principles' (Munck 2016: 5). Lijphart's conception of democratic quality above calls for the inclusion of data like the proportion of politicians who are female and includes some indicators of the social democratic character of his country cases, using measures of social expenditure (Lijphart 2012: 288-90). Ringen also uses indicators derived from data on child poverty, public health expenditure, confidence in government, 'freedom of choice and control in life', and trust in other people (Ringen 2007: 43-47). These approaches move in the direction of social rights. In response, Munck argues that going too far down the path towards 'the expansive substantive conception of democracy' (particularly when legally mandated) could bring about circumstances such that 'when everything is a right, there is no politics; and when there is no politics, there is no democracy' (Munck 2016: 18).

While Munck makes some valid points about going too far in the direction of democratic outcomes when assessing democratic quality, he approvingly acknowledges the work of Marc Bühlmann, Wolfgang Merkel, Lisa Müller and

Bernhard Wessels (Munck 2016: 11). Bühlmann and colleagues propose the ‘Democracy Barometer’, which conceptualises democratic quality in terms of freedom, control and equality, with freedom composed of individual liberties, rule of law, and the public sphere, control composed of competition, mutual constraints, and governmental capacity, and equality composed of transparency, participation and representation (Bühlmann *et al.* 2012: 523).

The Democracy Barometer includes something that Munck does not stress – control, or the capacity of government to enact policies decided upon by the legislature (Bühlmann *et al.* 2012: 522) – thus ensuring that the majority actually gets the policies it prefers. Many other scholars include something similar in their conceptualisations of democratic quality. Policy responsiveness is part of the democratic quality definition used by Roberts (2010: 39), is what Powell refers to as the congruence between citizens and governments (Powell 2000), and is alluded to by Dahl’s requirement of ‘Institutions for making government policies depend on votes and other expressions of preference’ (Dahl 1971: 3). Responsiveness is linked to accountability, which ‘influences the degree to which citizens will be satisfied with the performance of democracy and view it as legitimate’ (Diamond and Morlino 2004: 27). With so much of the literature seeing accountability, responsiveness or at least some kind of linkage between what the public wants and what it gets as essential to a high quality democracy, Munck’s refusal to include this concept is a significant omission.

There is, therefore, a disagreement in how far to go when considering democratic quality. Munck prefers a more minimalist conceptualisation, while others prefer a more maximalist one. A middle ground appears to exist in the form of the Democracy Barometer, which allows for Munck’s definition based on freedom and equality, with the addition of the control concept, which the barometer’s authors have fleshed out to include an explicit recognition of horizontal and vertical accountability, competition and responsiveness (Bühlmann *et al.* 2012: 522). This chapter will consider the Democracy Barometer’s conceptualisation of democratic quality, with some input from Munck’s reconceptualisation, to be the minimalist definition, while conceptualisations used by scholars like Lijphart (2012), which expand upon the minimalist definition in the area of equality, will be considered part of the maximalist definition. These conceptualisations are summarised in Table 1.

Table 1 about here

Both minimalist and maximalist conceptualisations of democratic quality have been referred to in the Scottish case, and some examples will be analysed in the next section. Before that, however, another aspect of the democratic quality literature that has relevance to Scotland should be brought up. Some research has recently considered the relationship between size and democratic quality, arguing that ‘the social system in small states, which alters the environment in which the political and economic systems operate’ affects democracy (Ott 2000: 9), and that where states are not small, decentralisation can enhance democratic quality (Diamond and Tsalik 1999). At the elite level, Dana Ott argues (2000: 195) that due to the relatively small number of elite political actors, who are likely to know each other well and interact closely, cooperation in small states is more likely than in larger states and this example can have a positive impact on the wider society. In some small states, such as

New Zealand, leaders cultivate a sense of closeness to their people, at least appearing to be accessible and down-to-earth (Miller 2015: 24).

On the other hand, some research rejects the notion that smaller is better (Erk and Veenendaal 2014; Newton 1982), and quantitative research examining large data sets yields mixed results using Freedom House and Polity IV datasets (Högström 2013: 214). The work by Dahl and Tufte (1973) was not very conclusive regarding the relationship between size and democracy. Noting how ‘intensely personalized’ politics can be in small polities, Wouter Veenendaal and Jack Corbett point out that there are both good and bad aspects of such personalisation (2015: 541). Therefore, small size may not be the most important factor associated with high-quality democracies; indeed, other variables, like wealth and education, may be more important. Yet even among wealthy countries with highly educated populations, the smaller states come out ahead in recent democratic quality rankings. As Table 2 shows, relatively small countries dominate the top ten on each list.

Table 2 about here

For some supporting Scottish independence, the appeal of small, highly democratic states, many of which fit into Lijphart’s consensus model, is apparent. The SNP has stated its admiration for Scotland’s wealthy neighbours, like Ireland, Iceland, and Norway, with former First Minister Alex Salmond approvingly referring to an ‘arc of prosperity’ (Scotsman 2006). The (SNP) Scottish Government’s White Paper on independence also argued that small neighbours like Norway and Denmark ‘enjoy an independence bonus that allows them to deliver fairer societies’ (Scottish Government 2013: 59) and that residents of an independent Scotland could avoid British levels of economic inequality, pointing to Norway and Sweden, which ‘have demonstrated that fairness and prosperity are part of a virtuous circle, reinforcing each other and delivering a range of benefits for society as a whole’ (Scottish Government 2013: 152). While the literature on small states and democratic quality does not appear to be conclusive about the role of population size in enhancing democracy, the SNP seemed to be mainly concerned during the referendum campaign about preventing Scotland’s small size from deterring voters from supporting independence.

Table 2 also shows that the United Kingdom (UK) comes in below the top ten states in two democratic quality rankings. While not at the bottom of the list of states that are considered to be democratic, the UK’s rather mediocre performance in these rankings underscores the criticisms that are often made of British democratic quality, some of which could be heard during the period before devolution. In the years since devolution, the rhetoric surrounding the democratic character of Scottish politics has echoed both minimalist and maximalist conceptions of democratic quality.

The blueprint for devolution

The Consultative Steering Group (CSG), set up in November 1997 by the Labour government after the successful referendum on Scottish devolution, comprised members from the political world – from the four main Scottish political parties at the time (Conservative, Labour, Liberal Democrat and SNP) – the academic world, and Scottish civil society. Its remit was the following:

To bring together views on and consider the operational needs and working methods of the Scottish Parliament; to develop proposals for the rules of

procedure and Standing Orders which the Parliament might be invited to adopt; to prepare a report to the Secretary of State by the end of 1998, to inform the preparation of draft Standing Orders (Consultative Steering Group 1998: 3).

Building upon a 1997 White Paper, the CSG used the following ‘key principles’ throughout its work:

- the Scottish Parliament should embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive;
- the Scottish Executive should be accountable to the Scottish Parliament and the Parliament and Executive should be accountable to the people of Scotland;
- the Scottish Parliament should be accessible, open, responsive, and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation;
- the Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities for all (Consultative Steering Group 1998: 6).

The CSG notes that these principles are reminiscent of the Scottish Constitutional Convention and aim to overcome ‘a great deal of cynicism about and disillusionment with the democratic process’ that its members had seen among the public (Consultative Steering Group 1998: 6).

The CSG’s key principles echo much of what scholars examine when studying the quality of democracy. The minimalist conceptualisation of democracy (Table 1) appears frequently, particularly when it comes to equality and control. The key principle calling for accountability on the part of the Scottish Parliament and Executive (now called the Scottish Government) falls under the concept of control, as does responsiveness. Equal opportunities are demanded in the fourth principle; this shows up potentially under both minimalist and maximalist conceptualisations of democratic quality (Table 1). The first key principle calls for power sharing, which is favoured by Lijphart in his advocacy of the consensus model of democracy, where power is to be shared between parties in broad coalition cabinets and between the cabinet and the legislature (Lijphart 2012: 33-35).

The CSG’s plans for devolution built upon work carried out by the Scottish Constitutional Convention and the Scottish Constitutional Commission shortly before Labour came to power. A major institutional component that these bodies decided upon was the electoral system. With the agreement of Labour and the Liberal Democrats, a proportional electoral system was devised for the Scottish Parliament in the 1990s. Called the additional member system in Britain, the system is more widely known by political scientists worldwide as the mixed-member proportional (MMP) system and is based upon the proportional representation (PR) system used in Germany since the late 1940s. The term MMP, adopted by New Zealand which introduced the system for elections in 1996, comes from the fact that representatives are elected via single-member constituencies and party lists (with voters normally having a vote in each type of contest), yet the overall result in partisan terms is proportional to the party vote because party list representatives are added in a way that compensates for most of the deviation from proportionality that can occur from plurality (‘first-past-the-post’) elections in single-member constituencies (Lijphart, 2012; Reynolds *et al.*, 2005; Shugart and Wattenberg, 2001).

In its report, the Constitutional Convention criticised the system used to elect the House of Commons for allowing an MP ‘to be returned with little more than one third of the votes cast’ and creating a situation in which ‘Mrs Thatcher has dominated for a decade although in the most respectable of her three election victories her Party polled only 42% of the vote and a very much smaller share of the qualified electorate’ (Scottish Constitutional Convention 1992: 91). This complaint shows that members of the Constitutional Convention saw the single-member plurality electoral system as unfair. This criticism of a core element of Lijphart’s (2012) Westminster model was accompanied by what appears to be a belief in the power of electoral systems to influence politics, a view consistent with Giovanni Sartori’s argument that the electoral system is ‘the most specific manipulative instrument of politics’ (1968: 273). The Constitutional Convention called for a Scottish Parliament electoral system that would encompass six criteria:

that it produces results in which the number of seats for various parties is broadly related to the number of votes cast for them; that it ensures, or at least takes effective positive action to bring about, equal representation of men and women, and encourages fair representation of ethnic and other minority groups; that it preserves a link between the member and his/her constituency; that it is as simple as possible to understand; that it ensures adequate representation of less populous areas; and that the system is designed to place the greatest possible power in the hands of the electorate (Scottish Constitutional Convention 1992: 91-92).

The Constitutional Convention’s criteria are not easy to maximise simultaneously (see, for example, Reynolds *et al.* 2005). The first criterion implies a form of PR and in order to achieve gender balance, a closed-list PR system would be most effective, provided that parties agree (or are compelled by law) to alternate men and women and include minorities on their lists. Preserving a (presumably individual) link to constituencies, however, may be more difficult when you use multimember constituencies electing many representatives, which is necessary for a high level of proportionality. MMP can reduce this problem with its single-member constituency element, but there will still be several representatives elected on a regional or national basis to ensure proportionality on a partisan basis, and their constituency role may not be clear. Another PR system, the single transferable vote (STV), can be used with relatively few representatives elected per constituency (three to five in Ireland’s parliament), but this was not chosen.

As far as the Constitutional Convention’s simplicity criterion is concerned, the logic of PR is simple enough – that parties win seats in proportion to their vote share – but the mechanics, especially in systems like MMP or STV, which allows voters to express candidate preferences, may not be so easy to explain to the public. Regarding the criterion ‘adequate representation of less populous areas’, this would be a problem in most electoral systems, especially if you want a ‘link’ between representatives and constituents – it is difficult and costly for elected representatives to maintain regular personal contact with constituents spread across a large, lightly populated area. The final criterion, placing ‘the greatest possible power in the hands of the electorate’, is not very clear; it could imply increasing intraparty democracy by requiring parties to hold primary elections for candidate and party list selection, or it could be a reference to a preferential electoral system like STV.

The Constitutional Convention's support for PR is consistent with the equality concept under the minimalist conceptualisation of democratic quality. With a PR system, voter equality is more likely than with a majoritarian electoral system because PR more faithfully reflects the electorate's intentions on a partisan basis, and the Constitutional Convention noted that this was the 'decisive factor' in its support for PR (Scottish Constitutional Convention 1992: 91). Scottish devolution's blueprint also called for a unicameral parliament, so this characteristic also fits into the minimalist equality concept. Referring back to high-quality democracies (Table 2) according to the Economist Intelligence Unit (2013) and the Global Democracy Ranking (Campbell, *et al.* 2014), the former includes six countries with unicameral legislatures in the top ten (indeed, the top five all have unicameral legislatures), while the latter includes five in its top ten.

Under the maximalist equality concept is gender equality. This was important to the Constitutional Convention when it developed its plan for the Scottish Parliament's electoral system. The Constitutional Convention noted its 'particular and pressing concern' about what it called 'the failure of the British political system to face the issue of women's representation' and stated:

The new Parliament provides the opportunity for a new start and the Convention is determined that positive action will be taken to allow women to play their full and equal part in the political process. The principle of equal representation for women in a Scottish Parliament has been agreed. The Convention is committed to securing a mechanism to achieve this in further consultation and discussion about the electoral system (Scottish Constitutional Convention 1992: 91).

Because the commitment to equal representation did not become a statutory requirement, the onus was on the parties to take their own actions to increase the number of women elected. Since MMP has both a single-member constituency ('first-past-the-post') and a party list component, this meant that different strategies would be needed.

The record since devolution

Ultimately, the Constitutional Convention was aiming for the introduction of a 'new politics' that would bring about a significant change from Westminster. The Scottish Parliament would stand apart from its counterpart in London, with the Constitutional Convention insisting that it would 'not be a pale imitation of Westminster' and would instead 'encourage an open, accessible and democratically accountable government and a participatory democracy' (Scottish Constitutional Convention, 1992, p. 92). Here, the Constitutional Convention invokes democratic conceptualisations in a way similar to that of the CSG a few years later, and some of these resonate with minimalist and maximalist conceptualisations seen in Table 1.

The aspiration for a new politics, however, sometimes refers more to a change from Westminster-style politics than to a particular level of democratic quality. There were calls for a more consensual style of governing during debates on devolution (Mitchell 2000: 617) indicating a dislike for the adversarial style of British politics that can be associated with the Lijphart's majoritarian model (Lijphart 2012: 15). The 1997 devolution referendum debate saw Labour and the SNP cooperate, though these parties were normally very much at odds over the question of Scottish independence

(Mitchell 2000: 617).

Whether Scotland has actually experienced a new politics since devolution has been explored in the academic literature. One of the most damning verdicts on the question of Scotland's divergence from Westminster comes from James Mitchell, who argues that 'Holyrood is very much the child of Westminster', with its electoral system constituting one of the few differences (Mitchell 2010: 98-99). Referring to what he calls 'a narcissism of small differences', Mitchell disputes how different Holyrood and Westminster actually are in response to David Steel's 'dozen differences' between the two bodies, saying that many of the differences between them are minor and have been exaggerated (Mitchell 2010: 107-110).

On the matter of accountability, part of the minimalist conceptualisation of democratic quality ('Control' in Table 1), the CSG does mention 'scrutiny of policy and legislation' in its key principles (Consultative Steering Group 1998: 6). While a powerful role for committees was anticipated by those involved in the design of the Scottish Parliament (Brown 2000), critics reject the idea that the Holyrood's committees are in any way remarkable. 'The view that the Scottish Committee system is superior to that [of] Westminster has become commonplace but the evidence is far from obvious', Mitchell claims (2010: 110). He notes that Westminster has attempted to improve its committee system, with the creation of a Scrutiny Unit, as well as allowances for committee chairs, and concludes that Holyrood's committees 'are effective but no more so and possibly less so than the Westminster Committees' (Mitchell 2010: 111). In a similar vein, Paul Cairney argues that Holyrood's committees 'did not provide the "motor of a new politics"' (Cairney 2011a: 53-4) largely due to its lack of resources and the fact that committees were meant simply 'to hold ministers and civil servants to account, to make sure they consult properly (i.e. they do not undertake large consultations themselves) and to initiate legislation as a last resort if MSPs believe that government policy is inadequate', so committees were never meant to challenge the government's ability to govern (Cairney 2011a: 53).

Regarding one of the areas where there is agreement that devolution has brought about a significant change – the introduction of a proportional electoral system – observers of post-devolution Scottish politics could be forgiven for thinking that in some ways, things have not changed very much from the adversarial norm. While Holyrood election results do reflect how Scots have voted, on a partisan basis, in a much more accurate way than Westminster results show, the rather combative nature of party politics remains the same. As Mitchell states above, Labour and the SNP strongly disagree over a core issue dimension in Scottish politics – the constitutional question (Mitchell 2000: 617). This issue, coupled with the SNP's courting of the working-class vote, has resulted in an intense rivalry between the two parties (Lynch 2009). The use of the particular version of PR chosen for Scottish Parliament elections, as well as a recent election outcome – minority government – have demonstrated that the attempt to engineer a significant change from Westminster-style politics has not been entirely successful.

The MMP electoral system is characterised by the election of candidates in two different ways – from single-member constituencies, as well as from multimember regions, in which representatives typically (but not always) come from closed party lists. In the process, MMP allows for dual candidacy, where parties may nominate the

same candidates both for constituencies and for the party lists in the regions in which the constituencies are located, meaning that if a candidate loses in a constituency contest, the candidate could enter the Scottish Parliament via the regional party list if he or she is placed high enough on the list. While this practice is the norm for parties in MMP-using Germany and New Zealand, Labour was very hostile to dual candidacy in Scotland and Wales and actually banned the practice for elections to the National Assembly for Wales; critics argued that Labour was unhappy with the competition it was facing (often for the first time) in what used to be safe constituencies for the party (Lundberg 2007).

After eight years of Labour-Liberal Democrat coalition government, the SNP formed a minority government in 2007. During this time, relations between the SNP and Labour remained tense, with the latter party still displaying hostility towards the equality of constituency-elected and regional list-elected Members of the Scottish Parliament (MSPs) by opposing the equalisation of office allowances and re-wording the code of conduct (Lundberg 2014). Poor relations between the parties made things difficult as the SNP tried to run its minority administration, with the SNP actually having better luck working with the Conservatives (Cairney 2011b). As the then Liberal Democrat leader Tavish Scott put it, ‘there is a level of visceral hatred between the Nationalists and Labour to this day. So, it just transferred from London to Edinburgh’ (quoted in Lundberg 2013: 622).

The adversarial relationship between Scottish parties, particularly the SNP and Labour, shows that while institutional engineering should, in theory, promote a more consensual politics, the politicians themselves may not respond in the anticipated way. Nevertheless, the use of PR does meet the minimalist conceptualisation of democratic quality. A related goal – the presence of more women in Scottish politics – meets the maximalist conceptualisation of democratic quality and here, Holyrood has easily surpassed the House of Commons, which reached its highest female proportion of MPs, 29%, in 2015 (Bengtsson *et al.* 2015). Table 3 shows the percentage of MSPs who were women at the time of Scottish Parliament elections from 1999 to 2011.

Table 3 about here

Labour was most willing to take action to increase the number of female MSPs, using ‘twinning’, defined as ‘pairing up constituency seats on the basis of “proximity” and “winnability”, with a male and female candidate selected for each pair of seats’ (McMillan and Fox 2010: 9). Due to the party’s strength in the constituency contests of the first MMP elections, this was likely to be more effective than the ‘zipping’ strategy used by Plaid Cymru in the first National Assembly for Wales elections, where the party alternated female and male candidates on regional party lists, an approach rejected by the SNP (Bradbury *et al.* 2000: 61).

Looking at the wider role of women in the Scottish Parliament, there have been several female party leaders: Wendy Alexander, Johann Lamont, and Kezia Dugdale for Labour; Annabel Goldie and Ruth Davidson for the Conservatives; and Nicola Sturgeon for the SNP, who became Scotland’s first minister after Alex Salmond’s resignation in 2014, right after the independence referendum. Sturgeon’s first cabinet had an equal number of women and men, with the first minister saying that ‘this

government will work hard in all areas to promote women, to create gender equality and it sends out a strong message that the business of redressing the gender balance in public life starts right here in government' (BBC News 2014).

The referendum

The final example of democratic quality in Scotland could be seen as both a failure of devolution and also as an opportunity for the enhancement of democracy. The independence referendum, held on 18 September 2014, was the fulfilment of the SNP's promise to legislate for the vote if it won the 2011 Holyrood election. After obtaining the agreement of the UK government to honour the result, the Scottish Government agreed a clear yes-or-no question with the UK Electoral Commission, and this was put to the Scottish electorate. Before the referendum, however, supporters of each side campaigned actively, with the campaign in favour of independence spawning a social movement that has persisted since the referendum. The extent of public participation, though door-to-door canvassing and social media, plus the very high level of voter turnout, revealed a deeper level of democratic engagement than is otherwise the norm.

The fact that the referendum was held at all is remarkable; the UK government reserves constitutional matters to itself, and most countries do not want to get smaller as a result of secession. UK Prime Minister David Cameron responded to questions about why he allowed the referendum like this, invoking minimalist democratic conceptualisations: 'The Scottish people elected in 2011 a Scottish National Party government in Edinburgh with Alex Salmond at its head. One of their policies was to have a referendum on the future of Scotland being a part of the UK' (Watt 2014). Cameron's conclusion was that he was doing the right thing, despite the risk to the future of the Union.

The UK government allowed the Scottish Parliament a lot of control over the process, including the date, franchise, question wording, campaign finance, and other rules involved in the referendum (Scottish Government 2012). Perhaps most significantly, the UK government did not insist upon obstacles like a supermajority requirement. This decision is in line with the minimalist conceptualisation of democratic quality – a simple majority is all that was required for Scottish independence. As Stephen Tierney argues, 'there seems no obviously principled alternative to simple majority, since any threshold requirement will be arbitrary to some extent' (Tierney 2012: 294). Indeed, a supermajority requirement would privilege the minority of the population by allowing it to block the will of the majority (McGann 2006: 89).

Questions of democracy formed part of the referendum debate. During the referendum campaign, the Scottish Government frequently invoked a democratic argument. An example can be found early in the White Paper, *Scotland's Future: Your Guide to an Independent Scotland*, with the Scottish Government arguing that with a Yes vote to the question of independence, 'Scotland's future will be in Scotland's hands' and that with a No vote, 'Decisions about Scotland would remain in the hands of others' (Scottish Government 2013: i). Alex Salmond, Scottish First Minister and SNP leader at the time, argues that his party's proposals in the White Paper are only one vision of an independent Scotland and that other visions are possible; 'That is the real democratic value of independence – the people of Scotland are in charge. It will no longer be possible for governments to be elected and pursue

policies against the wishes of the Scottish people...Independence will put the people of Scotland in charge of our own destiny' (Scottish Government 2013: xi).

The Scottish Government also pointed to Westminster's democratic deficiencies. 'One of the arguments for independence is that the Westminster system is not democratic enough', noting 'failures' where 'for 34 of the 68 years since 1945, Scotland has been ruled by governments that were elected by fewer than half of Scottish constituencies'; 'in only two of the 18 elections since 1945 (October 1964 and February 1974) – would the largest party in the UK Parliament have been different if Scotland had been independent and not returned MPs to Westminster'; the House of Lords is not elected; 'the first-past-the-post electoral system...does not fully reflect the voting intentions of the people'; and Westminster 'is based on the principle of unlimited power, usually referred to as Parliamentary sovereignty' which could 'repeal the Human Rights Act or abolish the Scottish Parliament' (Scottish Government 2013: 548-9).

Other aspects of democracy, particularly those that characterise the maximalist conceptualisation of democratic quality, could also be seen in the referendum debate. The White Paper cited many examples of how an independent Scotland, if governed by the SNP, could enhance social equality: 'A transformational extension of childcare'; 'Abolition of the "bedroom tax"'; 'A halt to the rollout of Universal Credit and Personal Independence Payments in Scotland allowing future Scottish governments to develop reforms to our welfare system that meet our needs'; 'The first steps towards a fairer tax system by ensuring that basic rate tax allowances and tax credits rise at least in line with inflation'; 'Pensioners' incomes protected'; 'A Fair Work Commission and a guarantee that minimum wage will rise at least in line with inflation' (Scottish Government 2013: xiii).

Campaign groups organised around each side in the referendum, with some of those involved in the Yes campaign arguing that independence could lead to a more socially equal Scotland. The Radical Independence Campaign pointed out how Scottish independence could solve a variety of social problems in a brochure, including fuel poverty, child poverty, pensioner poverty, infant mortality, regional inequality, and 'a wealth gap twice as wide as any other EU country' (Radical Independence Campaign 2014). Another group, Women for Independence, includes the following objective in its constitution: 'To campaign for fair and equal gender representation in public and political life in Scotland, and for other causes likely to further the interests of women in Scotland and enhance democracy' (Women for Independence 2015). Both groups have continued to pursue their objectives after the referendum, reflecting a legacy of maximal democratic quality (Table 2).

Another aspect of maximal democratic quality arising from the independence referendum is that of greater political participation in the form of voter turnout. Scottish Parliament elections display rather lacklustre turnout figures, dropping from a high of 58% at the first election in 1999 to around 50% at the other three that occurred before the referendum (Table 4). Voter turnout at the independence referendum, however, was 84.6%, the highest for any election held in Scotland since universal suffrage (Electoral Commission 2014: 1). Turnout at the May 2015 House of Commons election from Scotland was 71.1%, the highest of any nation in the UK (BBC 2015). These voter turnout figures, coupled with the huge increase in

membership of parties supporting independence, with the SNP reaching 100,000 in March 2015 (Duncanson 2015), indicate that Scottish political participation is at record heights.

Table 4 about here

Conclusion

This chapter explored the academic literature on democratic quality, distinguishing between minimalist and maximalist conceptualisations. Both have been used in the debates over Scottish democracy since devolution. Scotland's post-devolution democratic record may look disappointing in some respects, but this observation could be more of a reaction to the adversarial behaviour among politicians and the presence of contentious issues, like the question of Scottish independence, rather than a reflection of how the literature views democratic quality. Post-devolution Scotland meets the minimalist conceptualisations of democratic quality and improves upon the UK's record for equality by virtue of having a PR electoral system and a unicameral parliament.

The question of equality, particularly in regard to its maximalist conceptualisation, has been the focus of recent developments in Scottish democracy. The significant increase in public participation, the greater representation of women in political life, and the intense debate over social welfare all indicate that Scotland has moved on, even without independence, into a deeper level of engagement with democracy. The maximalist conceptualisation of democratic quality, however, is contentious among scholars and will undoubtedly be contentious among the Scottish public. Many will argue that political (or social) outcomes should not be considered indicators of democratic quality. This debate has been running in the academic literature for decades and it is likely that it will run in Scotland for some time, particularly as the stakes get larger in the form of greater autonomy – or eventually independence.

Table 1: Conceptualisations of democratic quality

Minimalist:

- Freedom (Civil rights: freedom of expression, association, assembly, and access to information; rule of law)
- Equality (Clean, inclusive and competitive elections by means of proportional representation; unicameralism and simple majority decision-making procedures; equal participation – socioeconomic inequality prevented from turning into political inequality)
- Control (Accountability; competition; responsiveness)

Maximalist – all of the above plus:

- Equality: High levels of participation; gender equality in political representation; entitlements to high levels of social benefits; ‘kinder, gentler’ policies

Sources: Bühlmann *et al.* 2012; Lijphart 2012; Munck 2016

Table 2: Democratic quality rankings

Economist Intelligence Unit, 2012

1. Norway
2. Sweden
3. Iceland
4. Denmark
5. New Zealand
6. Australia
7. Switzerland
8. Canada
9. Finland
10. Netherlands
16. United Kingdom

Global Democracy Ranking, 2014

1. Norway
2. Switzerland
3. Sweden
4. Finland
5. Denmark
6. Netherlands
7. New Zealand
8. Germany
9. Ireland
10. Belgium
13. United Kingdom

Sources: Campbell, *et al.* 2014; Economist Intelligence Unit, 2013

Table 3: Female membership of the Scottish Parliament (percentages) at each election, 1999-2011

1999: 37.2
2003: 39.5
2007: 33.3
2011: 34.9

Sources: Scottish Parliament (2015); McMillan and Fox (2010)

Table 4: Voter turnout (percentages) at Scottish Parliament elections, 1999-2011

1999: 58.2
2003: 49.4
2007: 52.4
2011: 51.1

Source: Scottish Parliament (2015)

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