

Our Changing Scotland

The Editors

Scotland is a perplexing place at present. It is on the threshold of a constitutional reform which will greatly enhance its political life and will change the course of its history in unpredictable ways. The debate about the nature of this reform must rate as one of the most important in the Union. A basic assumption of the debate seems to be that devolutionary settlement is inevitable - and certainly no political party is committing itself to anything else. Given this, it is difficult to generate excitement about what is being publicly contested - namely, institutional arrangements and relationships. And until the institutions are formed there is no real context for the discussion of political issues in a Scottish context.

This is a shame. There are important questions to be asked and answered about the contents of the devolutionary package, and, in order to stimulate a sensible discussion, there is a place for a strong anti-devolutionary case. There is also a need to look at the relationship of any new arrangements with existing institutions of government, without assuming that they will be swept away. Parallel to both these discussions there should be a semblance of political debate about the needs of Scotland and the implications of today's economic and social problems.

Edinburgh University's Unit for the Study of Government in Scotland was created in the hope that it might act as a catalyst by bringing together people from inside and outside the world of government to discuss these issues. The publication of this **Yearbook** is an example of the enterprise. The intention is not that it should provide the answers to the problems.

questions of the day but rather that it should serve as a focus for debate. Hence there are papers reviewing two major areas of governmental activity which have a distinctive Scottish mark and which have already undergone major reform; there are a series of papers on aspects of the current devolution debate, and there are discussions of some of the pressing political issues of the moment.

We have set ourselves two tasks in this Introduction. We will underline some of the more important points made by our contributors, locate their papers in the current debate and relate them to one another. At the same time, we see it as our job in this **Yearbook** to emphasise some aspects and consequences of what is happening which are commonly overlooked. In this role we have tried to ensure some balance in the debate. This second task has forced us much against our own inclinations into a rather pessimistic view. For the fact is that political debate often proceeds by raising expectations. The debate about devolution is no exception, with all parties tempted to raise the expectations of their supporters. It is manifestly the responsibility of such a book as this to call attention to the more problematic consequences of what is proposed. We do this in no spirit of gloom, simply in the belief that dangers are less likely to be encountered if understood in advance.

It is intended that the **Yearbook** become an annual publication and, to this end, there is a bibliographical and reference section which will be brought up to date with each issue. There are a number of other subjects we had hoped to look at in this volume - recent developments in the working of the Scottish Office, the way in which Shetland has handled oil development, the early experience and prospects of the Scottish Development Agency, and the effects of the cuts in public expenditure on the personal social services, to name but four. Plans are in hand for the 1977 volume, which will pursue these and other matters. By the time of its publication the first District Council elections and perhaps a General Election will have taken place. There will also be considered comment on these.

II

Few people, it seems, appreciate in anything more than a general way the problems which government at national level face and the difficulties which politicians and administrators have in resolving them. It is hoped that the essays which follow will help in sowing some of the seeds of understanding. There can be few things more misunderstood than the re-organisation of local government or apparently faceless than the Scottish Office. Robert Peggie's paper encompasses the former but it has proved difficult to get an informed account of the latter's operation. This raises a problem which must be overcome. There is too great a reluctance - stemming from the legal inhibitions of the Official Secrets Acts and the informal conventions which surround them - for insiders in central government to write about what they see around them. Of course, no practising politician or official can be expected to write in a detailed way about either his day-to-day existence or his colleagues, but there is a happy

medium between this and a description of the organisation chart.

This same reluctance to describe how the machine of central government works seems also to inhibit conversation with informed outsiders so that second hand pictures can be painted. Yet interested citizens will begin to understand how daily business is conducted and the kinds of problems which confront their governors only when the shrouds are lifted.

A rational reformer of Scottish government, able to ignore the external world and the passage of time, would not have considered a reform of local government or the health service or, possibly, the creation of a Scottish Development Agency - let alone membership of the European Economic Community - as separable from the design of the devolution package. Had the Conservative government of 1970 been able to foresee, in 1971 or 1972, that nationalism had not 'gone away', a devolutionary settlement primarily with an administrative base and linked with local government reform might have produced a system of government entirely different from the one we are now envisaging - and incidentally had a considerable impact on the course of party politics. But then politics is not an entirely rational business and the steady march of events cannot be ignored. Rightly or wrongly, particular problems usually have to be viewed in their own temporal context, and such are the pressures, sorted out on their own merits.

One such problem was the reform of the Health Service, which is discussed in Drummond Hunter's paper. The reform was conceived and executed as the result of changes within the Health Service itself. The new system, Hunter suggests, is flexible enough, and tied closely enough to the control of those who have to operate it, to be able to adjust to new situations as they arise. In the immediate future, instead of thinking of hospitals and doctors as machines and technicians producing healthy people who can return to the community - rather like so many serviced cars returning to the road from a few expensive garages - we shall have to start thinking about the creation of a 'healthy community'. What we need is not so much a health service as a health policy. Scots have fewer teeth per head than the citizens of any other industrialised nation. Bad dentistry? No - bad diets. What does devolution have to do with all this? Very little; but Hunter, like others, is uneasy about the prospect of 'political' interference in a situation which is complicated enough as it is.

The work of contemporary democratic government is both complex and difficult. Most of the essays in this volume refer implicitly to this problem. The prospect of a devolution of executive and legislative power to an elected assembly raises some of these complexities though it is far from certain that it will resolve them. We have to keep several conflicting necessities in mind. Our government should be accountable to those whom it governs. This is the strongest constitutional (as opposed to 'Scottish') argument for devolution: we need a public check on the activities of the Scottish Office. But while being accountable, our government must also have reasonably clear and tolerably consistent political direction. Such direction must not change too frequently. Accountability without clear,

consistent and constant policy can simply be a recipe for ad hoc populism. It is also very inefficient. The consequences of policy changes often take years to be felt. If we change policies too frequently no one benefits and our social problems simply fester while representative government loses credibility with the electorate. In addition, we need to attract competent trained professional advisers into public affairs and once we have them, to ensure that their expertise is used. Our social problems will not yield to amateurs. We live in a technologically sophisticated society and we need the advice of those trained to handle our complicated machinery if we're to master it. We also need skilled administrators to hold the loose ends of policy together and, finally, we need an informed public opinion.

The administrative reforms which have taken place in advance of devolution have been intended to achieve some or all of these objectives. As the paper on local government shows, reorganisation was based on the considerations of the Wheatley Report though a number of changes were made both inside and outside Parliament to meet particular interests. It is unfortunate that structural reorganisation did not go hand-in-hand with a revision of the financial base and that the pressures of inflation have made the new authorities unpopular before they have had a chance to prove themselves. The Layfield Committee's report has opened up the debate about the financing of local authorities, and thus, once again, the debate about the relationship between central and local government. The prospects are heartening for local government in England and Wales. For Scotland the question is complicated by the prospective relationships of local authorities to the Assembly.

Many observers and most ratepayers underestimated the time it would take for the trauma of reorganisation to be left behind and for the system to settle down (an important pointer to the difficulties the Assembly and its administration will have?). The issue is now whether the system will ever settle. If the Assembly and its Executive decide that they want to be seen to be responsible for the good government of Scotland, as well as for the passage of devolved legislation, then there will inevitably be conflict between them and the local authorities and pressure for another reform. The knowledge of this is disturbing to councillors and officials who are already reeling under public attack for many things outside their control and who are, at the same time, having to cope with severe curtailment of expenditure in areas of provision in which the public has become accustomed to growth.

Local government must go on to the offensive if it is to secure satisfactory working relationships with the Assembly. There is every reason for it to do so. An Assembly sitting in Edinburgh is no substitute for local government and the arguments which have traditionally supported the idea of democratically elected local institutions with their own administrative system are as pertinent now as they ever were. What is important is that a *modus operandi* be established.

As Peggie argues, it is probably too early to assess adequately the successes and failures of reorganisation. There are certainly widespread reservations about the two tier system and, with the Assembly, Scots will

have substantial grounds for complaining of over-government. There is near universal agreement that it was mistaken to detach housing from regional provision of education and social work. And history may judge the reorganisation badly because while the interdependence of local authority activities has been accepted in principle, the traditional committee structure has been left pretty well intact. Further, nothing has been done to create a general administrative cadre who could in time spread across all departments and, like their counterparts in the civil service, develop networks within which business could be done.

III

It is worth noting that whereas the importance of the politician's role the need for clear political direction has been recognised in local government, the reformed Scottish Health Service has appeared to turn a blind eye to these issues. The health service is not directly responsible to any elected body and the influence of its professionals and managers has been increased. The Health Boards are composed of individuals nominated or appointed with no recognisable constituency and consequently uncertain in their role. The medical profession has argued before and since its nationalisation that it should be distanced from politicians. The two organisational charts of the health service in Scotland discussed by Hunter give the game away. The older structure is shown in a chart which clearly indicates that final authority goes through the Secretary of State to Parliament. The chart of the recently reorganised service stops with the Secretary of State. No mention of Parliament is made. A neater illustration of the administrators' and the professionals' recurrent day dream is hard to imagine. But there is a serious question here. Surely the allocation of medical resources involves political choice as much as the allocation of, say, educational resources? If this is so, then as financial resources become scarcer so the importance of public involvement in the debate about priorities will increase. As Drummond Hunter points out, modern medicine is so expensive that its control is inevitably a political issue.

Fear of political interference is also a factor in the argument about whether the universities should be devolved. Yet Professor John McIntyre is surely right to argue that the future proximity of government to the universities need not work to their detriment. In 1976-77 the University Grants Committee is giving one-eighth of its building allocation to the London School of Economics, so that the School, which is not a mile from Westminster, can convert a warehouse into a new library. Baleful influence? For many reasons nonetheless, there are people in Scotland who fear that the universities may be treated less favourably than other institutions of higher education by a Scottish Assembly. More to the point, they may be treated less favourably than they are now. One feature of the universities which McIntyre discusses is that they, like Janus, face in two directions - to the Scottish school system and to the international world of scholarship and science. Many university teachers feel that a Scottish Assembly may fail to understand or respect their participation in this

world.

Political control of the judicial system raises no fewer thorny issues. Indeed, because the judicial system is of such fundamental importance to the liberty of people in our society, the issues are even more complex. We print two articles on this subject.

Lord Wheatley is the Lord Justice Clerk. When he rose in the House of Lords in January he gave the considered view of the High Court judges on the role they might play in a devolved scheme. This incidentally, was a question which the White Paper had left unresolved. But his speech is not just a response to the White Paper. His discussion of the issues of accountability, of professional standards and of judicial independence is resonant beyond our immediate situation. Above all, he is concerned to protect the independence and integrity of the courts. These, he fears, might be endangered by a proximate Assembly. There would be a danger of political control.

Professor MacCormick joins the debate at just this point. The truth is, he says, that the values Lord Wheatley wishes to defend are supremely political. The desire to preserve - or create - an independent, non-partisan judiciary is at the heart of our system of political values. The question between them is this: Whom do you trust? Those who are against devolution do not trust a Scottish Assembly - but they may have to live with it.

IV

Whatever the shape of the devolutionary settlement, its financial and economic context becomes increasingly clear. The entire public sector is facing increasingly uncomfortable decisions as the full import of the government's determination to hold down real levels of public expenditure is driven home. Whether or not the beleaguered White Paper on Public Expenditure takes too optimistic a view of the next few years is immaterial: its projections are in any case bleak. The health service and local government are not alone in having to reappraise the services they offer and the number of staff they employ. All sectors of government are officially or unofficially reviewing even the most draconian of alternatives open to them. This is easier in some areas than others. There is no doubt that for social work, for example, the agonies are extreme. Local authority social work departments have grown rapidly over the years since the generic service was created, so inculcating an expectation of continuing expansion. This is bad enough, but it has been made worse by an ever increasing volume of legislation and central government directives imposing obligations which require more resources if they are to be met.

All this does not augur well for an Assembly. It is likely to arrive on the scene unable to flex its muscles very much, caught in the financial squeeze of the moment. Few would deny that there is fat to be lost in the public sector or that a review of public provision is a good thing: it is just that it is easier to talk about than to do. For politicians it is especially difficult for they live by their aspirations and these are usually met by expansion.

There are few votes to be won by cutting services and there is no glamour attached to 'discussing priorities' when what that means is that the items at the bottom of the list will be lost without trace. To ask politicians to do this at the moment when they are trying to establish new political institutions and to be seen to govern better than their distant predecessors is to cry for the moon. Nevertheless, it is the real world that has to be managed and whether politics is the art of the possible or the impossible, the problems remain the same.

John Firth demonstrates the demands - and the difficulties - for economic policy. It is of no comfort to the present Secretary of State that he presides over the worst problems or urban deprivation in Western Europe and it will be no comfort to an Assembly either. The dilemmas posed by the industrial degeneration of the West are acute and it is manifestly unrealistic to believe that the spin-off of oil will be the panacea. It is salutary to be reminded, for example, that the electronics industry which appeared to be the saviour of Fife a decade ago has been caught badly short in the recession. It is also politically and socially naive to argue, as one recent commentator has done, that the West should be allowed to die and that new development should be concentrated in the East. Scotland's economic difficulties are deep-rooted and require bold new thinking. MacKay and Smallwood demonstrate that there is no unanimity among economists!

Would an independent Scotland be more prosperous than a devolved Scotland? As the two essays we present on this subject show, one's answer to this question depends on the answers given to a number of other questions. What, first, of all, is 'independence'? Any potential economic advantage of independence would depend on the terms agreed by the separating parties over such matters as North Sea Oil and the national debt. It is impossible to believe that English politicians could get parliamentary approval for a settlement which gave Scotland complete control over all the hydrocarbons in the North Sea. But now much would be given?

Another question arises over the political ability of the leaders of a newly independent Scotland to postpone the economic benefits of independence while the oil money was invested in new productive plant. The temptation would be to have 'jam today' - to spend any 'oil money' on immediate consumption. Indisputably, Scotland has its share of poverty - problems which increased supplementary benefits and pensions, decreased council house rents and rates could do a lot to alleviate in the short run. But if 'oil money' is to be of lasting benefit to future generations short run measures must be avoided. Increased consumption would add little to Scotland's productive capacity. In the first instance it would largely be a boon to foreign manufacturers. Again the judgement is political. MacKay believes we can trust a Scottish government to invest its revenues wisely: Smallwood is sceptical.

It is important in this respect to note that there are a number of challenges to the basic assumptions of the devolution debate from the industrial world. While it can readily be agreed that, in some sense, Scotland is most likely to solve well Scotland's problems, the argument can

easily become polemic. There are those who think that the uncertainty of the upheaval, the unpredictability of a new group of politicians and the possibilities of the 'slippery slope' becoming a reality, will be enough to frighten off those with a lot to lose. Capitalists and entrepreneurs are one obvious group. While experience can only confirm or deny the argument, it is one of which we should not lose sight.

V

Our political environment is changing in many ways. Devolution is but one of them. Some of the other changes have nothing to do with devolution but will pose problems for the devolved Assembly as soon as it is established. Religious education is one such issue - and a politically explosive one at that. Within the past year there has been an interesting debate amongst Roman Catholics about the continued existence of a separate Roman Catholic, though state supported, school system. There is good reason for wider public interest in this debate. Separate religious school systems are supported by public money and established by law. Secondly, separate systems provide separate career ladders for teachers so that churches retain a certain amount of patronage - no small advantage for minority groups. Thirdly, there is a political issue. The Roman Catholic population in Scotland, which is approximately one-sixth of the whole, is concentrated in and around Glasgow. This same area is the Labour Party's traditional stronghold. According to a poll of voters in that area taken shortly after the February 1974 election, no fewer than 79.3 per cent of Catholics who had voted had voted Labour. The community of interest between Church leaders and Labour politicians hardly needs underlining.

Archbishop Winning started the present round of the debate in his pastoral letter in February of this year. In the letter, which we reprint, he attacks the increasingly secular nature of education. This, he believes, will undermine support for Catholic education amongst Catholic parents. From the debate which has followed, some of the contributions to which we print, it is clear that not all Catholics think that the present system is the best way to preserve The Faith. It is also clear that educational and religious arguments have been mixed with those of self-interest and party political advantage. For example, as Colin McLean notes, the Labour Party cannot make up its mind. This is not surprising since the party is torn between an ideological commitment to comprehensive education and a practical need not to shake the very bedrock of its electoral support.

One valuable feature of the present system of Westminster based politics is that, so far as Scotland is concerned, it has served to obscure sectarian politics. Under the now defunct two-party system, both parties were content not to dwell on their sectarian support. It suited both for the Catholic minority to be enveloped in the Labour vote. In this situation the clergy, and especially the Catholic clergy, had considerable indirect power. Democrats are forced to condemn such indirect power on principle. But can anyone be sure that the break-up of the old system will not lead to the formation of purely sectarian groupings? Is there anyone who would welcome that prospect?

The nature of the political debate in general and the devolution debate in particular raises the question of scale. There are no rules about what size of community can support political institutions, but there are fair questions to be asked about the space needed for political life to flourish. The running has been made in recent years by the advocates of small units. Empire is to be replaced by Community. The trend is international: participation in place of representation, anonymous bureaucracies are old hat; decisions are to be made by those whom they affect; uniform standards are unnecessary. Nationalist movements are breaking up nation states in much of the world: Canada, Lebanon, Northern Ireland, France, Spain, Ethiopia, Pakistan, Nigeria, and now Scotland and Wales.

Several different arguments are brought to bear by the advocates of smaller units of government. Each has been invoked on behalf of and adapted to Scotland. The first argument is for self-rule by 'natural communities'. Scotland is taken to be a natural community of Scots and Britain an unnatural agglomeration of peoples. The second argument is for rule by those who know from personal experience the conditions over which they rule. This is an argument for governing units which include small numbers of people. Devolution of purely Scottish concerns accords with this argument. Both of these are arguments of principle. They are supported by arguments from history. It is urged that the nation-state was a necessity in the early period of vigorous capitalism, but is less relevant in an age of international capitalism and of international organisations.

All these arguments ignore, where they do not indirectly controvert, some of the more painful lessons of eighteenth and nineteenth century political and social history. It may, for example, be more difficult to sustain a notion of 'private space' in the less tolerant, less diverse world of 'natural communities'. Religious tolerance, to mention one problem, which had become somewhat less troublesome in the large, diverse, anonymous nation-state, could become a worry again. To be blunt about it, public opinion is not always constant or wise. It is at least arguable that a smaller political world will lend itself more easily to manipulation by passionate rhetoric. In such a world it might be difficult for minorities to find a niche. Devolution tightens the privileged, for the privileged are, by definition, minorities. But devolution also worries the aptly named Scottish Minorities Group - a pressure group for the rights of homosexuals - and their distinction is no privilege. The debate about our changing government must consider who may lose as well as who may gain.

The distinction between proximate and distant control is perhaps one of degree. In the relatively restricted space of Scotland, with its relatively small population, the politicians (those political actors, that is, who act in public) will quite simply know more about what is going on. We may expect, in the first instance, that whatever devices the Assembly invents to correspond with Parliamentary Questions will elicit more useful and pertinent information than the present Westminster practices. This surely will be a gain.

One of the most resonant of the arguments in favour of small states derives from Rousseau. The argument is that only in small states can all men participate in governing and only by governing can men develop their full potential for responsible action. It is frequently suggested that devolution or independence will make Scots more responsible, more energetic and more enterprising. This too is an attractive argument. Certainly if it were true then devolution or independence would create a richer Scotland. Yet it is worth remembering that one of the arguments against the old local government system was that it required too many councillors to run it. The reformers hoped that the new system, which has room for approximately one-half of the number of councillors would encourage new men to come and force the weakest of the old out. It is too early to judge the new system in this respect. It is, in any case, absurd to expect many intelligent and energetic people to give up paid employment, or accept lower remuneration in paid employment in order to spend half of their time being unpaid councillors.

It is conceivable, of course, that the advent of the Assembly will attract a young generation of public spirited people who would not otherwise have entered public life. But this new crop will take time to ripen and who will run the Assembly meantime?

VII

As James Kellas shows, it is unlikely that political activity after devolution will be a simple continuation of the present pattern. Nor are we likely to return to two-party politics for the foreseeable future. If we cannot go as far as to believe that 'Right' and 'Left' will soon be as irrelevant as 'Cavalier' and 'Roundhead', it is certainly plausible to suggest that the importance formerly accorded that distinction will diminish. It is interesting, in this light, that 'Right' and 'Left' in no way correspond to 'anti' or 'pro' devolutionist or 'pro' or 'anti' unionist. At the moment we have a multi-party system. As things stand and assuming the present electoral system, each of the main parties would have some seats at Westminster, some in the Assembly and some in local government.

As Kellas has reminded us more than once, Scotland has not had a two-party system since the Second World War. Since 1967 there have been four main parties and there is now a fifth in the reckoning. Two important points should be made about this. Firstly, there is no reason to believe that there is anything magical about two, three, four or five. Indeed, once there are more than two the incentive for keeping the parties intact is decreased. Our three largest parties - Conservative, Labour and National - are all coalitions; any of them could divide. Evidence from elsewhere suggests that proportional representation, currently a fashionable idea, could assist such fissiparous tendencies. Some might initially welcome such developments on the grounds that they would allow more straightforward representation of the views of different groups of citizens. However, beside the apparent advantages have to be set the disadvantages of small groups locked in conflict round relatively small sets of issues. Coalitions within

parties are advantageous when it comes to the resolution of conflict and the business of the daily compromise of political life.

Our second point is this: a party rarely springs into existence and grows to maturity unless it represents an important group in society. Each of the parties is therefore likely to need the support of an identifiable group of voters. Differences between parties will give expression to the differences between these groups: this expression may accentuate the original social divisions.

There are a number of social divisions within Scotland, any one of which could prove important. The most obvious is between the West Central industrial area - roughly Strathclyde Region - and the rest. Already the argument about how to spend the oil revenues is partly an argument between Strathclyde (favouring consumption) versus the East (favouring industrial investment). Strathclyde has an identifiable community of interest and a history of insularity which, since it contains about half the electorate, may lead its representatives to organise against a coalition of everyone else.

Another obvious division is between Scotland's rural and urban areas. Scotland has two different and equally intractable social problems - the decay of central Strathclyde and the Highlands. The highlanders might easily feel called upon to unite in defence of their interests against those of the industrial areas. Both Conservatives and National parties would have much to lose if such a division emerged. The highland voters might want a party they could trust, not one dominated by the central industrial belt; least of all one dominated by Strathclyde. Geographically based divisions are not the only possibilities. As we mentioned before, sectarian differences might achieve political expression.

As Kellas shows, a number of English anti-devolutionists have opposed devolution because they fear it as the first step to separation. They see the Assembly as a platform for separatist demands, and this is also the Nationalist view. In that case our changing Scotland is in for a shock. We think these prognostications overdone. There is a danger, to be sure, that the presently envisaged changes will become uncontrollable. But it is also possible that once an Assembly is set up it will domesticate the wilder men. Power moderates. Indeed, it strikes us that now that an Assembly has been promised by all parties, the real threat to orderly progress arises from frustration. If this government is unwilling or unable to deliver a bill and pass it into law, the expectations it has raised could create a cynical, perhaps even a violent reaction.

The government lacks a majority - yet it has raised high hopes of major constitutional changes in Scotland. What happens if it falters or calls a General Election before an Act is passed? Will a triumphant Conservative government have more pressing things on its mind? Will the present leadership of the National Party be swept away in an impatient populist drive for independence? What would happen if a new extremist National Party leadership treated unsuccessfully for independence? There are many possibilities: the *status quo* is not one of them.

Whatever happens, we are manifestly living in a changing, even a

rapidly changing, and certainly a fascinating Scotland. If we have taken it upon ourselves in this Introduction to point to some of the usually overlooked or underestimated dangers hidden within that change, that is not because we are gloomy. Far from it. Partly because of the political changes going on within it, Scotland is alive and exciting. Its government is much more interesting than it was until very recently, and, to us at least, it makes the rest of Great Britain seem dull.