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Scotland's centres of power need reform: Part 1 (Westminster)

May 14, 2023 by [James Mitchell](#) — [Leave a Comment](#)



*Professor James Mitchell gave a **Stevenson Trust for Citizenship** lecture, **Reflections on the 1997 Referendum**, in honour of the memory of **Nigel Smith**, a pro-devolution business executive, at the University of Glasgow on May 9 2023. Reflecting on the last quarter century, drawing on Nigel Smith's thinking and contributions, the lecture addressed the role of the 'centre' in our politics. Nigel's contributions to public life cut across politics, the economy and society but at their core was a concern for pluralism and the dispersal of power and authority. What went right? What went wrong? And why and how do we right what has not gone, as perhaps Nigel would have seen things?*

This is the first of edited extracts from Prof Mitchell's must-read lecture.

At the heart of our past and current discontents lies *the centre*.

By the centre I refer to what the late Norwegian scholar **Stein Rokkan**, arguably the leading European authority over the latter half of the 20C on these matters, described as '**privileged locations within a territory**'.

As Nigel Smith remarked in his **reflections on devolution** in 'The Scottish Parliament – partial success: could do better? – "Twenty years later there is still no reform at the centre of Britain" (p.11).

All states have a centre – indeed some would argue it is a defining feature of any state. Rokkan posed a

series of questions to identify a centre:

- Where do the key resource holders most frequently *meet* within the territory?
- Where have they established *arenas* for deliberations, negotiations, decision-making?
- Where do they convene for ceremonies for the affirmation of identity and where have they built *monuments* to symbolise this identity? (110)

Accepting that centres are necessary, we need to consider two further questions:

1. How should the centre be constituted?
2. And what should be decided at the centre (and what should be decided elsewhere)?

Of course, in no state is everything decided in one location but it is not difficult to identify the UK's centre in London – the Whitehall/Westminster centre of political power but also the site for great ceremonies such as the recent Coronation.

Scottish challenges to the centre

Challenges to the centre have come in two forms in Scotland over the last century and a half:

- Demands for a voice at the centre;
- Demands for the devolution of power to Scotland.

In the 19th century and through much of the 20th, the concern was to ensure that there should be a strong Scottish voice at the centre, in the heart of government. Power lay in the executive branch and the demand in the latter half of the 19C was to place a Scottish Minister where it mattered.

A Scottish Office was established in 1885. It was, in the typically cynical words of Prime Minister Lord Salisbury when inviting the Duke of Richmond and Gordon to accept the new office of Scottish Secretary,



one in which:

... the dignity
(measured by
salary) is the same
as your present

office – but measured by the **expectations of the people of Scotland it is approaching to Arch-angelic** . . . It is really a matter where the effulgence of two Dukedoms and the best salmon river in Scotland will go a long way’.

In a further letter to Richmond and Gordon, Salisbury remarked that the ‘whole object of the move is to **redress the wounded dignities of the Scotch people** – or a section of them – who think that enough is not made of Scotland’.

Over time, the office’s responsibilities grew along with the growth in state intervention. But ‘administrative devolution’, as it came to be known from the 1930s, went beyond matters within the Scottish Secretary’s administrative domain. Being Scotland’s voice in the core executive was its principal function – that part of central government responsible for making final decisions, coordinating and arbitrating. And successive Scottish Secretaries did this well as testified by records in the National Archives at Kew. Scotland’s generous share of public spending was owed in no little part to the activities of Scottish Secretaries and officials over the course of more than a century arguing Scotland’s corner.

But the Scottish Office was a 19C institution rooted in a pre-democratic age. Its existence acknowledged that the UK was diverse. While it was described as a form of ‘Scottish control of Scottish affairs’, the Scots in control were not accountable to the wider Scottish public but only, in the

final analysis, to the Prime Minister of the day.

This weakness became the focus of attention in the twentieth century. A shift took place in the latter half of the century from ensuring Scotland had a voice at the centre to having Scottish control of Scottish affairs in Scotland directly accountable to the Scottish electorate.

The dawning of devolution

Devolution was framed in – and I use this term advisedly – **separatist** and **binary** terms. It was separatist in the sense that it was considered separate from how Scotland's voice should be articulated at the centre and binary in the sense that matters would be defined as either retained at Westminster or devolved. Relations between UK central and devolved governments were an afterthought as if there were no areas of joint responsibility.

This did not resolve the problem of Scotland's voice within central control of retained functions nor how shared problems and competences should be addressed.

There was some effort in the early days of devolution to address this deficiency. Nigel himself was appointed to a Bank of England's Scottish Consultative Panel from 1993-2004. But the problem of the centre persisted. My own research on *Devolution and the Centre* in the early years of devolution, led to my view that Whitehall saw devolution as an **event not a process**, accommodated relatively easily (and more so, as many officials explained, than EEC membership or the creation of the Next Step Agencies).

For many in Whitehall, devolution had been achieved and was not seen as an ongoing matter presenting daily problems and issues in the way that EU membership did. Again and again, Whitehall officials, who were interviewed in the early years of devolution, essentially saw the creation of the Parliament as something that could be ticked off as finished work. The Scottish Parliament had been created: job done. Devolution did not create or require a major upheaval in Whitehall.

Only occasionally, such as over Scottish tuition fees and care for the elderly, did devolution come to the fore in Whitehall. The centre failed to engage directly with the consequences of devolution for citizenship rights. It adopted a *laissez-faire* attitude to the relationship between citizenship, equality and territorial politics. Little thought was given as to how Scotland – and indeed other parts of the UK – should be represented at the centre post-devolution.

The experience of the last few years ought to have taught us that the focus needs to be on how Scotland's voice is heard at the centre as well as how devolution operates in Scotland. It was the sense that this voice was not heard or, as some saw it, ignored or worst of all treated contemptuously by elements at the centre that created the demand for a Parliament in the first place. But that sense continues to exist and will not disappear without further reform.

Wicked problems need multi-level governance

Binary thinking is a large part of the problem too. The notion of separate levels of government, each operating within their own jurisdictions might appear sensible from a legal perspective and was how the Scotland Act was framed. But from a public policy perspective, it makes no sense. It might work for the 'tame problems' – problems that can be tackled, even solved, within definable boundaries – but none of our 'wicked problems' – the complex, deep-rooted, multi-dimensional problems that don't lend themselves to a simple 'solutions' – require cooperation across and between different government organisations, and civic institutions. Call it whatever is fashionable – Multi-Level Governance, Network Governance – the key need is for coordination, cooperation and consensus building. Attempts to treat these 'wicked problems' as 'tame' through a single institutional framework are almost bound to fail.

Paul t'Hart, a leading scholar on public leadership, offered a list of wicked problems faced today:

urban stress, cyber crime, climate change, refugee flows, obesity epidemics, religious fanaticism, alcohol and drug abuse, problem gambling, child trafficking, genetic engineering, resource depletion, poverty... These are complex problems because they involve a large number and diverse range of stakeholders, values and interests. They entail irreducible uncertainties or conflicts about the nature and scope of the problem as well as the likely impacts of alternative ways of tackling it. They cannot be solved by known, affordable and easily managed response modes (*Paul t'Hart (2014), Understanding Public Leadership, Basingstoke, Palgrave Macmillan, p.88, 89*).

And then there are what we now refer to as the 'super wicked problems' with four key characteristics:

- **time is running out**
- **those who cause the problem also need to be part of the solution**
- **the central authority needed to address them is weak or non-existent**

- **and irrational discounting occurs that pushes responses into the future.**

Think of the environmental crises. These cannot be addressed by any single government nor by governments alone. Consensus building is essential across all sphere of government playing a part alongside communities, civic society and business.

One response is that everything should be devolved and concentrate everything in Edinburgh. But top-down, command-and-control approaches don't work whether emanating from Brussels, London or Edinburgh.

In bed with an elephant

What is more, constitutional power is not the same as economic power. Independence would still leave huge economic power in London. Regardless of Scotland's constitutional status, decisions made in London – whether in Westminster/Whitehall or in the City of London – will have major consequences for Scotland. We cannot change our geography. We will always be 'in bed with an elephant' to borrow Pierre Trudeau's comment on Canada's relationship with the United States. This is a challenge for all, regardless of constitutional preference. Constitutional change alone cannot on its own address the economic imbalances so obvious in the UK.



Queen

Elizabeth House Edinburgh

Devolution needs to be more than formal institutional competences but requires a different mindset. Nigel recognised this in comments he made 19 months after the Scottish Parliament first assembled in comments on the BBC:

The Government could have legitimately instructed the BBC under the terms of the Royal Charter to take full account of devolution in its home services...

By dealing with the BBC, the archetypal British organisation, in this way the Government has sent a very public signal to several hundred British bodies, largely representing the powers retained in London, which are considering what form their unlegislated response to the Scotland Act should take. They are as diverse as the Bank of England, the Equal Opportunities Commission, Royal Mail, Government departments to obscure but important British scientific committees. (Herald, December 18, 1998)

Reforming London Central

The message is simple. In the face of radical constitutional reform, a conservative and minimal

response from them is quite acceptable to the Government.

Many have seen a solution in more regular meetings of Intergovernmental institutions. There was logic in this as argued in the early years of devolution by a number of scholars – notably Alan Trench in UCL's Constitution Unit. Alan powerfully articulated the case for more formalised and more frequent meetings of Ministers from devolved and UK central governments. These arguments have been copied repeatedly in books, academic journal articles, newspaper articles and numerous reports of Parliamentary Committees from devolved bodies and Westminster. But Intergovernmental Relations only work if the governments involved want them to work. In recent years such meetings have all too often become fora for grandstanding and politicking. No progress can be made so long as the governments – the centres – remained unreformed. No amount of new machinery of Intergovernmental Relations will work – indeed it could make matters worse – if centres are looking for a fight. Providing a gladiatorial arena for constitutional one-upmanship is counter-productive.

This suggests a series of reforms at the centre of UK:

- We need to consider how to ensure that the core executive is in London representative of the state as a whole – that raises questions about how the Commons is elected – an electoral system that translates minority support into a majority in the Chamber giving the executive power to ignore the majority in the country requires change;
- Greater cognisance of the diversity of the UK is needed across all public institutions – the BBC, the Bank of England and regulatory bodies for example as much as inside the heart of central government;
- Mechanisms to prevent devolution being rolled back – like Nigel my view is that claims of a power grab have some validity but are often exaggerated. Proposals to reform the second chamber involving its reconstitution as a chamber of nations and regions and giving it power to block any roll back make sense.

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