1. What are the essential characteristics of a nation state? Are these different for a state in which power is devolved and, if so, how?

1.1 The essential ideal for those seeking to create or maintain a nation state is that the borders of state and nation are congruent. Ideally the nation state is the product of a self-determining people and expresses the general will of that socio-political grouping. The “People” – now constituted as a political community under the name of the nation – enter into a social contract whereby they agree to give allegiance to the state and not to fight amongst each other in return for the protection of the state domestically and in the international system.

1.2 However, this is an ideal because it exists in tension with other demands of the international system and domestic politics. The need to create “viable” states at moments of the re-ordering of the international system often creates states that contain more than one political community self-identifying as a nation. In such a situation, those governing a state containing more than one nation face a dilemma: whether to use the power of the state to in an attempt to homogenise the population (for example whether to impose a common or single public language as in republican French and Kemliast Turkish ideologies); or whether to “bend not break” and devolve power in some measure to constituent national units (as in the United Kingdom and Spain).

1.3 The essential difference between those who seek to govern a homogenised nation state and those who seek to govern one in which power is devolved is that the latter seek to encourage a “thin” common identity (that can co-exist with other nationalities within the borders of the state) whereas the former seek to impose a “thick” common identity (which exists in tension with and is suspicious of other nationalities within the borders of the state). Both use the organs of the state to promote such identities in order to make the state and national borders congruent by encouraging or enforcing commonality.

2. What are the key principles underlying the Union between England, Wales, Scotland and Northern Ireland? Are there principles that are unique to the UK’s Union?

2.1 Nationalism is a principle of political legitimacy. The fundamental principle that nationalists assert is that government is only legitimate if it is by and for “one’s own people”. Beyond that fundamental principle, defining “one’s own people” becomes politically problematic and any definition can shift over time. This is what has happened in the United Kingdom, most obviously since devolution gave a more audible political voice to Scotland, Wales and Northern Ireland, although the process
had been developing for some time if we look at diverging voting patterns in each of the UK’s four nations since 1987, for example.

2.2
In the United Kingdom the identity that made the borders of state and nation congruent was being British (with the historic exception of Catholic-Nationalist communities in Northern Ireland). This was always a “thin” identity since central government never sought to homogenise the constituent nations along the French republican and Turkish models noted above (paragraph 1.2). Although “being British” meant different things in different parts of the United Kingdom, a historic sense of commonality developed around Protestantism (at the expense of Catholic Irish in particular), responsible government and constitutional monarchy, trade and empire, and whiteness.

2.3
The idea that these commonalities have a much-reduced resonance today compared with, say, one hundred years ago has been well rehearsed. What can be added is the weakening of political parties that, although they may be rhetorically committed to the Union, are not well represented throughout the United Kingdom and are therefore not in a strong position to follow through on claims about the on-going unity of the United Kingdom. In Benedict Anderson’s famous formulation, the nation is an ‘imagined political community’.\(^1\) The political part of this definition is important and is often overlooked. The United Kingdom’s political community has fragmenting along national lines. Britain was held together in 2014 by making a negative case for continuity, not a positive case for collective belonging.

2.4
Britain’s fragmented politics brings us back to questions of legitimacy. If the fundamental principle that nationalists assert is that government is only legitimate if it is by and for “one’s own people”, then it is clear that consensus about the legitimacy of English politicians (even if they are rhetorically wedded to being British) setting policies for Scottish people has seriously weakened. It is not clear today what the basis of political commonality between the constituent nations of the United Kingdom is or might be beyond external relations and the referendum on EU membership will test this bond.

2.5
Nationalism exists in a tension between the universal and the particular: all nations are unique (this forms the basis for claims to self-determination) but the nation state model has been adopted throughout the globe making its form universal. What is unique to the United Kingdom, therefore, are not fundamental principles. Instead it is the interpretation of the history of the political development of the UK and the ways that centuries of historically accreted political culture allow or inhibit that community to be imagined and hence sustained or changed.

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3. On what principles are the UK’s devolution settlements based, or on what principles should they be based? Have principles emerged through the process of devolving power, or as power has been exercised by the devolved nations and regions?

3.1
The principle underlying the devolution settlement (if it is indeed settled) was “devolution on demand” created by an attempt to neutralise secessionist nationalism in Scotland which in turn created a demand for “devolution in the round”, but that excluded England. Beyond that, the drive for devolution was created by dynamics within the Labour Party in Scotland and Wales and an inflexible unionism within the Conservative party during the 1990s. This inflexible Conservative unionism collided with a politicised Scottish identity that sought to reassert Scottish autonomy from Thatcherite Conservative governments that were ironically perceived in Scotland as asserting greater state control rather than rolling back the state’s frontiers. A broad-based anti-Conservative Scottish nationalism emerged between 1988-97 that sought home rule rather than independence, whereas secessionism made significant gains during the New Labour years. If any underlying principle is discernible it is devolution as a response to nationalist pressure.

3.2
The devolution settlement emerged as a response to political pressure growing in Scotland and Wales and in the context of the need to end the conflict in Northern Ireland with a political power-sharing solution. These were admirable political settlements but in responding to political events that were not well understood outside of those nations, the New Labour government created an “asymmetrical” solution to the politics of nationalism within the United Kingdom. That asymmetry became part of the constitution after 1999.

4. Are there applicable examples from other countries with multi-level governance structures?

4.1
Spain is the state with the most similar devolved structure that also responded to “devolution on demand” in the 1970s. Most other multi-national states have a federal or confederal structure such as Belgium and Canada. In Belgium’s case the constituent units are roughly equivalent in size, whereas in Canada the disparities in population between provinces is managed by representation in the upper House. Such disparities are managed in this way in Australian federalism too.

4.2
Treating England as a single unit creates problems for the devolution settlement. England is much the largest of the constituent nations of the UK in terms of population size and territory. The most notable historical example of a similar demographic and geographic dominance is Prussia in Weimar Germany, but this is not a happy comparison.
6. What is the effect on the Union of the asymmetry of the devolution settlement across the UK? What might be the impact of the further proposed devolution of powers to Scotland, Wales, Northern Ireland and English local government? Is the impact of asymmetry an issue that needs to be addressed? If so, how?

6.1 In establishing power-sharing government in Northern Ireland in 2007 (and noting the years of work which also went into this solution by John Major’s Conservative government), New Labour inadvertently created another “national question”: that of England. Although Scotland had now replaced Northern Ireland as the “motor” of nationalist politics in the United Kingdom, a politicised English identity was increasingly articulated after devolution. This is not to say that devolution caused the “rise” of English nationalism alone. The drivers of the politicised Englishness are varied and should not be divorced from the defence of British sovereignty in the face of European integration or concerns about immigration and border control. Nevertheless, although the distinction between England and Britain was always harder to articulate south of the Tweed, politicians have been articulating England’s interests in ways increasingly distinct from that of Britain and the other nations of the UK. This has been happening within the Conservative and Labour Parties and amongst their members and supporters and evidence of a politicised English public opinion emerging.2

6.2 If devolution throughout the UK has been one of the drivers of a politicised Englishness, then we might expect the extension of autonomy to Scotland in the wake of the independence referendum of 2014 to deepen and broaden what we might now call English nationalism. However, treating England as a single unit in response to devolution elsewhere in the UK will add “imbalance” to that of “asymmetry” in the constitutional arrangements.

6.3 Ignoring the English question posed by devolution was the approach adopted by New Labour; indeed in its constitutional guise, this problem usually went by the name of a Scottish parliamentary constituency, the “West Lothian Question”. On the subject of Englishness, the Labour Party often betrayed attitudes that were dismissive of such a concept and portrayed it as parochial and xenophobic. Thus the asymmetry of the devolution settlement does need to be addressed (and one approach is English Votes for English Laws) since doing nothing leaves room for the growth of resentment. The question is how to manage “imbalance” and “asymmetry” when regional devolution is likely to generate “devolution on demand” again potentially deepening a north-south divide in England.

8. What other practical steps, both legislative and non-legislative, can be taken to stabilise or reinforce the Union? How should these be implemented?

8.1
Some form of political representation for England is required. One means of addressing the “imbalance versus asymmetry” problem would be to reform the upper house into a regional chamber along the lines of the Australian senate.

8.2
With regard to non-legislative action, a positive articulation of commonality is required that makes a case for why the Union should be stabilised or reinforced (if indeed it should). Such an articulation must somehow link all levels of governance: devolved and local; UK; EU and global. This is no easy task of course and public and political opinion may pull in opposite direction in some instances, such as differing views on the EU between the SNP and parties with the majority of their support in England (Conservatives, Labour, UKIP).

8.3
Positive rhetoric is better than negative rhetoric but it can appear as a gloss on otherwise bad situation leading to cynicism and disengagement. Feel good moments like the London Olympics are significant but it is also difficult to create a “legacy” sustaining a common identity. There is a lot that is wrong with nationalism. It is often used as a means to pursue sectional interests in the name of the common good: majorities at the expense of minorities; men at the expense of women; the rich at the expense of the poor and the strong at the expense of the weak. What might be said in the nation’s favour is that it legitimises the redistribution of wealth amongst co-nationals. Welfare states need a common nationality to legitimise the state’s redistributive functions.  

Nations may be imagined but this does not mean they are fictitious. The nation is an abstraction of the immediate reality an individual sees around him or herself. If this reality conflicts with the rhetoric coming from politicians and leaders then resentment and disengagement grow. Weakened communities, economic insecurity and diminishing redistribution mean that the re-articulation of a common Britishness to bolster the Union is not likely to be adopted with much enthusiasm by citizens. The Union and Britishness need to be real to be believed. Making the borders of nation and state congruent with a politics that addresses weakened communities and economic insecurity will be the best way of stabilising the Union.

1 October 2015