IS SCOTLAND
REALLY ON THE ROAD TO INDEPENDENCE?

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INTRODUCTION ■

On May 6th 2021, the Scottish National Party (SNP) independentists topped the polls in Scotland's parliamentary election. By taking 64 seats out of 129 in the Holyrood Parliament –just one seat short of an absolute majority– the SNP secured a fourth mandate in the government of Scotland. With the additional support of the eight seats won by the Scottish Greens –also strongly in favour of leaving the UK– the "independence movement" thus reaffirmed its position of power vis-à-vis London. This electoral outcome was immediately interpreted by Nicola Sturgeon –leader of the SPN and Scotland's Prime Minister since 2014– as a resounding "yes" to the question she put to voters in her campaign manifesto[1],

that is, the granting of their "permission" to hold an independence referendum when the Covid 19 crisis is over. In her first speeches after the election, Nicola Sturgeon made sure to clarify that this referendum was "*the will of the Scottish people*" and not some narrowly partisan, nor personal, design. The First Lady of Scotland could now draw upon this democratic mandate to complete the historical task set by her party: that of putting an end to the Union between England and Scotland, sealed over three centuries ago, in 1707.

How could England and Scotland have come to this crossroads? For it was indeed against a background of diverging sets of values that the

1. Scotland's Future, SNP Manifesto, 2021.

May election unfolded. The independentist side deployed a Manichean grammar to urge Scottish people to choose the sort of society to which they aspire: whether social-democratic and European Scotland or neo-liberal and Brexit-bound Britain. A Brexit which 62% of Scottish voters rejected in the 2016 referendum on EU membership. The hegemony acquired by the SNP can appear confounding in the old Labour stronghold that Scotland was up to the early 2000s, and considering devolution had been implemented by the Blair governement, from 1999 onwards, with a view to appeasing nationalist claims by transferring significant decision-making powers from Westminster to a Scottish Assembly elected through universal suffrage. The Scottish nationalists' hegemony is all the more spectacular as the pro-independence movement is a recent phenomenon in Scotland. Unlike their Irish neighbours, who won their independence through the force of weapons in 1921, Scottish people for long remained contented with their advantageous position within Britain's great imperialist enterprise. Claims for Scotland's autonomy admittingly go way back, yet up until the mid-20th century such autonomy was largely conceptualised within the framework of a preserved political union with England. It was not until the 1960s-70s −and most acutely after the sting of Thatcherism in the 1980s− that a more radical brand of Scottish nationalism flourished, aiming explicitly at the creation of an independent Scotland. The movement has expanded quite dramatically in the last fifteen years, impelling London to hold a first independence referendum in 2014, which was lost by 45% against 55% of the vote. But the 2014 defeat has not quenched the appeal of the independence idea, quite the contrary. Galvanized by Brexit, nationalism has become a mass movement for the first time in Scottish history. A movement which now mobilises thousands of activists and grass-roots organisations, feeds a constellation of online discussion fora and communities, and affiliates an audience large enough to sustain a dedicated daily newspaper, *The National*.

This paper proposes an investigation of the "separatist" version of Scottish nationalism endorsed by the SNP since its creation in 1934. It looks at the main drivers of the contemporary nationalist project, while also shedding light on the historical and intellectual developments which underpinned its advancement. Indeed the rise of the SNP within the space of a few decades is inseparable from the rich ideological work undertaken by a small number of intellectuals who rallied to the cause of independence. Their trenchant critique of the British State and Scotland's position within it largely contributed to shape the SNP's nationalist agenda as a "progressist" political project, anchored to an emancipatory vision of social justice, rather than an endeavour in historical and cultural reparation. We shall therefore examine successively the two pillars of the SNP's "leftwing populism", namely:

1. An agenda of social-democratic reform rooted in the trauma visited upon industrial Scotland by Margaret Thatcher's government;
2. A vision of democracy and popular sovereignty that draws from the well of Scotland's unique constitutional tradition.

1 ◼ The political economy of the SNP

The programme presented by the SNP in the Scottish parliamentary election of the Spring 2021, against a backdrop of health crisis, is defined by a strong concern for the fundamental needs of the Scottish people in the realms of healthcare, education, housing and food. It also conveys an overall ambition for equality, both social and territorial, and a marked inflexion towards ecology, feminism and hospitality towards refugees. We shall start by presenting some of the emblematic measures from this political project, before looking into the ideological roots of the "leftwing grammar" which became the vernacular language of Scottish nationalists at the turn of the 21st century.

1.1 ■ A plea for a just society based on care, empathy and equality

The promotional video released by the SNP for the May election, entitled "Scotland's Future is Scotland's Choice",[2] perfectly captures the atmosphere of the campaign. It features actress Neila Stephens –with long auburn hair and a simple outfit of grey trousers and a pale pink shirt– sitting in a dimly lit room. Talking over creepy background music, she describes the trials of the pandemic and the attacks from the Tory government in London: "*It's been tough this last year. The Covid pandemic. The worry, the fear (…) So here's a question. How much does the UK Government care about you? This is a government Scotland didn't vote for, with philosophies and policies we can only abhor. Disability benefits cuts. Food poverty. Tax cuts for the wealthy. And for the rest of us? Austerity.*" She goes on to mention Brexit, the future generations blocked from learning and working abroad, the fishing industry betrayed. And then suddenly, after she asks "*so who will care?*", the sound track shifts and hopeful notes swell to the surface as the face of Nicola Sturgeon appears, dup!icated on multiple TV screens. There follows an evocation of the Scottish government's "hard work" for your brother and sister, your grandpa and nan, before a final call to vote for independence and thus take "*the first steps towards a new nation*" –and a final image: that of a toddler bursting forward, tentatively, but yet full of joy and expectation.

Tellingly, the most recurrent term in this video –besides "Scotland"– is the word "care". A word that conjures up notions of attention, compassion and kind concern. Saying of Boris Johnson's government that "*they don't care*" denotes both an indifference to Scotland's specific interests as well as a chronic inability for empathy. This ethical flaw stands in contrast with the political virtues ascribed to Nicola Sturgeon, whose public profile was built, in this campaign, upon notions of compassion and closeness. A political style

which connects her to other female Prime ministers of small, socially progressive, countries, such as Jacinda Ardern in New-Zealand, Katrin Jakobsdóttir in Iceland or Sanna Marin in Finnland. It is no coincidence that these three countries, along with Scotland, steer the international network of "*Wellbeing Economy Governments*"[3]. The connections between a new generation of women of power and the emergence of "care" as a political category is a compelling subject-matter, yet it is one that exceeds the scope of this paper. For what concerns Nicola Sturgeon and the Scottish campaign, the language of "care" understandably resonated deeply with Scottish voters coming to grips with the Covid 19 pandemic. Healthcare is a devolved competence in Scotland. Nicola Sturgeon, a former Scottish Health Minister from 2007 to 2012, made it her mission to respond to the health emergency. She gave more than 200 television briefings throughout the crisis. And even though Covid-related mortality rates in Scotland are similar to those in the rest of the UK, polls have shown that 78% of Scottish people approved of their Prime Minister's management of the crisis, against only 34% for Boris Johnson.[4]

Health and the status of the NHS thus stood at the top of the SNP's political programme in the May 2021 election (a programme which –it is worth noting– could be read, listened to or watched in Scottish Gaelic, BSL or sign language). Without listing all of the policy measures contained in this 70-page document, it is useful to highlight a few markers of the Scottish nationalists' political economy. In the realm of health, alongside a reaffirmation of the crucial role of the NHS and a promise to raise the wages of NHS staff by 4% (while the Tories offered a mere 1% raise), the manifesto features a series of proposals denoting a specific concern for individual experiences of the pandemic. These include, for example, a "Five-year plan to fight isolation" and a commitment to implement "Ann's law" (after the name of a woman who suffers from dementia and whose daughter had urged Nicola Sturgeon

2. SNP Website, "Watch Our New Party Political Broadcast: Scotland's Future Scotlands Choice", April 6th 2021.
3. Scottish Government website, "Wellbeing Economy Governments (WEGo)".
4. Ipsos, "Four In Five Scots Say Nicola Sturgeon Has Handled The Coronavirus Outbreak Well", May 26th 2020.

to enable relatives' visits to nursing homes during the pandemic). The promotion of equal opportunities is also prioritised via substantial investment in education and childhood (one child out of four lives below the poverty line in Scotland). One of the very first decisions taken by the SNP after getting into power had been to abolish university fees: this commitment is reinstated and complemented by the provision of free breakfasts and lunches to all primary school pupils, the augmentation of the "school uniform grant" and the doubling of the Scottish "Child Payment". With the devolved government controlling 60% of public spending in Scotland, the SNP also proposes a massive −and quite classically keynesian− £33 billion investment plan in infrastructure. The role of public power in managing the "common goods" is also reaffirmed through a renationalisation of the Scottish rail, a protection of the NHS status as a free public service, and the introduction of a pre-emption in favour of community buy-out where title to land is transferred. Other measures relate to the currency of "identity politics" in the anglo-saxon sphere: the rights of LGBT people are proudly affirmed, conversion therapies are set to be bannished and the condition of women is tackled without any taboo, through the prism of period poverty and the experience of miscarriage and stillbirth. A number of these "identity-related" measures are connected to more local idiosyncrasies, such as the strenghthening of immersive Gaelic Medium Education (GME) and the policy proposals targetted at the islands and the Highlands, two cradles of Scottish collective imagination.

Finally, the entire programme conveys a strong ambition for ecological transition. Determined to position Scotland as a world leader in the fight against climate change at the COP26 in Glasgow in November 2021, the SNP is committed to achieving carbon neutrality by 2045, that is, five years ahead of the rest of the U.K. Proposals supporting ecological transition can thus be found in every chapter of the manifesto, ranging from the restoration of peatland and forests in order to protect Scotland's biodiversity, the provision of "free bikes for all children of school age who cannot afford them", as well as the "decarbonisation" of the fleet of public-owned ferries and of the heating system of one million Scottish homes by 2030. Most importantly, the SNP's concern is for this transition towards a "green economy" to be "a just transition" −one that will create new jobs for all social categories through professional education and training opportunities. Such commitment to hold together the ecological emergency and the social justice imperative through a programme of "social-ecological" transformation is rooted in an explicit will to "*avoid the mistakes of the past which saw coal and steel workers, their families and communities abandoned during the deindustrialisation of the 1980s and 90s.*"[5] We shall now turn to those events of the past and their effects on the development of Scottish nationalism.

1.2. ■ Genealogy of a leftwing grammar

The roots of contemporary Scottish nationalism should not be sought in the medieval battles of the chieftains on the Scottish marches, nor in the Union of 1707, nor in the Scottish Enlightenment, nor indeed in any of the historical icons that inhabit our cultural imagination of Scotland. As argued by Ben Jackson in his book *The case for Scottish Independence*[6], it took the cultural and political effervescence of the late 1960s for the cause of independence to really take off in Scotland. And it was in the subsequent period, under the throes of thatcherist reforms, that it gained ideological maturity as a leftwing alternative to the neo-liberal project championed by governments in London.

Notwithstanding the power of anti-imperialist readings for all the nations of the world who shook off their shackles in the 20th century, the organic intellectuals of Scottish nationalism mostly resisted the temptation to place Scotland amongst "the

5. Scotland's Future, SNP Manifesto, 2021, p.68.
6. Ben Jackson, *The Case for Scottish Independence. A History of Nationalist Political Thought in Modern Scotland*, Cambridge University Press, 2020.

Wretched of the Earth"[7]. On the contrary, they emphasised the active part Scotland had played in Britain's imperialism, highlighting the connection between the decline of Empire and the rise of q separatist sentiment in Scotland. In other words, for as long as Empire had served Scottish interests, Scotland had never seriously questioned its union with England. This was clearly stated by George Reid, one of the fathers of contemporary Scottish nationalism: *"We Scots had a privileged position in the days of Imperial grandeur. We were both Scots and British. We ran the docks in Hong Kong, the judicial system in the Punjab and held Burns suppers in temperatures of 102 degrees in India. These days are gone and those options are no longer open to us. We stay at home. The young Scots in Scotland today, looking at the obvious degradation and neglect, are not prepared to tolerate these conditions."*[8] Despite the rising perception of a divergence of interests between Scotland and the United Kingdom, which translated into the creation of the SNP in 1934, Scottish nationalism struggled to emerge electorally in the 1940-50s. The postwar years saw, instead, a revitalisation of the foundation of the Union in the shape of Labour's wellfare state. As other frames of British identity were fading —not just the Empire, but also Protestantism, and, with time, the memory of the war— it was the activism of the central State which largely contributed to revive Scottish industry and offered enlarged horizons to the working-class, through the provision of education, healthcare and decent housing. However this "unionism of state intervention" was significantly weakened by the failure of the postwar social-democratic settlement to heal the vicissitudes of Britain's economy in the 1970s (up to the recourse to the IMF in 1976).

The first SPN electoral breakthrough took place in 1964 with Winnie Ewing winning Hamilton's partial election. The party manifesto, written that same year by Billy Wolfe, displays a moderate social-democratic inflexion, while insisting on the need to unite all Scottish people, with no distinction of class or political affiliation, in a common struggle for national liberation. Yet it was during this decade of the 1960s that the SNP found itself permeated by the political effervescence of the time, and progressively transported towards more radical positions than those its founders had envisaged. Under the steer of writers, intellectuals and political activists of different persuasions, the party became the crucible of a convergence between the independence idea and socialism. People like Jim Sillars, who came from Labour unionism, were convinced of the necessity to win the support of workers by breathing new life into the heritage of 1945 Labour. Others, like Tom Nairn, Neal Ascherson and Perry Anderson, who were associated with the New Left were far more critical of Labourism's compromises with a British parliamentary tradition they saw as "fossilised"[9]. Drawing upon a heterodox marxist tradition, this second group of intellectuals found as much fault with Labourism as with Sovietism: Ascherson admired *Solidarność*'s Poland; Nairn, who had lived in Italy and had developed links with the Italian Communist Party, played an important role in introducing the work of Antonio Gramsci to a British readership. As regular contributors to *The New Left Review* and heirs to Raymond Williams, Stuart Hall and E.P Thompson, they placed their hopes in a more radical form of local democracy, cooperatives and communalism. The various contributions made by this new generation of nationalist theorists combined into a robust ideological corpus, with keystones —*e.g.* egalitarianism, participatory democracy— that have remained important to the SNP up to the present time. In the 1970s, however, the case for Scottish independence failed to impose itself as an alternative to the Labour Party and its mobilising grammar of social reform and class representation.

7. Frantz Fanon, *The Wretched of the Earth*, New York: Grove Press, 2004 (1961).

8. George Reid, Hansard, C.C., *Debates*, fifth series, vol. 922, col. 1359, 1976 (quoted in Ben Jackson, *The Case for Scottish Independence*, p.62).

9. *Cf.* Tom Nairn, "The Nature of the Labour Party I", *The New Left Review*, no.27, 1964, p.44: Labour "adapted and transformed third-rate bourgeois traditions into fourth-rate socialist traditions, imposing upon the working class all the righteous mediocrity and worthless philistinism of the pious Victorian petty bourgeois."

It took the emergence of thatcherism as a solution to Britain's economic and social trials in the 1970s to galvanise nationalist sentiment and turn independence into a desirable alternative for Scotland. This was clearly stated by the writer (and son of a miner) William McIlvanney at the SNP Congress in 1987: "*Governments change lives –Attlee's administration had transformed the life chances of millions just as Thatcher's was ruining the lives of a generation– so we had better find a way to change government –and fast.*"[10] The epic battles fought by Scottish unions throughout the 1980s for the survival of their coal mines, shipyards, car industry and steel factories also contributed to the convergence between class and national identity. The social memory of these struggles lives on in contemporary Scotland, including for Nicola Sturgeon. Born in 1970, Sturgeon grew up in Irvine, a former harbour turned "new town" in 1966 to rehouse families hailing from the slums of Glasgow. Nicola was nine-year-old when Margaret Thatcher became Prime Minister. Between 1979 and 1981, 20% of Scotland's industry workers lost their jobs. In 1982, a quarter of Irvine's active population found themselves unemployed. During the 2021 electoral campaign, Nicolas Sturgeon told *The New Yorker* that she kept "*an overwhelming sort of memory from back then, of this sense that if your dad lost his job he would never get another one, because unemployment was almost kind of terminal*". Sturgeon also explained the feeling she then had of thatcherism as coming from another planet: "*There was always something completely alien… You would listen to this very posh voice, talking about communities like the one I was growing up in.*"[11] This sense of strangeness –the contrast between the solidarity and mutual assistance amongst besieged working class communities on the one hand and Thatcher's claim that "*there's no such thing as society*" on the other[12]– largely contributed to establishing thatcherism as the founding myth of contemporary Scottish nationalism. The otherness of right-wing England

–ofBritish governments working at liquidating the social rights established in the post-war era– was now glaring. Thatcherism also unknowingly solved an old nationalist conundrum. As Neal Ascherson once pointed out, "*the icon of national identity is not complete without the scar left by a foreign sword*". **Thatcher's rule thus made up for Scotland's deficit of historical grievances and the recognition that the Scottish nation had, overall, benefited from Empire. Rather than reclaiming a dispossessed ancestral culture, the SNP thus positioned itself as the protector of a social-democratic culture threatened by the neo-liberal project heralded by Bristish governments with no significant electoral base in Scotland.**

This rising sense of a bifurcation of political paths between Scotland and the UK was harnessed by the SNP as it sent its first 33 MSPs to the new Holyrood Parliament in 1999. Upon its return to power in 1997, the Labour Party had conceived of devolution as a response to Scottish democratic claims (as well as a means to undercut nationalists). But devolution had the effect of strengthening the independentists' faith in their ability to access and run government. The turn of the 21st century also saw the SNP abandon the socialist orthodoxy and autarchic visions it had sustained in the 1960s. Economists concerned with the plausibleness of independence in a new era of financial and trade globalisation rerouted the party towards supply-side policies, which, they believed, were more favourable to social mobility and more suited to the transformations of Scottish society in the early 2000s. The chief orchestrator of this inflexion was Alex Salmond, a former economist with the *Royal Bank of Scotland* and a leader of the SNP from 1990 to 2000, and then again from 2004 to 2014. Salmon was convinced that economic credibility was crucial to rally a majority of Scottish people to the cause of independence, including the private sector and the middle-class. So he made competitiveness his main focus. In this he drew inspiration from

10. William McIlvanney, "Stands Scotland Where It Did?", Donaldson Lecture, 1987, p.253, in *Surviving the Shipwreck*, Edinburgh, Mainstream, 1991.

11. Sam Knight, "Nicola Sturgeon's Quest for Scottish Independence", *The New Yorker*, May 3rd 2021.

12. *Cf.* Margaret Thatcher, in an interview with Women's Own in 1987: "there's no such thing as society. There are individual men and women".

neighbouring Ireland, a small nation that had skillfully put its stakes in tax rates and foreign direct investment in order to bank on the global new deal. Salmond aimed at combining this Irish model with the social ambition of Scandinavian countries (a longstanding object of admiration for Scottish nationalists). As ambiguous as it may have been, this combination made it possible for the SNP to draw together a large coalition of interests in favour of independence. Upon becoming Scotland's Prime Minister in the wake of the SNP's victory in the 2007 parliamentary election, Alex Salmond thus worked at reconciling economic efficiency with social justice. He also made sure to locate his party to the left of Labour (a Labour which had gone through a similar, but even deeper, ideological transformation under the leadership of Tony Blair and Gordon Brown) and he played the SNP's anti-militarist chord to mark Scotland's opposition to the war in Irak. The financial crisis of 2008 and the Tories' return to power in 2010 have re-awakened a stringent anti-austerity drive in Scotland. Eleven years later, after the shock of Brexit and with Boris Johnson having endorsed Margaret Thatcher's part as the "arch-villain", Scottish people are more than ever looking to independence as the vehicle to the "good society" they aspire to.

2 ▪ Democracy, sovereignty and the Scottish constitutional tradition

For the past thirty years, the advocates of Scottish independence have relentlessly denounced the situation by which Scotland finds itself governed from London by the Tories, a party Scottish people never voted into power. The 2016 Brexit referendum further heightened the rift: "*No Scottish mandate*" has become a commonplace of nationalist rhetoric. This rallying cry captures the democratic hiatus created by the persistence of diverging electoral patterns between Scotland and the rest of Britain (the

Northern Irish situation being quite specific). The corrosive issue of London's democratic legitimacy in Scotland is therefore the second pillar of Scottish separatism. Drawing upon the specificities of the Scottish constitutional tradition, the democratic argument combines with the above-described social-democratic canvas to project independence as the only viable avenue for the aspirations of contemporary Scottish society.

2.1 ▪ "Small is beautiful"[13]

As explained in part 1, the case for Scottish independence is a child of the new social, political and cultural perspectives opened up by the "long sixties". But the conceptions of democracy forged by nationalists during the second half of the 20th century also drew substantially from the wellspring of an earlier generation. One of the threads of contemporary nationalist discourse on participatory democracy and civic culture can thus be tied to the vision elaborated by pre-war "proto-independentists". During the 1920-30s, the supporters of the Scottish national movement mostly hailed from the ranks of Presbyterian white collar workers and small business owners. Lacking the cultural flare which defined the Irish revival, the political ideas of the first Scottish nationalists reflected the concerns of their social class. The turbulent poet Hugh MacDiarmid described those Presbyterians as "*a gang of dullards with no cultural interests and certainly no personal intellectual or artistic gifts*"[14]. To put it in a more gentle way, these pre-war nationalists were mostly concerned with the revitalisation of Scottish rural communities −small holdings, small towns, small businesses− and their conception of independence was underpinned by a rejection of mass organisations, whether socialist or capitalist. According to Archie Lamont, a Scottish nationalist and distinguished geologist, "*the small unit of government −call it commune, or soviet, or simply parish council− and the independent farmer, fisherman, or craftsman −not the wage*

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13. Title used in Ben Jackson, *op.cit*.
14. Hugh MacDiarmid, *Cunninghame Graham : A Centenary Study*, Glasgow, Caledonian Press, 1952, p.10.

slaves− are the principal agents for harmonising freedom and private enterprise in national democracy."[15] In the eyes of the SNP's forebearers, it was therefore community feeling and the forces of Scottish civil society, rather than social class divisions, that formed the political engine of Scottish independence.

This emphasis on community and decentralisation was largely taken on board by the SNP during the first two decades of its existence. As the Empire started to dissolve and as it became obvious that the 20th century would be one of state planification and centralisation, Scottish nationalists began to envisage independence as a means to preserve the autonomy and distinct life of local communities. The "social credit" theories developed by major Clifford Douglas belong to this family of thought, as well as, for example, the personalist strand, according to which individuals can only thrive through active social relations with their community, or the distributism of Hilaire Belloc and G.K Chesterton, which inspired the vision of "small landlords' democracy" forged by Robert McIntyre, SNP leader from 1947 to 1956. As already said, the next generation of SNP nationalists was far more favourable to the intervention of the post-war central state in the social and economic sphere. Those independentists of the 1960-70s nevertheless retained from their predecessors a preference for the devolution of power to local authorities and an aspiration to more robust forms of democratic accountability. This was obvious, for example, in the Scottish New Left's interest in self-governance and their criticism of state bureaucracy. But this strand can also be found amongst those nationalists belonging to the "labourist" branch of the SNP. According to Jim Sillars, "*Scots still hold firmly to ideas about common care and the need for a sense of community solidarity.*" Not because of some intrinsic moral superiority, "*but because [their] history, experience, the size and homogeneity of [their] society make [them] more open to ist salient features −responsibility and obligations to the*

community, the sense of solidarity it creates."[16] The dissolution of the imperial framework and the crisis of British identity it precipitated also paved the way for a reinterpretation of Scottish nationalism as a *modernising* force, in tune with the rising demands for greater local control over the decisions made by an obsolescent and distant central State. The notion that small countries have shorter communication lines, more suited to consensus-building and policy efficiency, has found new impetus in the recent period, with the Covid 19 crisis. Likewise the old grammar of community solidarity found renewed incarnation in the language of "care" deployed by Nicola Sturgeon as a counterpoint to the elitist and individualistic values of neighbouring England.

Finally, nationalists also drew upon a rich corpus of academic research, notably in the fields of law and philosophy, which enabled them to root the "democratic inclinations" of Scottish society in Scotland's distinctive institutional culture. The second half a the 20th century saw the release of a number of academic publications that demonstrated how the autonomy of Scottish national institutions (religious, legal and educational), as preserved by the Acts of Union of 1707, had bred the emergence of a Scottish culture more permeable to equality and community than the rest of the UK. George Davie's 1961 study on the Scottish education system, *The Democratic Intellect*,[17] had a particularly decisive influence on a whole generation of young nationalists. According to Davie, Scotland's education system had, through the centuries, favoured a more socially diverse recruitment to its schools and universities than England's. Importantly, Davie also shed light on a specific intellectual tradition which he said had flourished in independent Scottish universities, based on a non-utilitarian, generalist teaching and a central place afforded to philosophy. He emphasised the specificities of the "*common sense*" school of philosophy which flourished in Scotland during the 18th and 19th centuries, as a sort of epistemological third way between

15. Archie Lamont, *Small Nations*, Glasgow, William MacLellan, 1944, p.78.

16. Jim Sillars, *Scotland: The Case for Optimism*, 1986, p.140.

17. George Davie, *The Democratic Intellect*, Edinburgh University Press, 1961 and *The Crisis of the Democratic Intellect*, Edinburgh, Polygon, 1986.

the radical empirism of the English tradition and continental rationalism. In this "*common sense*" vein, knowledge arises from the dialogue between the exercise of individual reason and "*social and intellectual communication with 'other minds'.*" In George Davie's view, this collective habitus of social and democratic dialogue had offered propitious ground for a robust system of "checks and balances" to develop in Scotland. Studies such as Davie's contributed to the emergence of a myth of "metaphysical Scotland" which provided a inextinguishable source of inspiration for the theorists of Scottish independence. They helped consolidate the foundations of nationalism by offering philosophical depth to the values of community solidarity and democratic participation claimed by independentists. These democratic claims found a second (and equally powerful) thread of justification in the excavation of a tradition of "*popular sovereignty*" deemed as intrinsic to Scotland's constitutional development. The last part of this paper thus looks at this "popular sovereignty" argument, as opposed by Scottish independentists to the cornerstone of Britain's political system, namely, "*parliamentary sovereignty*".

2.2 ■ Popular sovereignty and post-sovereignty

The issue of sovereignty is central to the creation of any new political order. Scottish nationalists have pursued this issue along two successive, and complementary, directions: firstly by emphasising the tensions between Scotland's tradition of popular sovereignty and Britain's "absolutist" version of parliamentary sovereignty; secondly by proclaiming the end of state sovereignty and praising the virtues of shared powers and pooled sovereignty in an era of European integration. The 1940s first saw the emergence of a nationalist narrative which contrasted the popular sovereignty tradition deriving from Scotland's distinctive constitutional arrangements with a British tradition of parliamentary sovereignty resulting from the transfer of power from King to Parliament during the "Glorious Revolution" of 1688. Immersing themselves in Scottish history, writers such

as Agnes Mure MacKenzie and Duncan MacNeill emphasised the contrast between the hierarchic, feudal structures of England's Germanic society and the horizontal, quasi "proto-democratic", organisation of Scotland's ancient Celtic society. Under their pen, the Scottish political system appeared to reflect a tradition of cooperation between different sections of society, whereas the English constitution was based on the imperious authority of the sovereign, first in the form of the absolute monarch, and then through the unlimited power of Parliament. Other writers even discerned in the Arbroath Declaration of 1320 and in the work of the great Scottish humanist George Buchanan the seeds of a Republican vision of human rights and a will to submit the monarch to a contractual obligation to serve his people. Such readings of the specificities of Scotland's constitutional tradition were reinforced by a number of legal battles fought by Scottish nationalists during the 1940-50s. The first emblematic case was the invocation by Douglas Young of the freedoms garantied by the Acts of Union of 1707 in order to challenge his drafting into the British army during World War II. The second case was fought in 1953 by former leader of the SNP, John MacCormick, who questioned the right of the new Queen to bear the title Elizabeth II in Scotland, deeming it a violation of the Treaty of Union since, technically, Elizabeth I had not been the queen of Scotland. The case was lost but it nevertheless led the Lord President of the Court of Session, Lord Cooper of Culross, to express a sympathy for the quasi-constitutional status of the Treaty of Union and, therefore, of its potentially constraining effects on the British Parliament, while also emphasising the impossibility of finding a court competent to settle such a matter.

Combined with George Davie's work on the democratic inclinations of the Scottish intellectual tradition, those constitutional duels provided the Scottish independentists of the 1960-70s with a whole new range of arguments to plead their cause. As Stephen Maxwell put it: "*The explicit replacement in a Scottish constitution of the English doctrine of parliamentary sovereignty by the Scottish doctrine of popular sovereignty as the source of popular authority would open the door to*

more radical versions of popular democracy than Westminster politics are ever likely to accommodate."[18] In the eyes of the New Left nationalist activists, Scottish democratic constitutionalism thus offered a very fertile legacy for a new era of participatory democracy and self-government. It also provided a possible escape route from the "over-centralised elitist political superstructure" of a British State which never shaken off its historial roots as a "political compromise between artistocratic landowners and early mercantile capitalists."[19] In those same years, a number of legal scholars warned against the creeping anglicisation of Scottish legal culture. According to them, the Scottish tradition was distinctive in its combination of civil and common law and its use of deductive reasoning and principled arguments, where the English one proceeded by induction and the authority of precedent, more favourable to conservatism. Nationalists drew on those views to construe Scotland as a nation more cosmopolitan and more open to European influences, yet trapped in British legal insularity. A nation whose tradition of popular sovereignty had been inhibited by the union and the fossilisation of the UK's constitutional development. A nation willing to respond positively to the challenge of shared sovereignty and pooled competences in the age of European integration and globalisation.

Since the end of the 1980s the SNP has endorsed "independence in Europe" as one of its watchwords, taken up year after year in its electoral manifestos. While Scottish nationalist ranks (like those of Labour) had been traversed by strong eurosceptic strands in the 1970s, the Single European Act of 1986 and the Fall of the Berlin Wall in 1989 changed the game. The times no longer required the protective wing of powerful states; a new space was opening in the international landscape for the advent of new trading and cooperation links. At the turn of the 21st century Scottish nationalists therefore adopted with eagerness the new "post-nationalist" language of European elites. The erosion of the capacity of nations to control their own economic and political destiny in the new century may appear as a serious obstacle to the project of Scottish independence. On the contrary, this new context helped strengthen the practical feasibility of political independence. At a first level, Scottish nationalists emphasised how other nations the size of Scotland had prospered by skillfully positioning themselves in the new globalised game. There again, Ireland provided a source of inspiration. The Irish example proved that European membership could in fact strengthen the power of small states and, at a deeper level, enable a former part of the British Empire to sit on an equal footing with the UK at the European table. This point was made by the former Irish *Taoiseach* Garret FitzGerald in two successive conferences he gave at Stirling University in 1989 and at Edinburgh University in 1990. In those addresses, which were widely commmentated upon by Scottish nationalists, FitzGerald explained how he had come "*to the paradoxical conclusion that it is in the process of merging its sovereignty with other member states in the [European] Community that Ireland has found the clearest ex post facto justification for its long struggle to achieve sovereign independence of the United Kingdom.*" In the same vein, Scottish nationalists elaborated a double-edged argument —both idealistic and strategic— to justify their rallying to the principles of international cooperation and sovereignty pooling: on the one hand, they endorsed the European ideal of peace and prosperity (at a time when the British public debate was torn over the issue), and on the other hand they argued that independence was no "leap into the unknown" since the European framework would ensure a smooth continuation of social and economic exchanges with the UK. The creation of the devolved Scottish Parliament in 1999 further reinforced this argument, as independence could now be seen as a natural evolution from a new system of power sharing between Edinburgh, London and Brussels. Overall, these various elaborations of the concept of sovereignty enhanced the credibi-

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18. Stephen Maxwell, *Arguing for Independence*, 2012.
19. George Kerevan, "The Case for Yes", pp.17-18, in George Kerevan and Alan Cochrane, Scottish *Independence: Yes or No*, Stroud, The History Press, 2014. Quoted in Ben Jackson, *op.cit*.

lity of the case for Scottish independence, based as they were on a recognition of the pragmatic limits to any quest for autonomy in a context of increased global interdependence. Alex Salmond played a key role in this concepual adjustement, going as far as to proclaim himself a "post-nationalist". In Salmond's view, Scottish independence would indeed entail leaving the Union of 1707 but only in order to enter other unions: *"We will remain members of the European Union –but with a seat of our own at the top table, and without the endless and desultory London-centric debate about withdrawal. We will still be members of NATO– cooperating with our neighbours and friends in collective security… We will be part of a currency union with the rest of the UK –but we will have the full taxation powers we need to promote jobs and investment, social justice and prosperity. And we will retain the monarchy –making the Queen the Head of State of 17 independent countries, rather than 16. However we will adopt a new constitution, written and endorsed by the people, asserting rights as well as promoting liberties and enshrining the ancient Scottish principle that ultimate sovereignty rests with the people. (…) There is a final union which does not rely on the choices made by politicians and parliaments. The social union unites all the peoples of these islands. After independence, we will still watch the X-Factor or East Enders … We will continue to share ties of langage, culture, trade, family and friendship."*

Lastly, Scottish nationalists identified yet another virtue to EU membership, conceptualised in particular by Tom Nairn. Recognising the negative passions that can animate any movement for national liberation, Nairn was amongst the first to perceive that European integration could offer a positive political outlet for Scottish nationalist fervour. In a 1974 article entitled "The Modern Janus", Nairn dismisses the opposition between different brands of nationalism, "between the clean and the dirty", the progressive and the reactionary, the cosmopolitan and the chauvinist.[20] In his eyes, nationalism was always Janus-faced, looking both forward and backward –it was a modernising ideology that extracted from the past the political resources needed to build the future. Nairn did not only emphasise the unrealistic nature of autarchic visions of Scottish independence in an age of global economic interdependence, he aslo believed that political and economic cooperation at European level offered the surest escape route from nationalist hubris. As the debate over EEC membership was raging in the UK of the 1970s, Tom Nairn pointed to the deep layer of British nationalism buried within Labour's euroscepticism, claiming that *"no fate could be worse than national isolation in the grip of an unreformed UK state."*[21] And yet, four decades later, this is exactly the juncture at which Scotland has arrived.

CONCLUSION ■

Somewhat provocatively, one could say that the independence of Scotland is not the ultimate goal of Scottish independentists. In fact as early as the 1970s, some key figures of Scottish nationalism endorsed an "instrumental" approach to independence, reinterpreting it as the surest road to the collective well-being of the Scottish nation. This position was reaffirmed by Nicola Sturgeon in an important speech on the eve of the first independence referendum in 2014. In that speech, entitled "Bringing the powers home to build a better nation", Sturgeon draws a distinction between "existential" and "utilitarian" nationalism: *"The former describes those who think Scotland is entitled to be independent simply because we are a nation ; the latter that independence is a tool to deliver a better society."* In the vision of the Scottish Prime Minister independence is therefore above all a means to meet Scottish people's aspirations for democracy and social justice (the two being linked, since the second can only happen through exercise of the democratic will of the Scottish people). SNP leaders resorted to that same narrative during the Spring 2021 election campaign. The alternative they presented to Scottish voters –either Boris Johnson's Brexit Britain or Nicola Sturgeon's social-ecological Scotland– was akin to a choice between two "ethico-political" orders.

20. Tom Nairn, ''The Modern Janus'', *The New Left Review*, no. 94, 1974, p.1.
21. Tom Nairn, ''The Twilight of the British State'', 1977, p.34.

To the message hammered out by Downing Street throughout the campaign, according to which "Now is not the time", Nicola Sturgeon replied that the moment was precisely about pivotal choices of society to build the post-Covid era: "*People talk about recovery as if it's some kind of neutral concept. It's not. What you recover to is down to the choices you make, and the values that underpin those.*"[22]

And yet the long march towards a new referendum for Scottish independence has only just begun. Nicola Sturgeon knows Boris Johnson is against it. This is why she has been careful to repeat, throughout the campaign, that a victory for the SNP in the May parliamentary election should be regarded as an explicit mandate from the Scottish people for the holding of a referendum in 2023. A long battle looms on the horizon, political but also —or once again— legal, since Nicola Sturgeon has made it clear that she was ready to take her case to Court if Boris Johnson persisted in denying "the democratic will of the Scottish people". London is playing big in this crisis: Scotland's departure would indeed see the United Kingdom lose 8% of its population, a third of its land mass, and a good part of its prestige and colors (to begin with, very concretely, those of the British flag, which would see itself stripped of the cross of Saint Andrew). However it is not easy for the Tories to find the right bulwarks to contain Scottish demands for self-determination —all the more so in the aftermath of an anti-European campaign waged at the cry of "Take back control!"

British Conservatives have for long treated Scottish nationalism with condescension; they were taken aback by the SNP's first landslide victory in 2011, when the nationalists won 69 seats in Holyrood; and they are now striving to find arguments that might convince Scottish people of the merits of the British union. The strategy chosen by Boris Johnson, following a suggestion by the conservative think tank "Policy Exchange"[23], is that of "muscular unionism". Ponderous in symbols, the

strategy has resulted in the adoption of the title of "Minister of the Union" by Johnson, in addition to that of Prime Minister, as well as the creation of a "cabinet committee for the implementation of the union policy", chaired by Michael Gove. More substantially, this strategy includes a grand plan to build new infrastructure —stamped with the seal of the Union Jack— which, Downing Street hopes, will help repair the image of the Union in the eyes of the people of Scotland. Quite ironically, the UK government appears to emulate the European Union in its concern to spruce up every new road or bridge with a sign crediting the British state for its generosity. This policy is strangely reminiscent of that which was implemented by Gerald Balfour during his time in Ireland at the turn of the last century, and which has survived in Irish collective memory as an attempt to "kill home rule with kindness". And even though Boris Johnson's conservatism differs from that of David Cameron or Margaret Thatcher by a more pronounced interventionism in the economic field, it seems doubtful that this new activism of Downing Street will be sufficient to divert the course of Scottish separatism.

Ever since the 2016 referendum, the SNP has clearly stated its will to see an independent Scotland return to the European Union. The legal threat brandished by London is therefore a serious stone in Nicola Sturgeon's shoe. Mindful of the Catalan precedent, Scottish nationalists know that an "illegal" referendum —*i.e.* a referendum that London would not recognise— is unlikely to be accepted by Brussels. Above all, Brexit has had the effect of confronting Scottish people with a stark alernative. Since the end of the 1990s the credibility of independence had largely been built, as we have shown, upon the idea that leaving the British Union would not fundamentally alter Scotland's economic and commercial ties with the rest of the United Kingdom. The situation is very different now that the UK has left both the Common Market and the Customs Union. Scotland is thus called upon to choose one of the

22. Sam Knight, "Nicola Sturgeon's Quest for Scottish Independence", *The New Yorker*, May 3rd 2021.
23. Jack Airey, Gabriel Elefteriu, Sir Stephen Laws, Warwick Lightfoot, Benedict McAleenan, Rupert Reid and Jan Zeber. "Modernising the United Kingdom. Unleashing the power of the Union – ideas for new leadership", Policy Exchange, 2019.

two unions. A very difficult choice indeed, considering a recent study by the L.S.E. estimated that exiting the UK would be two to three times more damaging to the Scottish economy than Brexit has been.[24] Despite this new, quite momentous, obstacle, Scotland continues to cultivate its bonds with the European continent, even planning a diplomatic charm offensive in Brussels and in European capitals in the aftermath of the May election. Whatever the outcome of the unfolding political drama may be, one cannot but point to the immense paradox of a Brexit which was carried out in the name of a stronger British Union but which has resulted in aggravated fractures with two of the four constituent nations of this Union, namely Scotland and Northern Ireland. As we observed in the conclusion of our study of the Irish border, one trick of History can hide another.

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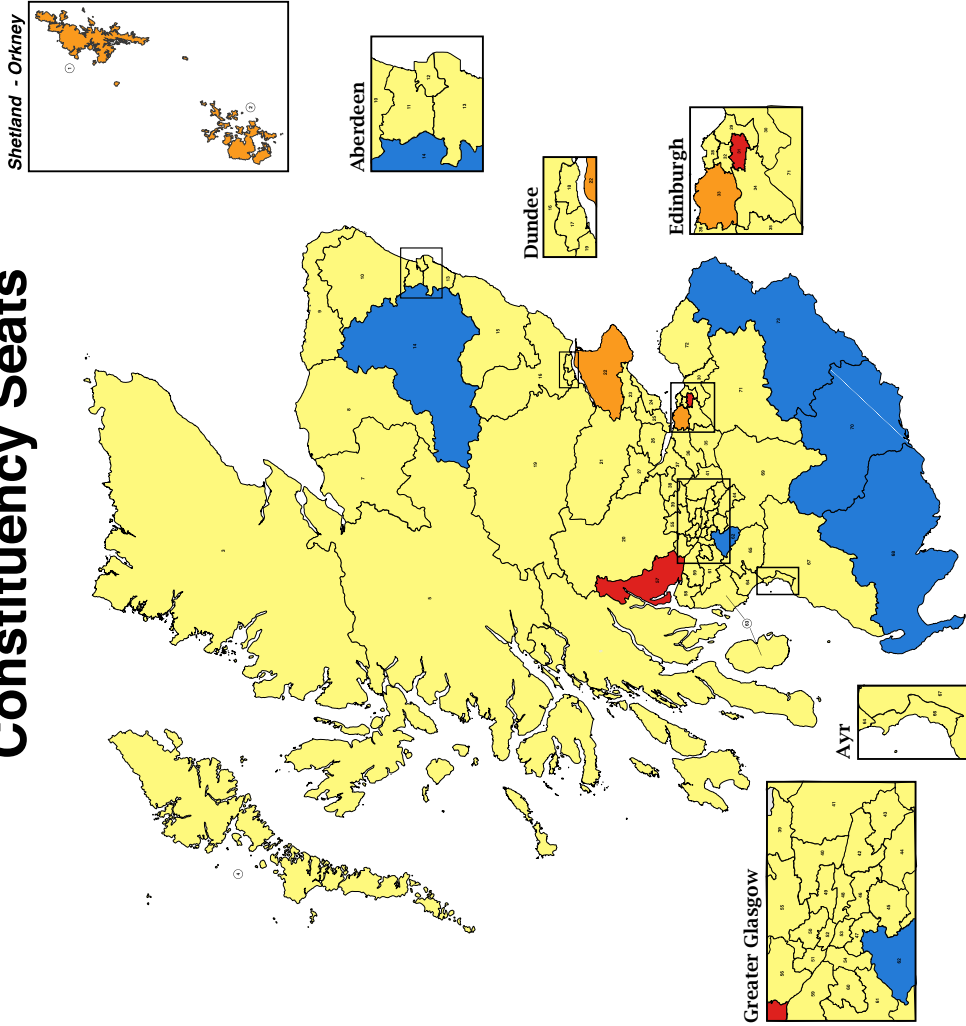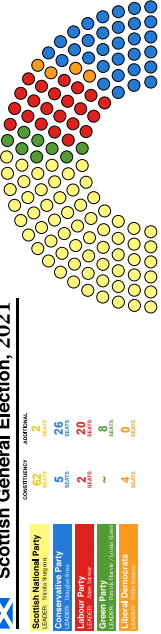**24.** Hanwei Huang, Thomas Sampson, Patrick Schneider, "Scottish independence would be 2-3 times more costly than Brexit, and rejoining the EU won't make up the difference", LSE, February 4th 2021.
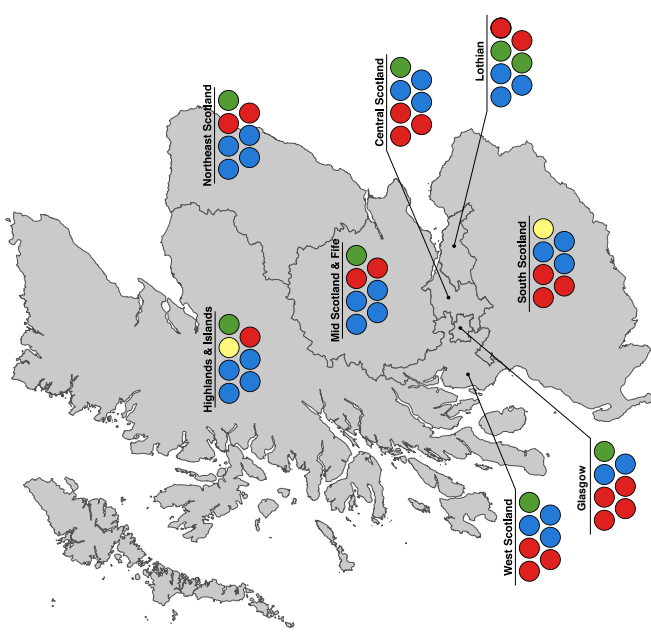
Constituency Seats

Shetland - Orkney

Aberdeen

Dundee

Edinburgh

Ayr

Greater Glasgow

Scottish General Election, 2021

ELECTION RESULT:
Scottish National Party
MINORITY Government

	CONSTITUENCY	ADDITIONAL
Scottish National Party	62 SEATS	2 SEATS
Conservative Party	5 SEATS	26 SEATS
Labour Party	2 SEATS	20 SEATS
Green Party	~	8 SEATS
Liberal Democrats	4 SEATS	0 SEATS

Additional Member Seats

Northeast Scotland

Highlands & Islands

Central Scotland

Lothian

Mid Scotland & Fife

South Scotland

West Scotland

Glasgow

Highlands & Islands
01. Shetland
02. Orkney
03. Caithness, Sutherland and Ross
04. Na h-Eileanan an Iar
05. Skye, Lochaber and Badenoch
06. Argyll and Bute
07. Inverness and Nairn
08. Moray

Northeast Scotland
09. Banffshire and Buchan Coast
10. Aberdeenshire East
11. Aberdeen Donside
12. Aberdeen Central
13. Aberdeen South and North Kincardine
14. Aberdeenshire West
15. Angus North and Mearns
16. Angus South
17. Dundee City West
18. Dundee City East

Mid Scotland & Fife
19. Perthshire North
20. Stirling
21. Perthshire South and Kinross-shire
22. North East Fife
23. Mid Fife and Glenrothes
24. Kirkcaldy
25. Cowdenbeath
26. Dunfermline
27. Clackmannanshire and Dunblane

Lothian
28. Edinburgh Northern & Leith
29. Edinburgh Eastern
30. Midlothian North and Musselburgh
31. Edinburgh Southern
32. Edinburgh Central
33. Edinburgh Western
34. Edinburgh Pentlands
35. Almond Valley
36. Linlithgow

Central Scotland
37. Falkirk East
38. Falkirk West
39. Cumbernauld and Kilsyth
40. Coatbridge and Chryston
41. Airdrie and Shotts
42. Uddingston and Bellshill
43. Motherwell and Wishaw
44. Hamilton, Larkhall and Stonehouse
45. East Kilbride

Glasgow
46. Rutherglen
47. Glasgow Cathcart
48. Glasgow Shettleston
49. Glasgow Provan
50. Glasgow Maryhill and Springburn
51. Glasgow Anniesland
52. Glasgow Kelvin
53. Glasgow Southside
54. Glasgow Pollok

West Scotland
55. Strathkelvin and Bearsden
56. Clydebank and Milngavie
57. Dumbarton
58. Greenock and Inverclyde
59. Renfrewshire North and West
60. Paisley
61. Renfrewshire South
62. Eastwood
63. Cunninghame North
64. Cunninghame South

South Scotland
65. Kilmarnock and Irvine Valley
66. Ayr
67. Carrick, Cumnock and Doon Valley
68. Galloway and West Dumfries
69. Clydesdale
70. Dumfriesshire
71. Midlothian South, Tweeddale and Lauderdale
72. East Lothian
73. Ettrick, Roxburgh and Selkirkshire