



OXFORD JOURNALS
OXFORD UNIVERSITY PRESS

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Source: *Publius*, Vol. 36, No. 1 (Winter, 2006), pp. 153-168

Published by: Oxford University Press

Stable URL: <http://www.jstor.org/stable/20184947>

Accessed: 29-05-2017 01:47 UTC

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Evolution and Devolution: Citizenship, Institutions, and Public Policy

James Mitchell*

The United Kingdom is a *state of unions*. It evolved through a series of diverse unions, each leaving an institutional legacy. Though the United Kingdom was highly centralized it was not uniform. Devolution is rooted in this legacy. Past institutional arrangements, notably central government departments responsible for Scottish, Welsh, and Northern Ireland affairs (collectively known as “administrative devolution”) remain central to how UK politics and policy should be understood today. Devolution involved adding elected representative institutions to each of the components of the state of unions apart from England. The powers, responsibilities, and funding arrangements of devolution reflect the evolution of administrative devolution. Nonetheless, devolution marks a critical juncture that will accentuate differences in citizenship rights within the United Kingdom.

Introduction

In a lecture in 1998, Lord Irvine of Lairg, Lord Chancellor of England and minister in charge of constitutional change in the New Labour government, maintained, “No other government this century has embarked upon so significant or wide-ranging a programme of constitutional change as the Labour Government.” He noted that some critics had argued that the government ought to have done nothing until it had developed a “comprehensive constitutional code,” perhaps through a constitutional convention. Devolution was central to this program and reflected the “empirical genius of our nation,” and he maintained that devolution in Scotland, Wales, and Northern Ireland differed because the “UK is an asymmetrical entity and the Government’s approach reflects the different histories and contemporary circumstances of England, Scotland and Northern Ireland. We are not promoting a federal style uniform devolution of powers, but differential devolution to different parts of the United Kingdom” (Irvine of Lairg 1998). Much of the commentary on devolution has emphasized its radical nature, often reflecting hopes and aspirations over serious analysis. One member of the Scottish parliament published an account of the institution under the title *Year zero* (Watson 2001). Politicians and commentators

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Publius: The Journal of Federalism volume 36 number 1, pp. 153–168

doi:10.1093/publius/pjj010

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have expressed hope in a “new politics” that would be shaped around new institutions (A. Brown 2000). Devolution has been described as the “biggest change to the government of Scotland since the Act of Union in 1707” (Bromley et al. 2003, 1). One lawyer asserts that devolution “adds a further layer of government” to an “already multi-layered legal and political society” (Burrows 2000, 1). At issue is the extent to which devolution marks a critical juncture, “a period of significant change, which typically occurs in distinct ways in different countries (or in other units of analysis) and which is hypothesized to produce distinct legacies” (Collier and Collier 2002, 29). Jacob Hacker has referred (1998, 78) to the establishment of a constitution as an example of a critical juncture, and state building is recognized as having path-dependent properties (Ertman 1996). This article considers two related issues: the institutional origins of devolution and the extent to which devolution marks a radical change not only in institutional terms but from the perspective of the citizen.

Territory, Function, and Citizens

The United Kingdom was not a unitary state even before devolution but a state of unions in which citizens enjoyed different rights and had different obligations. This is important in understanding the different forms devolution has taken as it was inherited by the new devolved institutions. The state of unions model is defined by drawing on Stein Rokkan’s work on state formation. The United Kingdom came about as the result of a series of unions, with each component continuing to retain its distinctiveness. Rokkan distinguished between unitary and union states (as well as between mechanical and organic federalism) and characterized the United Kingdom as a union state:

not the result of straightforward dynastic conquest. Incorporation of at least parts of its territory has been achieved through personal dynastic union, for example by treaty, marriage or inheritance. Integration is less than perfect. While administrative standardization prevails over most of the territory, the consequences of personal union entail the survival in some areas of pre-union rights and institutional infrastructures which preserve some degree of regional autonomy and serve as agencies of indigenous elite recruitment. (Rokkan and Urwin 1982, 11)

This was different from a unitary state, which was “built up around one unambiguous political centre which enjoys economic dominance and pursues a more or less undeviating policy of administrative standardization. All areas of the state are treated alike, and all institutions are directly under the control of the centre” (ibid.). Rokkan’s typology was devised for comparative purposes, and it helps to develop the idea of the union state further to take account of the variety of unions that gave rise to the United Kingdom and the different forms devolution has taken. The state of unions

concept is a subset of the union state that acknowledges the varieties and legacies of each union that contributed to the creation and subsequent development of the United Kingdom.

Citizenship and the Union

As citizens, people experience the state in myriad and changing ways.¹ This was partly captured by the Royal Commission on the Constitution (the Kilbrandon Commission) that was set up in 1969 following the rise of Scottish and Welsh nationalism. In a section on the background to the demands for greater autonomy, Kilbrandon described changes in public policy over the previous century:

The individual a hundred years ago hardly needed to know that the central government existed. His birth, marriage and death would be registered, and he might be conscious of the safeguards for his security provided by the forces of law and order and of imperial defence; but, except for the very limited provisions of the poor law and factory legislation, his welfare and progress were matters for which he alone bore responsibility. By the turn of the century the position was not much changed. Today, however, the individual citizen submits himself to the guidance of the state at all times. His schooling is enforced; his physical well-being can be looked after in a comprehensive health service; he may be helped by government agencies to find and train for a job; he is obliged while in employment to insure against sickness, accident and unemployment; his house may be let to him by a public authority or he may be assisted in its purchase or improvement; he can avail himself of a wide range of government welfare allowances and services; and he draws a state pension on his retirement. In these and many other ways unknown to his counterpart of a century ago, he is brought into close and regular contact with government and its agencies. (Kilbrandon 1973, 76, para. 232).

In Poggi's terms (2003, 39), Kilbrandon captured citizens as taxpayers, as rights holders, as political participants/partisans, and as equals. But Poggi also noted citizenship's other meanings including citizens as soldiers. This form of citizenship has no territorial dimension and helps bind citizens to the state.

For T. H. Marshall, citizenship involved the accumulation of bundles of rights, each set building on the previous, starting with civil or legal rights, working through political until social rights were achieved (Marshall and Bottomore 1992). Marshall's formulation has a strong whiff of Whig history. The major postwar reforms appear as an end point that had evolved ineluctably and, at least implicitly, were unlikely to be reversed. There have been other critiques of Marshall's work (see Bottomore's essay in Marshall and Bottomore 1992, 55–93), but of particular relevance here is Marshall's assumption that citizenship evolved more or less evenly across the state. The

egalitarian impulse of civil and political rights fed into social rights (Marshall and Bottomore 1992, 24), but Marshall understood well that

[the] extension of social services is not primarily a means of equalising incomes. In some cases it may, in others it may not . . . What matters is that there is a general enrichment of the concrete substance of civilised life, a general reduction of risk and insecurity, an equalisation between the more and the less fortunate at all levels—between the healthy and the sick, the employed and the unemployed, the old and the active, the bachelor and the father of a large family. (33)

Although he recognized this lack of uniformity implicit in the new welfare state, he did not take account of differences between the component nations of the state. In fairness, these were far less significant than other inequalities that were being tackled with the emergence of the welfare state after 1945. Nonetheless, there were differences among the components of the United Kingdom that were carried through to modern times and have had significant implications for notions of citizenship in the postdevolved UK state.

The main substate institution in Scotland before devolution was the Scottish Office, a central government department responsible for Scottish affairs set up in 1885, with its functions growing as the central state's reach grew (Mitchell 2003). Wales developed in a similar manner, but a separate Welsh Office, largely modeled on the Scottish Office, was set up only in 1964, though distinct Welsh administrative machinery existed, for education for example, throughout the twentieth century (Griffiths 1996; Deacon 2002). Northern Ireland came into existence after the First World War as part of an attempt to satisfy demands for and opposition to Irish home rule. An assembly was created that governed Northern Ireland from 1922 until 1972, when it was prorogued after a controversial history during which the dominant Protestant community controlled the assembly to the disadvantage of the minority Catholic community (Calvert 1968; Hadfield 1989). The functions of the assembly and its executive were transferred to a Northern Ireland Office (NIO), partially modeled on the Scottish Office. Unlike the Scottish and Welsh Offices, the political head of the NIO was never from Northern Ireland. Notably, again reflecting their different paths, the Scottish and Welsh Offices came to be known as a form of "administrative devolution," whereas the NIO was known as "direct rule."

A Scottish parliament and Welsh assembly were endorsed in referendums in Scotland and Wales in 1997. Previous referendums in 1979 had had quite different results. In Wales, the earlier devolution proposals were overwhelmingly rejected, but in 1997 a slender majority supported devolution. In Scotland, the slender majority for devolution in 1979 (but insufficient to overcome the weighted majority required at that time) compares with almost three-fourths of voters endorsing

devolution eighteen years later. Agitation for elected bodies for Scotland and Wales had long existed, but the impetus that brought about the change was the perception that the Conservatives in power in London lacked legitimacy in Scotland and Wales. The party in power in central government is not required constitutionally to have a majority in each part of the United Kingdom, but the lack of support for the Conservatives in Scotland and Wales created political problems and a sense that rule from London lacked legitimacy. The existence of distinct Scottish and Welsh Offices lent legitimacy to those who argued that separate mandates were required. In Northern Ireland, the need to find a peaceful solution to ethnic conflict resulted in the Belfast Agreement, which won cross-community support in a referendum in 1998. The Belfast Agreement included provisions to establish an assembly elected by single transferable vote in order to ensure fair representation for the different communities and political perspectives in Northern Ireland. Its executive would be drawn proportionately from the assembly, resulting in hard-line Unionists sharing government with Irish Republicans. Arms decommissioning, police reforms, and all-Ireland institutions were also established under the agreement so that the devolved assembly was not the only or even its most significant element. The added impetus for devolution in the 1980s was, therefore, focused more on issues of legitimacy than on public policy differences.

There was no constitutional convention setting out which matters ought to be determined by central government in London and which should come under substate institutions in Scotland, (Northern) Ireland, or Wales. Instead, decisions on the allocation of responsibilities within central government—whether to functional departments with statewide remits or to territorial departments—developed incrementally. Scope for autonomy existed even though these institutions were part of UK central government accountable to Parliament at Westminster and thereby derived legitimacy from a single unified legislative source. The extent of this autonomy has long been disputed, but all are agreed that competence gave these institutions some degree of policy autonomy (see Kellas 1984; Moore and Booth 1989; Midwinter, Keating, and Mitchell 1991 for this debate). This incrementalism may have been piecemeal, but a logic can be discerned, with certain categories of public policy more likely to come under these institutions than others, as discussed below. This reflected an unstated understanding of which policies ought to apply uniformly across the state and which were allowed variation.

Function and territory interacted in complex ways with changes in the scope of the state affecting its territorial management. Kilbrandon's glimpse of "government expansion on people's lives" includes public policy rights that were provided relatively uniformly across the state but also matters that were provided in different ways across the state. Welfare allowances and the state pension were citizenship rights applied uniformly. Schooling and aspects of welfare services differed depending on where in the United Kingdom the citizen lived.

These inheritances provided the logic of the public policy competences of the new devolved institutions set up by the New Labour government. Little thought had been given to which public policy competences should be devolved. This reflected the nature of the pressure for change that led to the establishment of Welsh and Northern Ireland assemblies and a Scottish parliament. In each case, though in different ways, the pressure arose from a combination of nationalist, democratic legitimacy and symbolic motives rather than public policy concerns.

Administrative Devolution

There was considerable policy variation across the United Kingdom before devolution, but within bounds. The Scottish, Welsh, and Northern Ireland offices, collectively known as "territorial departments," had some policy autonomy. The existing responsibilities of the territorial departments formed the basis for which matters were devolved. Territorial departments were part of the Whitehall system, with ministers appointed by the prime minister and accountable to Parliament at Westminster as a whole. It would have been inconceivable for a party to be elected to office with a significantly different policy commitment in the different components of Britain, and territorial variations in public policy did not go to the heart of the divisions between the main British parties.

The Scottish Office extended its responsibilities after its establishment in 1885 and offers an insight into the relationship between the changing functions of the state and its territorial organization. At its establishment, the Scottish Office's existence acknowledged the territorial plurality of United Kingdom government. The state was centralized but not uniform. Prime Minister Lord Salisbury's comment in 1885 inviting the Duke of Richmond and Gordon to become the first Scottish secretary captures the symbolic significance of the office but warned that the expectations of the "Scotch" were "approaching the archangelic" (Hanham 1965, 229). Although there appears to have been considerable support for a Scottish Office, there was no agreement on whether it should be responsible for law and order or education. In the event, lawyers proved more powerful than educationalists, and the legal establishment ensured that law and order did not initially come under the Scottish Office. But within two years, law and order was added following criticisms of central government's handling of land agitation. Other competences were added over time: in 1912 a separate Scottish Board of Agriculture was set up; a Scottish Board of Health was established after the First World War, and economic and planning functions were added after the Second World War. Functions were added piecemeal, responding to changes in the reach of the state. However, not all matters came under the remit of the Scottish Office or its attendant boards. Policy deemed to require strong central control became the responsibility of British or UK government departments.

The Anglo-Welsh union had been more assimilationist than the union with Scotland. There was a tendency in Wales to look to Scotland as a model, but there were many leading figures in Welsh public life who questioned the Scottish model. Aneurin Bevan, founder of the National Health Service in the 1945 Labour government, saw little to envy in the Scottish experience. At a private meeting of Welsh ministers and Welsh Labour Party officials in December 1947, Bevan said he was "impressed by the fact that in the case of Scotland the existence of separate Ministerial representation seemed to have led to a progressive deterioration in Scottish public life" (PRO CAB 124/325, 1947). Attitudes in Wales, where the Conservatives have always been a minority political force, changed after thirteen years of Conservative rule. The Welsh Office was set up when Labour returned to power in 1964, and its responsibilities grew incrementally, though they never attained the breadth of those of the Scottish Office.

The Northern Ireland Assembly (usually known as Stormont after the building in which it was later housed) was given general competence to ensure "peace, order and good government," modeled on Britain's imperial experience. During the period of its existence, Stormont had considerable autonomy, albeit constrained by its financial dependence on the Treasury in Whitehall. Northern Ireland remained apart, and little effort was made in Whitehall at any stage to consider it as a model for Scotland or Wales. After 1972, the Northern Ireland Office inherited Stormont's responsibilities as the third territorial department of UK central government.

The piecemeal approach to territorial management in the United Kingdom does not mean that it had no pattern or logic. Though it was not expressed explicitly, there was an underlying logic determining which matters were devolved administratively and which were not. This logic was inherited by the new devolved institutions. There are different ways in which we might distinguish between policies devolved to territorial departments and those organized on a functional basis across Britain or the United Kingdom as a whole. The jurisdictions of territorial departments reflected the complex nature of the state of unions. Each of the three territorial departments differed. Some policies had United Kingdom-wide jurisdiction; others applied across England, Wales and Scotland (i.e. Britain); others to England and Wales (Rose 1982, 118; Constitution Unit 1996, 37). What emerged was a structure reflecting diversity while ensuring that certain policy areas remained outside the jurisdiction of territorial departments. The logic of these territorial jurisdictions was inherited by the new devolved bodies. Marshall's conception of citizenship highlights the differences and possible consequences of devolution.

Civil/Legal Rights

A Scottish legal tradition and associated rights had been protected in the union with England. Though parallel civil rights developed in the period after union, the existence of a distinct legal tradition had implications for citizenship. The existence of a

Northern Ireland parliament had implications for civil rights, and indeed the alienation of the minority Catholic community as a consequence of its denial of equal rights proved the catalyst to changes that brought down the old Stormont system of government in 1972. The politics of devolution in Northern Ireland differed from that in Scotland and Wales. In Northern Ireland, the focus was on equal rights within Northern Ireland. A distinct Welsh legal tradition has been much slower in developing, and Welsh civil rights were, for the most part, an adjunct of English civil rights.

Political Rights

In the case of the second wave of Marshallian rights, democratic rights, these too tended to operate in parallel across the United Kingdom, but, again, with variations. Northern Ireland was remarkable not least because its citizens had an elected parliament and for a period it has adopted a different electoral system from that used elsewhere in the United Kingdom. Democratic rights in Scotland largely followed the extension of the franchise in England, though there were some variations (Pryde 1960). The most significant difference was the emergence of a convention that Scotland should have more MPs in the House of Commons as compared with England than its population merited. Again, as with civil rights, Wales followed England in democratic rights.

Social Rights

Significant differences came about during the twentieth century in the third of Marshall's sets of rights, social rights. However, the picture was complex. Some social rights associated with the interventionist welfare state were applied uniformly across the state, whereas others varied. We therefore need to distinguish between different types of social rights: redistributive, allocative distributive, and stabilization and social regulatory policies. The relationship between the state and the citizen was mediated through distinct substate institutions that interacted with policy communities with varying degrees of distinctiveness in Scotland, Wales, and Northern Ireland.

Responsibility for *redistributive policies*—policies with a direct redistributive impact on individuals, including social security payments and income tax—was held by functional departments with United Kingdom/Britain-wide responsibilities. There was little or no scope for territorial diversity. This is hardly surprising. Unless it was accepted that pensions should differ within the state, that income tax should vary not only according to ability to pay but also residence, then redistributive policies had to be controlled centrally. There are other reasons for this too. It was accepted that fiscal transfers had an impact on economic management. Fundamentally, the collectivist state was egalitarian, and the notion that citizens should be treated differently for redistributive purposes was anathema in the era of the welfare state consensus.

Allocative distributive policies—spending policies allocating funds to groups and clients, including public services such as health and education—were included among

the responsibilities of the territorial departments. Though such policies could have long-term redistributive consequences, service provision was their primary function. A considerable body of allocative distributive policies came under the competence of each territorial department. The territorial dimension of public expenditure, with a need for mechanisms for allocating expenditure territorially, developed alongside the development of the state's responsibilities. A funding regime developed incrementally in line with the allocation of allocative distributive policies. This was an informal arrangement that is "astonishingly badly documented" (Heald 1980, 11). In part it grew out of a formula developed initially for other purposes in the late nineteenth century (Mitchell 2003, 149–81). In the late 1970s, an attempt was made to rationalize the mechanism, later referred to as the Barnett formula. Initially used to determine annual changes in the Scottish Office's expenditure from year 1979–80 onwards, it was introduced for Wales and Northern Ireland two years later. Barnett became the basis of the funding mechanism adopted for the devolved institutions. Barnett was the name of the minister responsible for public finance at the time. However, Barnett's own role in the rationalization is unclear (Mitchell 2003). Indeed, there is evidence that the formula was being used as a convenient tool in an ad hoc manner even before the late 1970s. Significantly, the financial regime governing devolution is rooted in a system that developed incrementally and informally over a long period of time. Hecló's observation (1974, 315–18) that "policy invariably builds on policy" and that established policy may be more influential in policymaking than political power is apposite.

The devolved institutions are funded by a grant paid by the Treasury in Whitehall, just as administrative devolution had been. One of the main differences following devolution is that the system is now marginally more transparent. This grant is based on the Barnett formula, which allocates funds based on spending in England. In most federations, the federal government is financially dominant because it is usually at this level that the main redistributive functions and macroeconomic functions are held (Watts 1999, 44). The devolved United Kingdom does not even have those tax powers often found in federal systems (Watts 1999, appendix, 126) though the Scottish parliament has limited tax-varying powers, as yet unused.

Some *stabilization and social regulatory policies*—policies designed to correct market or other failures, such as economic and environmental policies—were administered functionally across the state as a whole, whereas others became the responsibility of the territorial departments. Social regulation in Scotland predated the Scottish Office, rooted in distinct Scottish legal and ethical traditions. A tradition of distinct Northern Ireland social regulation developed during the Stormont years, whereas Wales was largely governed with England for such purposes. A reform-minded territorial minister might have taken the lead in embarking on a program of liberal reform, but Scottish secretaries were rarely reform-minded. Stormont's conservative regime was not inclined to pursue the liberal agenda. The liberal agenda

of the 1960s that resulted in various reforms in England and Wales did not extend to Scotland or Northern Ireland but did to Wales. This is where party government's territorial dimension broke down. These were often "conscience issues" on which MPs were not bound by party policy. Abortion law reform was liberalized across Britain as a whole (though not in precisely the same way in Scotland as in England), but other liberal reforms were very late in coming to Scotland. Leo Abse, the member of parliament who introduced homosexual law reform in the 1960s, maintained that a "curious pattern appears to be establishing itself for Scotland in relation to Bills touching upon human relationships . . . [there are] some prim Victorian prejudices lingering around the Scottish Office" (House of Commons 1967). He found that he was unable to extend the scope of this liberalization to Scotland. However, liberal measures designed to tackle juvenile delinquency were enacted in the 1960s in Scotland ahead of England and Wales. The opportunity existed for considerable autonomy in the sphere of social regulatory policy even though this opportunity was not always grasped.

As the state's reach increased, each decision not to organize functionally through a Britain or United Kingdom-wide department but to allow Scottish, Northern Ireland, and Welsh dimensions had significant consequences. This does not mean that uniformity could never be established, but the tendency was for policy, as well as institutions, to develop territorially distinct patterns where they already existed. In many areas of allocative distributive policy, increased state intervention served to emphasize territorial differentiation. Central government was remarkably relaxed in its attitude toward the peripheries. Centralization was provided through party government at Westminster, and a degree of public policy difference existed through the territorial departments. Administrative devolution allowed for centralization without uniformity. The problem arose when elections resulted in a Westminster majority for the Conservatives when that party was in a minority in Scotland and Wales. The territorial departments served to highlight these differences. By conceding institutional and public policy diversity, central government had given legitimacy to Scottish, Welsh, and Northern Ireland political dimensions.

This had significant implications for citizenship. Although a myth of uniform citizenship grew up, paralleling the myth of parliamentary sovereignty, the everyday experiences of people differed depending on where they lived. Common rights and many uniform payments existed, but considerable variation existed in other areas. Income was taxed uniformly across the United Kingdom (though Stormont had limited powers in this respect) and welfare payments to individuals were set at the center and were uniform. But differences developed in allocative distributive policies across the state. Scotland received more than a strict population-based allocation would have merited. One consequence of this was that the public sector was greater in Scotland, Wales, and Northern Ireland than in England. Per capita spending on health in Scotland, Northern Ireland, and Wales exceeded that in England. The proportion of

public sector housing was far higher in Scotland than in England (and indeed than in much of the old communist bloc). The ease with which married couples could divorce differed depending on jurisdiction, and penal policy differed. In essence, even before devolution, a common citizenship across the United Kingdom was attenuated by the existence of separate institutions with separate histories.

The Myth of the Unitary, Uniform State

Despite the existence of distinct public institutions in different parts of the United Kingdom, the myth of a centralized, uniform state had grown up in the United Kingdom. According to English legal tradition, Parliament at Westminster is sovereign. Political parties compete to form a government based on a majority in Parliament, a system of government referred to by Sam Beer (1982, 352) as “party government” characterized by strong, unified parties competing for support as the main influence on party and public policy. This was the context in which administrative devolution operated. Although legislative authority derived from Parliament, representing the state as a whole, separate public institutions existed through which policy was made and implemented. These institutions in Scotland, Wales, and Northern Ireland each interacted with policy communities that were more or less distinct from those operating in England.

Public policy differences developed incrementally in different parts of the United Kingdom based on these distinct formal institutions and the policy communities with which they interacted. Each territorial department operated in much the same way as other spending departments of central government, arguing the case for its clients, but the clients were the component nations of the state in the case of the territorial departments. A degree of policy consistency was ensured through the system of party government, but this was attenuated where policy was articulated through distinct institutions operating within distinct policy communities. This allowed the myth of a unified, even uniform, polity to persist, especially at the center.

This myth had particular resonance on the left. Socialism and social democracy were deemed incompatible with devolution. In his doctoral thesis completed in 1981, leading Labour politician Gordon Brown summed up (1981, 527) the left’s problem with decentralization and devolution:

No theorist attempted in sufficient depth to reconcile the conflicting aspirations for home rule and a British socialist advance. In particular, no one was able to show how capturing power in Britain—and legislating for minimum levels of welfare, for example, could be combined with a policy of devolution for Scotland.

Until the 1960s, economic management was centrally controlled and welfare’s aims were egalitarian. Although the Conservatives were more relaxed in this respect, they too accepted the central tenets of party government.

The rise of Scottish and Welsh nationalism in the 1960s forced central government to confront matters that had long lain dormant. One response, as already mentioned, was the establishment of a Royal Commission on the Constitution (the Kilbrandon Commission), which reported in 1973 in favor of devolved assemblies. This was a rare occasion when UK central government explicitly considered devolution. The reaction within central government departments was significant. Internal civil service papers discussing the Kilbrandon Report demonstrate the strength of the centralist myth, not least in such a dominant department as the Treasury. One Treasury official suggested that the Kilbrandon Commission had shown "little recognition of the strength of feeling about parity of standards" and challenged Kilbrandon's notion that central demand management was compatible with a "very large measure of freedom for regional government" (PRO T227/4253, 1973). While acknowledging differences between the National Health Service as it operated in Scotland and England, another Treasury official argued that there were "strong pressures for uniformity in for example [educational and] health standards" (PRO T227/4253, 1974a). Although the notion of "common standards" was vague, there was remarkable insistence among officials that these should be maintained (PRO T227/4253, 1974b). A further memorandum on Kilbrandon some months later warned, "If power to vary eg prescription charges or nurses' pay were devolved damaging consequences could follow." Later in the same memorandum, it was rhetorically asked

Would it be acceptable that Scotland and Wales should fix their own rates of prescription charges, student grants, payments for school meals, etc. And rates of pay of public sector remuneration? We do not think this would be tolerable, but at the same time it is hard to see devolution being accepted as genuine if powers over such areas were withheld. (PRO T227/4253 n.d.)

A senior Treasury official summed up what appears to have been Treasury thinking:

Major issues of Treasury concern are involved, and it will I think be necessary for Treasury Ministers to take a firm stand if precipitate and unwise decisions are not to be rushed. Our position is summed up in one sentence... "If the Government's ability to control the economy and to ensure a broadly equitable and acceptable development of the use of resources and the corresponding tax policies is to be maintained, the scope for real devolution of decision-making seems strictly limited." (PRO T227/4253 n.d.)

In 1974, policy variation was deemed incompatible with central government's wider objectives despite then-existing policy variation. Notably, significant variation has occurred in the few years since devolution in many of the policy areas that most concerned Treasury officials over quarter of a century ago, including prescription charges and student finance.

Conclusion: Adding Democracy to Administrative Devolution

Devolution in Scotland, Wales, and Northern Ireland did not so much create a new tier of government as add a democratic element to an existing tier. It is in this respect that devolution marks a critical juncture. Administrative devolution had operated within the confines of central government, and although account could be taken of different needs and past practices in the component parts of the United Kingdom, the common parliament at Westminster elected from across the United Kingdom as a whole provided legitimacy and accountability. The key achievement of devolution might, therefore, be seen as the restoration of legitimacy to government. However, although devolution might mark the restoration of legitimacy and be the savior of the union, it also opened the political system to new pressures. The Treasury's fears quarter of a century before that devolution might lead to significant policy differences within the United Kingdom has already been realized even when Labour is the largest or dominant party in each part of the United Kingdom. Redistributive policies may have been unaffected, but other policies have been affected. Citizens in each part of the United Kingdom experience the state differently, in ways that they did not before devolution.

In both Scotland and Wales, considerable attention has been paid to the process decision making. A consultative steering group in Scotland charged with deliberating on the operation of the Scottish parliament set the tone of subsequent debate and commentary with its emphasis on four principles: power sharing, accountability, accessibility, and equality (Consultative Steering Group 1998, 3). Notably, these principles focus on representative issues rather than public policy concerns. Similarly in Wales, an enquiry headed by a Labour peer appointed by the first minister of the Welsh assembly focused predominantly on representative issues, though it paid more attention to the Welsh assembly's competences and has resulted in a government white paper and proposals for changes in Welsh devolution (Wales Office 2005). However, these do not challenge the range of competences so much as the nature of competences already established.

Northern Ireland's experience of devolution has been limited by successive suspensions. These suspensions owe nothing to traditional public policy concerns but to other aspects of the peace process. The very term "peace process" underlines the nature of debate where efforts continue to focus on building confidence across divided communities. Of the three bases of the old devolved system of government in Northern Ireland, peace and order have been the dominant concerns, and good government and concern for public policy matters have been at best secondary. Proportionality in the allocation of executive ministerial posts may have been necessary to reduce violence but has resulted in ministers "taking up residence in their respective departmental 'fiefdoms'" (Wilson and Wilford 2001, 84).

The new devolved institutions came into being in reaction to perceptions that the priorities and shifting emphases of public policy associated with party government were out of sympathy with majority opinion in Scotland and Wales. The key difference devolution brings to the state of unions is that there are now competing sources of democratic legitimacy that have been superimposed on distinct institutions. Asymmetry has been entrenched democratically, but although representative institutions may provide important legitimation, there is far more to policymaking. Distinct substate institutions and policy communities existed before devolution. The relationship between these and the new representative institutions will prove key to determining public policy outcomes. Devolution arose in response to the decline of legitimacy of these institutions. The impact of devolution, therefore, will rest on the impact of the democratic addition to existing administrative arrangements.

Meehan concluded her study of European citizenship by noting (1993, 159) the “new [European] framework—a complex, multi-dimensional configuration that is both difficult to cope with and provides opportunities” of citizenship. Acknowledging the complexity of the UK state of unions within this complex European framework is challenging for those seeking to understand the sources of rights and obligations, but it highlights the “many openings for challenging authority, for expressing various loyalties associated with our various identities, and for exercising our rights and duties in more than one area” (159–60). Devolution in the United Kingdom may prove to be a “divergence machine” (see esp. Greer 2004), but at base this is rooted in the authority founded on a new democratic legitimacy in which decisions are now made. In their work on critical junctures, Collier and Collier noted (2002, 35) the importance of “processes that reproduce the legacy of the historical cause.” A set of institutions “creates vested interests, and power holders within these institutions seek to perpetuate their own position.” The temptation to focus on relations with central government may result in a failure to take account of tensions between representative democracy, policy networks, and established institutions.

Notes

The author wishes to thank Laura Cram for her comments on this article and acknowledge the support of the ESRC for his project “Devolution and the centre” (L219 25 2026).

1. The idea that there are such people as citizens of the United Kingdom is open to challenge. However, although the formal legal situation may be that the United Kingdom consists of subjects of the Crown, the social science notion of citizenship has merit and, as Poggi has noted (2003, 39), even citizens are subject to a “system of rules.” But citizenship remains contested. Poggi listed ten “aspects of the relationship between states and citizens.” However, the term “relationship between states and citizens” suffices for the purposes of interrogating the issues discussed below.

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