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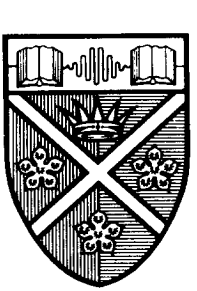

CONSTITUTIONAL CONVENTIONS AND THE SCOTTISH NATIONAL MOVEMENT:

Origins, Agendas and Outcomes

by

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No. 78 *1991*

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(Series Editor, David Judge)

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ISSN 0264-149

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INTRODUCTION

The first part of this paper discusses the theoretical questions at issue in studying the *Scottish Constitutional Convention.* It draws on literature on social movements and territorial politics and in particular the work of Stein Rokkan. The second section provides a brief history of the Scottish National Movement with particular reference to conventions and the representative assemblies. This is followed by a more detailed discussion of the origins, agendas and outcomes of each of the conventions. Comparisons between the existing and previous conventions provide insights into the nature of this form of strategy. The conclusion places the foregoing discussion into the wider context of strategies deployed by territorial groupings for some degree of autonomy stressing the importance of context and problems of maintaining unity across those making demands.

I. STRATEGIES FOR TERRITORIAL SELF-GOVERNMENT

The study of the Scottish National Movement has largely focussed on explanations for the emergence of demands for self-government. In common with studies of social movements generally, there have been various attempts to explain the emergence of the movement in macro-sociological terms[1] but the study of the "dynamics of collective action over time" has been neglected.[2] Little research has been done on why various strategies have been adopted at particular times, on the relationship between organisational form and strategy in the Movement.

Multiplicity of strategies

Over the last thirty years, there has been a tendency to equate the Scottish National Movement (SNM) with the Scottish National Party. This is understandable given that the SNP has been not only the principal organisation within the SNM but for most of that period the only really serious one. Not until the formation of the *Campaign for a Scottish Assembly* (CSA) after the 1979 referendum was there a serious competing or complementary organisation.

That any assumption should exist that there is only room for one organisation embodying the aspirations of a movement compaigning for self-government is in itself significant. As Rokkan and Urwin pointed out in their study of territorial politics, there is a host of strategies available to such a movement:

> The most institutionalised is electoral competition, the formation of a specific political party to defend and advance the perceived interests of the territory and identity group. Then follows, in order of descending magnitude, the penetration and colonisation of statewide parties, the establishment of an umbrella organisation to press for a non-partisan approach, the supportive approach of providing basically non-political services to the community, petitions directed to institutional authorities, and general propaganda aimed at both the centre and the peripheral group. Clearly, these alternatives are not mutually exclusive. The simultaneous employment of multiple strategies is as common as the existence of different, but related, organisations.[3]

These strategies have all been evident in the SNM at some stage: establishing a *National Party* in 1928 which was relaunched after merger as the SNP in 1934; working through other parties – Labour,

Liberal and even the Conservatives[4] – though this was never a case of "entryism"; establishing the *Scottish Home Rule Association* in 1886 and its re-establishment in 1919, the *Scottish Convention* in 1942, the *Scottish Covenant Association* which was really just a relaunch of the Scottish Convention, and the foundation of the *Campaign for a Scottish Assembly* in 1979; a non-political supportive approach through such bodies as the *Saltire Society* set up in 1936; petitions to the United Nations and the Scottish Convenant to the monarch which grew out of the *Scottish Convention* in the late 1940s.

Strategy and Organisational Form

A number of important questions are raised from these observations. The first concerns the relationship between strategy and organisation. It might be thought that different strategies would require different organisations. This is self-evident when a new party is established, though for a number of years membership of the SNP was compatible with membership of another party, which usually meant the Labour Party, so that a new organisation need not always force individual activists to choose between strategies. It is also possible for an organisation to adopt different strategies if its resources permit. Nearly all peripheral parties, according to Rokkan and Urwin, inhabit the "shadowy area between party and other forms of political agitation".[5] This has certainly been the case with the Scottish National Party, though it should not be assumed that this variable style is exclusive to peripheral parties. There is, then, no direct correlation between strategies and organisational types.

Gradualism vs. Fundamentalism

A distinction noted by Rokkan and Urwin is crucial here:

> Aims as the selection of political strategies are also of two types: pursuing a given final goal directly, and gradual change accompanied by pragmatism in a continuous chain – definition of immediate and limited aim, success, definition of new aim and so on.[6]

This conforms with the gradualist-fundamentalist tension identified as the most important cause of friction in the SNP.[7] Within the SNP, the difference between gradualists and fundamentalists will usually be one of strategy with both tendencies supporting the ultimate goal of independence differing only on the means of its achievement.

Within the wider National Movement, however, the fundamentalist/gradualist dichotomy may also be concerned with ultimate objectives rather than strategy. Gradualism in this sense might better be termed *moderation* or *limited self-government* as it involves not a strategy but a goal. Strategic Gradualists and Moderate Gradualists should not be confused.

Differentiated Organisation vs. Communal Permeation

Related to this is the type of organisational forms which will be adopted. The choice of organising in a "distinctive *differentiated organisation*, or to rely on *communal permeation*" has been suggested by McAllister.[8] In other words, the choice between establishing a structured and totally independent organisation with regular procedures and rules based on exclusive membership or using the structure and organisation of already existing bodies. A further consideration will be whether to pursue an electoral or non-electoral

strategy.[9] Using these criteria, McAllister drew up a typology with four possible options:

	Differentiated Organisation	**Communal Permeation**
Electoral	Political Party	Entryist Group
Non-Electoral	Pressure Group	Social Movement
	Protest Group	Social Category

Ian McAllister 'Party Organisation and Minority Nationalism: A Comparative study in the United Kingdom', **European Journal of Political Research** Vol. 9, 1981, p. 239.

The strength of McAllister's approach is in raising the neglected area of *endogenous* factors. Focussing particularly on the role of parties, McAllister emphasised the importance of ill-organised collections of individuals, with diffuse aims and lacking a coherent ideology being transformed into electorally orientated political parties. A weakness for the purposes of this paper, of this approach, which was drawn up to distinguish between changing strategies employed by nationalist groups in Scotland, Wales and Northern Ireland, is in explaining a recurring strategy of the Scottish National Movement – the constitutional convention or representative assembly strategy. It would be difficult to place the various Constitutional Conventions which have been a recurrent feature of the Scottish National Movement into this typology. Additionally, the relationship between exogenous and endogenous factors, which it will be argued in this paper is extremely important, is neglected.

Approaches to the study

An alternative approach will be required to understand this aspect of the Scottish National Movement. An approach which recognises the multiplicity of strategies, the complex relationship between strategy and organisational form, and takes account of exogenous factors will be necessary. Having established that various strategies are a common feature of social movements including the Scottish National Movement, the questions that arise are: what determines which strategy will emerge at any given time, what are the aims of the strategy, and what criteria determine the likelihood of success – however defined – for such strategies. The emphasis on exogenous factors in the *emergence* of movements referring to macro-sociological theory has its validity, but at another level the exogenous factors of importance in understanding the development of *social movement organisation* are those which have best been described as the "structure of political opportunities".[10] This was defined by McAdam *et.al.* as the "receptivity or vulnerability of the political system to organised protest by a given challenging group."[11]

From a discussion of previous constitutional conventions or representative assemblies it will be argued that the aims of the convention which has been meeting in Scotland since 1989 are complex involving, for many of the participants, more than its putative objective of Scottish self-government. The current Convention has largely become part of the inter-party rivalry amongst those parties which support some measure of self-government rather than, as intended, a means of forging alliances across parties. Additionally, the background context of a decade of Margaret Thatcher's Premiership, and her staunch opposition to the Movement, was of

critical importance in its emergence.

II. THE SCOTTISH NATIONAL MOVEMENT AND CONSTITUTIONAL CONVENTIONS

Since 1989 the *Scottish Constitutional Convention* has been meeting trying to reach agreement on a measure of self-government for Scotland. It is composed of representatives of the Labour, Liberal Democrat and Communist Parties, local authorities, trades unions, churches and other bodies representative of Scottish opinion. The Greens were involved until November 1990 when they suspended their involvement because of differences over a referendum and a timetable for reaching agreement on a voting system for the Parliament.

This is, however, by no means the first occasion when a constitutional convention has been considered as a means of gaining a measure of Scottish self-government. The idea of a convention has been proposed at various stages since the First World War. All of Scotland's political parties at some stage have toyed with the idea and there have been three serious attempts to reach consensus on the National question through a representative convention of Scots – in the 1920s, the late 1940s and since 1989. The idea has been put forward at other times but never got off the ground. The idea has been most successful when sponsored by a cross- or non-party organisation – the *Scottish Home Rule Association* in the 1920s, the *Scottish Convention* in the 1940s, and the *Campaign for a Scottish Assembly* in the 1980s.

The *Scottish Home Rule Association* (SHRA), revived in 1918, was

early in considering the idea. It took concrete form in the run up to the 1924 general election when all candidates standing in Scotland were asked whether they would, if elected, attend a convention. This led to a convention in November 1924 based on MPs, local authority representatives and representatives of other Scottish bodies – which met again in 1926 and 1927. During this phase debate was held on the form of self-government being sought and latterly the strategy to be deployed to attain this objective.

This first attempt came to an end when the Bill which was drawn up by the convention was "talked out" in Parliament. The principal consequence for the Scottish National Movement was a much greater appreciation of the difficulties which lay ahead if self-government was to be achieved. For some home rulers the message was clear: there was a need for a differentiated organisation, a National Party quite distinct from the British political parties. The National Party of Scotland, the forerunner of the Scottish National Party, was established in 1928 as a direct consequence of the failure of the convention to achieve self-government.

This did not kill off the idea of a convention. Even amongst those who saw a need for a separate party there was still support for a national convention. Indeed, throughout the history of the party a major issue which divided it was the question of its relations with other parties and whether to participate in cross-party campaigns. The all-party approach became more attractive within the SNP when the party failed to advance electorally in the 1930s. In 1939 the SNP put forward the idea of a convention and, under the influence of its

leading strategist John MacCormick, it organised a convention. It was to have been a cross-party affair again but war broke out just as the idea was getting off the ground. Again in 1940 there was a move within the SNP to organise a convention but events within the party prevented the development of the idea.

In 1942 a new cross-party organisation was established out of a breakaway from the SNP. The new body, the *Scottish Convention* (not to be confused with a constitutional convention) was similar in aims, organisation and strategy to the *Scottish Home Rule Association*. The *Scottish Convention* organised conventions – which were called National Assemblies – to consider Scotland's constitutional status when circumstances appeared more propitious after the war. The first was held in 1947 and was followed the next year with another and a further one in 1949. Having agreed a measure of home rule, the 1948 Assembly saw the launch of a petition, the Scottish Covenant, demanding the establishment of a Scottish Parliament. To all intents and purposes this was the end of the idea in its second phase. Meetings of the cross-party organisation, the *Scottish Convention* continued to be held and the petition gathered signatures but with little impact. The *Scottish Covenant Association*, which developed out of this post-war home rule activity continued to meet during the 1950s but barely gained media attention.

In February 1977 Francis Pym, then Conservative Devolution spokesman, argued for a constitutional convention as his party's alternative to the Labour Government's proposals.[12] The Liberals had argued for this following the defeat of the Scotland and Wales Bill (the first Labour Government devolution bill) in 1976. Part of the Tories'

reasoning involved a desire to win Liberal support in order to bring down the Labour Government. The idea became official Tory policy up to the referendum in 1979 and it was then ignominiously dumped following the Tory general election victory.

The idea was revived by Gordon Wilson, SNP leader, in a Bill presented in Parliament in March 1980. Wilson's Bill proposed a directly elected convention but found little support even within his own party at the time. The SNP eventually agreed to its leader's scheme at its 1984 conference. It was, as much as anything, a *modus vivendi* allowing the different wings of the party to reach agreement after a period of bitter infighting.[13] After this the idea gained gradual acceptance across a range of opinion in Scotland.

The *Campaign for a Scottish Assembly* (CSA) was set up in the aftermath of the 1979 referendum on devolution and it came to accept the idea of a convention in the late 1980s as did *Radical Scotland*, a journal founded in the 1980s articulating a broad left of centre Nationalist view and closely associated with the CSA. Matters were spurred on following the 1987 general election when the so-called Doomsday Scenario – of the Tories winning a UK election but being defeated in Scotland– was realised (once more). The CSA set up a committee of Scottish notables who drew up a document, the *Claim of Right* which was published in July 1988. This document served as a foundation for a renewed attempt to achieve self-government through a convention.

III. ORIGINS

Structure of political opportunities

The origins of each proposal for a convention differed in some ways. The background political context and its relative importance differed as did the internal politics of the Scottish National Movement. In the 1920s the prospect for making headway on the National Question through a constitutional convention was thought to be considerable. A comment made within the convention was that drafting a Bill was of importance because one of the "chief criticisms offered by the English Members of Parliament has been that the Scots MPs did not seem to be agreed amongst themselves as to the exact type of Home Rule measure that should be passed".[14] It was assumed that all that was required was to agree a scheme of self-government and Parliament would pass the necessary legislation.

Similar assumptions were made in the 1940s. It was thought that the election of a Labour Government offered a better hope for the attainment of self-government than had ever existed before. But those involved were soon to realise that the Attlee Government's "ideological stockpot" was heavily influenced by centralisation and late Fabian paternalism. The Home Rule sentiment of the Labour Party which had played a significant part in the origins of the party was probably at its weakest during these crucial years - the only years apart from the 1960s when Labour had a convincing overall majority in the Commons. It was disillusioning therefore for those involved in the two earlier phases to discover that a constitutional convention itself would not succeed, at least not on its own.

In the 1980s, on the other hand, a wholly different background existed. The re-election of a Conservative Government headed by Mrs. Thatcher in 1987 confirmed that there would be no change in the hostile attitude towards Scottish Home Rule at Westminster. Whereas previously, the political opportunities offered by a Government perceived, however inaccurately, to be willing to accept a measure of Home Rule was at least part of the reason for setting up a convention, in the late 1980s the fact that the Government was implacably hostile was to be the reason for a convention. This suggests that the nature of the late 1980s convention would be very different. Rather than seeing itself as supplementing the work and authority of Parliament, it would see itself as challenging Westminster's authority.

Popular sovereignty

The position of conventions, and most notably the present one, has been one in which questions of legitimacy and authority have been expressed in terms of sovereignty and mandate. On the one hand opponents of Scottish Home Rule have argued in Diceyian terms that Parliament is sovereign and that the mandate of a UK election should determine the internal structure of the state. In Scotland this is often portrayed as a peculiarly English idea. The Claim of Right, for example, refers to the English constitution providing for "only one source of power; the Crown-in-Parliament"[15] and the consultation document of the Constitutional Convention refers to Parliamentary sovereignty deriving from "English constitutional doctrine".[16]

The notion of Scottish popular sovereignty has been part of the

ideology of the Scottish National Movement. It is presented as a democratic idea which places power in the hands of the Scottish people and rejects the claims of a superior authority in Westminster. It is, essentially, a challenge to Parliamentary sovereignty. The claims made by the Scottish National Movement and each constitutional convention that the Scottish people support a measure of self-government has been a recurrent theme. It is this idea which encapsulates the case for challenging Westminster's authority and for *claiming the right* to a measure of Home Rule. Popular sovereignty has in various ways been invoked in each of the three phases but in different ways.

Popular sovereignty has played a significant part in the symbolism of the Scottish National Movement. The "basic starting point for the Convention", according to the consultative document of the Convention which was signed by all the participants at its inaugural meeting stated this solemnly:

> We, gathered as the Scottish Constitutional Convention, do hereby acknowledge the sovereign right of the Scottish people to determine the form of government best suited to their needs, and do hereby declare and pledge that in all our actions and deliberations their interests shall be paramount.[17]

As a doctrine of authority, sovereignty with its various prefixes, has been manipulated to suit the political requirements of various viewpoints in various circumstances.[18] The crucial issue here is not so much whether Parliament or the people are sovereign as the political significance of a territorial grouping within a state. It is not dissimilar therefore to arguments about local versus national mandates.

The main difference being that the territorial unit in question has a claim to nationality with its historic and emotional appeal. The right of a political community to make demands would normally be legitimate and if that community is recognised as a *nation*, however that contentious term is defined, then it is likely to have some force.

Short of independence – "sovereign statehood" as students of international relations would term it[19] – any changes in the internal structure of the state which would, as Rokkan has pointed out,[20] affect other parts of the state can only be decided upon state-wide. Debate might exist, and does exist, regarding the legitimacy of unilateral declarations of independence,[21] but the idea of a unilateral declaration of devolution is a constitutional absurdity. The question at issue is what a representative body of Scots, assuming they are representative, may legitimately demand of the Government and how the Government should respond. Given the impact which the establishment of a Scottish Parliament would have on the rest of the United Kingdom, the body may have the right to *negotiate* on Scotland's behalf but may not expect that all its demands will be granted.

Representativeness

Representativeness has been a related aspect of the question of popular sovereignty. Claiming that the Scottish people are sovereign is one matter, another is proving that the body is indeed representative of the wishes of the Scottish people. Previous Conventions emphasised the broad range of support which they had. A leaflet produced by the Convention in the 1920s claimed that the

convention was "more widely representative of the various shades of Scottish opinion than any that has hitherto been brought together".[22] In the late 1940s, it was claimed that the National Assembly of March 1947 was "probably the most widely representative gathering ever brought together in Scotland".[23] The claims to be representative of the Scottish people has been a central feature of the current constitutional convention's publicity.[24]

It is difficult to say precisely how representative a body is which is not directly elected but clearly the current convention has the support of far more of Scotland's MPs than any of the previous conventions and has a more impressive range of local authorities supporting it. The problem in making any comparison with previous conventions is that the structure of local authorities differed in each of the different phases.

The current Convention claims the support of 57 MPs (49 Labour and 8 SLD), 7 of Scotland's 8 MEPs (all Labour), all 12 Regional and Island Councils, and 47 of the 53 District Councils (Angus, Argyll & Bute, Badenock & Strathspey, Bearsden & Milngavie, Berwickshire, Eastwood – some of Scotland's smallest district councils have not affiliated to the Convention), the Labour, Liberal Democrats, Social Democrats, Cooperative Party, Communist Parties, Orkney & Shetland Movements. The Scottish Greens suspended their membership having been involved from the start but the possibility remains that they will return. Other institutions with representation include the Scottish Trades Union Congress, the Scottish Churches, National Federation of Self-Employed & Small Business (Scottish Section), An Comunn Gaidhealach, Comunn no Gaidhlig. The Scottish Convention

of Women and representatives from the ethnic minorities communities have been given representation. The Scottish Council (Development and Industry), the Dundee & Tayside Chamber of Commerce and Committee of University Principals have sent observers to the Convention.

The Convention can claim to have the overwhelming support of politicians elected in Scotland. In terms of other bodies it has a skewed representation of Scottish interests. There is only one organisation representing Scottish business or industry – the highly active Scottish small business pressure group which has been a frequent critic of the Conservative Government over the last decade. The Scottish Council (Development and Industry) would not be able to take up full membership given its constitution but attends meetings. Neither the CBI nor the Scottish Chambers of Commerce, though Dundee and Tayside Chamber of Commerce has observer status, are represented. This was also a problem in earlier conventions. Recognition that the Convention needed to attract representatives from business, for example, was made by a Labour MP involved in 1926.[25]

The most striking feature of the Convention's support, as compared with the supporters of the Scotland Act, 1978, is the considerable increase in support now shown amongst local authorities. The Convention of Scottish Local Authorities (COSLA) has provided the administrative back-up to the Convention and Bruce Black, secretary of COSLA, has acted as secretary to the Convention.

A further important aspect of the relationship between the Convention and the Scottish public became evident following the publication of an opinion poll in March 1989. Most people were unaware of the existence of the Convention at the time when the idea was being most prominently discussed in the Scottish media – and it is unclear what those who were aware of it thought it was. No comparable poll data is available for previous Conventions. Media coverage has been far more extensive and supportive in the current round of meetings than on previous occasions, so that it might be expected that earlier conventions were elite preoccupations to a greater extent than the present exercise has been.

	All	**Con**	**Lab**	**Dem/SDP**	**SNP**
	%	**%**	**%**	**%**	**%**
Aware	46	61	36	60	47
Unaware	54	39	64	40	53

Source: The Scotsman, March 6, 1989

IV. AIMS AND AGENDAS

Hopes and expectations

Excessive optimism has tended to mark the initial stages of each attempt to convene a representative assembly to discuss Scotland's constitutional status. Only the current constitutional convention has met fully aware that it is operating against a background – which had to become the foreground eventually – of a hostile Government at Westminster. Nonetheless, the expectation as evidenced by press commentaries and politicians' statements suggests that the current convention was not so different in terms of optimism.

Though the sponsoring organisations – SHRA, SC, CSA – had a clear and simple aim, this was not the case with all of the participants. At first sight, the aim of all of those involved might seem to have been the same – to find an agreed measure of self-government and then get it implemented. But there were a number of motives for participation other than the stated one of attaining Scottish self-government.

Playing the Scottish Card

It is clear that the conventions were used by some of the participants to tap into Scottish national sentiment for electoral purposes. In the 1920s a number of Scottish Labour politicians were keen to present their party as a distinctively Scottish party. Only one Unionist MP, Col. Chichester de Windt Crookshank, attended these meetings. The Labour Party used the convention to display its "Scottishness" and to expose the Conservative Government's supposed anti-Scottish attitudes. This became evident when the proposals agreed by the convention were presented in Parliament. The Bill drawn up by the convention was presented as a Labour measure which irritated the sole Tory MP involved in the convention as well as other non-party supporters.**26**

In the late 1940s it was the turn of the Tories. Historically, the Conservatives opposed any measure of Scottish self-government but this did not prevent them playing the Scottish card when it suited their purposes. They attacked the Labour Government's nationalisation programme for taking control of Scottish industries out of Scotland, attacked Labour for its number of English candidates who were contesting Scottish seats and toyed with support for self-

government. But their aim was not to set up a Scottish Parliament, only to create an image in the public's mind of the Conservatives as being a party with a distinctive Scottish dimension.

The current Convention is similar. Some of those involved have used it as a platform to attack both the Tories and SNP. Once more, the Convention and its affiliates present themselves as embodying Scottish national aspirations and suggest that those not attending are preventing a united Scottish political voice being heard. What makes this convention novel is that the SNP is far more a target for this kind of criticism than the Conservative Government. Though the SNP had refused to participate in the 1940s convention, the party was not then an electoral threat.

In essence, parties when in opposition have used the convention to play the Scottish card, presenting themselves as pro-Scottish and the party in government, or other parties, as somehow acting against Scottish interests.

Confronting Difficult Issues

Another function of the convention is as a forum in which difficult problems could be debated and resolved. In the 1920s Scottish Labour MPs considered the Government of Scotland Bill being prepared by the Convention and noted some of the issues which would require to be addressed:

> Questions of Scottish representation at Westminster, of the province of the Imperial Parliament, and of the part to be taken by Scotland in Imperial affairs, and in the

> effective joint control of joint-services, will all require full consideration and adjustment with a view to the future system of Government not only of Scotland but for the country as a whole.[27]

In the event, these issues were not confronted. Similarly, in the 1940s broad themes and a propagandistic approach was more evident than a detailed consideration of the proposals.

There were a number of features of the devolution settlement in the late 1970s which proved difficult to defend or caused considerable problems for the "Yes" side in the 1979 referendum. The lack of financial responsibility, the position of Scottish MPs at Westminster, the voting system, the confused allocation of powers to the proposed Parliament were all part of the built-in defects of the package. Removing these defects in advance of a further measure being brought before the House of Commons with any serious prospect of being implemented would be a useful function for a convention to fulfil. Getting agreement across parties through the mechanism of a convention might allow any agreement to be presented as having a wide range of support which might offset obstructive, if not destructive, tendencies of those involved in drafting legislation.

The current convention has at least tackled some of the weaknesses which afflicted the devolution scheme of the late 1970s. The financial and voting system questions have been confronted, though only in fairly broad terms. Agreement has been reached on the need for a voting system other than first-part-the-post but by the time the Convention had concluded its work there was still no agreement on an alternative scheme. This was one of the reasons that the Greens

suspended their membership in November 1990. There has also been agreement on a scheme of finance though this involves a fairly conservative set of proposals. Some fairly superficial consideration has been given to the European dimension and the Scottish Parliament's relationship with the European Community.

The most significant omission has been the failure to face up to the *West Lothian Question* (so-called after the 1970s constituency of Tam Dalyell who articulated the matter with characteristic tenacity) – the position of Scottish MPs at Westminster after a devolved Scottish Parliament is established being able to vote on English domestic matters while no Westminster MP would be able to vote on matters devolved to a Scottish Parliament. The failure to address the implications for the rest of the UK – which has consistently proved the major stumbling block in Westminster – is the most significant omission from its deliberations apart from how to bring the Parliament into being.

Internal Party Unity

More recent proposals to hold a constitutional convention have been as much about achieving internal party unity as anything else. In the late 1970s when Francis Pym, then Tory devolution spokesman, proposed a Scottish constitutional convention his party was deeply divided on the issue of constitutional change. Additionally, the Tories required to find some alternative to the Labour Government's scheme without being seen to be overtly anti-devolution. Pym's answer was a convention. This allowed him to present the Tories as being reasonable, willing to consider anything without committing them to

anything in particular. Neither the diehard Unionists nor the ardent proponents of devolution in the party liked the position or trusted the leadership but it was welcomed by those who recognised the value of procrastination. After the referendum and general election had been disposed of the Tories abandoned any pretence that they supported a constitutional convention. The idea had served Pym's purposes well.

The tensions which afflicted the SNP in the early 1980s were to a large extent based on its previously mentioned principal division – that between gradualists and fundamentalists. The fundamentalists regard support for independence to be of paramount importance and are deeply suspicious of any measure short of independence or of diluting this goal with support for other policies. Gradualists have been willing to accept a measure of self-government short of independence and recognise the importance of socio-economic issues and their links with the constitutional question. Gordon Wilson was elected on a fundamentalist platform at the 1979 conference but played a crucial part in trying to resolve this tension. The convention as much as anything else represented a *modus vivendi* within the party. It allowed the SNP to support a measure of self-government short of independence, if that was what the Scottish people wanted, while the party could campaign for independence in elections to the convention. It proved an important device for rallying the party and later for challenging the other parties.

Following the 1987 general election it was the Labour Party which faced internal difficulties on the National question. A new grouping, *Scottish Labour Action* emerged which urged more radical action fearing that the SNP might capture some of Labour's support.

Support for a convention was advocated by the SNP, the Liberals and the Campaign for a Scottish Assembly. *Scottish Labour Action* adopted the idea also. At first, this seemed to divide the party but when the CSA's scheme was examined it became clear that the Labour Party would have nothing to fear from it. The scheme had been drawn up by the CSA committee deliberately to encourage Labour Party participation, without which it could not hope to succeed. Examination of the composition of the proposed convention convinced Labour that it would dominate the body. Agreement to participate in the convention allowed for a degree of unity within the Labour Party which until then was threatened with internal disruption.

Party Competition

The differences between fundamentalist Nationalists and moderate Home Rulers have caused problems in attempts to find common cause within the National Movement. This was less of a problem in the 1920s than subsequently. Various bodies in the 1920s came together in support of the SHRA's initiative. Nonetheless, misgivings were expressed regarding this strategy. The *Scottish National Movement*, a body founded in 1926, disagreed with some of the Convention's work including sending a Bill to Parliament.[28] The main issue which divided the Convention towards the end of its work in the 1920s was the issue of establishing a Nationalist Party.

In the 1940s the SNP decided not to participate in the *Scottish Convention's* Assemblies. This was hardly surprising given that those involved in instigating the Assemblies had been dissident members of the SNP who had broken with it in 1942. The SNP line was

expressed in a leaflet entitled "Scotland Demands Full Control" distributed outside the 1947 National Assembly. They argued that the proposals to be debated that day would be so ineffectual that their only result could be that "Scotland's position would be worsened. Half-measures will not do."[29] One notable aspect of the National Assemblies was the use made by Conservatives at the time of national sentiment to embarrass the Attlee Government. This was made easier by the absence of Labour MPs who were discouraged from attending by party leaders[30] and though few Tories attended, the Assemblies offered a useful backdrop from which Tory politicians could attack policies on nationalisation which they presented as centralist and anti-Scottish. Other aspects of the National Movement's campaigning around this time exacerbated the already poor relations between the Labour and National Movements in Scotland. The problem for the National Movement was that the nationalist rhetoric of the Tories was unlikely to develop into anything substantive when they came to power.

In the late 1980s, as support for a Constitutional Convention was gaining ground, it appeared for a period that all of the main opposition parties would participate in the Convention. In October 1984 a report in the press suggested that a Constitutional Convention was the means by which devolution might re-emerge in Scottish politics. It was then acknowledged that the body would have to be elected to "ensure its legitimacy".[31]

In June 1985 the Campaign for a Scottish Assembly floated the idea of a Constitutional Convention. The stumbling block was the Labour

Party. The official Labour view was that a Convention was unnecessary.[32] At Labour's Scottish conference in March 1985 the generally held view was expressed by George Foulkes MP: if there was a Conservative Government then a constitutional convention was "not credible" and if Labour was elected then it was "not necessary".[33] One important aspect expressed by supporters of a Convention in the mid-1980s which helps explain Labour's opposition was the demand that the Convention should be directly elected and that it should reflect the support each of the parties had in Scotland and not just their Parliamentary strength. The Scottish Social Democrats made this a condition of their support. Moira Craig, Scottish secretary stated that there was "no way we will embrace any option to load the convention with Labour supporters".[34] The SNP had voted in favour of a directly elected constitutional Convention in 1984.

Following the 1987 general election a "constitutional steering committee" was set up by the CSA consisting of a group of Scottish "notables". The committee was chaired by Sir Robert Grieve, a leading public figure, with Jim Ross, former Scottish Office civil servant in charge of devolution in the late 1970s, as secretary. The committee's membership consisted entirely of supporters of some measure of self-government. The chief executive of the Scottish Tories described it as a "fairly left wing cabal".[35] While Conservatives had been approached it is not at all surprising that they had declined the invitation given that they would be unlikely to have any influence on the committee and the body which set up the committee was, it should be remembered, a pressure group established to campaign for a Scottish Assembly. The terms of reference confirm this:

> To report on:
> (a) all aspects of the case for reinforcing Parliamentary action by setting up a Scottish Constitutional Convention for the express purpose of securing the creation of a Scottish Assembly:
> (b) the practical steps required to set up such a Convention on an effectively representative basis;
> (c) the tasks it should be prepared to undertake in order to achieve an Assembly.[36]

The committee put forward a range of alternative models for a Convention but the crucial characteristic of each was that the Labour Party would have an overall majority. There is much ambiguity in the report on the composition of the Convention and the extent of the provision for additional members to offset the "representational distortion" is not all clear. Labour's fears that this provision might remove its overall majority in the Convention probably explains the party's initial hesitation. As the actual composition of the proposed Convention became clear the Labour Party's fears subsided.

The SNP were the first party to endorse support for the Convention in September 1988. In October 1988 the Convention of Scottish Local Authorities backed the idea. In early October 1988 Donald Dewar, Shadow Secretary of State for Scotland, signalled his support and that of the Scottish Labour MPs came later that month. The price was made explicit in a speech by Mr. Dewar when he maintained that the Convention must be based on Scottish MPs, though he conceded that its membership should include representatives from other bodies.

The event which was to have a double-edged effect on the idea of a Convention was the Govan by-election. The election of Jim Sillars as

MP for the formerly safe Labour seat at first raised the constitutional question to the fore of Scottish politics. The pressure on the Labour Party made it more important to become involved in the Convention and to be seen to be actively supporting self-government. As a means of putting pressure on the Labour Party, the SNP victory, as had happened in the past, had proved effective. However, party competition for votes intensified making the prospect of agreement between Labour and SNP unlikely.

The CSA was able to capitalise on the new-found enthusiasm in the media for the constitutional question. The first formal cross-party discussions organised by the CSA took place in January 1989. The first signs that history might be repeating itself became evident after this. The SNP had set down certain conditions for their participation which had included a greater share of seats in the Convention, a statement agreed by the Convention that Scottish popular sovereignty was the basis of their work and that a referendum offering the Scots a choice between the status quo, the Convention's scheme and independence in Europe be held at the conclusion of the work of the Convention. These demands proved unacceptable to the other participants and the SNP decided not to participate in the Convention.

The underlying issue behind the dispute concerned the aims and likely outcome of the Convention. Opinion polls had suggested a fairly stable situation in the period after the 1987 election. Following Govan there was greater volatility and competition for votes became more intense especially between Labour and the SNP. Added to this was the prospect of heightened party rivalry with European Elections and a further by-election in June 1989. This was not a propitious

time for cross-party alliances, especially any involving Labour and the SNP.

V. OUTCOMES

It is clear that conventions have not simply been seen by participants as a means to bring about a measure of self-government but that other issues have been involved. If the attainment of self-government was the goal then the conventions have clearly failed. But as this has often been at best a subsidiary or long-term objective, it might be argued that the conventions have fulfilled some of their other functions.

Comparing Measures of Autonomy

An aim stressed throughout by participants in each convention was reaching consensus on a scheme of Home Rule which would be presented as a collective demand of the Scottish people. Much of the work to this end has inevitably gone on in private. In the 1920s the aim was severely jeopardised when a group of Labour MPs presented the draft bill in Parliament, which the Convention had been working on, without the express support of the Convention or SHRA. So, while a consensus may have been arrived at amongst the participants its presentation was as a Labour measure to the annoyance of the other participants. In the 1940s there appears to have been less concern with the details of particular schemes and greater emphasis on the need to present a united front.

In terms of determining how successful this aim has been it is worth comparing the Convention's Report "presented to the Scottish people" on St. Andrew's Day 1990 with the Labour Party's Scottish

Home Rule Bill presented in Parliament in November 1987 and with the Scotland Act, 1978. Comparisons of the details of the schemes of previous Conventions would not be instructive. The Convention in the 1920s set their proposals in the context of an Empire (though the comparison might be drawn with the external background of the European Communities). The Convention in the 1940s was less inclined to draw up an actual Bill preferring to develop broad principles. In these respects the 1990 Convention scheme lies somewhere between a Bill and a broad statement of principles, though much nearer to the latter. But the circumstances and pressures differ greatly. A more useful approach would be to identify changes since the 1970s.

In comparing the 1978 Act, the 1987 Bill and the 1990 Report it is possible to see the way in which Labour Party thinking has developed and the extent to which the Convention Report is, as some critics might suggest, simply a Labour Party document. Difficulties in drawing comparisons must be noted. The 1978 Act is a much longer and far more detailed measure, with 87 clauses, than either the 1987 Bill, with 48 clauses, or the 1990 Report. It should be remembered that the 1978 Act was drawn up by a Government at Westminster and was the second attempt at a measure of self-government in that Parliament. One problem in comparing these documents is that the style differs; the former take the form of Parliamentary Bills while the latter is written as a report and is less precise or legalistic. Nonetheless, the means by which functions are allocated to a Scottish Parliament was largely the same resulting in a replication of language in many cases. Schedule 1 of the 1987 Bill lists the matters within

the competence of the Assembly and this appears to have been used as the basis of the Convention's proposals. The administration of social security is added to the responsibilities of the Convention's proposals. Far less detail is available in the Convention's proposals regarding the actual structure and workings of the Parliament than was offered in the Bill though certain important differences are discernible.

A common error made in constitutional debates is to treat *responsibilities* and *powers* as synonymous. This is evident in both the Bill and the Report. The list of responsibilities are presented as powers when the degree of power over each responsibility will be determined by a range of considerations, not the least of which will be developments in the European Community. Another crucial determinant as to the precise relationship between responsibilities and powers will be the financial package on offer. Here there is evidence of some change between the Bill and the Report.

A simple comparison of the list of responsibilities to be given to a Scottish Parliament would be a superficial guide to its powers. Local authorities have discovered that while they retain responsibility for a wide range of functions, their autonomy and the degree of control over these has been greatly circumscribed by central government. On the other hand, a list of responsibilities may mask a degree of autonomy and power. In their relations with central government, local authorities have sources of power which are not explicitly referred to in statute such as experience, knowledge and the power to implement central policies. This ensures that central-local relations do not entirely involve a one-way dependent relationship. Care must, therefore, be taken in any assessment of blueprints which have not

been put into effect.

European Dimension

The European dimension has become more prominent in debates in Scotland partly due to the 1992 publicity programme and the SNP's high-profile campaign for "independence in Europe". The 1987 Bill would have allowed the process of European integration to diminish the powers of the Scottish Assembly. Precisely this diminution in the powers of sub-state government has been noted in the case of the German Länder. As the Federal Government in Bonn alone is permitted to make foreign policy and negotiate with international organisations this has meant that in those areas in which the Basic Law stipulates that the Länder will have responsibility and which has attracted European Community activity the tendency has been for Bonn to usurp the authority of the Länder. Debate within Germany on this has often been heated between the Länder and Bonn.[37] The 1987 bill would, in fact, place the Scottish Assembly in a far weaker position than the Länder as the relationship between Westminster and the Assembly in areas of European competence is much more explicit in giving Westminster primacy.[38]

The Convention's proposals are unclear on this point. However they propose that a "representative office" be opened in Brussels and that the Scottish Parliament should be represented in UK Ministerial delegations to the Council of Ministers. Certain members of the Convention have suggested that Scotland should seek representation in Europe "over and beyond that enjoyed by the German Länder.[39] However this confuses rather than clarifies the situation as the

proposals set out by the Convention are only for a Scottish Parliament and not "Home Rule All Round" which would be required to attain anything paralleling the method used for representing the Länder in Brussels. There appears to have been a desire to take account of European developments but with little idea as to how this should be done. Nonetheless, the principles set down in the 1990 Report signify a desire to move away from the dependence on Westminster representation in Brussels, a dependence which would be bound to increase as the process of European integration takes place.

Financing the Scottish Parliament

The 1978 Act provided for the establishment of a Scottish Consolidated Fund and a Scottish Loans Fund. Essentially, these would be determined by the Treasury which would have had considerable control over the Assembly's finance.[40] Provision for a Scottish Comptroller and Auditor General appointed by the Crown[41] with powers to scrutinise the finances of the Assembly[42] suggest a desire existed to hold the Assembly financially accountable to Westminster to a greater extent than to its own members. This was understandable given that the funding to be paid into the Accounts was to be wholly determined by and funded from Westminster. This block system has been criticised as likely to have pleased nobody:

> From the Scottish point of view, it has always appeared to ensure that devolution could only be cosmetic, that the Treasury would continue to hold the whip-hand. If the Treasury decided the total block grant, how could it be stopped from in effect controlling the budgets of individual Scottish departments, or even particular items of major spending? From the English point of view, the block grant has shown itself equally unpalatable. The last thing

> any government in London wants is for the annual grind of the public expenditure survey to be fouled by a delegation coming down from Scotland to demand more and more money.[43]

The 1987 Bill saw a move towards a degree of financial autonomy. However, the pressure to ensure that macro-economic policy-making would remain a Westminster function and the apparent use of the 1978 Act as the base from which the 1987 Bill developed is evident in the financial provisions of the Scotland Bill, 1987. A block grant is retained but in addition to the Scottish Consolidated Fund and Scottish Loans Fund certain fiscal powers are accorded to the Scottish Assembly. But these powers are extremely limited as they would have required the consent of Westminster,[44] in reality the Treasury. There is less detail on the matter of financial accountability to the Treasury though reference is made to it[45] and there is no suggestion that a new office of Scottish Comptroller and Auditor General should be established. It is conceivable that the provisions of the1978 Act with their stress on financial accountability were made in order to allay the fears of potential opponents of the measure in the Commons at a time, afterall, of strict financial controls. On the other hand, the 1987 Bill was not intended as a measure which would have to face the detailed scrutiny of the Commons but was recognised by the Labour Party as certain to fail at second reading stage. In reality, the financial clauses of the 1987 Bill offered the appearance of a greater degree of autonomy and certainly provided a basis from which the Assembly might have argued for greater autonomy in time but in reality the provisions were not so very different from the 1978 Act.

The Convention's scheme has even less detail than the 1978 Bill. The

financial proposals involve designating "assigned revenues" to the Assembly:

> (a) There should be the assignation of all Scottish income tax to Scotland's Parliament and if possible the assignation of all Scottish VAT. If this is not possible the best estimate of Scottish VAT should be found and that should be assigned.
> (b) There should also be a power for Scotland's Parliament to vary the income tax rate but there should be some range defined so that the variation in income tax up or down cannot be misunderstood as being by a wide margin.
> (c) Equalisation would continue to be based on needs assessment starting from the present formula basis.
> (d) It would be necessary to review these arrangements on a regular basis. The initial review of needs would take place as soon as possible after the establishment of Scotland's Parliament. Further, more general reviews would follow.[46]

It would be possible within the parameters offered above to devise a scheme of Home Rule amounting to almost complete financial autonomy or, indeed, a scheme offering little more autonomy in practice than was offered in the Scotland Act, 1978. The relationship between and relative sizes of the components making up the income of the Scottish Parliament would be crucial but this is not explained. Equalisation is to be the determinant of the degree of autonomy of the Scottish Parliament but little can be deduced about it from the statement in *Towards Scotland's Parliament.* Equalisation may simply be a euphemism in practice for block grant and Treasury control.

Voting Systems

Another important area of change which is expressed in vague terms

is the voting system. Under the 1978 Act and the 1988 Bill elections would have been held using the simple plurality voting system as operates in elections to the House of Commons. On this issue there has been considerable debate within the Convention with the Liberal Democrats and the Greens arguing for an alternative system. The debate has been very similar to the debate on electoral reform for elections to Westminster with little evidence that a different system might be necessary for a Scottish Parliament. The SLD have argued for the single transferable vote (STV) claiming it to be the most proportional of systems available. This reflects the general and mistaken tendency in British debates on proportional representation to equate the *principle* of proportional representation with the *system* of the single transferable vote. In fact, STV can be disproportional in small countries as indeed it has been on a number of occasions in Eire and almost invariably in Malta. Opponents of STV or any system other than plurality voting in the Labour Party appear to be concerned that a precedent may be set for elections to Westminster (though one already exists in the case of the Euro-elections in Northern Ireland).

This debate has proved one of the most divisive in the Convention, and while agreement has been reached on the need to find a system other than plurality, no agreement on what this should be had been reached by the publication of *Towards Scotland's Parliament*. Instead the Convention set down certain principles which should be characteristics of the electoral system for Scotland's Parliament:

> (a) that it produces results in which the number of seats for various parties is broadly related to the number of votes

> cast for them;
> (b) that it ensures, or at least takes effective positive action to bring about, equal representation of men and women, and encourages fair representation of ethnic and minority groups;
> (c) that it preserves a real link between the member and his/her constituency;
> (d) that it is as simple as possible to understand;
> (e) that it ensures adequate representation of less populous areas; and
> (f) that the system be designed to place the greatest possible power in the hands of the electorate.[47]

Without indicating the priority to be attached to each criteria the list is, however, meaningless. The failure to do so has resulted in deadlock on this issue. On the one issue on which the parties involved in the Convention might be expected to have differences there has been no success in reaching agreement. This was one of the issues on which the Greens decided to suspend their membership.

In terms of the internal debate within the Convention it is possible that the degree of consensus has been possible for a number of reasons. It may be that there never was much that divided Labour and the SLD on Scottish Home Rule. It may be that where disagreements existed they have simply avoided taking a decision. Alternatively, the Convention has provided a forum in which differences could be openly discussed and consensus reached. The evidence would suggest a mixture of these. There appears to have been as many differences within each of the participant parties as between them in areas such as the responsibilities of the Scottish Parliament and on the question of entrenching the position of the Parliament once it is established. In terms of finance, the debate in public suggested a desire to reach

some kind of agreement which would at least appear to provide for a greater degree of financial autonomy though in the event the decisions arrived at have been extremely vague. On the crucial question of an electoral system which was bound to be the main issue of contention agreement has not been found possible.

Clearly, the prospect of reaching agreement is increased with fewer participants and a Convention which had also included the SNP and Conservatives would have been unable to reach a consensus – any decisions would have required to have gone to a vote. On issues which the parties see as central to their *raison d'être* there would be no point in compromising or trading and dealing. The costs of doing so would be to provoke internal party disharmony with the benefits being negligible as the Convention could not guarantee the implementation of its scheme. Only if there was any serious prospect of a Scottish Parliament being implemented as a consequence of the deliberations would it have been in the interests of the party leaders to make compromises on such matters.

Future Prospects

The convention of the 1920s involved a learning process for those involved and can be seen to have played a significant part in the development of the National movement. The papers recording the debates of the convention and private papers of participants indicate that the naivety at the start of its deliberations eventually gave way to a more realistic assessment of the prospects for change. It is possible to trace the development in the thinking of certain key individuals who came to lose faith in the British political parties. The principal consequence of the failure of the convention was the establishment of

the National Party for Scotland in 1928, which became the Scottish National Party in 1934. The enthusiasm of those involved in the *Scottish Home Rule Association* and the Convention was fairly easily transferred to the NPS, though in time it became clear that contesting elections was not going to be a short-cut to self-government either.

In the late 1940s the SNP had chosen not to participate in the Convention and had adopted a hard-line fundamentalist position. It had, after all, been the gradualist wing which had broken away to found the *Scottish Convention*, the sponsoring body of the 1940s conventions. This prevented the SNP being able to take advantage of the failure of the conventions to establish a Scottish Parliament. Those involved, who were not tied to other parties, were not ready to make the leap from supporting a consensual approach to a hard-line fundamentalist position. In the 1950s the consequence for the National movement was a long period of disillusionment when only the most dedicated supporters of self-government kept the idea alive through persistent if ineffectual campaigning. Disillusionment and dissipation in the movement was the major consequence of the failure of the 1940s conventions.

One means of keeping the issue alive was to find some new vehicle for furthering the cause of self-government once the steam had run out of the convention. Unlike the 1920s when a political party emerged as the principal vehicle there followed a period of uncertainty in the 1950s with a series of different approaches being considered. A petition gathered hundreds of thousands of signatures but when this was ignored by Westminster the Home Rulers were left with little idea

as to what to do.

Without the return of a sympathetic Government at Westminster the current Convention will either have to find some means of putting pressure on a hostile Government or will, as in the past, quietly disappear from sight. The SNP will be unlikely to take advantage of the Convention's failure having decided at an early stage not to participate. However, on the other side of an election if the Conservatives are returned there would be strong pressure on the Labour Party to find some means of keeping the Convention or something like it alive. The Convention's continued existence may owe little to the cause of Scottish self-government.

Elite Preoccupations in the Name of the People

The most striking aspect of the Conventions has been party political machinations. A persistent aspect of the Scottish National movement has been its inability to translate the existing support for some measure of self-government into an effective force for political change. At times it has appeared as if elements in the movement have been vying with one another to gain credit for the establishment of a Scottish Parliament which has not yet been established. To some extent this reflects the low priority actually attached to the establishment of a Scottish Parliament and the higher priority attached to the party political battle. This is hardly surprising. Without the serious prospect of the Convention leading to the establishment of a Scottish Parliament the costs involved in compromising on matters of fundamental ideological importance to a party would be considerable.

The Conventions have always been elite affairs where a disdainful attitude towards the Scottish people, in whose name the demand for self-government is always made, is evident. There has never been any serious attempt to bring the Scottish public into the decision-making process. In the 1920s some supporters of self-government urged that a plebiscite be held. The idea was rejected on the grounds that "when four out of five of the Scottish Members of Parliament vote in favour of self-government there is a sufficiently clear indication that the majority of the people are anxious for a National Parliament in Scotland".[48]

The idea of plebiscite was also considered in the 1940s and 1950s. In 1949 the national committee of Scottish Convention sent a resolution to the Government calling for a National Plebiscite.[49] The referendum idea was rejected by the membership of the Convention but was revived again later in the 1950s but by then the issue had slipped off the agenda of Scottish politics. Any serious prospect of Scotland achieving self-government, especially when a hostile Government is in power, necessitates the Scottish people being directly involved. Until that occurs, conventions are likely to be more about inter- and intra-party infighting than achieving Scottish self-government.

VI. CONCLUSION

What becomes clear from a study of the experience of constitutional conventions in the history of the Scottish National Movement is that the aims and agendas of those involved will be heavily influenced by the political background against which they are operating. The

particular organisational form considered here has emerged for quite different reasons but the background was in each case of considerable importance. The "structure of political opportunities" may have been perceived by Movement activists to have been extremely hopeful, as in the earlier phases, or offering few chances for the achievement of the Movement's explicit goal but it was a major factor in the form which was adopted.

Another significant aspect of the emergence of this organisational form was the role of the cross/non-party body. In each of the three cases when a constitutional convention succeeded in being established a cross/nonparty body played the role of midwife. Whenever the initiative came from a political party it was perceived to be motivated by a narrower, more self-interested goal than the explicit goal of the Movement. On no occasion was a successful convention launched when the principal advocate was a political party. The 1939 convention might have been successfully launched by the SNP, though this cannot be certain. It should, however, be noted that at the time the SNP was not a conventional party in the sense that seeking electoral office was its primary goal.

This does not mean that the political parties are unimportant either in the launch of the organisation or in the nature of its development. An interesting aspect of this is that the convention represents a hybrid organisational form in terms of McAllister's[50] typology. It involves both communal permeation, in a "legitimate" sense, and is a differentiated organisation. What has proved to be a great weakness with this form of organisation is the lack of a strategy beyond

inception. McAllister's typology distinguishes between electoral and non-electoral strategies but the Convention is only non-electoral because it has no clear strategy. In this sense, it is a fairly primitive or naive organisational form. On the other hand, this is only the case if the aim is seen as the explicit goal of self-government. If there are other aims and agendas involved, such as inter- and intra-party rivalries, then the convention appears to be a highly sophisticated organisational form.

Related to these points are questions which remain unanswered by the National Movement. The West Lothian Question, referred to above, and the other unanswered question from the 1970s devolution debate – Archie Birt's "What happen's if England says No?" – have simply been ignored. Perhaps the greatest impediment in the way of any territorial demands short of independence is the need to take account of the implications of changes on the rest of the state. Stein Rokkan noted this in his study of the politics of West European peripheries:

> In the more complex society of the modern world, a major problem is that an attempt to solve one peripheral problem cannot be insulated from the rest of the state: a spillover effect is almost inevitable.[51]

It is easy to see why these questions should be ignored. Nonetheless, the furtherance of the goal of Scottish self-government *within the United Kingdom* demands that attention be paid to this question. The logic of the argument that Scotland's future lies in a degree of self-government within the United Kingdom necessarily involves reaching accommodation with the rest of the United Kingdom.

It might be argued that a movement which can demonstrate that it has overwhelming public support, even if only within the territory for which it advocates greater autonomy, has a legitimate right to be heard. The United Kingdom has, in fact, been receptive to demands emanating from Scotland which have not greatly altered the basic structure of the state or had major spillover effects. However, demands which will have spillover effects must either be shown to have overwhelming support in the territory making the demands and, possibly, that denying the demands would cause more problems than meeting them or some means of mitigating the spillover effects must be found.

Demonstrating that a Movement has overwhelming public support will be difficult to achieve. Opinion polls offer one means but carry no authority. Support for political parties which endorse the goal of the Movement has more authority but account must be taken of other issues and the priority attached to the Movement's goal amongst the various policies of the different parties. Of considerable importance for a Movement in determining the best organisational form that it should take must be the means of demonstrating the existence of substantial public support. In this respect, Constitutional Conventions have to date failed.

FOOTNOTES

1. Wolfgang Rüdig, James Mitchell and Jenny Chapman Robinson, "Social Movements and the Social Sciences in Britain", in D. Rucht (ed.) ***Research on Social Movements : The State of the Art***, 1991.

2. Doug McAdam, John D. McCarthy and Mayer N. Zald, "Social Movements" in Neil Smelser (ed.) ***Handbook of Sociology*** 1988, p. 728.

3. S. Rokkan and D. W. Urwin, ***Economy Territory Identity*** ,1983, pp. 146-147.

4. M. Keating and D. Bleiman, ***Labour and Scottish Nationalism,*** 1979; J. Mitchell, ***Conservatives and the Union,*** 1990.

5. S. Rokkan and D. W. Urwin, op.cit., p. 154.

6. S. Rokkan and D. W. Urwin, ibid., pp. 142-144.

7. J. Mitchell, "Factions, Tendencies and Consensus in the SNP in the 1980s", ***Scottish Government Yearbook 1990*** ,1990.

8. Ian McAllister, "Party Organisation and Minority Nationalism : A Comparative Study in the United Kingdom:, ***European Journal of Political Research,*** vol. 9, 1981, p. 238.

9. Ibid. p. 238.

10. Peter K. Eisinger, "The Condition of Protest Behaviour in American Cities", ***American Political Science Review*** 1973, vol. 67.

11. Doug McAdam et al., op.cit. p. 699.

12. ***Scotsman***, 21 February 1977.

13. J. Mitchell, ***Conservatives and the Union,*** 1990, pp. 85-88.

14. National Library of Scotland (NLS), Acc. 3721, Box 8/17.

15. ***Claim of Right for Scotland,*** 1988, 4.1

16. ***Towards a Scottish Parliament,*** 1989, 4.4

17. ***Towards Scotland's Parliament,*** 1990, p. 1.

18. The many ways in which this was done is described brilliantly in Edmund Morgan's study of the rise of popular sovereighty in England and America, ***Inventing the People,*** W.W. Norton, London, 1988.

19. Alan James, ***Sovereign Statehood***, 1986.

20. S. Rokkan and D. W. Urwin, op.cit., p. 187.

21. James Crawford, "The criteria for statehood in international law". ***British Yearbook of International Law***, vol. 48, 1976-77 1978, p. 163.

22. National Library of Scotland (NLS), Acc. 3720, Box 80/17, ***The Scottish National Convention.***

23. NLS, Acc. 5978 Box 1, F3.

24. See the "declaration" at the inaugural meeting of the Convention, 30 March 1989, quoted in preface to ***Towards Scotland's Parliament,*** 1990, p. 1.

25. NLS, Acc. 3721, Box 81/23, January 30, 1926.

26. NLS, Acc. 3721 Box 80/17, Letter to Col. Crookshank MP from R. E. Muirhead, 9 November 1926.

27. Acc. 3721 Box 186/6 "Report of Government of Scotland Bill by Sub-Committee of Scots Labour Group" 14/7/26.

28. NLS, Acc.5927, F.5, ***Scottish National Movement,*** Minute book, May 1927.

29. NLS, Acc. 3721, Box 74/661.

30. Jack Brand, ***The National Movement in Scotland***, 1978, p. 244.

31. Rory Watson, "Scotland's political 'dead duck' stays afloat" ***Scotsman,*** October 16, 1984.

32. ***Glasgow Herald,*** June 8, 1985.

33. Scottish Labour Conference, Perth, March 8, 1985.

34. ***Scotsman,*** June 10, 1985.

35. ***Glasgow Herald,*** Feb. 12, 1988.

36. ***Claim of Right for Scotland,*** p. 29.

37. Peter Malanczuk, "European Affairs and the Länder (States) of the Federal Republic of Germany", ***Common Market Law Review,*** vol. 22 1985; Klaus Otto Nass "The Foreign and European Policy of the German Länder" ***Publius : The Journal of Federalism,*** vol. 19, Fall 1989; Rudolf Hrbek, "The German Länder and the European Community – Towards a Real Federalism?" in Wolfgang Wessels and Regelsberger, ***The Federal Republic of Germany and the European Community : The Presidency and Beyond,*** Europa Union Verlag, Bon, 1988.

38. Bill 50, November 1987, clause 6.

39. David Martin MEP, "Increased Scottish Representation in an Enlarged Democtratic Europe of the Nations and Regions". Paper for ***Scotland's Place in the New Europe,*** John Wheatley Centre, September 1990, p. 6.

40. Scotland Act, 1978, clauses 48, 49, 51, 52, 61, 62.

41. Ibid., clause 54.

42. Ibid., clauses 56-59, 62.

43. Michael Fry, "Financing Devolution" in David McCrone (ed.) ***Financing Home Rule,*** Unit for Study of Government in Scotland, 1990, p. 39: also in Michael Fry (ed.) ***Unlocking the Future,*** Conservative Constitutional Reform Forum, 1988, p. 13.

44. Scotland Bill, Bill 509, November 1987, clause 11.

45. Ibid., clause 16.

46. ***Towards Scotland's Parliament,*** 1990, p. 16.

47. ***Towards Scotland's Parliament,*** 1990, p. 17.

48. Acc. 3721, Box 80/17, Reply to Spence from Muirhead, 5 November 1926.

49. Acc. 7295 (5), Scottish Convention – Minutes of National Committee.

50. Ian McAllister, op.cit.

51. S. Rokkan and D. W. Urwin, op.cit.,p. 187.