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The Conservative Party's Devolution Dilemma

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Abstract

In the year of the tercentenary of the union between England and Scotland, the claim is made by the Conservative party that only it 'can make devolution work'. However, this article examines such a claim and also the prospects that a policy of 'English votes for English laws' will merely add to the dilemma facing the Conservative party; namely, that a party of 'positive unionism' cannot be a party of legislative devolution. The concomitant constitutional anomalies associated with devolution policy have merely been displaced rather than removed but the Conservative party has not yet developed credible policies that will address what has now become known as the 'English Question'.

Résumé

En cette année du tricentenaire de l'union entre l'Angleterre et l'Ecosse, le parti conservateur prétend être le seul parti « capable de faire fonctionner la dévolution ». Toutefois, cet article a pour objet d'étudier cette affirmation ainsi que l'hypothèse selon laquelle une politique de « votes anglais pour des lois anglaises » ne fera qu'accentuer le dilemme auquel est confronté le parti conservateur, à savoir qu'un parti d'« unionisme positif » ne peut être un parti de dévolution législative. Les anomalies constitutionnelles qui en résultent, associées à la politique de dévolution, ont été simplement déplacées mais n'ont pas disparu. En revanche, le parti conservateur n'a pas encore mis au point de politique crédible pour aborder ce que l'on appelle désormais la « question anglaise ».

Mots-clés

Devolution Conservative party, 'Scottish card', West Lothian, English laws

Introduction

In the very year that sees the three hundredth anniversary of the signing of the Act of Union between Scotland and England in 1707 the Conservative and Unionist Party, a party that parades itself as *the* party of the union, faces a considerable dilemma regarding the formulation of policy that will underpin the future of that union. An increasing body of evidence points to an inexorable road towards separation; not least of which was the victory for the Scottish National Party at the 2007 Scottish Parliamentary election. And in an ICM opinion poll in November 2006, 52 per cent of Scots favoured independence while 31 per cent were against but more importantly the poll also found that 59 per cent of English respondents believed « it was time to let Scotland go it alone » with just 25 per cent disagreeing (*Sunday Telegraph*, 26 November 2006). The rise in the level of resentment found south of the border concerning a putative favourable position of Scotland and Wales vis-à-

vis England, post devolution of 1999, has thrown into sharp relief the dilemma that faces the Conservative Party over its policy on devolution. As we shall see, throughout the 1980s and for most of the 1990s the party was virtually alone in its position of defending the constitutional *status quo* while warning against the anomalies that devolution entailed being a slippery slope to dissolving the union.

However, in the wake of the New Labour victory of 1997 and the setting up of the Scottish Parliament and Welsh Assembly there was a volte-face on such policy; the Conservative Party now wholeheartedly supported devolution while espousing the mantra that only they « could make devolution work ». What was meant by this was that the Conservative Party would address the major anomaly of the West Lothian Question, which was now increasingly referred to as the « English Question », and which, in conjunction with the Barnett formula, were the main grievances of those English respondents mentioned above. In the same ICM opinion poll 62 per cent of English respondents thought that Scots MPs should not be able to vote on English laws while 60 per cent thought it unjustified that spending per head was higher in Scotland than in England (ibid). But, we will see below that such a mantra as « making devolution work » bore more the hallmark of an oxymoron than the intended effective electioneering slogan it was meant to be, particularly for Scotland and Wales. In short, in developing the «English votes for English laws» policy which was meant to address the anomalous position whereby Scots MPs (and to a lesser extent Welsh MPs) could be the arbiters of legislation for English constituencies while not having the ability to pronounce on such policy for their own constituents merely highlighted the constitutional imbroglio that asymmetrical devolution had now become and which further endangered the very union that the party wished to protect. Very soon after becoming leader David Cameron tasked Ken Clarke with setting up a Democracy Task Force to address such problems arising from Tony Blair's constitutional changes but one year later and the problem of the « English Question » was conspicuous by its absence in its first report (Conservative Party, 2007). Indeed, in the summer of 2006 a Scottish newspaper claimed that David Cameron, fearing that the argument over the constitution could get out of hand, « has ordered his troops to stop talking about it » (*The Herald*, 12 July 2006). But, with the increasing level of resentment found in England that will be no easy task and it is not only asymmetrical governance which is an issue for Conservative concern; for some time now the Party has had to face the reality of asymmetrical support, as outlined in table 1.1.

Table 1.1. The Conservative Share of the vote in England, Scotland and Wales, 1950-2005.

	1950	1951	1955	1959	1964	1966	1970	1974F	1974O
England	44.0	49.2	50.6	50.2	44.1	42.8	48.4	38.9	40.2
Scotland	46.2	49.6	50.1	47.6	40.6	37.6	38.5	24.7	32.9
Wales	28.3	33.1	33.5	33.8	29.4	27.9	27.7	23.9	25.9

	1979	1983	1987	1987	1997	1999*	2001	2003*	2005
England	47.2	46.0	46.2	45.5	33.7	n/a	35.2	n/a	35.7
Scotland	31.4	28.4	24.0	25.7	17.56	15.6	16.6	16.6	15.8
Wales	32.2	31.0	29.5	28.6	19.6	15.8	21.0	19.9	21.4

*These are the « devolved » elections for Scotland and Wales and figures represent the « first or constituency vote » of the Additional Member Electoral system for direct comparability with the Single Member Plurality System used for Westminster elections.

Source: Westminster Elections: data from **the Nuffield Studies**, *The British General Election of 19xx – 2005*. Scottish and Welsh Elections: data from **Jones, R. W. and Scully, R. (2006)**. “Devolution and Electoral Politics in Scotland and Wales”, *Publius: The Journal of Federalism*, 36 / 1.

Table 1.1 delineates the Conservative share of the vote in England, Scotland and Wales between 1950 and 2005 and neatly encapsulates for us the reality that the party is now more the party of England than of Britain. Indeed, the fact that it won a greater share of the popular vote in England than Labour did in 2005 ironically added to this image problem and exacerbated its devolution dilemma. The party had never had a tradition of winning in Wales and its share of the vote there varies from a third to a fifth over the period but in Scotland

the trend is one of precipitous decline with its marginality very clear from 1997 onwards. But, this was not always the case as in the 1950s and early 1960s the conventional approach was to refer to British homogeneity in voting behaviour (Budge and Urwin 1966). And, in the following section we note that the Conservative Party in Scotland (or more accurately the Scottish Unionist Party between 1912 and 1965) was adept at playing « the Scottish Card » in its « successful » post war period but such a strategy had concomitant political dangers and would eventually rebound on a party that looked increasingly English. With this in mind we then explore the problem of a party being on the wrong side of a valence issue that devolution had now become. This then leads us to an examination of the contemporary issue of the «English Question» for the Conservative Party before concluding with a view on the future prospects for party policy on devolution. After all, Disraeli was fond of the refrain that the « Tory party, unless it is a national party is nothing » (Kebbel 1882 : 524) but the party's claim for One Nation (see Seawright, forthcoming) begs the question, which nation? The emphasis here is on England's relationship with Scotland rather than with Wales but this is hardly surprising with Scotland being the principal partner in that Act of Union and with Scotland having the longer history of administrative devolution and the greater legislative powers for its Scottish Parliament.

1. Playing the Scottish Card and its Boomerang Effect.

As early as 1885 a Tory Government led by Lord Salisbury had set up a Scottish Office (it was 1964 before we had the formation of the Welsh Office) and it also reconstituted the office of Secretary of State for Scotland which was abolished in 1746. In 1939 the Scottish Office was relocated to Edinburgh and it was to be Conservative governments that would increasingly strengthen the structures of administrative devolution. Although the party had no truck with legislative devolution in this period, to reiterate, there is an argument that suggests that the party was adept at playing « the Scottish Card »; the idea that in practice it had done more than any other party to advance Scottish self-government in the post war years (Miller, 1981). The party's policy and proposals for near on twenty years did not deviate much from those outlined in a 1949 document entitled, « Scottish control of Scottish affairs ». This statement of policy, *inter alia*, proposed a Minister of State for Scotland with Cabinet rank to be appointed, along with a third Under-Secretary for Scotland, which would better distribute departmental duties, along with a proposed Royal Commission to examine Scottish affairs. But, the Royal Commission on Scottish Affairs (The Balfour Commission) which was appointed in July 1952 and reported back in 1954 was precluded by its terms of reference from considering Parliamentary separation. It was these immediate post war years which saw an attack on the Attlee Government's socialism which was equated with centralisation and London rule. These are the years which provide the material to underpin the « Scottish card » thesis. Undoubtedly much material and rhetoric abound which support Miller's view that proposing decentralisation, in the form of devolution policy, would endear a party to the Scots (although see Seawright 1999, for a less simplistic approach). Churchill's famous 1950 General Election speech at the Usher Hall in Edinburgh, implicitly, if not explicitly, accepted the idea of Scottish home rule if the centralising menace of socialism could not be thwarted.

The principle of centralisation of government in Whitehall and Westminster is emphasised in a manner not hitherto experienced or contemplated in the (1707) Act of Union ... I frankly admit that it raises new issues between our two nations ... *I would never adopt the view that Scotland should be forced into the serfdom of socialism as a result of a vote in the House of Commons* (Miller 1981 : 21).

It is remarkable how similar the argument used by Churchill to question how far the concept of parliamentary sovereignty at Westminster should extend north of the border, in the face of Scottish public opinion, mirrors that used by the opponents of the Scottish Conservative Party in the 1980s and 1990s. But, at one time the fears of a one party hegemony in Scotland were the inverse of those found in the 1980s. In short, one criticism which until lately was levelled against the proposal for a Scottish Parliament is that it would be dominated by the Labour Party. But paradoxically, Glasgow University's study of the 1950 election which reported on the topicality of home rule at Glasgow election meetings found that it was: « though often coupled with an expressed fear that a devolved Scotland would be permanently Conservative » (ibid. : 25). Typical election addresses of this time also evince an attitude similar to Churchill's; an example is Mr T.G.D. Galbraith's who was the Scottish Unionist candidate in the 1948 Hillhead by-election and was to become an under Secretary of State for Scotland in 1959, and who declared under the heading, « Scotland »:

As one industry after another is nationalised we are finding that Scottish affairs

are dominated by the control of Ministers and officials in England who are often ignorant of the ways of our Country. Socialist MPs may say that they are good Scotsmen but their whole policy is one of centralisation and control by Whitehall. I will resist this and demand that in each industry which has been nationalised a Scottish Committee shall be set up with full executive powers to deal with Scottish problems (General Election Addresses, Acc/10424, National Library of Scotland).

Moreover, Walter Elliot, the Scottish Secretary of State in the 1930s and a master at beating the Scottish drum when needed, would explicitly equate the socialist policy of nationalisation with the « denationalisation » of Scotland. For Elliot the consequence of such a centralising policy was London control at the expense of Scottish control. In a 1950 debate with the Labour Secretary of State for Scotland, Sir Arthur Woodburn, he took great pleasure in mischievously castigating Woodburn for having to ring up London for permission to use extra heating from an electric fire. He also criticised Labour in the same debate for having three English born MPs standing for election in Scotland (Miller 1981 : 22 & 25). Stoking the fires of this quasi-nationalism would eventually rebound on the party but as we see from table 1.1., the 1950s were relatively successful years for the Scottish Unionist Party with the Conservatives holding power at Westminster from 1951 to 1964. As Miller (1981) points out the 1950s were a quiescent period regarding home rule aspirations. It would appear that these Scottish Tory measures and the dismantling of Labour's centralising nationalisation were sufficient to meet Scottish aspirations at this time. In fact Miller provides a simple objective measure of the amount of public attention given to the issue in this period. He records the number of lines devoted to the heading « home rule » in the *Glasgow Herald* index published until 1968 and concludes that there was very little until 1946; then, in response to MacCormack's National Convention assemblies on home rule, a swift rise to a peak in 1950, followed by a sharp drop in 1951 and 1952 and a progressive decline until 1960. Interest revived slightly between 1960 and 1966 and exploded in 1967 and 1968 (Miller 1981 : 24).

This « explosion » led to Edward Heath adopting a policy for a form of moderate legislative devolution in 1968 that would set up an Assembly which would scrutinise legislation for Scotland. He, like many members of the party north of the border, was concerned about the perceived rise of nationalism. This was the era of the Thistle Group in the party and the group was formed in November 1967 after the Scottish Nationalist Party's success at the Hamilton by-election. Ironically, its founders and leading members were to later become some of the most prominent and committed unionists of the « Thatcher party »: Malcolm Rifkind, Michael Ancram, Lord Fraser of Carmyllie and Alexander Pollock. However, the Thistle Group at the time, in contrast to Heath's moderate proposal, envisaged a Scottish Parliament which would raise its own taxes. And in light of such sentiment in the Scottish party, Mr Heath took the opportunity to reverse party policy at the 1968 Perth Conference. The « Declaration of Perth » may be criticised for being merely grandiloquent posturing, but nevertheless, it was reported at the time as a watershed in Conservative thought on the governance of Scotland.

Even so, he (Heath) took Tory policy some considerable distance along a new avenue. He rejected separatism; he rejected federalism (which had some sympathy in the party); and, significantly, he rejected the status quo. In its place he virtually committed a future Conservative Government to set up an elected Scottish Assembly, to sit in Scotland (*Glasgow Herald*, 20 May 1968).

Although the proposals look pale by the standards of the 1990s, they represented a firmer commitment to change than anything offered by Labour at the time, led as it was in Scotland by the firmly anti-devolutionist, Willie Ross. The proposals were incorporated into the 1970 Manifesto, a three to one majority at the Scottish Conference of that year found in favour of them, and they were even acceptable to arch-Unionists such as Teddy Taylor (Bogdanor 1980 : 85). However, Marr (1995) emphasises the growing but latent opposition to Heath's proposals within the Scottish party and the Heath administration of 1970-74 has been much criticised for renegeing on the commitment to set up a Scottish Assembly. However, extraneous events intervened which led to the failure to implement the policies promised at Perth. The Government believed it necessary to wait on the Kilbrandon Report (Report of the Royal Commission on the Constitution, 1969-73 set up by Harold Wilson in 1969) expected within a year of the 1970 election because quite simply the Commission threatened to resign if Heath proceeded with legislation on devolution which would have caused the government considerable embarrassment (Bogdanor 1980 : 85).

However, the present shadow defence secretary, Dr. Liam Fox, as a young Conservative around the time of his candidature for the Roxburgh and Berwickshire constituency, argued

that the upsurge in nationalism was merely encouraged by the extant level of administrative devolution and that such nationalism received a major fillip from the proposal to create a devolved Scottish Assembly (Fox, et al 1988 : 6 & 7). While arguing that the clearest possible repudiation of legislative devolution was essential, these authors even questioned the existing arrangements of administrative devolution and stated that:

The Party of « positive Unionism » cannot also be the party of legislative devolution. The principles which would be embodied in the former are simply incompatible with the principles on which a system of legislative devolution would be established (ibid. : 11).

In the next section we see that both Margaret Thatcher and John Major had similar views on such incompatibility of the Union with a system of legislative devolution and it was now the Labour Party's turn to exploit « the Scottish card »; although the elections in May 2007 found them on the receiving end of their own « boomerang effect ».

2. « Wake up, wake up » to the Valence Problem.

By 1975, the Tories were in opposition under the new leadership of Mrs Thatcher. Mrs Thatcher spoke on behalf of a motion calling for a directly elected Assembly at the Scottish conference in 1976, which was passed by a substantial majority (Campaign Guide 1977). But by the end of that year her Shadow Secretary of State, Sir Alick Buchanan-Smith, had resigned from the front bench team in protest at the party's policy of opposing the Scotland and Wales Act. The policy was to deprecate Labour's Act as defective while not ruling out the principle of devolution, although Buchanan-Smith believed that ruling out devolution was exactly the attitude being conveyed to the Scottish electorate. Conservative literature of the period stressed that the Act would not remedy the genuine problems of Scotland and would only sow the seeds of discord and friction leading to the break up of the United Kingdom. Indeed, the pamphlet *Scotland's Government Today* (1978) emphasised the dilemma of the «West Lothian Question», namely the role of Scots MPs after devolution, and was very prescient in alluding to the resentment that would be felt in England as a consequence of such a policy:

After devolution Scots MPs will be able to vote on English housing, education and health but not on Scots housing, education and health. If the English are forced to accept policies they don't want, conflict will arise. The leading proponents of the « new right » agenda in the party in this period, such as Nigel Lawson, firmly believed that laissez-faire economic policy in tandem with getting government off the peoples' backs was truly devolutionary as it would empower the people directly (Bogdanor 1979 : 112; Marr 1995 : 155). Of course, Thatcher eventually took this course and the party in Scotland loyally followed this unionist approach and her successor John Major, if anything, hardened the stance. So the Scottish Conservatives entered the 1992 election battle, deprecating the independence and devolutionary positions taken by the other parties while emphasising that it was the only true unionist party. Ian Lang, the Secretary of State for Scotland, urged the parliamentary candidates to champion the union (*The Times* 23 March 1992) and John Major informed his biggest election rally at Wembley in April:

If I could summon up all the authority of this office I would put it into this single warning - the United Kingdom is in danger. Wake up. Wake up now before it's too late (*The Scotsman*, 6 April 1992).

With the party in Scotland in 1992 polling nearly half the level of the vote it had in England the problems for it were obvious after this election and the other parties and the Scottish media were not slow in exploiting this weakness (Seawright 1999). Ironically, with Gordon Brown's imminent elevation to the post of Prime Minister in mind, he was questioning the right of any English MP to legislate for Scotland as early as 1983.

In February 1983, Gordon Brown, as vice-chairman of the Scottish Labour party, questioned whether Conservative rule of Scotland would be legitimate if Labour won in Scotland again. The job of the Scottish Secretary of State should be made « untenable », Brown argued (Mitchell 2006 : 467).

These problems for the party were clearly illustrated in the 1997 election and in the September 1997 Referendum Campaign. The « Think Twice » campaign group which was against the setting up of the parliament was represented in the press as a marginal group of die hard Tories and Donald Findlay QC the eloquent spokesman for the « No-No » campaign delineated their problems in a humorous diary published in the *Scotland on Sunday* newspaper (14 September 1997). Findlay freely admitted to it being an uphill struggle. The three other parties were against him but the bias of the media and the intolerance he encountered made

the task an impossible one (ibid.). More importantly, some of the old anti-devolutionists from the left, like Tam Dalyell of « West Lothian » fame, were still around but he appeared isolated unlike in 1979 when Labour members such as Robin Cook agreed with him that it was not the Devolution Bill that should be killed but the issue itself. Indeed, A month before the 1997 Referendum, Liam Fox - promoted to the post of « constitutional spokesman » in June 1998 – announced that the Conservatives would try to exclude Orkney and Shetland from the remit of the Scottish Parliament, if the referendum proved they were hostile to home rule (*The Scotsman*, 7 August 1997). It transpired that the vote in favour of devolution rose by around a third in both the islands from that recorded in 1979. The party's opponents ridiculed Fox's suggestion as indicative of how far removed from reality the Tories in Scotland had become.

This anti-Conservative style and tone from the main Scottish national newspapers merely confirmed the sea change of opinion that had taken place in Scotland from around the mid-1970s or even earlier (Seawright 1999). The Unionist ethos was no longer rooted in Scottish consciousness, the Conservative Party in Scotland would now be the party perceived as having an « alien » identity; an « anglicised » one. However, it may be far more useful to view such an issue as devolution for Scotland not in terms of a traditionally « position issue », where the parties take up a distinct political position towards the issue, like most issues of a left-right nature. It may well be that sometime in the 1980s, reinforced in the 1990s, and due in no small measure to Labour exploiting the « Scottish card » in opposition to Thatcherism that it underwent a metamorphosis into one of a valence framework (Stokes 1992); as this would fit comfortably with the idea of an increasingly vivid portrayal of the Scottish Tories - by a left wing Scottish party consensus and a left wing « Scottish establishment » – as being alien to the Scottish body politic.

Stokes differentiates *position issues* that are on our left-right ordered dimension from *valence issues* that are more to do with the degree to which parties are linked in the public's mind with conditions or goals or symbols of which almost everyone approves or disapproves (1992 : 143). Adapting Stokes work for Scottish politics has us, in this case, viewing devolution for Scotland itself as the valence issue. Thus, such a valence issue acquires its power from the fact that rival parties are linked with the universally approved symbol of Scottishness and the universally disapproved symbol of non-Scottishness. The valence framework also facilitates the venal exploitation of negative campaigning. A valence issue will deliver maximum support for a party if its symbolic content is of high importance to the electorate and there is complete identification of the party with the positive symbol and of the rival party with the negative symbol (Stokes : 144-147). Throughout the last two decades of the twentieth century the left wing parties, Labour, the Liberal Democrats in all their guises and the SNP, successfully portrayed the Tories in Scotland with the negative universally disapproved symbol of « un-Scottish » (Seawright 2002). One has only to review the Scottish Press, at the time of William Hague's speech on the need for a solution to the West Lothian Question, for a good example of the use of this negative symbolism. The argument for English MPs having similar rights to Scottish MSPs was viewed by the other three main Scottish parties as inherently divisive, typical of Tory anti-Scottishness and « the small minded attempt to seek revenge on the voters who rejected them » (*The Scotsman*, 14 November 2000). But, this issue of the « English Question » will not easily go away and for Conservatives it has to be addressed in search of a solution to the major anomalies inherent in devolution itself. For them, to ignore the need for this « search » is to accept the inevitable break up of the Union.

3. The English Question?

In his excellent article on the « unfinished business » of devolution Mitchell examines questions of legitimacy surrounding this issue and takes us through the « decline of legitimacy pre-devolution » before analysing its « spillover » and the now « delegitimation » regarding England: « In essence, one of the predictable consequences of devolution has been to displace rather than remove the legitimacy deficit » (2006 : 466 & 468). This displacement may have been predictable for the Thatcher and Major administrations but New Labour chose to ignore it to the extent that Derry Irvine, Blair's first Lord Chancellor, declared: « the best way to deal with the West Lothian question was to stop asking it ». But as many commentators, on both sides of the border, have pointed out there is: « Fat chance of that, and not only because of Tam Dalyell. The average English voter is beginning to be able to find West Lothian on the political map » (Anderson 2006).

Indeed, this opportunistic avoidance of the question was compounded in the sense that this West Lothian mindset seemed to be acknowledged by the major parties in the pre-devolution era. With the existence of the Scottish Office in Edinburgh a convention developed that certain offices of state, notably those of Health and the Home Office, would not be filled by a Scot as such matters relating to Scotland were under the jurisdiction of the Scottish Office. No Scot had occupied such posts since the 1930s but this convention was broken first in 2003 with John Reid's appointment as Secretary of State for Health and then in 2006 when he was moved to

the Home Office (Mitchell 2006 : 470). Interestingly, at the 1992 Election, Robin Cook, at the time Shadow Health Secretary, in an answer to a question about Scots Ministers of State legislating for England while not having a similar authority for Scotland replied:

Absolutely clear and simple answer to this – once we have a Scottish Parliament, handling Scottish health affairs in Scotland, it is not possible for me to continue as Minister of Health, administering health in England (Harper 1992 : 13).

Although the Conservatives were the most vociferous of the major parties on this English question many within the Labour party shared their concern. The Scottish Affairs committee, with a Labour majority, believed the West Lothian Question was « a time bomb that urgently needs to be defused » and stated that it was « a matter of concern to us that English discontent is becoming apparent » (*Daily Telegraph*, 20 July 2006). This discontent, again found within Labour party ranks south of the border also, was echoed in some of their views concerning the Barnett formula. For example, Sion Simon the Birmingham Labour MP was of the opinion that Scotland should no longer benefit financially from a formula devised in 1976, particularly when they now had a Parliament.

English MPs are angry about how much core government money their regions don't receive compared, in particular, with Scotland. « If my constituents knew », one disgruntled northerner told me, « how many more pounds per head they would be getting if the town were transplanted to Scotland, they'd go crazy ». ... John Prescott gave voice to this disgruntlement in a surprising intervention a couple of weeks ago, when he admitted that the current formula cannot pertain indefinitely. For decades a champion of English regionalism, Mr Prescott's outburst was ascribed by one leading English minister as « pure frustration, I guess » (*Daily Telegraph*, 30 April 2001).

Simon was quite explicit in blaming Gordon Brown as the cause of this frustration over Brown's sensitivity to any change to the Barnett formula but although the minutiae of the formula is rather more complex than is commonly thought (see Midwinter, 2004) there is no denying the political mileage that can be milked from such headlines as « Scots get £1,200 a head more per year » or « £11.3bn the extra amount that the Government spent in Scotland in addition to the money it raised there » (*The Times*, 12 December 2006). David McLean the former Tory chief whip remonstrated that:

Not only have we got an unbalanced Parliament in Westminster, with Scottish MPs having more rights than English MPs, we are having legislation foisted on England with the votes of Scottish MPs. We are getting fundamentally greater expenditure on people in Scotland, which is aggravating rural poverty in England. If the Government does not address this, it will find an unstoppable demand in England for separation (ibid).

Such attitudes led to the « English votes for English laws » policy included both in William Hague's and Michael Howard's manifestos for the 2001 and 2005 general elections respectively. The assumption of this policy was that the Speaker of the House of Commons could actually designate which Bills were solely for « English Laws » and thus enable the exclusion of any votes that were not from English constituencies. But in reality it would be very difficult to discern such a clear division to such legislation and for the Speaker to unequivocally declare when there would be no impact from such laws on the other nations of Great Britain. The complexity of such territorial implications is evident in the parliamentary debates on the two « private member » Bills which were introduced firstly into the House of Lords by Lord Baker of Dorking in February 2006 and then into the House of Commons by Robert Walter, the Conservative MP for North Dorset, in March 2007. Speaking on his « House of Commons (Participation) Bill » Robert Walter declared:

My Bill follows a similar Bill that was introduced in the House of Lords in the last Session by the noble Lord Baker which sought to do very much the same as what I propose. However, a number of anomalies were identified in his Bill. Therefore, the basic provisions of my Bill are that, in respect of primary legislation, the Speaker may designate whether it should be considered by « all members returned for constituencies in England and Wales » – thus taking account of the fact that Wales does not have primary legislative powers – « all members returned for constituencies in Scotland... all members returned for constituencies in Northern Ireland », or any combination of those (House of Commons Hansard Debates, 9 March 2007: Column 1790).

But as Vernon Bogdanor was to point out such an approach would still create anomalies as it was not that easy to determine which Bills would be precisely English, or English and Welsh, as finance for Scotland and Wales is through a block fund based on the Barnett formula «the size of which depends on expenditure in England»; thus if education spending was cut back in England this would have a knock on effect on Scotland (*Financial Times*, 10 February 2006). Bogdanor warned of the implications of such an approach for the Union as did Jack Straw, the Leader of the House of Commons, when he warned that « this approach would start to dissolve the glue which binds our Union, and over time would lead to the break-up of the United Kingdom itself » (Straw 2006 : 12). However, both Bogdanor and Straw failed to acknowledge New Labour's part as a « catalytic agent » in the attenuation of that constitutional glue in the first place. Something not lost on John Major in 2007, when more than a decade after the 1992 Election where he had warned of devolution being the Trojan horse for separation, he stated:

If the Union is now unstable, Labour bears the greatest single responsibility. It scoffed at all warnings and – for partisan advantage – passed a wholly one-sided Devolution Act that gave Scotland all it hoped for with no regard to the effect across the United Kingdom. ... And it would be foolish not to acknowledge that a Scottish prime minister with a Scottish constituency will highlight afresh the constitutional anomaly (*Daily Telegraph*, 9 March 2007).

Above we encountered Gordon Brown questioning the legitimacy of Conservative rule of Scotland if Labour won in Scotland again but now with so many Scots holding office in some of the most important UK Ministries, no less in the office of Prime Minister itself, the Conservatives are now beginning to question the legitimacy of Labour rule for England if the Conservatives win in England again. The job of Prime Minister could well be untenable. Of course, the constitutional Pandora's box has now been opened and the question to be asked is, is it possible for the Conservative party to « make devolution work » and to reverse that seemingly inexorable path towards separation?

4. In Conclusion: One Nation but which?

It is quite plain that both major parties have used the constitutional question as a political football each in turn exploiting « the Scottish card » but for John Major and many other Conservatives it has been with the foreseen consequences of merely aiding and abetting the Nationalists. Unfortunately, that call for « positive unionism », which would have addressed and challenged the dangers and anomalies in both administrative and legislative devolution, was by 1988 too late; when Fox and his colleagues sounded the alarm. Although, in fairness they did indeed identify the party's ongoing dilemma: « Yet for too long, on the central issue of devolution, it vacillated between two options: neither rejecting, nor embracing, either with any very significant degree of fervour, consistency or conviction » (Fox et al 1988 : 11). However, it is now inconceivable that the party could turn the clock back regarding the New Labour devolution reforms, although at the 2005 General Election there was ambiguity concerning Wales:

We remain strongly committed to making a success of devolution in Scotland, so that it delivers for the Scottish people. In Wales we will work with the Assembly and give the Welsh people a referendum on whether to keep the Assembly in its current form, increase its powers or abolish it (Conservative Party 2005 : 21).

But, Tam Dayell, the former member of the eponymous West Lothian seat and thus the source of the famous Question itself, now makes the point that: « It is the nature of parliaments that they claim more and more powers » and that he has no apparent pleasure in feeling increasingly justified for his prediction that devolution would be a motorway to independence and concedes that « independence may be better than a halfway house » (*Scotland on Sunday*, 8 October 2006). And Michael Fry, an erstwhile Conservative Unionist, has now had a very public conversion and is now for independence because of the completely hopeless state of devolution: « As I don't think we can go back, we have to go forward » (*The Times*, 14 January 2007).

This then is the dilemma facing Cameron's Conservative party; how does it address these views in Scotland while cognisant of the increasing resentment felt in England over the New Labour's « one sided devolution reforms », while at the same time not « aiding and abetting » the views of English Nationalists? The party cannot just ignore the English Question, although some left wing commentators do indeed adopt the rather puerile Lord Irvine position of simply advocating the not asking of it (see Jonathan Freedland, *The Guardian*, 5

July 2006). Cameron's initial reaction is to knock it into the long grass in the shape of the Democracy Task Force, headed by Ken Clarke, but this only buys time and the party still has to develop policies to underpin its present very strong commitment to the union. In a speech to the Scottish Conservatives in September 2006 Cameron explained:

Britain has given the world so much and I believe that we still have more to give. Of course, there are some in England, including a few in my own party, who think my pro-Union position is crazy. « Look » they point out. « At the general election the Tories got more votes in England than Labour did. If Scotland split off, you'd find it much easier to become Prime Minister ». And so I would. But I have a message for these siren voices. Sorry – not interested. I'm a Unionist and every corner of this United Kingdom is precious to me, including Scotland (Cameron 2006).

Whatever the proposals emanating from the « Democracy Task Force », whether to reduce the number of Scots and Welsh MPs at Westminster further or to work on the convention of an English Grand Committee where only English MPs can vote and whose decisions would be accepted by all the MPs of the House of Commons, Cameron in the end may well have to take heed of those « siren voices ». The Conservative party has always revelled in the myth of One Nation but increasingly the question is asked «but which nation»?

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