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The Scottish Political System Since Devolution: From New Politics to the New Scottish Government

Preface

I wanted to start the book with something punchy about the importance of Scottish devolution. I settled on 'Devolution in 1999 was a major event in Scottish politics' but, as a careful academic, instantly felt the need to qualify this statement to death – which would defeat the purpose. Instead, I decided to qualify it here. There are two standard qualifications. The first is that devolution is a 'process, not an event'. This statement is generally attributed to former Welsh Secretary Ron Davies who used it to assure Welsh people that their initial devolution settlement would be improved as devolution became popular and its institutions and politicians more mature. However, it is also used by commentators in Scotland to counter the sense of a devolution 'settlement' which will go no further. Devolution *is* going further even if independence doesn't happen.

Second, we play down the importance of that event in two main ways. We identify points of continuity in Scottish politics, suggesting that administrative devolution existed long before political devolution and that key institutions – relating to education, local government, the legal system and the church – are decades or centuries old. Indeed, Kellas' (1989) famous argument is that a 'Scottish Political System' existed before 1999. We also question the novelty of 'new politics', a rather vague term generally used to describe our hopes and dreams regarding devolution (Mitchell, 2000). But, still, devolution in 1999 was a major +event in Scottish politics. We can say the same for the next sentence on the shift from a unitary to a quasi-federal state, and then my suggestion that we have a new political system. These are problematic statements but I don't want you to fall asleep before I get past my introductory paragraph. Just go with it if you know the unitary/ union state/ quasi-federal literature or the political system debate already, ignore it, or read up on it (I recommend McGarvey and Cairney, 2008) and come back to this book later.

This study of Scottish devolution draws heavily from the devolution monitoring programme led by Robert Hazell in the UCL's Constitution Unit. The Scottish Devolution Monitoring effort has been led by Graham Leicester, James Mitchell, Peter Jones, Akash Paun, Charlie Jeffery, Nicola McEwen, and Paul Cairney (also note the Constitution Unit's 'Devolution and Health' reports, which ran from 1999-2001). There have been many contributors to the individual parts of the Scottish reports on which I draw: David Bell, Eberhard Bort, Julie Brown, Paul Cairney, Alex Christie, John Curtice, John Harris, Charlie Jeffery, Michael Keating, Peter Lynch, Lynne MacMillan, Nicola McEwen, Neil McGarvey, James Mitchell, Akash Paun, Kirsty Regan, Nicholas Rengger, Jane Saren, Philip Schlesinger, David Scott, Mark Shephard, Alan Trench, Barry Winetrobe, and Alex Wright. I would like to take this opportunity to thank them for their hard work. I have this nagging feeling that some contributors will think that I am just pinching their work and calling it my own, when in fact I am trying to get the most out of these reports. In particular, I would like to thank Neil McGarvey and Barry Winetrobe, who read most of the chapters and gave me some very useful comments. Further, Michael Clancy from the Law Society of Scotland reminded me

of the importance of the ECHR to public policy in Scotland and John Curtice provided some figures to complete chapter 7. Final thanks to Anthony Freeman, Imprint, for being so patient.

I originally thought of this book as an 'impact' output, as part of the Research Councils UK focus on the effective dissemination of knowledge from academics to practitioners (and vice versa). Then, like many people, I realised that impact means something else (note: I don't claim to know what it is - just that I know it is something else). The project was funded initially (1999-2005) by the Leverhulme Trust and the Economic and Social Research Council (http://www.ucl.ac.uk/constitution-unit/research/research-archive/archive-projects/devolution-monitoring99-05). From 2006-9 it was funded by the Economic and Social Research Council, Ministry of Justice, Scottish Executive/ Government, Scotland Office and Wales Office (http://www.ucl.ac.uk/constitution-unit/research/research-archive/archive-projects/devolution-monitoring06-09). As far as I know, this is the first book to draw conclusions from a comprehensive reading of the reports, but it should not be the last.

The reports present a problem for referencing. The aim of referencing is that the reader can use the reference to check or follow up the text in the original source. In my opinion the best way to do this is to depart slightly from the Harvard system, to note in the text the month as well as the year of publication (e.g. Shephard, August 2002: 8) so that the reader can go instantly to source (using the weblinks above, or going through the Constitution Unit if those links change) rather than fish around the bibliography (they are not listed there!). Some early reports have no authors attached to sections, so I list the month, year and page. I have all of the reports on file, and so can keep this document on one side and click to open the reports on the other. It's a good system (once you get used to looking for page numbers at the bottom, not in the Adobe box at the top) and I recommend it to you (although, of course, you will be holding a hard copy unless you are sneaking a look at a few pages on Google books). I suspect that, although this is a stand-alone book, you will get more out of it if you follow up the reports. This system also helps me avoid looking like I really enjoy referencing myself (imagine Cairney, 2008a; 2008b; 2008c; 2008d). I do enjoy it sometimes (see Cairney, 2011), but don't want it to look that way. Barry Winetrobe told me that the report-reference style often breaks up the flow of the text. I have tried to amend it to make it better, by putting the report references to the end of a paragraph when possible, or at the end of a sentence if not, but some sections might still be a pain. Any references to the *State of the Nations* chapters (and to related reports series, such as the early quarterly and annual reports on health) just use Harvard.

Final notes: I generally use 'Scottish Executive' to refer to the Labour-Liberal Democrat coalition government from 1997-2007 and 'Scottish Government' to refer to the SNP government from 2007 onwards. I generally use the term 'Secretary' to refer to the most-senior minister in a Scottish government department (and 'Scottish Secretary' for Secretary of State for Scotland – a UK Government post). This is a longstanding UK convention (short for 'Secretary of State') that became more established from 2007 when the Scottish Government started using the term 'Cabinet Secretary' (but note that this term refers to a senior civil servant in the UK). One of the monitors has one of those amusingly-rude typos that you find in the Private Eye. I'll give a small prize to the first person to spot it.

Chapter 1 – Introduction

Devolution in 1999 was a major event in Scottish politics. Devolution as a whole is described by Hazell (2000: 3; 5) as an 'extraordinary achievement'; a set of decisions to 'transform a highly centralised unitary state into a devolved and quasi-federal system of government in the space of only three years', without leading to the 'break-up of Britain.' Leicester (2000: 14) reports the idea that the Scottish Parliament's first election is 'an opportunity for a new start and the turning point in Scotland's fortunes'. Much of this 'new start' came hand in hand with the idea of 'new politics', or the pursuit of a collection of institutional, process and cultural differences (Mitchell, 2000) to produce something 'more inclusive, consensual and less adversarial than Westminster' (Hazell, 2000: 10). The Scottish system was designed, in Lijphart's (1999) terms, to be a 'consensus' rather than a 'majoritarian' democracy, with a proportional electoral system designed to produce a new party system and foster a sense of cooperation between government, Parliament, 'civil society' and the wider public.

While much of the subsequent literature has challenged or qualified the image of new politics, and the difference that new institutions have made, we still have a new political system following devolution. Kellas' famous argument (made from 1973 to 1989) is that Scotland had, before devolution, most aspects of a political system, including: a population with high levels of Scottish national identity, producing a desire to introduce or maintain policymaking institutions at that national level; and, a means for people in Scotland to articulate and aggregate their interests (1989: 211). It maintained the Scottish institutions that reflected and reinforced national identity (a separate legal, education, church and local government system) and developed the Scottish institutions to articulate (Scottish media, interest groups, MPs) and respond to (the Scottish Office) Scottish demands, as well as the administrative autonomy necessary to carry out Scotland-specific policies. Consequently, the system would be complete with the introduction of a Scottish Parliament with legislative powers (1989: 162).

While there were many critics of Kellas' arguments (see McGarvey and Cairney, 2008: 245-6), relatively few would question the idea that Scotland has a political system now – even though our understanding of the idea of a political system is changing. In other words, Scottish devolution now provides a means for 'political socialization and recruitment' (through the Scottish Parliament and Scottish Government civil service), 'interest articulation' (Scottish elections) and 'interest aggregation' (Scottish political parties and interest groups) and a means to address Scottish demands and make policy on that basis (2008: 10). However, this takes place within a wider system of 'multi-level governance' (Bache and Flinders, 2004; Cairney, 2012b) in which power is dispersed across levels of government, and Scottish institutions have become interdependent with local, UK and EU institutions. It has become a new political system which operates within a wider national and

supra-national system.

It is also a system that has already changed enough to produce realistic demands for further devolution – a process that began to take serious shape from 2007 and accelerated from 2011. The Scottish Election of 2011 produced a landslide victory for the Scottish National Party (SNP). It secured 69, or 53%, of 129 seats under a voting system designed to make such majorities highly unlikely. Proportional representation is generally designed to produce a party system in which: the largest party forms a coalition government with at least one other party, as Labour did with the Liberal Democrats in 1999 and 2003; or, a minority government, as the SNP did in 2007. However, the Scottish Parliament's Mixed Member Proportional system does not make it *impossible* to gain a majority of seats without a majority of the vote because it is not entirely proportional.

The election result signifies a notable reversal-of-fortunes, with the SNP now dominating the constituency vote at the expense of Labour when, in the past, the SNP received most of its seats from the regional lists and Labour dominated the constituency vote at the expense of almost all other parties. As a result, we have moved very quickly from a Labour-dominated political system, focused on the importance of devolution and 'new politics', to an SNP-dominated system characterised by a curious mix of very competent devolved government, which receives minimal attention, and the prospect of further constitutional change, which receives maximal attention. There is also a new UK Government context, with Labour (1997-2010) replaced by a Conservative-led coalition with the Liberal Democrats. Consequently, our attention has moved quickly from a consideration of Scotland's new political system and its style of politics towards the potential for a new devolved or independent era in which we reconsider Scotland's relationship with the UK, EU and wider world.

The Devolution Monitoring Project

The aim of this book is to consider this new era through the lens of contemporary history, comparing the current and future operation of a Scottish Government and Parliament to the institutions that developed following the first elections to the Scottish Parliament in 1999. It does so by drawing heavily on the devolution monitoring project, led by the UCL's Constitution Unit (and Professor Robert Hazell in particular). The project produced regular reports of the 'implementation of devolution' in Scotland, Wales and Northern Ireland from 1999. From 2000, it produced reports on developments in the English regions and the 'Centre'. The reports were produced for approximately 10 years, ending in 2009. They were supplemented by regular *State of the Nations* volumes that used the reports to produce a year-in-the-life of devolution.

The nature of the monitoring project changed markedly over time. Frequent changes to the size, structure and focus of the reports reflected, to some extent, the organic growth of the project as more commentators became involved and more became known about the scale and significance of devolution. By the mid-2000s, when the devolution settlement was more settled, the reports sought to provide a systematic set of questions for each devolved territory:

- **Changes in the Constitution -** How is the devolution settlement evolving? What further powers have been transferred? What further powers are sought by the devolved assemblies? What is the response of the UK government and Parliament?

- **Changes in Public Policy -** What difference does devolution make? What innovations are there in public policy? Experiments; successes; failures? How much policy divergence is there? How much policy transfer?
- **Changes in the nature of Politics -** How different are the 'new politics' of the devolved institutions? How consensual or majoritarian are the devolved assemblies? How effective are they in terms of scrutiny? How innovative are they? Do any of these innovations get transferred?
- **Changes in public attitudes -** What is the attitude of the public to: the autonomy of the devolved institutions, and the question of independence; the division of powers between the devolved governments and UK government; and the performance of the devolved governments and UK government?
- **Changes in intergovernmental relations -** What are the relations between the UK government and devolved government: bilateral or multilateral; formal or informal; cooperative or competitive?
- **Finance -** How are the devolved governments funded? How would they like to be funded? What tensions arise, and how are they resolved?
- The Scottish reports also produced sections on the media and political parties, exploring the extent to which they influenced attention to, and the development of, new politics, public attitudes, public policy and intergovernmental relations.

The aim of this book is to produce a detailed account of that ten year project in Scotland, exploring its links to the Scottish devolution literature, and using the results to situate this new era of SNP Government within a useful context. The monitors provide at least three kinds of academic value. First, they give a strong sense of the value of contemporary history, providing a perspective on events from 1999 that we may no longer hold. At the very least, it is interesting to note that much was written on the assumption of Labour dominance for many years to come. Second, they provide much-needed detail on policy processes. For example, the monitors generally confirm the picture of informality in intergovernmental relations, but they also provide key details on periods of tension between Scottish and UK Governments (chapter 5).

Third, they help us understand the context in which the 2011 SNP Government will operate. For example, chapter 3 shows that there is a clear imbalance of resources between the Government and Parliament. This imbalance was most clear from 1999-2007, when the Labour-Liberal Democrat coalition had a majority in plenary and committees, and used it to push through an extensive legislative programme with minimal opposition. However, it did not disappear from 2007 under SNP minority government. The Scottish Government made more concessions, and opposition parties made more amendments to legislation, but the vast majority of legislation was still passed by the Government following fairly limited scrutiny by Parliament. This is the context for the analysis of a SNP majority government: it will enjoy a parliamentary majority, but we should not exaggerate the difference that makes. Further, as chapter 8 discusses, it will be able to re-introduce policies rejected from 2007-11, such as a minimum price for alcohol and perhaps a replacement for council tax, but relatively few SNP policies were opposed effectively by opposition parties before 2011. In more general terms, we can say that the SNP Government from 2011 will harbour no illusions or expectations regarding 'new politics'. As discussed in this chapter (below), the monitors show us that the new Scottish political system is often not markedly different from its UK counterpart. Further, in the absence of coalition or minority government in Scotland, the

differences may be even less apparent.

The aim of this chapter is to outline that sense of contemporary history provided by the early reports, including the shifting role of media coverage. It then outlines the initial coverage of 'new politics' in the reports as a way to structure the first part of the book. It goes on to identify areas of interest not covered fully in the reports before setting out the structure for the remainder of the book.

Contemporary History

It is striking that, after only twelve years, much of the early devolution commentary reads like a description of history. The first main example is Mitchell et al's (2001: 49-40) discussion of the association between the first First Minister Donald Dewar and devolution as an 'event rather than a process', or 'a fitting culmination of his career ... rather than a new and radical phase of political activity'. This image was reinforced at the time by Alex Salmond's decision to step down as SNP leader in July 2000, following 'private declarations early in his leadership that he had no intention to serve more than a decade' (2001: 50; and a poll suggesting that his departure would make little difference – August 2000: 18; see also May 2000: 17; 19). While the idea of devolution as a box to be "ticked off" as delivered" was challenged more by Dewar's successor Henry McLeish, he did not serve long enough to make a lasting impact (2001: 49-50) (the First Ministers were Donald Dewar May 1999-October 2000, Henry McLeish October 2000-November 2001, Jack McConnell November 2001-May 2007 and Alex Salmond from May 2007). This image of devolution already seems historical. It was challenged in 2007 following the Alex Salmond-led SNP's first election victory, which prompted moves towards extending devolution further (chapter 10). It was then blown away by the SNP's victory in 2011 which made it almost certain that Scotland would have an independence referendum, even if there is a weak link between a vote for the SNP and a vote for independence (chapter 7).

The second example regards an initial sense of satisfaction or optimism in the early coverage. For example, while we may now take devolved institutions for granted, it is only 10 years ago that Mitchell et al (2001: 50) note: 'the Executive has been scrutinised in a manner and to an extent unknown before in Scottish history'. The same chapter also draws on the early evidence to highlight a new Executive-Parliament relationship based on the ability of MSPs and committees to influence government legislation or introduce their own (and, in some cases, choose their own Deputy Presiding Officer – Shephard, February 2002: 12). The early experience suggests that Scottish ministers 'cannot dominate the running of the parliament in the same way that their UK counterparts can in the House of Commons' (2001: 57; Shephard, February 2001: 15; Shephard, May 2001: 13). However, by 2002, this was not the view of 15 MSPs interviewed by the Scottish Council Foundation; many bemoaned the extent of Executive dominance (of both the introduction and amendment of legislation) backed up by the party whip (Shephard, August 2002: 8). Shephard's (June, 2003: 10) suggestion that the reduction of the Scottish Executive coalition majority from 15 to 5 may increase the potential for 'parliamentary leverage' also did not prove to be prophetic. By 2007, the reports had become more sceptical about the idea of parliamentary power even under a minority government which made some important concessions at the beginning of its term: 'The small size, MSP turnover and legislative loads of committees may still undermine their abilities to scrutinise, amend and initiate legislation. The gulf in resources between Executive and Parliament remains' (Cairney, September 2007: 21).

The third example is interesting in the light of concerns from 2007 about the stability of minority government. Many early reports expressed concern about the stability of *coalition* government (in much the same way that we see concerns in the UK from 2010), particularly when the Liberal Democrats were portrayed as tricky coalition partners when pursuing their policy aims (Mitchell, February 2001: 5). In fact, the coalition held for 8 years and only seemed 'loose' in the lead up to the 2007 Scottish Parliament elections (Cairney, January 2006: 13).

Other examples of key issues to revisit include: coverage of the Scottish Parliament building which, according to Mitchell (2004: 35; see also Shephard, May 2004: 8; November 2004: 8), came to 'symbolise the extravagance of devolution'; concern in 2004 about the prospect for ballot paper confusion in the 2007 elections (Wright, May 2004: 29; Scott, January 2008: 76-7); and, Mitchell's (2004: 37) discussion of the speed with which the Scottish media came to equate Scottish politics with the Parliament and Executive rather than the wider political system associated with 'new politics'.

MSPs, Expenses and the Media

One of the first subjects discussed by the first report (November 1999: 10) and Leicester (2000) in the first *State of the Nations* is MSP expenses – an issue that demonstrated an often remarkable degree of print media hostility to the Scottish Parliament despite its initial optimism about devolution (or perhaps because of its unrealistic hopes). Although there is now an impetus for Westminster to learn from Holyrood's expenses and second-homes system (Cairney, May 2009: 28-30), the monitors remind us that Scotland's system developed as much through partisan debates, self-interest and a response to intense media criticism as any higher sense of propriety that preceded public attention. In particular, the Scottish Parliament has been dogged by the issue of different allowances for constituency and regional MSPs – a debate made more contentious by the makeup of the Parliament in which most constituency MSPs were Scottish Labour and most regional MSPs were from the opposition parties (i.e. before the SNP-Labour reversal in 2011).[1] A cross-party group chaired by (SNP) Mike Russell produced recommendations for a £36000 staffing allowance and £10000 local office costs allowance. Labour sought unsuccessfully to amend this plan to give regional MSPs 60% of both costs, while the Liberal Democrats amended it successfully (using the coalition majority) to maintain the salary costs but ensure that if one party had more than one list MSP in the same region then the costs are reduced (£10000 for the first MSP plus £3000 for each additional MSP, to be divided equally among them).[2]

The inability of MSPs to agree on this (one of the first votes in the Scottish Parliament) and other issues, such as seating and the length of parliamentary recesses, was pounced on by a media which 'had a field day watching the undignified squabble' (Leicester, 2000: 20). 'Serious damage was done' to the image of the Scottish Parliament because the public's first impression was influenced by 'a pasting in the press' between the first election on 6th May and the state opening on 1st July (followed quickly by the 'Lobbygate' scandal, in which lobbying firms promised privileged access to Scottish ministers - see chapter 8). Much of

[1] Note a similar example of party politics in Wales, regarding Labour plans (in the White Paper on further devolution in 2006) to stop list candidates running constituency campaigns.

[2] See Scottish Parliament Official Report 8.6.99 cols. 280-330 http://www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-99/or010704.htm

this coverage was denounced by Presiding Officer David Steel as 'bitch journalism' which, as well as being a remarkably inappropriate statement to make, sums up the early political-media relationship and gives a sense of the tone for subsequent media coverage (interrupted briefly by 'hypocritical' press reports following the death of Donald Dewar in 2000 – Mitchell at al, 2001: 51).

Although more agreement among MSPs could be found in 2002, when the Scottish Parliament revisited MSP pay, the issue remained controversial because the parliamentary vote effectively gave MSPs a 13.5% pay rise by moving from a system based on senior civil servant salaries to 87.5% of MP salaries (it also introduced allowances for major party leaders (£21000 for parties with 30-plus members and £11000 for 15-29) and entrusted the Scottish Parliament Corporate Body (SPCB) to act on behalf of MSPs in the future – Shephard, May 2002: 11; see also Earle, 2007: 5; Scottish Parliament Official Report 21.3.02 cols. 10577-87). Attention to MSP costs also became an annual media event following the publication of expenses by the Scottish Parliament Corporate Body (e.g. BBC News, 2003). However, it did not reach a crisis point until 2005, following various freedom of information requests by journalists for more detailed breakdowns of expenses, prompting Keith Raffan to resign as an MSP and David McLetchie to resign as leader of the Scottish Conservatives (Cairney, January 2006: 22; Bort, January 2006: 40; Lynch, January 2009: 112-3; Curtice, January 2006: 78-9) and a feeling among politicians, including Presiding Officer George Reid, that the constant attention undermined the Scottish Parliament's reputation as a transparent body (particularly since the Scottish Executive had also come under criticism for its spending – Winetrobe, November 2004: 7; Winetrobe, April 2005: 4). This prompted the SPCB to publish in December 2005 a much more detailed account of expenses and initiate in June 2006 an online search facility on the Scottish Parliament's website.

Yet, the levels of unwanted attention did not end there. Instead, there was a shift in media attention to the possibility of MSPs making a profit from sales of their second homes in Edinburgh (the mortgage interest was funded via MSP expenses) which prompted First Minister Jack McConnell to encourage George Reid to reform the system (Cairney, May 2006: 20). While the original intention of George Reid was for the SPCB to produce a legacy paper for consideration by the new Parliament in 2007 (Scottish Parliament, 2006), his successor Alex Fergusson commissioned an independent review to take a 'first principles' approach to the allowances of MSPs and the extent to which centrally provided services (particularly relating to office equipment) could replace allowances (Scottish Parliament, 2007; Earle, 2009). The Langlands Review recommended abolishing the payment of an allowance to meet mortgage interest payments (by phasing it out by 2011) and setting a cap on claims for overnight stays for MSPs in eligible areas. While this was accepted by the Scottish Parliament in June 2008, the debate also took us back to the very first party conflicts regarding office and staff allowances for list and constituency MSPs (see also Wright, June 2003: 44 on the perceived inequalities between list and constituency MSPs). Although Langlands recommended that the latter receive £62000 and the former £45000, the Scottish Parliament voted to amend the motion and grant all MSPs £54620 (although the principle of shared office costs for regional MSPs was maintained). Thus, again, the media was able to report that the parties were divided despite voting themselves a significant rise in allowances (Langlands prefers the term 'reimbursement of expenses' - Cairney, September 2008: 17).

Therefore, while Westminster may have much to learn from Holyrood, the experience of the

first decade suggests that we should not look back with rose-tinted spectacles (the same can be said about the registration of non-financial interests – Shephard, November 2002: 8). The media coverage in Scotland may not have reached the heights of the equivalent scandals in Westminster, but they were still significant (Bort, January 2006: 41; Bort, September 2006: 26-7).

Changes in the nature of Politics: New Politics and Unrealistic Expectations

(1) The 'Capability-Expectations Gap'

The idea of new politics, as a departure from 'old Westminster', was part of a 'rallying call for the architects of devolution' and, as such, a lens through which most evaluations of Scottish political success have been conducted ever since (McGarvey and Cairney, 2008: 14). It was promoted (by 'elites' – Mitchell, 2004: 16) for two main reasons. First, it became linked to the unsuccessful referendum on Scottish devolution in 1979 followed by a long spell of Conservative government which increased attention to the 'democratic deficit' - when the Scottish electorate voted for one party, Labour, and received another, Conservative. The new campaign for devolution took shape following the set-up of the Scottish Constitutional Convention (SCC) - a collection of political parties (primarily Labour, Liberal Democrat and Green), the Scottish Trade Union Congress, Scottish Council for Voluntary Organizations, religious leaders, local authorities and civic organizations - in 1989 (McGarvey and Cairney, 2008: 34). The SCC sought to reinvigorate elite, media and popular support for devolution by addressing the concerns associated with previous devolution proposals and articulating a new vision of Scottish politics based on narratives of its past. This rhetoric became inextricably linked to dissatisfaction with the democratic deficit and a feeling that devolution could have saved Scotland from the worst excesses of Thatcherism (McCrone and Lewis, 1999: 17). Indeed, the SCC vision was developed at the same time that many of its participants were acting as the unelected opposition to Conservative government rule. Thus, the remote, top-down and unitary UK state was contrasted with a vision of consensus for Scotland based on a narrative of Scotland's political tradition and longstanding propensity for the diffusion of power, combined with popular and civic participation in politics (Cairney, Halpin and Jordan, 2009). The SCC (1990; 1995) articulated hopes for: "participatory democracy in which the Scottish population would seek to influence decisions made in Scotland directly rather than through a ballot box which seemed so remote; pluralist democracy, in which interest and social groups would seek to counter policies 'unsuitable' for Scotland at all levels of implementation; and deliberative democracy, in which a separate level of debate about the direction of UK policies implemented in Scotland could take place" (McGarvey and Cairney, 2008: 244).

Second, it followed a perceived crisis of popular disenchantment with politics, producing the potential for a Scottish Parliament to be seen as yet-another layer of bureaucracy or source of yet-another pool of self-serving politicians with no meaningful link to, or care for, their populations. In both cases, the devolution agenda embodied hopes for a new style of politics far removed from 'Old Westminster' as the main source of discredited policymaking. While some attention was paid by the architects of devolution to the 'consensus democracies' (and Nordic politics in general), most was devoted to making sure that old politics was left behind.

In this context, a key theme of the early quarterly and annual reports is the extent to which the capabilities of the new Scottish Parliament were 'talked up', well beyond the ability of devolution to solve the democratic deficit and improve accountability (Mitchell, 2004: 16).

This produced an 'expectations gap' regarding devolution and its ability to fulfil the hopes associated with new politics or to be 'the panacea for Scotland's ills … Parliament simply did not have the powers to meet the expectations that Scots had of it …[producing] the largely negative media and public assessment of its initial performance' (Mitchell et al, 2001: 48). While this gap narrowed over time, it was as much caused more by reduced expectations than any positive effect of the Parliament itself (2001: 48); when politics gradually became 'more rooted in what is possible than in what is desirable' (November 2000: 3).

(2) The Scottish Parliament

New politics was based on a range of perceived defects of the UK system, including an electoral system that exaggerates government majorities, excludes small parties, concentrates power within government rather than Parliament and its committees, and encourages adversarialism between government and opposition (McGarvey and Cairney, 2008: 12-3). Thus, it referred partly to the selection of a proportional electoral system and all that this produces, including the strong likelihood of coalition, the need for parties to bargain and cooperate and, hopefully, a consequent reduction in partisanship and rise in consensual forms of politics. To foster a sense of 'power sharing' between government, parliament and the public, the parliament was set up as a hub for popular participation (including a new public petitions process) and vested with an unusual range of powers. In particular, while the Consultative Steering Group (a cross-party group charged with producing the principles, procedures and standing orders of the Scottish Parliament) recognised the 'need for the Executive to govern', or produce most legislation and make most expenditure decisions, it also envisaged a stronger parliamentary role (Scottish Office, 1998; McGarvey and Cairney, 2008: 90). It recommended: the fusion of Westminster's standing and select committee functions, to enable members scrutinising legislation to develop subject based expertise; the ability of select committees to call witnesses and oblige ministers and civil servants to attend; and, the ability to hold agenda-setting inquiries and to initiate legislation if dissatisfied with the government response. Crucially, the committees were also charged with performing two new roles to 'front-load' the legislative process and make up for the fact that, in the absence of the House of Lords, there would be no revising chamber. First, they would have a formal pre-legislative role, charged with making sure that the government consults adequately with its population before presenting legislation to parliament (McGarvey and Cairney, 2008: 91; 104). Second, they would consider both the principles of legislation and specific amendments to bills before they were discussed in plenary.

Yet, although the Scottish Parliament's powers are strong when compared to most West European legislatures, they are weak when compared to the Scottish Government (McGarvey and Cairney, 2008: 127; Cairney, 2006). From 1999-2007 we can explain much of the imbalance of power in terms of the decision by Labour and the Liberal Democrats to form a governing majority able, through a strong party whip, to command a majority in plenary and all committees. As chapter 3 discusses in detail, this unequal relationship is reflected in the monitors. They report immediate concerns about the lack of parliamentary resources to scrutinise departments and legislation, the negative effect of the Scottish Executive's legislative schedule on parliamentary scrutiny, the tendency for the Scottish Executive coalition to use its majority to change parliamentary rules to protect its position, and the enjoyment by Parliament of sporadic wins in the context of a fairly powerless position. Chapter 3 also argues that this imbalance of power did not disappear in 2007 when the SNP formed a minority government. Rather, it demonstrated that governments could further most

public policy without recourse to the Scottish Parliament and that there is a huge gulf in resources between the Government and Parliament.

It is also worth noting how little the Scottish Parliament features in chapter 8's discussion of public policy. While members' bills looked like they might represent an important source of policy, it is worth looking back at the first list (May 2000: 25-7) to note the limits to their ambitions. Most member's bill proposals soon became little more than agenda setting tools. Some notable exceptions include the eventual Protection of Wild Mammals bill (Winetrobe, February 2002: 50; it was sold as the fox hunting ban but, when implemented, did not stop fox hunting) and Tommy Sheridan MSP's abolition of poindings and warrant sales, which removed distinctly Scottish practices (the sale of someone's possessions to pay off debts – a practice that arose famously when local authorities sought to collect 'poll tax' debts). Sheridan's bill is also memorable because it was one of the very few examples of a member's bill passing despite initial Scottish Executive opposition. The May (2000: 25) monitor reports that the 'Scottish Executive had to accept defeat in the face of a report from three Scottish Parliament Committees ... and a rebellion amongst its own backbenchers'. What it did not appreciate at the time was how rare these practices would become (McGarvey and Cairney, 2008: 103; also note that Sheridan and other MSPs were not happy with the replacement to poindings and warrant sales – Winetrobe, August 2001: 48-50; February, 2002: 51). The novelty of the Education Committee's bill introducing a Children's Commissioner was also not apparent at the time (Winetrobe, May 2002: 63).

(3) New Avenues for Democracy

There is some hope in the first report that new forms of deliberative and participative democracy will represent more than 'empty rhetoric' following the announcement of Parliament funding for engagement. Engagement can involve: the promotion of meetings outside of Edinburgh; the use of 'citizens juries and panels to provide representative feedback; deliberative polling and consensus conferences; and inputs to wider forums such as a Youth Parliament and an Older People's Parliament' and Executive funding for the Scottish Civic Forum (November, 1999: 7). However, very few reports find anything to report. Indeed, the most frequently addressed issue regards the lack of funding for the SCF, forcing it to close (November 2001, 14; Winetrobe, August 2004: 6; Winetrobe, April 2005: 5; Cairney, January 2006: 18). Schlesinger's (August 2003: 14) section is the only entry discussing new avenues for democracy in a positive way.

Similarly, the reports are often as likely to report on the *numbers* of petitions (Shephard, May 2002: 10; Cairney, September 2006: 16; January 2007: 25) and their *existence* rather than their *effect* (Winetrobe, August 2002: 46; Winetrobe, November 2003: 52; Winetrobe, February 2004: 4; Scott, January 2006: 99; Cairney, January 2007: 29-30). Subsequent debates and further scrutiny are reported in relatively few cases (Winetrobe, November 2004: 9; Shephard, April 2005: 6; Cairney, January 2009: 48; Cairney, May 2009: 40). Nor has much come from the SNP manifesto proposal to 'allow for the best supported public petition in any year to be brought forward as a detailed legislative proposal' (Cairney, September 2007: 24) or from the Public Petitions Committee's decision to review procedures (Cairney, September 2008: 21). Overall, Mitchell (2004: 39; 2005: 37) argues that, 'Measured in terms of political power – the essential test of politics – these appear more symbolic than effective … an elaborate democratic veneer sitting atop long-established processes'. These new and ineffective processes perhaps contrast with the more established reliance on pressure

participants such as interest groups which, although more important, were discussed less often in the monitors (see below).

(4) The Scottish Executive and Civil Service

Many early portrayals of civil servants regarded them as a force of inertia; as a foil to the dynamic new Parliament and a strong tie to the UK government (Ford and Casebow, 2002: 46; McGarvey and Cairney, 2008: 144). Much of this criticism was based on two types of unrealistic expectations. First, too much was expected of a government department set up originally to implement UK policy than research, consult on and produce new Scottish policy (Keating, 2005: 104; compare with Permanent Secretary John Elvidge's assessment, five years on – Winetrobe, November 2004: 6). Second, too much was expected of a civil service set up to be accountable to ministers rather than directly to the Scottish Parliament (Pyper, 1999; Parry and Jones, 2000: 53). The latter explains why Henry McLeish's attempts to give Labour MSPs direct access to civil servants appeared to fail: 'McLeish's notion appeared to be based on a local government rather than a British parliamentary model', or at least a system that threatened the notion of an 'apolitical civil service' (Mitchell et al, 2001: 54; November 2000: 4-5). The unanticipated divide between Executive and Parliament also extended to ministerial special advisors, originally housed in Parliament who then moved to St Andrew's House because 'they don't want to be hassled by backbench MSPs' (November, 1999: 4). Issues related to civil service/ parliamentary relationships arose infrequently, perhaps because the initial expectations of the main players soon adapted to a fairly traditional decision-making process, or politics 'more rooted in what is possible than in what is desirable' (MacMillan, November 2000: 3). However, they did not disappear - and it is worth noting John Elvidge's awareness of the still 'adversarial relationship between Executive officials and MSPs' in 2003 (Winetrobe, November 2003: 4).

What can the reports not do?

This focus on new politics shows us what the monitors can do when there is a common theme that can be tracked in different sections. In other cases, the reports may be ill-equipped to track issues that are difficult to pick up in quarterly reports. For example, progress on issues such as poverty, health inequalities and equality may be more long term affairs better suited to broader sweeps (although see Cairney, May 2006: 20 on the Finance committee inquiry on deprivation).

The monitors occasionally reported on the representation of women as an event (and perhaps note the general lack of representation of black and ethnic minorities). They also cover some flashpoints in relation to gender, such as: the charge that women were treated less favourably than men by the first Presiding Officer David Steel; that plenary is/ was akin to a boy's club with a 'climate of sexism' (Shephard, May 2002: 12-3; February 2004: 6); the not-yet-realised idea that the occupation of MSP could involve job-sharing (Winetrobe, August 2001: 39); Scottish Executive initiatives to encourage the participation of women in public life (Winetrobe, May 2002: 8); and a reduction in women in the Scottish Cabinet following the 2003 election (Winetrobe, June 2003: 5; see also Cairney, April 2007: 90 on the ''gender equality scheme' for public bodies). However, the project did not appear to track systematically the substantive representation of women or the role of women in public life or public policy – perhaps because so few women were involved in producing the monitor from May 2001.

Another thing the monitors cannot do well is predict the future. The best example may be the 2011 election result which now colours a lot of the early monitoring coverage in the Labour-dominated years. Or, it may be the economic context in the early years of devolution. What has become clear now is that the first decade of devolution was accompanied by significant rises in public expenditure. The recent economic crisis, and subsequent agenda on UK and Scottish public sector retrenchment, presents a new lens through which to view early developments regarding public policy. It is occasionally suggested (e.g. in Bell's coverage of Barnett, chapter 9) that one of the biggest limits to policy innovation in Scotland is the budget settlement. Yet, we may look back on the first ten years of devolution as the best chance for Scottish governments to pursue relatively generous social policies.

Last but not least, the influence of interest groups and other 'pressure participants' (Jordan et al, 2004)[3] is perhaps the most notable absence in the reports, since policy networks or subsystems are generally the key focus in theories of public policy and policy analysis (Cairney, 2012b). The gap occurred partly because this type of investigation is generally supplemented by elite interviews. However, in this case, all is no lost because the reports do provide some useful context in their coverage of the Scottish Government (chapter 4), public policy (chapter 8) and the increasingly important matter of central-local relations (see below and chapter 6). To make the most of this material, chapter 4 introduces the literature on 'territorial policy communities' (Keating et al, 2009). The general idea is that devolution has provided new venues for interest group influence, prompting many groups to redirect their efforts to Scottish policy networks to influence policy. As chapter 6 discusses, these networks may now be changing further following the SNP Government's agenda on local government, which sees more discretion given to local authorities to deliver policy, and perhaps prompts groups to redirect their efforts once again to maintain their policy influence.

The Structure of the Book

Chapter 2 discusses the role of political parties as one of the main stumbling blocks to new politics in the Scottish Parliament, but also wider issues such as the level of party devolution, the brief role of small parties (largely from 2003-7) and shifts in party fortunes in UK and Sp elections. Chapter 3 discusses the move from coalition government (1999-2007) to minority government (2007-11) as an important reference point for majority SNP Government from 2011. It discusses the limited extent to which the formation of a minority SNP government reignited the debate on new politics. Chapter 4 discusses the development of a new executive in Scotland, situating discussions of its new powers within the context of multi-level governance. It identifies the shift in focus from policy implementation under the Scottish Office (before 1999) to policy formulation and the need for greater policy capacity under the new Scottish Executive and Scottish Government. It argues that this need for policy capacity may be more useful than new politics in explaining the importance of 'territorial policy communities'. Chapter 5 discusses trends in the relationship between the Scottish and UK Governments and explores the extent to which the SNP has made a difference. Although it generally confirms a picture of informality and generally constructive relations, it also highlights particular areas of tension regarding the role of the Secretary of State for Scotland and Scottish Government attempts to play a greater role in EU and international affairs.

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[3] 'Pressure participants' is a term used by Jordan et al (2004) partly to show us that terms such as 'pressure groups' or 'interest groups' can be misleading because: (a) it conjures up a particular image of a pressure group which may not be accurate (we all think of unions or membership groups like Greenpeace); and (b) the organisations most likely to lobby governments most are businesses, universities and other types of government.

Chapter 6 discusses the Scottish Executive's relationships with local authorities, quasi-governmental and non-governmental bodies and explores the extent to which the new SNP government altered those relationships. It argues that the main SNP effect has been the development of a new relationship with local government, in which the latter enjoys more discretion and responsibility for service delivery. Focusing on the case study of education policy, it explores the move's effect on territorial policy communities. Chapter 7 tracks key changes in levels of national identity, public attitudes towards devolution and independence, attitudes to new Scottish institutions and the link between public opinion and particular policy initiatives. Chapter 8 charts, in depth, developments in Scottish public policy since 1999. Chapter 9 discusses how the Scottish Government is funded and the tensions that have arisen over the continued use of the Barnett formula, the limited range of economic levers in Scotland, the extent to which there is a Scottish Treasury, and the effect of an SNP government on finance debates. Chapter 10 discusses the extent to which devolution has satisfied calls for constitutional change, the constitutional issues that arose in the early years (such as the West Lothian question) and new calls for independence or a new devolved settlement (with sections on the National Conversation and Calman Commission). Chapter 11 assesses the overall effect of devolution so far, with a particular focus on the idea of policy success. In other words, can we say if devolution has succeeded or failed in any meaningful way and, if so, what measures should we use? Should we gauge devolution success in terms of the aims associated with new politics?