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The United Kingdom

Political Institutions and Territorial Cleavages

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Center-Periphery Relations

The case of the United Kingdom is unusual in that, while territorial politics have long been an important factor in public life, the state is not federal and, indeed, it is only since 1999 that devolved parliamentary institutions have been introduced. To appreciate the dynamics and issues of territorial politics it is therefore necessary to survey the arrangements to govern the multinational state before 1999. Judgment on the performance of the new institutions themselves must wait a little longer.

Nation and Nationalism in the United Kingdom

The United Kingdom of Great Britain and Northern Ireland¹ consists of England which, with 48 million inhabitants, dominates the union; Scotland (population 5 million); Wales (population 3 million); and the six counties of Northern Ireland (1.5 million). The twenty-six southern counties of Ireland broke away in 1922 to form the Irish Free State, which later became the Republic of Ireland (population 3.5 million). Each part was incorporated in the United Kingdom in a different way, preserving its own features and characteristics but, in contrast to other states so constructed, like France or the Netherlands, there was no national revolution to unite nation and state and forge a shared identity. Instead, consistent with the British tradition of pragmatism, this

differentiated structure persisted into the modern era to constitute what Rokkan and Urwin (1983) called a "union state." This is a form neither federal nor unitary, in which the constituent parts, "fragments of states" (Jellinek 1981), retain many of their old rights and privileges.

Wales was the most fully incorporated, after the failure of efforts to found an independent principality in the thirteenth century. Under the Tudors, a Welsh dynasty, it was merged with England by the Acts of Union of 1536 and 1542, retaining only the courts of Great Session into the nineteenth century. Ireland's relationship with the Crown was more colonial in nature. It was first conquered by Anglo-Normans in the twelfth century, although the Crown's hold was ever more precarious until the sixteenth century, as the settlers gradually assimilated with the Old Irish. The Reformation introduced a sharp division between the Irish (Gaelic and Norman), who remained largely Catholic, and the Protestant settlers from England and Scotland, who were planted in both north and south during the seventeenth century. There was an Irish parliament, representing the Protestant ascendancy class² until the Union of 1800, but the executive was never accountable to it and after 1800 the country was managed by the lord lieutenant and the chief secretary, appointed from London. Scotland beat off attempts at conquest in the thirteenth and fourteenth centuries but was linked to England in 1603 when King James VI succeeded to the English Crown as James I. In 1707 there was a negotiated union in which both England and Scotland surrendered their parliaments in favor of a new parliament of Great Britain. Provision was made for Scotland to keep its own system of law and courts, its established church, and its education and local government systems.

Each of the smaller nations of the United Kingdom preserved its distinctive traits within the union. Wales was least distinct institutionally but retained its own language, spoken until the nineteenth century, by the majority of the population. In the eighteenth century most of the Welsh broke away from the Church of England, creating a social cleavage in the countryside between the small farmers and the anglicized and Anglican gentry. In the late nineteenth century a distinct Welsh political culture emerged, rooted in religious nonconformity, egalitarianism, and radicalism (Morgan 1980). In Ireland, the peasantry were distanced from the Anglo-Irish landlord class by religion and nationality, and the two issues of religion and land were to dominate Irish politics for much of the nineteenth century. Government was in the hands of appointees sent over from London. Scotland, by contrast, enjoyed a large degree of informal self-government as its native elites found their own place within the union (Paterson 1994; Harvie 1994). Until the 1830s power was in the hands of the Scottish "manager" who, in return for delivering Scottish MPs to the government of the day, had a free hand in the distribution of patronage. Such administration as was needed was

provided by the burghs, appointed boards, or the Kirk (Church of Scotland). As the state expanded its role from the late nineteenth century, it took on a Scottish form, notably with the appointment in 1885 of a secretary for Scotland, who gradually took on responsibility for most domestic policy in Scotland. The secretary (of state) was a Scottish MP of the ruling party who acted as a broker between the Scottish and U.K. levels of politics, applying government policy in Scotland while defending Scotland's interests in the cabinet.

It is impossible to assign a date to the start of territorial mobilization in the United Kingdom. While territorial/national conflicts do have deep roots, anachronistic myths such as that of "Ireland's 800-year struggle" are an effort to put a contemporary gloss on historical conflicts. The dynastic struggles of the seventeenth and eighteenth centuries have also been given a nationalist slant, with the Jacobites being presented as proto-Scottish nationalists and even, at one time, Irish nationalists.³ The religious wars of the seventeenth century, which should rightly be seen as part of a wider European conflict around the Thirty Years' War, have also been pressed into service by nationalist and antinationalist historiography. The first explicitly nationalist movement, however, was the United Irishmen of 1798, inspired by the Jacobin ideals and civic nationalism of the French Revolution. Like other parts of Europe, the United Kingdom in the nineteenth century saw a series of upheavals as the politics of territory, religion, and class intersected in the context of state building and consolidation. After the Napoleonic Wars, a renewed Irish movement, associated with Daniel O'Connell, sought the repeal of the Union. This failed with the famine of 1847 but was followed by the home rule movement, which reached its peak under Charles Stewart Parnell in the 1880s. By the end of the nineteenth century, this moderate tradition was rivaled by more radical ideas, often tied in with use of violence, and the consequent division between peaceful and "physical force" nationalism has persisted to our own day. Irish nationalism was linked to the movement for Catholic advancement and land reform and its progress was matched by a mobilization of the Protestant community, especially in the north, dedicated to the Union and Protestant supremacy. Although many of the leaders of the United Irishmen (like Wolfe Tone) and the home rule movement (like Isaac Butt and Parnell) were Protestant, and the Catholic Church had never given its open support, Irish nationalism came to be increasingly identified with the aspirations of the Catholic community and the religious and national divisions became ever more identical. A movement for Scottish home rule took off in the late nineteenth century, in response to the expansion of the British state and the example of Ireland. Its main support was among the more advanced Liberals and radicals and it was to draw in Highland land reformers and the early labor movement (Keating and Bleiman 1979). The religious element was weaker, although advanced Liberals did support disestab-

lishment of the Church of Scotland, and sympathy with Ireland had to coexist with an undercurrent of anti-Catholicism.⁴ A weaker movement developed in Wales, also based on the radical wing of the Liberals, playing on issues of land and language but above all on opposition to the Anglican Church establishment and its control of the education system.

Mobilization reached a peak in the 1880s and again in the years before and after the First World War, causing constitutional crises and even a danger of civil war. Before the war, the main division was between Gladstonian Liberals and the emerging left on the one hand, and the Conservatives and Unionists on the other. Gladstone's conversion to the cause of Irish self-government in 1886 split the Liberal Party and kept it out of power for most of a generation. The breakaway Liberal Unionists took not only most of the Liberal aristocrats and the right wing, but also a section of the radicals under Joseph Chamberlain, and gave the Conservatives, with whom they eventually amalgamated, a lower-class Protestant base in urban centers in Scotland and northern England.

The Gladstonian home rule concept, soon extended to Scotland (Finlay 1997) and then home rule all round, envisaged the creation of subordinate parliaments in Ireland, Scotland, Wales, and, in some versions, England, to manage local affairs, leaving the imperial Parliament to deal with the great affairs of state. Its main objective was to contain nationalist pressures, especially in Ireland, but it was also promoted as a form of constitutional modernization to relieve the burden on central government and foster national efficiency. It was federal in its implications although Gladstone, presenting his home rule bill for Ireland, went out of his way to distinguish it from the old O'Connellite demand for repeal of the Union, which would have restored a measure of sovereignty to the Irish parliament. Like all subsequent home rule governments down to Tony Blair's, he insisted that nothing would abridge the sovereignty of Westminster. There has also been a federalist movement in the United Kingdom (Kendle 1997) proposing variously a federation of the British Isles or of the empire, but since the First World War it has survived largely within the Liberal Party, itself a minority force in British politics.

On the other side, there developed the ideology and politics of unionism, again initially in Ireland but later in the rest of the United Kingdom. Irish Unionists were to a large degree concerned with preserving Protestant power but their supporters on the mainland were more concerned with the principle of the Union itself. Their intellectual apologists, from A. V. Dicey (1886, 1912) to antidevolutionists in the 1970s (Wilson 1970) and 1990s have argued that we must not devolve power to subordinate legislatures precisely because the United Kingdom is a multinational state. Any Irish or Scottish parliament, or even a Welsh assembly, would of necessity consider itself to embody

the will of a nation and thus abrogate to itself full sovereignty. Local municipal self-government, recognition of special conditions, administrative distinctions, and policy differentiation, on the other hand, were acceptable. Unionists are not Jacobins and have not sought to promote an overriding U.K. national identity. Unlike in France, there was no consistent program for cultural homogenization, although in practice the peripheral cultures did suffer neglect and depreciation. Instead, the main propaganda effort went into sustaining support for the empire, a concept that subsumed the United Kingdom but took in a lot else besides. From the late nineteenth century, British Unionists approached Ireland with a combination of concession and coercion, addressing the land issue with quite radical reforms, but setting their faces against constitutional change and bringing in special legislation to clamp down on disturbances.

Struggles over home rule peaked in the years before the First World War. Irish home rule bills sponsored by Liberal governments had been thrown out by the House of Commons in 1886 and the House of Lords in 1893,⁵ so when the Liberals returned with a massive majority in 1906 they proceeded with circumspection. Only after they had lost their majority in 1910 and were reliant on the Irish members in the Commons did they produce a new home rule bill. With the lords' veto removed following the constitutional crisis of 1910, there was no legal obstacle to its passage, but the Unionists remained intransigent. Militias emerged on both sides in Ireland and the Conservative and Unionist leadership declared that military resistance to home rule would be justified. Irish Unionists for their part took the view that, if home rule could not be avoided altogether, then the province of Ulster or its Protestant parts should be allowed to opt out. Only the outbreak of the First World War avoided a slide into civil war or a coup d'état. The year 1916 saw the Easter rising whose suppression boosted the republican forces dedicated to secession and physical force. Sinn Féin swept aside the moderate home rulers in the postwar election of 1918, heralding a violent conflict that ended in the partition of Ireland and the establishment of two home rule governments, the Irish Free State and the Province of Northern Ireland. The Free State evolved into independence, ultimately as the Republic of Ireland (1949), while Northern Ireland remained in the United Kingdom but under the dominance of the Ulster Unionist Party dedicated to Protestant supremacy.

These years also witnessed a rise in Scottish nationalism, although this was overshadowed by the Irish crisis. A series of home rule bills was presented to Parliament and in 1913 one of them even gained a second reading. During the war, Labour and the trade unions campaigned hard for home rule, culminating in a great mobilization between 1918 and 1922 (Keating and Bleiman 1979). Then the movement went into rapid decline. The parliamentary breakthrough of 1922 showed Labour that Westminster was open to

them. The collapse of the Scottish economy after the postwar boom emphasized Scotland's dependence on U.K. markets and financial support; and the independent Scottish trade unions gradually merged with their English counterparts and Scottish civil society generally found a secure niche within the union state.

In Wales, local grievances never quite crystallized into a great movement for home rule. The educational issue was resolved by the Liberal government elected in 1906 and the Church in Wales disestablished by an act of 1913, which took effect after the war. Prominent figures in the Welsh revival, notably David Lloyd George, found a niche in British politics, while the rising labor movement, like its Scottish counterpart, looked to London for redress (Jones and Keating 1985).

The Institutional Environment

Territorial Management in the Union State

Political scientists in the 1960s and 1970s often portrayed the United Kingdom as a unitary state without any federal features and with a homogeneous political culture (Blondel 1974; Finer 1970). In reality it was a highly differentiated polity in which the numerical dominance of England and the absence of devolved parliamentary institutions except in Northern Ireland masked considerable divergences. Managing this differentiated polity involved a complex exercise in statecraft in each of the constituent nations. After a period of stability, these arrangements broke down from the late 1960s, heralding another outbreak of territorial politics comparable to that of the years 1880–1920.

After 1922, British politicians sought to externalize the question of Northern Ireland. Ironically, the province that had most resisted home rule was the only place to experience it before the 1990s in the guise of the Stormont regime. This was a devolved parliament and government with extensive social, economic, and fiscal competences over all matters not expressly reserved to Westminster.⁶ In practice it was a vehicle for maintaining the Protestant ascendancy, despite the fact that around a third of the population was Catholic. The Ulster Unionist Party abolished the proportional representation that been bequeathed by the British and consequently won all the elections.⁷ Local government boundaries and electoral constituencies were gerrymandered, to keep the majority Catholic city of Derry under Unionist control. The Royal Ulster Constabulary was an instrument of Protestant domination. Catholics suffered systematic official and social discrimination and authoritarian measures were passed that had no counterpart on the mainland.

Nationalists had widely assumed that Northern Ireland would prove unviable, allowing Irish unification in due course. In practice, as Stormont was unable to pay its

way, the "imperial contribution" to cover the cost of U.K. services diminished and then became negative. After the Second World War, Stormont shadowed the welfare state measures of the new Labour government in London, secure in the knowledge that London would pay the bill. This had two opposite consequences. It helped legitimize the Stormont regime by giving Northern Ireland citizens a higher level of welfare services than that available in the Republic,⁸ but without ever winning the positive support of Catholics. Surveys indicate that Catholics are more preoccupied with their immediate situation within Northern Ireland. Rose's 1968 survey showed 21 percent of Catholics in favor of retaining the border and only 14 percent in favor of immediate unification (Rose 1971). Surveys in the late 1970s confirmed that northern Catholics were more concerned with power sharing than reunification (Moxon-Browne 1983). On a very soft question in 1995, just 53 percent of Catholics preferred Irish unity, although only 13 percent were opposed (Breen 1996). A 1996 survey showed 15 percent of Catholics in favor of remaining within the United Kingdom while 34 percent wanted to join the Republic (Evans and O'Leary 1997). Protestants, on the other hand, consistently come out as massively opposed to Irish unity.

On the other hand, the British subvention kept the Stormont regime in existence and the British never demanded equal civil rights as a condition for support. So Northern Ireland remained a divided society, in which the Catholics felt discrimination while the Protestants felt themselves under constant threat from Irish irredentism. For the most part, Catholics retreated into political quiescence and nonparticipation, punctuated by sporadic campaigns by the republican movement whose stated goal was to overthrow the regimes of both Northern and southern Ireland in favor of a unified Republic. There was a complex interplay of class and ethnic/religious cleavages. Sporadic efforts were made to organize labor and socialist parties across the sectarian divide, but the institutionalization of the communitarian and nationalist division consistently frustrated this (Bew, Gibbon, and Patterson 1996; Ruane and Todd 1996; O'Leary and McGarry 1993).

Scotland was governed through a modified form of the management system that had existed since the mid-eighteenth century. The secretary of state for Scotland, always a Scottish MP from the ruling party, enjoyed full cabinet status from 1926 and gradually took over the management of most domestic policy in Scotland. Around the Scottish office there developed an array of specifically Scottish administrative institutions and agencies, while the local government system took a distinct form. Separate legislation was passed at Westminster where Scottish conditions or the needs of the Scottish legal system required this. So there developed a distinct Scottish layer of politics within the U.K. political system, with Scottish MPs having to decide whether to take a Scottish or a U.K. career path (Keating 1975). The centralizing force of cabinet

government, of party loyalty, and of the policy leadership exerted by the big Whitehall departments limited policy autonomy to areas where there was a strong Scottish tradition, where the issue was of low political salience, where party ideology was weak, and where the Scottish office controlled the resources needed for policy development (Keating and Midwinter 1984; Midwinter, Keating, and Mitchell 1991). Education, social work, and local government structure were areas of higher autonomy than economic development, expenditure priorities, or health. Most important, Scottish politicians saw a trade-off between autonomy for Scotland and access to the center. Scotland was overrepresented in the House of Commons (McLean 1995; Rossiter, Johnston, and Pattie 1997). The Scottish office, linked into Whitehall networks, the secretary of state in cabinet, and the overrepresentation of Scotland in Parliament provided material advantages that could be jeopardized by adopting home rule. These advantages were real enough. Scotland, whose economy went through a series of structural crises from the 1930s, benefited from regional policies designed to bring in new industry, while expenditure levels were consistently higher than in England or Wales.⁹ The bargaining and brokerage between Scotland and the U.K. treasury and economic departments was conducted discreetly so as not to arouse undue suspicion in other regions and Scottish parties and interests were able to cooperate in pursuing Scottish interests without attenuating their primary partisan or class loyalties. It was precisely the institutional structure around the Scottish office and its agencies that allowed the articulation of a territorial economic interest, which was notably lacking, for example, in the regions of England. This institutional arrangement served to tie Scotland into the United Kingdom, while at the same time maintaining and even reinforcing the idea of a distinct Scottish political and administrative identity. The role of the Scottish office and its agencies in shaping issues and instruments further invited people to frame issues, such as economic development, in a Scottish context. So, despite regular campaigns for home rule or devolution (Mitchell 1996) the political elite were able to contain the pressures without constitutional change.

In Wales there was much less administrative differentiation. Wales does not have its own legal system and only in 1965 was the Welsh office established on the lines pioneered by the Scottish office in 1885. The secretary of state for Wales was a less senior minister than his Scottish counterpart and played less of a role as a broker between Whitehall and local civil society, as shown by the fact that Conservative governments in the 1980s and 1990s were able to appoint MPs from English constituencies to the office—this would be unthinkable in Scotland. From the 1960s, however, Wales also benefited from regional policy initiatives and gradually a Welsh political-administrative arena emerged. The Welsh language was an important identifier but it also divided Welsh society since only about 20 percent of population used it. From the

1960s, Westminster made quite generous provisions for the language, a process that continued even under the centralizing Conservative governments of the 1980s and 1990s (Snicker 1997) in a characteristic British move to defuse peripheral nationalism by showing that centralized government could address the substantive grievances of the minority nations.

The Collapse of Territorial Management

The United Kingdom's system of territorial management was based, as were other elements of the constitution, on unwritten understandings and balances. From the 1960s it began to collapse under the influence of external and internal change. Loss of empire exposed the weakness of British national, as opposed to imperial, identity, while economic decline sapped confidence in the superiority of British ways. The 1960s and 1970s saw a frenzy of institutional reforms, informed by the new managerialism, none of which touched the essence of the constitution, and new economic ideas from Keynesianism, through indicative planning, to monetarism, were tried in rapid succession. The two big political parties were challenged by new parties and social movements, while the social deference that had underpinned much of the old practice declined.

In Northern Ireland, a new generation of Catholics, products of the postwar welfare state and education system, challenged the Stormont regime, initially to demand the civil rights to which they were entitled as British citizens. This strategy of confronting the state with the inconsistencies in its own positions paralleled that of the civil rights movement in the United States, but was soon to give way to a more traditional nationalism aimed at overcoming the division of Ireland. As before, nationalism was divided into a constitutional/moderate wing represented by the Social Democratic and Labour Party (SDLP) and a physical force/extreme wing represented by Sinn Féin, political wing of the paramilitary Irish Republican Army (IRA). Faced with the prospect of civil war, the British government sent in troops, initially to protect the Catholics against a Protestant pogrom, and insisted on a program of reform. Yet, unwilling to take direct responsibility, it left the institutions of the Stormont regime, including most of its policing apparatus, intact. With the introduction of interment without trial and the Bloody Sunday massacre of 1972, this robbed the British of their credentials as honest brokers¹⁰ and rapidly pitched them into conflict with the republican movement and a large part of the Catholic community. Stormont collapsed in 1972 as the Unionists were unwilling to push through reform and the British government imposed direct rule through a secretary of state for Northern Ireland. Like the secretaries for Ireland in the nineteenth century, but unlike the secretary of state for Scotland, this is never a locally elected politician, but a member of the government of the day sent over from London.

Policy has followed three tracks in a manner that is not always entirely consistent. The first is based on the need to combat violence from paramilitaries and has involved a return to exceptional measures that have further alienated much of the Catholic community. There have been suggestions of a shoot-to-kill policy and collusion with Protestant paramilitary organizations as well as widespread civil rights violations. The high point of the definition of the problem as one of law and order was the handling of the IRA hunger strikers by the Thatcher government, which gave Sinn Féin a massive boost within the Catholic community and provided a recruiting bonanza for the IRA (Taylor 1997). The second strand is the search for a consociational solution by bringing both communities in Northern Ireland together in a power-sharing arrangement. Two of these resulted in agreement. The Sunningdale Agreement of 1973 brought in moderate nationalists and unionists but not the republicans or loyalists; it was brought down by a strike of loyalist workers. The Good Friday Agreement of 1998 brought in all the parties except for the Paisley Unionists, but it has led a precarious life since. The third strand, since the mid-1980s, is to bring in the government of the Republic of Ireland in the search for an all-Ireland dimension that could satisfy some of the aspirations of the nationalist community. This strategy, seriously launched with the Anglo-Irish Agreement of 1985, also fed into the Good Friday Agreement.

The undermining of the union arrangement in Scotland was slower and less dramatic but very real. From the 1960s, the Scottish National Party scored some spectacular by-election victories and increased its general election vote to over 30 percent, with eleven MPs in October 1974. Thereafter its vote has fluctuated but in recent years has not fallen below 20 percent. In the 1990s it reestablished itself as the second party in Scotland. At the same time, a more diffuse nationalism has developed in Scotland and the Labour Party has returned to its old home rule traditions. Economic arguments for the Union have become less compelling as regional policy has been run down and dependency on the U.K. state has partly given way to dependence on the European Union (EU) and multinational capital. For a while in the 1970s, the nationalists made a lot of mileage out of the issue of "Scotland's oil,"¹¹ but this is less salient now. Scottish nationalism is historically not a product of periods of deprivation—when Scots veer to the parties of the left who can get resources from London—but of periods of relative prosperity like the years around the First World War, the 1970s, or the 1990s, when the arguments about dependency were less compelling. Polls in recent years show that the Scots are not convinced that the Union is working in their economic interest or that the benefits of prosperity are being evenly divided, and nationalists have played this into an image of productive Scots being deprived of the fruits of their labor.

Nationalists and home rulers have also taken advantage of the attack on the welfare state by the Conservative governments of the 1980s and 1990s. It is not that Scots are

more attached to the welfare state than their co-citizens to the south. Evidence shows that they are slightly more in favor of redistribution but otherwise quite similar to the English on most issues; in any case, we know that support for the welfare state in England held up through the Thatcher years. Rather, Scottishness is used as a basis for mobilizing around defense of the welfare state, with nation perhaps replacing class as the rationale for social solidarity. This interpretation is supported by the finding that Scottish identity predicts support for redistribution better than the other way around (Brown et al. 1998). So, because of the institutional framing of political issues in Scotland, social welfare issues, as well as economic ones, are now seen through a territorial/national lens. The social bases of the Union have been weakened with the decline of the trade unions and their exclusion from policy consultation under the Conservatives. Business remains strongly antinationalist and has generally opposed home rule, but is less concerned with losing markets given the European commitment of all the parties.

The traditional upper classes were an important pillar of unionism in the Conservative Party, tied into all four nations of the United Kingdom,¹² but they have declined in social importance and have been marginalized within modern Conservatism, with its reliance on business and the middle classes. The role of the parties as brokers has also declined. Until the 1960s, the party balance in Scotland was not radically different from that in England and until the 1980s, Scotland had rarely been run by a party for which it had not voted. After 1979, Scottish secretaries of state governed with such a narrow parliamentary base that it became difficult to find enough MPs to staff the posts in the Scottish office. In 1997, the Conservatives lost all their remaining seats outside England. Europe has been a powerful influence in Scotland as in other stateless nations, positing an alternative external support system for Scottish autonomy. In the mid-1980s the Labour Party, the trade unions, and the Scottish National Party (SNP) were all converted to Europe. The SNP supports independence in Europe, with Scotland as a full member state, while Labour is closer to the Europe of the Regions model, but both have made a critical link between European integration and substate mobilization.

State responses to Scottish nationalism have been of three types. The most traditional is to extend administrative devolution. In the 1970s, a Scottish Development Agency was set up and the Scottish office received new powers in economic development. The Conservative governments of the 1980s and 1990s continued this trend, with transfers of responsibility for all regional aid and the universities. At the same time, the role of the secretary of state as territorial gatekeeper was reinforced with the introduction of formula-based funding that prevents the secretary of state from coming back to the treasury when pressures in Scotland are getting out of hand. Threats to cut

Scotland's relative funding levels never materialized. The rationale for administrative devolution is partly to offload the political management of the periphery but also seems to owe something to a naively technocratic belief that, given efficient government, Scots will forget about home rule. In practice, by strengthening the Scottish framework for politics and policy, it raises the salience of home rule and points to the democratic deficit in having a whole tier of administration run by ministers with no local mandate.

A second response has been to deny nationalism and stress other, universal forms of politics. This was the dominant position within the Labour Party after the 1920s, as it emphasized class solidarity. By the 1970s, it had difficulty explaining why class solidarity should extend as far as, but no farther than, the borders of the United Kingdom, a position that it has modified over time with an acceptance of both Europe and devolution, although it has never quite worked out the connection between the two. Under the Thatcher government, territorial politics was denied in the name of the universal values of neo-liberalism, markets, and deregulation. Thatcher herself put a particular spin on this by accusing Scots of being peculiarly dependent on the state and of having abandoned the values of Adam Smith and the eighteenth-century Enlightenment. Yet what Thatcher could only see as collectivist institutions oppressing the individual were otherwise regarded as vital elements in the civil society whose preservation was a central part of the Union settlement. Her combination of state centralization and deregulation was presented as an attack on the informal autonomy of Scottish society, and her efforts to hijack the Enlightenment and present it as a form of proto-Thatcherism caused particular resentment.

The third response to Scottish pressures is to concede home rule on Gladstonian lines, in which powers are devolved, but with parliamentary sovereignty retained and without federalism. Interestingly, the first party to accept this in the contemporary era was the Conservative Party under Edward Heath but the party's attempt to combine this with untrammelled parliamentary supremacy resulted in a contrived scheme for a Scottish assembly to share legislative power with Westminster. How this would work when the two were under different party control was never quite explained, and the Scottish Conservatives themselves abandoned the scheme after Heath came to power. In 1974 the Labour Party, which was seriously divided on the issue, opted for a legislative Scottish assembly but its bill was sabotaged by parliamentary opposition and the final one was saddled with a requirement for a referendum with a threshold of 40 percent of the entire electorate to approve it. The referendum came at the very end of the government's term in 1979 and, while it was approved, the vote fell well short of the 40 percent requirement. Labour nevertheless persisted with the policy. By the late 1980s it was committed to a bill setting up a legislative assembly during the first parliamentary

session of a Labour government. Pressure was maintained, especially during the 1980s by the cross-party campaign for a Scottish parliament. After the 1987 election, Labour agreed to enter alongside the Liberal Democrats into the Scottish Constitutional Convention, a body rooted in Scottish civil society and which had the support of the trade unions, local government, social movements, and even a small section of the business community. This pressure ensured that Labour stuck to the policy even after Tony Blair succeeded the Scottish John Smith in the leadership. Blair's main contribution was to insist on another referendum, duly held and won by a large majority in 1997 (Taylor and Thomson 1999).

Nationalism and home rule sentiment in Wales have been inhibited by the divisions within the society, sometimes summed up as the "three Wales" (Balsom and Jones 1984). There is the Welsh-speaking heartland of the north, dominated since the 1970s by the Welsh nationalists of Plaid Cymru; the English-speaking but Welsh lands of the valleys and industrial areas, a Labour heartland; and English Wales to the east, an area of large-scale English immigration. A devolution bill for Wales was passed along with that of Scotland in 1978 but, largely due to these divisions, it was defeated by margin of four to one in the referendum of 1979. Since the 1980s, however, there has been a process of institution building in which a new Wales has emerged, focused on modernization and the needs of competition as a European region. The extension of administrative devolution through the Welsh office has reinforced this institutional framework, while the language is increasingly accepted as a badge of identity even by people who do not speak it, as evidenced by the decision to make the study of Welsh compulsory even in English-speaking schools in the principality. Conservative secretaries of state Peter Walker and David Hunt, both sent in from England, sought to build up the office and give the rather misleading impression that they were saving Wales from the excesses of Thatcherism. As in Scotland, a territorial lobby developed around the administrative institutions, framing economic and social demands in a territorial mode. Gradually, the idea of Welsh devolution was brought back into Labour Party thinking and by the 1990s Labour was proposing a Welsh assembly, which as in the 1970s version, would have administrative powers only. This was incorporated into the Labour manifesto and approved by referendum in 1997 by the narrowest of margins (Taylor and Thomson 1999).

The New Constitutional Settlement

Since 1997–98, the United Kingdom has had a radically new constitutional settlement based on political devolution to elected assemblies. The cases of the three minority nations are all different, and the rationale for devolution is a little different in each case. In Scotland, it is seen as a response to Scottish nationalist pressure articulated

by the Scottish National Party, and to home rule sentiment within the Labour Party. It is also justified as part of a broader program of democratization and constitutional reform, and has gained a broad consensus among Scots. Welsh devolution is much more contentious, because of the divisions within Welsh society and the relative weakness of nationalism. It was brought in by the Labour Party on the coattails of Scottish devolution, and as part of the overall program of constitutional reform and decentralization, which includes an elected mayor for London and the possibility of regional assemblies in England. In both Scotland and Wales, the European issue was relevant, the argument being that they needed stronger autonomous institutions to compete in the new "Europe of the Regions." Northern Ireland was different again, since the governments had consistently been trying to devolve power on a consociational basis there since the fall of the Stormont regime, in an effort to deal with the communitarian conflict. Since these situations were so different and the reasons for devolution so distinct, the new arrangements present considerable contrasts. The novelty of this arrangement makes it difficult to assess it or to relate it to specific outcomes. The basic principles can, however, be explained (Keating 1998).

The Scotland Act of 1998 established a Scottish parliament and an executive headed by a first minister. The parliament has primary legislative powers over all matters not explicitly reserved to Westminster. Major reserved powers include defense and foreign affairs, taxation and monetary policy, company law and regulation of financial institutions, employment legislation, social security,¹³ and a range of regulatory matters. The main areas thus devolved to Scotland include health; education and training; local government; social work; housing; economic development; transport; criminal law; civil law (except in reserved matters); judicial appointments; the environment; agriculture, forestry, and fishing; and sports and the arts.

As in the 1970s, the Labour government has insisted that sovereignty remains with Westminster, which will thus be able to legislate in nonreserved matters or override Scottish legislation. The list of reserved items is reasonably clear, largely following existing areas of Scottish law and administration, although there has been some criticism of the details.¹⁴

The financial powers of the Scottish parliament are not up to the measure of its legislative competence. The main source of funding is a block grant from Westminster. The Scottish parliament may raise or lower the basic rate of income tax by 3 percentage points. It also has full control of local taxation, which presently is limited to property taxes set by local governments for residential property and by the Scottish government for commercial property, but in practice there is little scope for changing this. If it is tempted to raise money for itself by squeezing transfers to local governments, there is provision for Westminster to claw back the block grant.

The Scottish parliament is elected by a mixed-member semiproportional system with regional party lists competing in the eight European constituencies in Scotland, providing fifty-six members to top up the seventy-three elected in the constituencies. This was a major concession by Labour to bring on board the Liberal Democrats and rebut accusations that the parliament would be dominated by the Labour machine of west-central Scotland. It was not intended to achieve ethnic balance, although the Labour Party did successfully aim for gender parity in its representation.

The Government of Wales Act provides for a national assembly for Wales with executive powers and some powers of secondary legislation, corresponding to existing ministerial powers. There is no definitive list of powers but rather a list of existing Welsh office powers that can be transferred over time to the assembly. It has no powers of taxation but depends entirely on block grants. Although there is an executive with ministers known as secretaries, they have to work within a committee system somewhat akin to that of local government. In practice, Wales has moved toward a parliamentary system, with an ever clearer distinction between the assembly and what is known as the Welsh assembly government. The electoral system is the same as in Scotland. The executive responsibilities of the secretary of state for Wales transferred to the assembly include economic development; agriculture, forestry, fisheries, and food; industry and training; education; local government; health and personal social services; housing; environment; planning; transport and roads; arts, culture, the Welsh language; the built heritage; sport and recreation.

The Northern Ireland Act of 1998 is a great deal more complex, corresponding to the complexity of the problem. The Northern Ireland settlement, as embodied in the Good Friday Agreement, seeks to accommodate radically opposed positions in order to bring all parties into the constitution and stop political violence. It encompasses three dimensions: the intracommunity dimension within Northern Ireland, the relationship between Northern Ireland and the Republic of Ireland (the north-south dimension), and the relationship between Ireland and the United Kingdom (the east-west dimension). The first dimension is addressed through a consociational arrangement. There is a Northern Ireland assembly with legislative powers, elected by proportional representation but using the single transferable vote, rather than the semiproportional mechanisms used in Scotland and Wales. Members are invited to designate themselves as nationalist or unionist and certain matters require qualified or concurrent majorities. There is to be an executive headed by a first minister and deputy first minister, and in which all parties represented in the assembly are entitled to have ministers. The aspirations of nationalists are addressed through a provision that, should a majority of the electorate wish at some time in the future to join a united Ireland, then the secretary of state must lay an order to give effect to it. The role of the Republic in the meantime is

recognized, and a whole range of institutions are put in place to allow the people of Ireland to express multiple loyalties and forms of identity and to secure the north-south and east-west dimensions. There is a North-South Ministerial Council to link Northern Ireland and the Republic, an Intergovernmental Conference linking the British and Irish Republic governments, and a British-Irish Council (sometimes referred to as the Council of the Isles) bringing together the British and Irish governments, the Northern Ireland assembly, the Scottish parliament, the national assembly for Wales, and even the Channel Islands and the Isle of Man.

Competences are divided into excepted matters, which remain with the U.K. Parliament; reserved matters, which may be devolved to the assembly provided it asks for them by concurrent majority; and transferred matters, which cover everything else. The excepted matters are similar to those reserved in the Scotland act, but there are differences in substance and tone, reflecting the political preoccupations and concerns that the United Kingdom has over the two cases. In Northern Ireland, the list of reserved powers covers most matters dealing with security and policing, a highly sensitive area in which competences will be transferred only when the assembly has demonstrated its ability to use them without discrimination. There are lengthy sections on equal rights and nondiscrimination provisions. On the other hand, it is silent on many "common market" and "common standards" matters. It is notable that there is no commitment to maintaining a single currency as in Scotland, so that Northern Ireland could probably move into the European single currency without the rest of the United Kingdom (O'Leary 1999). The conclusion is that in the case of Scotland, maintaining the economic and social union is paramount, while the British government's main concerns in Northern Ireland are related to security. The list may also reflect the fact that the former Stormont parliament (1922-72), established before the interventionist welfare state, was not barred from a wide range of economic and social fields and developed parallel provisions; Scotland on the other hand has always had its own criminal law.¹⁵

An innovation in U.K. politics is the introduction of judicial review for the legislation of the Scottish parliament and Northern Ireland assembly. This is open to challenge on *ultra vires* grounds and cases are ultimately decided by the Judicial Committee of the Privy Council. Laws of the devolved assemblies can also be overturned where they violate the European Convention on Human Rights. While the Labour government has also incorporated the convention into the law of England and Wales, it was not prepared to allow the courts to overturn Westminster laws, citing the doctrine of parliamentary sovereignty. As Westminster remains the legislature for England and Wales, this means an identical law would be subject to judicial review in Scotland and Northern Ireland but not in England or Wales.

Other intergovernmental matters are to be managed by concordats negotiated between the center and the devolved governments. Given the lack of entrenchment of the powers of the assemblies, these have tended to reflect continuing Westminster supremacy. Indeed, they look more like the arrangements previously in place to regulate territorial politics within U.K. government than agreements between autonomous administrations.

Explaining (and Predicting) the Outcomes

It is difficult to assess the effect of the new constitutional changes in the United Kingdom, since they are so recent and, in some cases, have yet to come into effect. It is possible, however, to make some judgments about the effects of institutions on territorial politics under the previous dispensation. The British union state was neither unitary nor federal but preserved the distinctive institutions of its various components under the rule of a single Parliament. This ensured that territorial politics would continue, but provided a complex and, in many ways, informal set of mechanisms to manage it. Institutional mechanisms included the territorial secretaries of state with their dual role of representing the center in the periphery and the periphery in the center; Members of Parliament; and functional interest groups that were able to combine sectoral and territorial claims. Administrative devolution for Scotland and later Wales helped forge territorial lobbies and to present economic and social issues in a territorial framework; this could not happen in Northern Ireland because of the fundamental division between the two communities on the existence of the province itself and the political polarization caused by sectarian practices. Differentiated policies could, within limits, address the substantive grievances of the various territories. Underlying the system was the same set of understandings that underpinned the unwritten constitution as a whole, notably the understanding that parliamentary sovereignty be accompanied by limitations on the scope of government and respect for the institutions of civil society. The system also depended on a reasonable degree of consensus and the expectation that the political majorities in the various territories should more or less coincide most of the time. When Scotland elected one majority and the United Kingdom as a whole elected a government of a different complexion, as in 1922 or between 1979 and 1997, there were demands for devolution. Success in territorial management was a function both of the tractability of the issues with which it had to deal, and of the efficacy of the institutions set up to deal with them.

The regime saw its most conspicuous failure in Ireland in the nineteenth century. The problem, based in a religious/ethnic cleavage as well as social and economic discontents, was difficult and institutional management was hampered by the lack of

territorial collaborators. Instead, Ireland was governed in a quasi-colonial mode. The refusal of the British political establishment to accept moderate reform of the Union in the Gladstonian program put Ireland on the road to outright secession.

Management succeeded for many years in Scotland, where the main grievances were social and economic. There were territorial intermediaries rooted in the local society and the U.K. parties were able to combine distinctively Scottish appeals with a role at the center. The labor movement and the welfare state served as further integrating factors. These conditions also existed in Wales, although institutional distinctiveness was less marked. In Scotland, however, the U.K. state was slow to respond to changing conditions from the 1970s. Throughout the 1980s and most of the 1990s, Conservative governments, in a repeat of their attitude to nineteenth-century Ireland, insisted that the issue was not constitutional but had to do with getting the policies right. As in Ireland this provoked a countermovement in civil society, a questioning of the legitimacy of the state itself, and a decline in British identity. Stormont represents another failure of territorial management. Given the circumstances of its foundation, it is unlikely that the Stormont regime would ever have gained the allegiance of the Catholic population. In practice it made no attempt to do so, so entrenching national divisions within the society. British strategy was to ignore this as long as the problem did not intrude into Westminster politics and order was maintained, and then to seek to reform the regime rather than abolishing it outright.

Evidence on national identities in the United Kingdom supports this differentiated picture. In Scotland, where identity has long been sustained by indigenous institutions, in fields like education, law, and local government, the strongest identity is the Scottish one, although there is also a strong attachment to the United Kingdom as a whole (Table 5.1). This dual identity is captured by a regular question about strength of identities on a spectrum from purely Scottish to purely British. When the same question is asked in Wales, the middle point of equal territorial and British identities scores exactly

Table 5.1 National Identity, Scotland and Wales, 1997

	Scotland (in percent)	Wales (in percent)
Scottish/Welsh, not British	23.1	13.1
More Scottish/Welsh than British	38.7	29.1
Equally Scottish/Welsh and British	25.8	25.8
More British than Scottish/Welsh	4.0	10.4
British, not Scottish/Welsh	3.5	15.3
Other	2.4	4.3
No response	2.1	0.2

Source: Scottish Election Survey.

the same as in Scotland, but the rest of the distribution is skewed more heavily toward a British identity. This reflects the fact that English people make up around a fifth of the population in Wales but less than 5 percent of those in Scotland, but also the fact that Welsh identity is often associated with the language and is thus less assimilative than its Scottish counterpart. Asking the same question in Northern Ireland would be of little use, given the polarization of identities between the two communities.

Table 5.2 gives the responses to a question that aims to tap the existence of exclusive or shared identities in a different way. The categories *British* and *Ulster* have been shown to overlap almost completely, reflecting the strong unionist position. The category of *Irish* taps a nationalist identity. The intermediate category here captures those voters whose identity is more fluid and is the nearest we have to the dual identity questions in the Scottish and Welsh surveys. The polarization of the communities between the British/Ulster and Irish identities is striking. The main exception is the 28 percent of Catholics with a fluid identity. These tend to be Catholics repelled by Republican violence and already there is evidence that since the launching of the peace process, they have been moving in a more nationalist direction (NILT 2000). This seems to be reversing a long tradition in which Catholics were less likely to feel strongly nationalist than were Protestants to feel strongly unionist (Evans and Duffy 1997). If the devolved assembly works, it may be easier to adopt a dual Northern Ireland and all-Ireland identity and Irish identity may become somewhat less politicized.

The new constitutional arrangements represent continuity in that they are an ad hoc and differentiated response to distinct problems in the nations of the United Kingdom. Government has insisted that the essence of the constitution, the sovereignty of the Westminster Parliament, is unaffected. On the other hand, power has been transferred to elected institutions in a way that previous governments resisted and the Gladstonian solution, which divided the country so deeply in the past, has at last been carried through. Secession is now a real issue in Scotland as well as in Northern Ireland, and the government has recognized, in law in Northern Ireland and in fact in Scotland, that there is no barrier to this should the people want it. In this situation, parliamen-

Table 5.2 National Identity, Northern Ireland, 1992

	Protestant (in percent)	Catholic (in percent)
British/Ulster	82	10
Northern Irish/Sometimes British	15	28
Irish	3	62

Source: Richard Breen, "Who Wants a United Ireland? Constitutional Preferences among Catholics and Protestants," *Social Attitudes in Northern Ireland*, 5th Report, Appletree, 1996.

tary sovereignty, already undermined by European integration, loses even more of its meaning. The question therefore is whether the new dispensation will serve to preserve the Union or facilitate its dissolution.

One can only speculate about the effects of the new institutional arrangements. Clearly the Labour government hopes that they will bring a new stability as the diverse aspirations of the nations are met within a restructured United Kingdom. This is indeed a likely outcome, although it comes in two versions. In one, there is an acceptance of diffused power and a form of *de facto* federalism, in which the devolved assemblies pursue their own policies, while the minority nations continue to be represented in U.K. politics. The other version holds that devolution will work because it no longer makes much difference whether the nations have devolved assemblies and governments. The pressures of globalization, market competition, and European regulation, together with the end of the old ideological cleavages, have, in this view, emptied politics of its meaning, while power has retreated into new and ill-understood networks. A real cynic might claim that devolution has happened now precisely because it cannot make much difference.

Critics of the whole process claim that devolution is a slippery slope, which will lead inexorably to the breakup of the United Kingdom. Some people have always argued this on rather general grounds, ignoring the experience of successful federations around the world (Dalyell 1977). Others argue that devolution and federalism cannot work in multinational states because the devolved parliaments will always arrogate sovereignty to themselves, an argument that, as we have noted, goes back to the nineteenth century. Some argue that frustration with the lack of powers of the new assemblies, notably in economic and financial matters, will lead to them pressing for ever more powers, to the point of separatism. The slippery slope argument is given more credence by the pattern of politics in the devolved assemblies. As a result of the elections of 1998–2003, the main line of cleavage in all three is between nationalists and unionists. This is formalized in Northern Ireland, where a noncompetitive political system has been instituted. In Scotland and Wales, the system is competitive, the Labour Party straddles the political center, the Conservatives are impotent, and the only alternative government is the nationalists. There is some evidence in Wales that the nationalists are responding to their role by moderating their policy, perhaps to the extent of transforming themselves into a party of territorial defense combined with moderate social democracy. In Scotland, there are some voices within the SNP who see this as their future, adopting a postsovereignty strategy similar to that of the Catalan nationalists.

Public opinion on the new institutions will take time to evolve but at the time of writing there are some interesting data (Keating 2001). Polls have shown that the very high expectations that the Scottish parliament has more influence over their lives than

Westminster fell in the early phase of the devolved institutions. Since all the political parties now support Scottish devolution, the cleavage is between nationalists and home rulers. Polls between 1998 and 2000 regularly showed that, in a referendum on independence, around 50 percent of Scotland would vote Yes. Yet polls taken on the old questions, posing a range of options from independence to centralization, showed home rule within the United Kingdom to be the most popular option, with independence support falling to around 20 percent. These findings are seemingly in stark contradiction. A more detailed examination, however, shows that Scottish voters, like those in Quebec, give their own meaning to independence and do not necessarily associate it with traditional statehood. In particular they associate it with membership in the EU. Scottish political elites are strongly pro-European, in contrast to those in England. Scottish voters are less enthusiastic and only slightly less anti-European than the English. They do differ, however, in their expectations, being much more likely to think that Europe will evolve and that the United Kingdom will enter the single currency. In these circumstances, they seem to have a rather open mind on the future of Scottish statehood.

There are some signs of a similar evolution in Northern Ireland, although it must be emphasized that as this book went to press Northern Ireland had still not had any sustained experience of consociational, power-sharing government. Support for Irish unity, according to recent polls, has actually fallen while expectations that it will come about have increased (NILT 2000). As in Scotland, electors are less inclined to see the issue as one of stark alternatives and there is a surprisingly large middle ground. Of those against Irish unity, only 19 percent felt that a united Ireland would be impossible to live with. This included 29 percent of the Protestant unionists but only one percent of Catholic antiunity electors. Conversely, 68 percent of those wanting either to unify with the Republic or declare an independent state could happily accept a majority decision never to unify with the Republic and only 2 percent would find this impossible to live with. These results may be difficult to interpret, but they do suggest that belief in the absolutes of British and Irish sovereignty is rather weak, especially on the Catholic side. This is consistent with longer-term evidence suggesting that discrimination and political exclusion have encouraged support for the absolutes of nationalism and unionism, while given alternatives, many people will take them. The new institutions, which deliberately blur the question of sovereignty and encourage people to express multiple identities, may reinforce this trend, if they survive in the long term. To date they have proved more popular on the Catholic and nationalist side, despite not promising Irish unity. Yet they do provide a generalized system for minority protection, which could be used by Protestants within a future united Ireland and it seems that some proagreement Unionists are looking toward such a future.

NOTES

1. Many of us have grown weary of correcting the North American and European habit of referring to the whole as England. The United Kingdom refers to England, Scotland, Wales, and Northern Ireland. Great Britain (so-called to distinguish it from little Britain, or Brittany) does not include Northern Ireland. The Channel Islands and the Isle of Man do not form part of the United Kingdom but have a link to the British (sic) Crown.

2. Catholics were given the vote in the late eighteenth century but could not sit in the Parliament.

3. The Jacobites, supporters of the Stuart dynasty unseated in 1688-90, sought to restore their claimant to the thrones of all three kingdoms (England, Scotland, and Ireland). The legend of Bonny Prince Charlie as a Scottish national hero is a product of nineteenth-century romanticism. The Jacobites did support a repeal of the Union, but the Catholicism of the Stuarts alienated them from most Scots, including most antiunionists.

4. An important symbol for some Scottish nationalists is provided by the Covenanters, extreme Protestants (and opponents of the Stuarts) in the seventeenth century.

5. The Conservatives held a permanent majority in the House of Lords until the abolition of most of the hereditary peers' vote in 1999.

6. The main powers not devolved were in defense and foreign affairs and the currency. In practice, as I explain, Stormont did not choose to exercise all its autonomous powers.

7. This was not so much to keep out the Catholics and nationalists, who were in a permanent minority, but to fend off the threat of class-based parties within the Protestant community.

8. Incomes and welfare services were consistently higher in Northern Ireland, the former because it was more industrialized than the Republic, the latter because of the British subsidy. Since the 1990s, living standards in the Republic have overtaken those in the north.

9. This is a contentious and highly politicized issue. From the late nineteenth century, most Scottish expenditure levels were determined as a proportion of English levels under the Goschen formula. This gradually died out and was replaced after the Second World War by a system under which the Scottish office bargained with the treasury function by function for changes at the margin. As Scotland's population was falling relative to England's, the continuing effect of the Goschen formula on the base allowed per capita increases while, at the margin, further increases could be negotiated. Scotland did rather better at times when it was politically marginal and the secretary of state was well placed in the cabinet. By the 1970s, the advantage was around 20 percent per capita over England and Wales (Heald 1994; Heald et al. 1998). From the late 1970s, a new formula was introduced, the Barnett formula, under which marginal changes in Scottish expenditure are a population-based proportion of the corresponding English change. This was intended to produce a gradual convergence of expenditure levels, although the "Barnett squeeze" was repeatedly postponed until the late 1990s.

10. British troops were initially welcomed by Catholics and there was strong support in the Catholic community for direct rule as an alternative to Stormont. The governing Labour Party, particularly Prime Minister Harold Wilson, was traditionally sympathetic to the Catholics. This, as I have emphasized, does not mean that there was a positive preference for British rule among Catholics, merely that the British were not doomed by primordial sentiment to be seen as the enemy.

11. They appealed to naked self-interest with the slogan "Rich Scots or Poor Britons?"

12. They were arguably the only truly United Kingdom-wide social class, owning estates in all parts of the Union and sharing a common culture and educational experience.

13. In the United Kingdom, this includes welfare, unemployment benefits, family support, and pensions.

14. Matters reserved for the Crown include the Union of the Kingdoms of Scotland and England, the Parliament of the United Kingdom, and international relations (with the exception of implementing EU matters); defense; national security; antiterrorism; fiscal policy; currency; immigration; extradition; enforcing laws on drugs and firearms; nonlocal elections; regulating companies, business associations, monopolies, mergers, financial institutions and services; intellectual property; industrial relations; equal opportunities; workplace health and safety; consumer and data protection; postal and telegraph services; most energy matters; transportation and transportation safety; social security; regulating certain professions; research councils; nuclear safety, broadcasting; reproductive medicine and abortion; control and safety of medicines.

Functions devolved to the Scottish parliament include health; education; local government; social work; housing; planning; economic development; the administration of the European Structural Funds; most civil and criminal law; the criminal justice and prosecution system; police and prisons; agriculture, fisheries and forestry; sport and the arts.

15. Extraterrestrial readers may take comfort from the fact that both the Scottish parliament and the Northern Ireland assembly are explicitly excluded from intervening in outer space. The functions given to the Northern Ireland assembly include health; education; social work, housing; planning; economic development; the administration of the European Structural Funds; the environment; agriculture, fisheries and forestry; sport and the arts.

Reserved matters include navigation; aviation; natural resources; domiciles; postal services; requirements for assembly membership; criminal law; extradition to the Republic of Ireland; public order; police; firearms and explosives; civil defense; the Emergency Powers Act (Northern Ireland) of 1926 or any similar enactment; court procedure; foreign trade; regulation of monopolies, mergers, banking, and the investment and securities businesses; intellectual property; consumer safety; some environmental matters; data protection; telecommunications; reproductive medicine; nuclear installations; research councils.

Exempted matters include international relations (with the exception of all-Irish institutions and EU matters); defense; national security; antiterrorism; immigration; taxes under U.K. law; social security; the appointment of judges; elections; currency; the National Savings Bank; any matter for which provision is made by this act or the Northern Ireland Constitution Act of 1973.

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