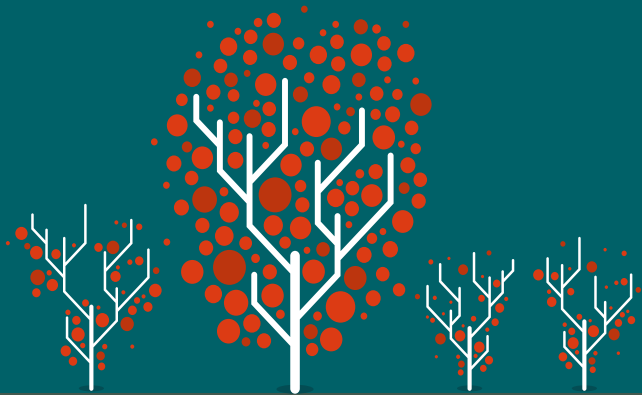




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ONE PARTY TO RULE THEM ALL

Does Scotland have a
Predominant-Party Problem?

CONTENTS

Introduction	5
1. Scots want a 21st-century democracy	9
2. The Party System in Modern Scotland	13
3. An Auld Sang in a New Nation	17
4. Why Is Proportional Representation Not Enough?	22
5. Our Multiform, Infinite Scotland	25
6. Proposals, Not Panaceas	31
7. Conclusions	36
8. Bibliography	38



Photo: The SNP; Creative Commons

INTRODUCTION

As things stand, the Scottish National Party seems to be on the verge of winning a second consecutive majority in the Scottish Parliament this May. If their first majority was a shock in an electoral system known to make majorities unlikely, then their second is something more: a confirmation that the Scottish party system has been transformed. Not only are the SNP predominant in terms of parliamentary seats, but they currently appear set to win a higher share of the vote than any party in postwar Scottish history, and their membership numbers are far larger than all other Scottish parties put together.

This seems all the more remarkable given the wider context in which it has occurred. Party government across the western world is usually portrayed as being in crisis, with parties finding it increasingly difficult to win majorities of votes, if not always seats. Party membership has been in general decline for decades, as have other features of the traditional party system such as party loyalty and electoral turnout. This wider trend has made its mark on British politics. The last four general elections have seen the four lowest turnouts in postwar British history; the Conservative Party has a majority of seats, but just over 110,000 members and only 36% of the vote; the Liberal Democrats have lost most of their seats and vote share during the last six years; and while Labour have seen a recent boost in membership, their support and representation has collapsed in large parts of the country and they are currently in a state of intense internal conflict over their ideological direction.

It is not only the SNP who make Scotland seem like an exception to this crisis of electoral politics. The Scottish political system in general also enjoys higher levels of trust and engagement than elsewhere. The 2013 Social Attitudes Survey found that levels of trust in the Scottish Government were high compared to levels of trust in the UK Government, which was similar to that in many

other western countries¹. Turnouts in the last two major votes in Scotland – the 2014 independence referendum and the 2015 general election – were far higher than the UK average, with high turnout in the general election largely a result of the high rates of voter registration and enthusiasm that were a legacy of the referendum.

But there is a paradox at the heart of Scottish politics. The preference Scots seem to have for the institutions of Scottish democracy over British ones has manifested itself in the emergence of a dangerously lopsided Scottish party system – the very thing that has traditionally connected democratic institutions to the people. The SNP have benefited enormously from being seen to support, defend and indeed symbolise Scotland’s relative political autonomy from an unpopular and failing British political system. But the SNP’s success has been so overwhelming that it risks undermining the diversity, openness and spirit of cooperation that were supposed to characterise the Scottish Parliament at its inception. This is particularly concerning as a range of important new powers are coming to Scotland as a result of the 2016 Scotland Act: the Scottish Parliament’s ability to create and scrutinise legislation will be tested more than ever before.

This report, produced by Electoral Reform Society Scotland, examines the nature, causes and possible consequences of the SNP’s newfound political predominance in Scotland. We begin with a discussion of what Scots want from their democracy, drawing on the findings of the Democracy Max project we conducted during the referendum. We then look at the changing nature of the Scottish party system and how that will be affected by the Scottish Parliament election this May. This is followed by a discussion of the modern Scottish party system’s historical roots. The penultimate section examines implications of a predominant-party system for Scottish democracy, and we end the report with proposals for how politicians and civil society might respond.

However, while we do suggest a number of possible institutional reforms that might ameliorate some of the issues emerging from party predominance, a focus on these should not drown out our broader point: that party predominance is a persistent

1 Susan Reid, Jennifer Waterton & Annie Wild, ‘Scottish Social Attitudes Survey 2013: Attitudes To Government, The Economy, Health and Social Care Services, and Social Capital in Scotland’ (2013), p.3; <http://www.scotcen.org.uk/media/338811/ssa-2013-core-module-report.pdf>

feature of Scottish political culture, and any alternative to it must be pursued through change both within and outside of formal political institutions. We believe that there is an alternative Scottish tradition which we can draw on, more challenging and complex – but also much more rewarding – than the easy and defensive option of ‘national party’ predominance. This is the tradition of Hugh MacDiarmid and Hamish Henderson, Naomi Mitchison and Mary Barbour: a tradition of gallus self-exploration, critical ‘flyting’ and a relentless push for new horizons, which sees Scotland as a contradictory, many-voiced nation that works best when we feel free to disagree.

Our proposals and our arguments are non-partisan – we hope that as many Scots as possible can find something to agree with in this report, and can find common ground under any response to the issues we identify. We are not suggesting that Scots should or shouldn’t vote for one party or another; only that the principles, hopes and expectations which underpin most people’s voting decisions may not be best served by a system where one party has a near-guaranteed place in government.



Photo: Alf Melin; Creative Commons

1

SCOTS WANT A 21ST CENTURY DEMOCRACY

If democracy in Britain has broken down, the independence referendum gave it a jump-start in Scotland. Against a widespread belief that the British electorate is increasingly cynical and disinterested, the debate over independence was characterised by far-reaching discussions about the shape and future of society as a whole, and a sense that voting in the referendum would have a profound impact on that, regardless of which way you voted.

In a poll conducted after the referendum, the Electoral Commission asked people why they voted and compared the results to those from previous elections. They found that the number of people who voted to “help create a change”, “keep the status quo” or “express a view” was more than double the number of those who did so in elections in 2011, 2012 and earlier in 2014. Voters in previous elections had overwhelmingly turned out due to a sense of “civic duty” – and the same motivation was still very much present on referendum day – but the referendum appears to have made people feel much more strongly that their participation would make a real difference to the result².

The referendum made people feel like they could really change things, and the high turnout and all-encompassing debate were testament to this. In 2013, ERS and IPSOS-MORI ran a focus group of young non-voters in Glasgow³. We found that, far from believing that voting is worthless, most participants felt that no politician had earned their vote. Voting was considered too valuable to be wasted

2 Electoral Commission, ‘Scottish Independence Referendum: Post-polling day opinion research report’ (November 2014), http://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/179807/Scottish-referendum-Public-Opinion-survey-ICM-Report-WEBSITE.pdf

3 Willie Sullivan, *The Missing Scotland: Why Over A Million Scots Choose Not To Vote And What It Means For Democracy* (Luath Press, 2014), pp.21-24

on poor candidates and policies. However, those same young people were almost all planning to vote in the referendum: the choice was seen as important enough to ‘earn’ it.

One of the most obvious democratic legacies of the referendum is in party membership. Available figures suggest that the SNP’s membership has risen from 25,000 on the eve of the referendum to approximately 110,000; the Greens have gone from under 2,000 to over 9,000⁴, and the Scottish Socialist Party - part of the RISE coalition - have gone from 1,500 to 3,500⁵. Turnout at the 2015 general election was also significantly higher in Scotland than anywhere else in the UK at 71%. However, this is where the picture gets complicated.

Local council by-elections have seen persistently low turnouts since the referendum, and voter registration in Scotland has fallen by approximately 100,000 since the referendum. The rise in party membership is also overwhelmingly skewed towards pro-independence parties, particularly the SNP, while the parties that opposed independence are still preoccupied with the problems that affected party politics before the referendum.

The jolt of the referendum boosted party membership and turnout, but this invigorating shock to the system was an uneven and short-term solution to a wider and longer-term malaise. It didn’t fix the underlying problems that sap energy from the political system as a whole. The higher turnout and membership does not mean Scots are getting what they want from their democracy - indeed, the Electoral Commission’s findings suggest people are getting more involved because they want it to change.

What kind of changes do people want? During the referendum campaign, ERS ran a series of events as part of our Democracy Max project, bringing together ordinary citizens, campaigners and experts to discuss what was missing from our democracy and how it could be improved⁶. We found that disillusionment with politics

4 Sofiane Kennouche, ‘In numbers: Scottish political party membership’, *The Scotsman* (2 October 2015), <http://www.scotsman.com/news/politics/in-numbers-scottish-political-party-membership-1-3905167>

5 Paul Hutcheon, ‘Revealed: just how many members does Labour really have in Scotland?’ *Sunday Herald* (9 November, 2014), http://www.heraldscotland.com/news/13188600.Revealed__just_how_many_members_does_Labour_really_have_in_Scotland_/

6 Electoral Reform Society Scotland, *Democracy Max: A Vision For A Good Scottish Democracy* (August 2013)

in Scotland is deep-seated and wide-ranging, but one particular feature stood out: party politics.

Party politics was “a focus for much of the blame” for a widespread disconnect from politics: parties were still seen as useful, but trapped in a “strong-man” culture, “where deliberation and consideration, admitting mistakes, or having debate within a party are seen as weaknesses.” The system was seen as being too combative, with principles too often subordinated to party discipline and competition. There was a “general sense” of “institutional politics failing to catch up with the 21st century.”

After the referendum, party politics in Scotland has clearly changed. But is this change a step into the 21st century, as the Democracy Max participants hoped for - or is it a return to politics as usual?



Photos: Martin Addison; Creative Commons

2

THE PARTY SYSTEM IN MODERN SCOTLAND

The party system is a central part of modern democracy. Parties, when they work properly, form a crucial link between politicians and the people - they are “the makers of democratic government”, in Schattschneider’s terms⁷. But party systems can operate in a range of ways, with different effects on the shape and effectiveness of democracy.

Sartori’s influential categorisation of party systems seeks to count the number of “relevant” parties and study how they interact with one another⁸. “Relevance” means that a party has either “blackmail potential” or “coalition potential”: they can force other parties to unite to keep them out of power (blackmail, like the French National Front in 2002’s presidential election), or they can join or form a government themselves (coalition). Based on this, Sartori identifies seven kinds of party system:

1. **One-party:** power is concentrated in a single party.
2. **Hegemonic-party:** other parties may exist but are not allowed to contend for political power.
3. **Predominant-party:** open party competition exists, but one party consistently wins a majority of the vote.
4. **Two-party:** only two parties compete for an absolute majority that is consistently within reach.
5. **Moderate pluralism:** no party can win an absolute majority, and

⁷ Elmer Schattschneider, *Party Government* (1942)

⁸ Giovanni Sartori, *Parties and Party Systems: A Framework For Analysis* (Cambridge University Press, 1971)

all parties accept the legitimacy of the system, gravitating towards coalitions around the “centre-ground”

6. Extreme or polarised pluralism: no party can win an absolute majority, and there is a high degree of ideological polarisation, with politics gravitating towards parties on extreme ends of the political spectrum who reject the existing system.

Where does Scotland fit into this? The Democracy Max findings suggest that Scots broadly hope for a system of “moderate pluralism” to emerge, with a wide range of “relevant” parties forced to put aside tribalism and “strongman” posturing in order to form governments. In 2001, Bennie and Clark argued that the party system in Scotland was moving towards something along these lines, with a range of at least four “relevant” parties competing in elections but being forced to cooperate to form a government⁹.

This appeared vindicated by the results of the 2003 and 2007 elections, where government required parliamentary cooperation which at some time or another involved each of the four largest parties in Scotland, as well as the Green and Socialist Parties.

However, since then the party system in Scotland appears to have moved away from moderate pluralism and towards a “predominant-party system”. The SNP won a majority of seats in the Scottish Parliament in 2011, within an electoral system generally believed to discourage majorities¹⁰. They won 56 of Scotland’s 59 seats in the UK General Election in 2015, and recent polling suggests that the SNP may even increase their majority in the Scottish Parliament in the 2016 elections, with over 50 percent of the vote.

John Curtice’s recent ERS Scotland report on the likely outcomes of the upcoming Scottish Parliament election suggests that the SNP will win a majority of seats. Trends in current polling suggest that the SNP will win 53% of the constituency vote, and 46% of the list vote, giving them 69 constituency seats and 3 list seats – an absolute majority on constituency seats alone, and with three more seats than the party won in 2011. Curtice suggests that

9 Lynn Bennie and Alistair Clark, ‘Towards moderate pluralism: Scotland’s post-devolution party system, 1999-2002’, *British Elections & Parties Review*, 13:1 (2003), pp.134-155

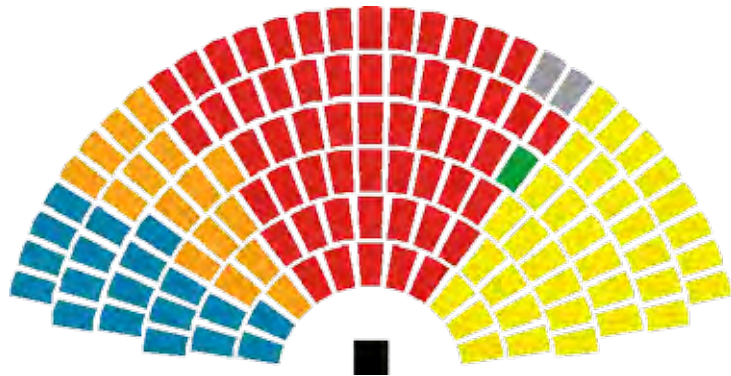
10 Robin Pettitt, *Contemporary Party Politics* (Palgrave Macmillan, 2014), p.36

even this may understate the SNP’s support, as the divergence in SNP support between constituency and list votes might be overstated by pollsters. Many Scottish voters are still not entirely familiar with their electoral system, and may not consider voting differently on their list vote if they want the SNP to be elected in the constituency. A similar underestimation of the SNP’s list support in polls was what made their majority in 2011 such a surprise. The SNP may therefore win by an even bigger margin – in terms of both votes and seats – than current polling implies. Part of the SNP’s impending success, Curtice argues, is down to the referendum. This made constitutional politics more important than ever in determining voting behaviour: in recent polls, “on average no less than 88% of Yes voters said that they intended to cast their constituency vote for the SNP, while just 17% of No voters did so.” The largest opposition parties are thus left to fight it out for unionist voters, while the SNP increasingly monopolise the loyalty of a large pro-independence minority¹¹.

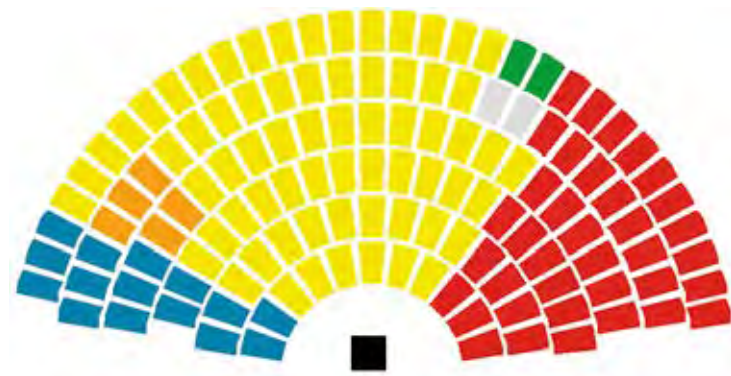
Scottish politics is faced with a paradox. The referendum inspired discussions of a different kind of politics, and produced a considerable rejuvenation of certain key areas of Scottish democracy, like election turnout and party membership. But this has manifested itself in the emergence of a party system that is far from the plural, multi-party competition and cooperation that many Scots yearned for during the referendum, and indeed that Scots voted for from 2003 until 2011. How did this happen?

11 John Curtice for Electoral Reform Society Scotland, *Scottish Election 2016 Briefing – Possibilities and Problems* (April 2016)

SCOTTISH PARLIAMENT 1999



SCOTTISH PARLIAMENT 2011



Photos: Erath; wikipedia.org

3 AN AULD SANG IN A NEW NATION

An Auld Sang...

For all the talk of Scottish politics being transformed by the SNP's rise and Labour's decline, a wider historical lens shows something very different. If we look at the nature of the Scottish party system itself, the most significant transformation occurred over a decade ago, and didn't last long. The SNP's success can in fact be seen as the restoration, after a brief absence, of an otherwise persistent theme in Scottish politics: a predominant party, speaking for the Scottish nation and opposing a Conservative Government at Westminster.

A predominant-party system has been the default setting of Scottish politics since the 1970s. In terms of votes rather than seats, the 1970s was arguably a time of multi-party politics in Scotland: Labour, the SNP and the Conservatives all won sizeable vote shares in the middle of the decade, but Britain's first-past-the-post (FPTP) electoral system left Labour with the lion's share of seats and by the 1980s Labour's predominance was secure. Scotland's fondness for predominant parties can't be simply blamed on the electoral system, which has produced two-party politics across the UK, and the SNP's predominance has been achieved under a semi-proportional system. The causes are buried deeper in the history of the union.

In 1707, when the Earl of Seafield signed the legislation dissolving the Scottish Parliament, he is reported to have called it "the end of an auld sang"¹². Scottish politics was supposedly over,

¹² Maureen M. Martin, *The Mighty Scot: Nation, Gender, and the Nineteenth-Century Mystique of Scottish Masculinity* (State University of New York Press, 2009), p.11

as Scotland began sending MPs to Westminster to govern alongside English representatives. The “auld sang”, however, had an echo: the Act of Union left several Scottish institutions, like the law, the church, local authorities and the education system, with considerable autonomy from their English and Welsh equivalents. These institutions preserved a degree of Scottish distinctiveness throughout the industrial revolution and into the twentieth century, and the expanded, bureaucratic “social state” that emerged from the Second World War retained distinctive attributes in Scotland.

Mitchell describes the Scottish part of the postwar British state as a system of “administrative” - rather than political - devolution¹³. Scottish autonomy began the postwar era comfortably embedded within British politics, with little divergence between electoral behaviour in Scotland and the rest of the United Kingdom, despite some degree of institutional and cultural difference¹⁴.

However, in the 1970s things began to change. That decade saw the beginning of the “hollowing of Western democracy” described in the introduction¹⁵. The golden age of party government had gone hand-in-hand with the expansion of a “social state”¹⁶, whereby parties used the state to deliver rising living standards to their mass base; the growing role of finance and international mobility of capital was a serious challenge to this, and parties no longer had the kind of policy flexibility and distinctiveness to appeal to a wide coalition of interests¹⁷.

By the 1990s, the differences between political parties across much of the western world was markedly reduced; most importantly, “social democracy” - an approach to political economy which seeks to balance social need with private profit - lost much of its force, as mainstream parties of the left and right found common ground on the usefulness of market forces rather than state

13 James Mitchell, *Governing Scotland: The Invention of Administrative Devolution* (Palgrave Macmillan, 2003)

14 Lindsay Paterson, *The Autonomy of Modern Scotland* (Edinburgh University Press, 1994); Ewan Cameron, *Impaled On A Thistle: Scotland Since 1880* (Edinburgh University Press, 2010)

15 Peter Mair, *Ruling The Void: The Hollowing of Western Democracy* (Verso, 2013)

16 Thomas Piketty, *Capital In The Twenty-First Century* (Harvard University Press)

17 Wolfgang Streeck, *Buying Time: The Delayed Crisis of Democratic Capitalism* (Verso, 2014)

intervention¹⁸. In Scotland, though, the institutions of “administrative devolution” became part of a defensive rampart against this decline.

The Labour Party, responding in part to advances made by the SNP, and a range of non-party forces like the Scottish Trades Union Congress and voluntary organisations, began to draw on Scottish nationalist arguments in their attacks on a Conservative Government which was perceived to be threatening both the social state and Scotland’s autonomy¹⁹.

This approach proved extraordinarily successful, with Labour gradually overwhelming the Conservatives during the 1980s and 1990s, with little threat from smaller parties. After the 1987 election Labour held 50 of Scotland’s 72 seats at Westminster, with 42% of the vote. Ten years later that had increased to 56 seats and 45% of the vote. They were helped by the FPTP system: because the first-placed candidate in a seat wins the seat without needing a majority of votes, Labour could hold a majority of Scottish seats between 1959 and 2010 without ever winning a majority of the vote²⁰. Despite its disproportionality, however, the key characteristics of a Scottish political culture were becoming clear: anti-Toryism, a prominent sense of national identity, and a single, predominant party working with organisations outside of parliament to defend a sense of Scottish distinctiveness with a strong emphasis on social justice. Labour was Scotland’s “national” party over two decades before the SNP could claim the mantle for themselves.

...In a New Nation

As Scotland settled into devolution, it appeared that the “auld sang” of party predominance was fading away. While Labour were securely in government at Westminster, Holyrood’s proportional system gave Scottish voters the chance to be more adventurous with their politics. Where FPTP had meant winner-takes-all, Holyrood’s system mixes FPTP constituency seats with “top-up” regional “list” seats. Once the results of the constituencies are counted, the list seats are used to “top up” the representation of those parties whose

18 Streeck (2014)

19 Cameron (2010), pp.330-331

20 Gerry Hassan and Eric Shaw, *The Strange Death of Labour Scotland* (Edinburgh University Press, 2012)

share of “list” votes is higher than their share of constituency seats.

The system which emerges is roughly - but as discussed later, not fully - proportional. This means that smaller parties have a better chance of winning seats than under FPTP and makes it harder for large parties to win a majority. Proportional representation exposed the increasingly fragile foundations of Labour’s predominance (which they nevertheless maintained in Westminster elections), forcing them into coalition with the Liberal Democrats from 1999 until 2007, and helped the Green and Socialist Parties to win 7 and 6 seats respectively in 2003.

Even the SNP’s surprise election victory in 2007 suggested that multi-party politics was here to stay. They governed with a minority of seats, reliant on the support of other parties, particularly the Conservatives and Greens. It was in government that the SNP began to effectively position themselves in the same position Labour once had: as the natural party of government in Scotland.

According to Johns et al, the SNP in 2011 benefited from a widespread perception that they were the most competent party out of several ideologically similar options. Importantly, part of this perception was that the SNP would most competently fight for “Scotland’s interests” in the context of a Conservative-led Government’s spending cuts. In choosing to fight the 2011 election on the basis of who would defend Scotland against the Conservative-Liberal Democrat coalition, Johns et al argue that Labour “were fighting on strong SNP ground” - a battle the SNP won convincingly, sweeping up Liberal Democrat voters as the latter’s alliance with the Conservatives hit them hard across the UK²¹.

As discussed above, the referendum further pushed the SNP even closer to a predominant position. Having supplanted Labour in the public eye as the natural “national party” in Scotland, the SNP appear to be on the verge of genuine predominance. They won 50 percent of the vote in the 2015 UK general election, more than any other party since the Unionists in 1955, and - now benefiting from FPTP - 56 of Scotland’s 59 seats. They now appear set to win a majority of seats at Holyrood on constituency votes alone.

21 Robert Johns, Christopher Carman and James Mitchell, ‘Competence over Constitution: the SNP’s re-election in 2011’, *Political Studies* (2012)

But the SNP’s predominance is not built on a new kind of politics. It is the auld sang in a new nation, drawing on anti-Tory rhetoric, national sentiment and a defence of the “social state” ideal, just as Labour have done for decades. It is based on the dubious idea that one party can successfully represent most, or indeed all, of the Scottish people. As the ‘British’ parties - first the Conservatives, then the Liberal Democrats, and finally Labour - gradually collapsed in Scotland, the SNP have made their way towards a level of political power that seems unassailable. What does this mean for Scottish politics as a whole?

WHY IS PROPORTIONAL REPRESENTATION NOT ENOUGH?

The Electoral Reform Society are the UK and Scotland's foremost supporters of proportional representation, but we know that no national political culture is malleable enough to be transformed by a simple change in electoral system. Scotland's distinct political identity, obvious in electoral results from the 1970s onwards, is not only heavily influenced by the fondness for a single "national party" promoted by both Labour and the SNP, but was also forged under FPTP. The combination of an assertive national identity and a winner-takes-all electoral system has meant that many Scots have become comfortable with – even fond of – one party predominating in national elections so long as it is seen to represent, defend and expand a widely accepted sense of national autonomy.

The SNP's rise to predominance in Scotland, despite the Scottish Parliament's semi-proportional electoral system, shows just how sturdy political culture can be. However, there are several features of the Scottish Parliament that not only allow for party predominance, but may actively encourage it.

Much of this comes down to the particular type of proportional representation used in Scotland – better described as "semi-proportional" rather than strictly proportional. As discussed above, the electoral system features both constituency seats and regional list seats. Because the constituency seats are elected via the winner-takes-all FPTP system, they require a higher investment of party resources, which tends to shut out smaller parties.

This system also favours the incumbent: a single MSP representing all the voters in a single constituency, while multiple list MSPs from different parties share representation of a single region, which

encourages constituency MSPs to build support across party lines amongst their constituents. Curtice and Steven found that there was a clear "incumbency bonus" in many constituencies in the 2011 Holyrood election²². As a result, Scottish Labour's loss of vote share in constituencies was less severe than on the regional list.

The Scottish Parliament has more constituency MSPs than list MSPs. Indeed, it is possible to win a majority of seats on constituency MSPs alone – this is precisely what Curtice suggests will happen according to the trends in current polls. A disproportionately high success rate in constituencies was one of the reasons that the SNP won a majority in 2011 on 45 percent of the vote, while they may win a majority of seats this year with just 46 percent of the list vote if the polls are accurate.

If the party succeeds in winning close to a majority of seats on constituency seats alone this year, it may be able to use the resulting "incumbency bonus" to nurture a near - or absolute majority of 'safe' constituencies, insuring future parliamentary majorities against the party's vote share falling well below 50 percent.

²² John Curtice and Martin Steven, *The 2011 Scottish Parliament Election: In-depth* (2011), p.24



Photo: Tom Parnell; Creative Commons

5

OUR MULTIFORM, INFINITE SCOTLAND

*Scotland small? Our multiform, our infinite Scotland small?
Only as a patch of hillside may be a cliché corner
To a fool who cries ‘Nothing but heather!’ where in September another
Sitting there and resting and gazing around
Sees not only the heather but blaeberries...*

Hugh MacDiarmid, *Scotland Small?*²³

One of the most prominent themes of the independence referendum was the idea of two possible, parallel futures: both sides offered stark choices between different futures within and outwith the union. The idea of a choice facing the country as a whole, not a choice of party but a choice of society, has faded from view since the referendum. But there is still a choice of futures to be made, beyond party politics: do we build on the energy and ideas that excited both sides of the referendum debate, trying to take Scottish democracy into the 21st century; or do we settle for singing an auld sang to ward off a future of which we’re afraid?

The multi-party “rainbow parliament” of the early devolution years, and the many voices and ideas of the referendum campaign, suggest that there is a possible future for Scotland beyond party-predominance. This is important, because the Scottish parliament was not designed for the party system it has. Its founders intended it to be a space for diverse, contradictory voices to be heard and welcomed, and where the many different parts of Scottish society might work together.

The strong committee system, the system of parliamentary

²³ Hugh MacDiarmid, ‘Direadh 1’, *Complete Poems*, Vol. I (Carcenet, 1994)

questions, and the “Civic Forum” proposed by the Consultative Steering Group on the Scottish Parliament in 1998 were intended to put into practice the principle of power-sharing between parliament, the executive and the Scottish people. The Civic Forum, it was hoped, would help to “recognise the plurality of voices which exists in Scottish civic society,” while there was also a strong emphasis on respecting “the diversity which exists across Scotland” in the development and implementation of legislation.

Because of the proportional system by which MSPs are elected, it was widely assumed that a single party winning a majority - never mind repeatedly doing so - was unlikely. To govern effectively, one party would have to form alliances with others, each representing parts of the country that the other did not. With different parties, representing different sides of political “cleavages”²⁴ in the country and cooperating to produce legislation, a more representative coalition of interests would be empowered. However, things have not worked out quite as planned.

But with a predominant-party system emerging at Holyrood, the committees, the parliament and the executive are all controlled by one party. The sharing of power between parliament, executive and people becomes particularly problematic with a predominant party. Unlike Westminster, there is no second chamber – while the House of Lords is clearly undemocratic, it has provided a scrutinising ‘break’ on legislation that could otherwise be forced through Parliament by a government whose majority exists in seats but not votes.

The Scottish Parliament is supposed to provide this kind of scrutiny through a strong committee system, but party predominance poses a serious problem here, too. Committee conveners are not elected by parliament, as is the case for Westminster’s select committees, but are instead picked by party bosses. Electing conveners at Westminster has raised the profile of the committee system. With conveners’ legitimacy coming from parliament rather than their party, they are more free to speak out in ways that might not toe the party line. With one party predominating in Scotland’s

24 Seymour Martin Lipset, Stein Rokkan, ‘Cleavage Structures, Party Systems, and Voter Alignments: An Introduction’, in Lipset, Rokkan (eds) *Party Systems and Voter Alignments: Cross-National Perspectives* (London; Collier-Macmillan, 1967), pp.1-64

party-based committee system, however, this crucial part of parliamentary procedure risks becoming increasingly subordinated to the internal politics of the SNP.

With a predominant party, not only do the lines between executive and parliament become blurred, but the choice facing the people becomes increasingly hollow. If people believe that one party will predominate for the foreseeable future, those seeking to influence things through party politics are drawn towards the predominant party rather than those in opposition. Those who are not willing to work within the structures of the predominant party, for whatever reason, may abandon politics altogether.

This process can lead to atrophy in the organisation and resources of the opposition parties, as they are reduced to semi-irrelevance and cease to attract new members, candidates, and sources of funding. To avoid this, there needs to be some sense that opposition parties will have more influence in the foreseeable future.

The SNP’s surge in membership after the referendum may be proof that many Scots are as canny as the stereotype suggests: perhaps those who joined the party saw its predominance coming, and saw membership as the best way of influencing Scottish politics in its new form. But they may well be en route to disappointment: the predominant-party system tends to amplify the tendency of parties to centralise power within their leadership, and encourages those leaders to use their predominance to defend or increase their power rather than serving their members and wider society.

Michels calls this tendency “the iron law of oligarchy”. He argues that when organizations reach a certain degree of complexity, they automatically produce a centralisation of power within a professionalised leadership class, with its own interests, separate from those of voters, members, and wider society²⁵.

But under a competitive multi-party system, parties can only hold power by working or competing with other parties who have the same tendency. The two sides cancel each other out to some extent and arrive at results which are closer to the interests of the people they represent. If a party is not at a significant risk of defeat by another party, and does not need to ally with another party in order to govern, there is little standing in the way of power becoming concentrated amongst a leadership class.

25 Robert Michels, *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy* (1911)

We don't need to look far afield for an example of what happens when a party becomes too comfortable in power. In *The Strange Death of Labour Scotland*, Hassan and Shaw write:

Scottish Labour became increasingly unaware of the society it claimed to represent and understand, and the true nature of its own strength. Large swathes of the party chose, given that they continued to win elections by impressive margins in the 1980s and 1990s, to believe the comforting stories they told themselves, that Scottish Labour had an omniscience, a special ability to win friends and influence people...

Labour's security as a predominant party was initially founded on a very real connection with its supporters - but that same security encouraged the party to take its power, and its support, for granted. In retrospect, the party's fate in 2011 and 2015 was a tipping point that had been a long time coming: the foundations beneath it had gradually rotted away, and eventually the surface caved in.

The SNP's predominance is being constructed on similarly real foundations, with an unprecedented share of Scottish votes and seats and an extraordinary membership surge. But as Labour learned, predominance is a condition which encourages complacency, and it is not conducive to the thriving, contested democracy that the Scottish people want. Is there an alternative?

Another Scotland

*I'll ha'e nae hauf-way hoose, but aye be whaur
Extremes meet - it's the only way I ken
To dodge the curst conceit o' bein' richt
That damns the vast majority o' men.*

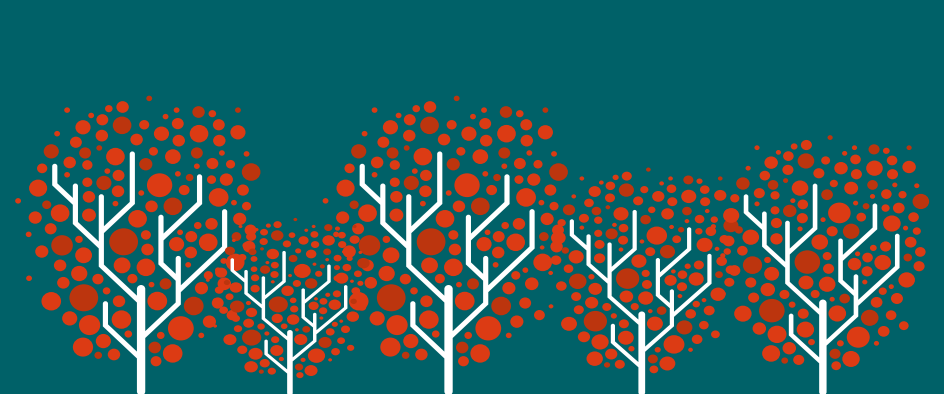
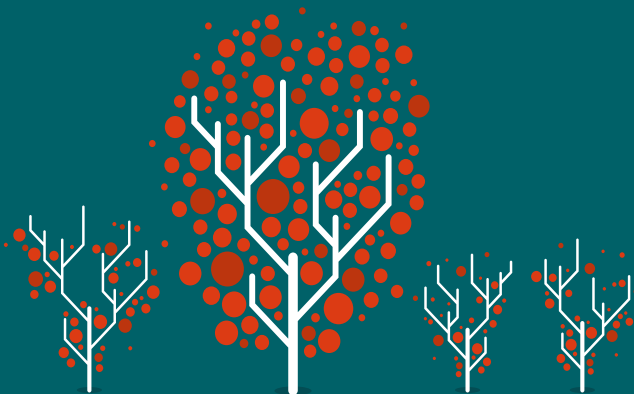
Hugh MacDiarmid, A Drunk Man Looks at a Thistle

*I know we can be an argumentative bunch
That's not necessarily a bad thing
Especially if it gets stuff done
Proud, optimistic, full of hope – and gallus as hell on occasion*

Martin Compston, 'Who's Going To Stand Up For Scotland?': SNP Party Political Broadcast 2014

We have seen that party predominance is not a new feature in Scottish politics, and it is not simply a problem of a weak opposition, or a strong SNP. If political parties want to win as many votes as possible, who can blame the SNP for doing so? But party predominance has constrained Scottish democracy before, and there is very high risk of it doing so again.

Fortunately, as discussed above, there is another approach to politics in Scotland - with roots just as deep as the tradition of party predominance - which we can draw on. This is a tradition which sees Scotland as a place worthy of criticism and debate, which can always be improved upon, and which can welcome in new ideas



and voices without worrying about rocking the boat or losing our autonomy. It is a Scotland “whaur extremes meet”.

Scott Hames has described this approach as part of a Scottish “talent for againstness.” Explaining his position on independence, Hames argued that Scots ought to “embrace the negative”:

A good Scots word for it might be ‘thrawn’. That itch to object, to resist, to nitpick and refuse seldom chimes with a campaign that bets the farm on hope and affirmation. This is a pity: the true recognition of possibility, of what might be, requires the prior mental effort to deny the necessity of what already is.

So a better Scotland would embrace its negative impulses, and rediscover the value of the critical, the disapproving, the unimpressed. Go ahead, take a scunner. It’s there in the grain of Scottish culture, many have argued. Disputatiousness and the noble human urge to say ‘this is pish’ – and not under your breath. The appetite for flyting and gleeful literary abuse, the swaggering skepticism, the granite reluctance to agree. Whatever happens in September, the democratic bite of that tradition is sorely needed. We’ve had our fill of petty rebuttal and counter-argument. I want something deeper.²⁶

This is very different from the defensive style of politics that encourages party predominance. No one party needs to “represent” the nation into existence. Much of the basis for Scotland’s national identity comes from outside of the party system, carried by a set of distinct institutions²⁷, cultural “impulses” (in Hames’ terms), and the experiences shaped by and reflected in them. The biggest threat to the many areas in which Scotland has some degree of autonomy comes from our own reluctance to embrace that critical impulse and make our political institutions and culture fit for the future.

That kind of project requires a vibrant, diverse and self-critical democratic culture, unafraid to take risks. Scotland’s distinctiveness and diversity is also secured and expanded by the work of non-party organisations like the Scottish Trades Union Congress, the Scottish Council of Voluntary Organisations, and other areas of civil society like campaign organisations, the press, and the constellation of new media projects that emerged from the referendum campaign.

²⁶ Scott Hames, ‘My Idea: Embrace The Negative’, talk given at ‘Yestival Edinburgh’ (9 July 2014); reproduced with permission from the author.

²⁷ Paterson (1994)

6

PROPOSALS, NOT PANACEAS

Changing Scotland’s political system will take more than simple institutional fixes – it requires a shift in our political culture, in the way we understand and relate to our party system, and indeed in the way we understand ourselves as a political community. But there are ways of ameliorating some of the effects of party predominance, as a means of creating breathing space to pursue that wider project of transformation. Below are a number of proposals which we hope can be taken up by civil society organisations and political parties over the course of the next parliament.

1. A Written Scottish ‘Constitution’

We don’t need to be independent to have a document that states how we wish to govern ourselves and why. There are many federal sub-state polities around the world with their own constitutions – the constituent states of the USA, for example. It is clear that the independence referendum offered a space beyond party politics to discuss wider questions about the kind of society we want to live in, and drew heavily on the talents and influence of Scottish civil society. A national process of campaigning, debating and writing a Scottish ‘constitution’-style document could provide a similar forum for discussion. The SNP’s white paper on independence promised such a process after a ‘Yes’ vote, while our own Democracy Max project suggested that this could be done regardless of the result. Those on the margins of the Scottish party system would find a space to make their own unique contributions, while such a process would stimulate new thinking in both the SNP and the opposition

parties. It could also help to remind a predominant party of what Scots want from Scottish politics, exposing any complacency and restoring any flagging energy to debates over policy and principle.

2. A People's Assembly

Holyrood wasn't designed for a predominant party, and there is a risk that without further checks on party power, legislation might not receive scrutiny and input from an appropriately diverse range of representatives. A People's Assembly could serve as a second chamber, with the power to raise particular issues with the government. To avoid this becoming just another target for the electoral machine of a predominant party, this could be selected through a jury-style process. Citizens could be randomly selected, and allowed up to a year of 'democratic leave' to propose, scrutinise and amend legislation. In this way, a wider range of ideas would get a hearing, and a broader, more nuanced expression of Scots' political demands and expectation could be developed and heard. This would make good on the Consultative Steering Group's proposal for a "Civic Forum" when the Scottish Parliament was being designed.

3. A Change In How We Count Seats

The "list" votes in Scottish elections are currently assigned using the "d'Hondt" method. This works by taking the number of list votes won by a party, and dividing it by the number of constituency seats won in the region. The party with the highest average vote after this calculation wins the first list seat, and the number of list votes is then divided by each party's new number of seats. The second list seat is then assigned to the party with the new highest average vote, and the process continues until each seat is assigned.

After the 2011 election, Curtice and Steven suggested that this system favours larger parties. It introduces a "hidden threshold" of approximately 5 percent of the vote, below which parties struggle to win a seat. Curtice and Steven proposed as an alternative the Saint-Laguë formula, which treats large and small parties equally. To find the highest average at each stage of the count, this method divides a party's vote by one more than twice the number of seats it has won so far. Using this method would give many more parties and individuals a chance at parliamentary representation, increasing the diversity of opinions represented within parliament and encouraging new ideas to emerge which might inspire more effective opposition to a predominant party.



4. Elected Committee Conveners

There is a growing sense that the Scottish Parliament's committee system needs to change. Tricia Marwick, the Parliament's former Presiding Officer, has recently restated her call for committee conveners to be elected. She argued that "being directly appointed by your peers will create an important cultural shift ... with conveners deriving their authority directly from the Parliament." This would allow for "more powerful conveners with a stronger voice, not feeling driven by any government's legislation programme."²⁸ Duncan McNeil, who stood down as a Labour MSP this year after 17 years in Parliament, has argued that "the status and independence of our committee conveners need to be elevated to allow real scrutiny and free our deliberations of the party whip sheets undermining them."²⁹

However, the report of the Standards, Procedures and Public Appointments Committee on committee reform rejected the proposal, arguing that "the status of conveners depends on how effectively they fulfil their role, rather than their being elected or paid."³⁰ This seems an unusual argument – after all, a fundamental tenet of modern democracy is that elections are a very good way of selecting the most effective candidate for a representative role. But it also downplays the importance of legitimacy: if this derives from the parliament, the convener is unambiguously accountable to the central institution of Scottish democracy; if it comes from the governing party, on the other hand, there is a risk that loyalties can become blurred. The wider recommendations on committee reform of the Standards, Procedures and Public Appointments Committee are worthy of consideration during the next parliament. But we believe that electing committee conveners should be a part of this, as a means of elevating the committee system above party patronage. Such a system has been effective in Westminster – why could it not be a success in Scotland, where party-predominance makes it all the more necessary?

²⁸ Tricia Marwick, 'The Scottish Parliament: An Agenda For Reform', David Hume Institute Lecture (March 2015)

²⁹ Duncan McNeil, 'Our Holyrood Parliament is not strong enough to hold a powerful government to account'

³⁰ Standards, Procedures and Public Appointments Committee, 'Committee Reform', (19 January 2016), p.13

5. Reform the UK Parliament

One of our central arguments in this report has been that Scotland's historic tendency towards party predominance is in large part the result of a sense that some degree of national autonomy is increasingly hard to preserve through British political institutions alone. Devolution was in large part a response to this, but the success of the SNP and the continued support for independence amongst a sizeable proportion of the population suggests that it is still a crucial issue in Scottish politics. If the Conservative, Liberal Democrat and Labour Parties are serious not only about saving the union, but about challenging the SNP in Scotland, one particularly effective way of doing this would be through UK-wide constitutional change.

A move towards a system of proportional representation in UK general elections would address some of the allegations of a "democratic deficit" in British politics, where Scots "don't get the governments they vote for". It would break down the severe regionalisation of party support that has emerged in recent decades, giving notionally UK-wide parties representatives from across the whole UK. A reformed UK parliament could allow Scots to feel more secure and represented in the UK's governments and institutions, reducing the defensive need for a predominant party committed to preserving a sense of national political autonomy which is perceived to be under threat from UK governments.

6. Take Democracy Beyond The Usual Institutions

If parliamentary politics in Scotland tends towards party-predominance, we should try and find places where the same rules do not apply so strongly. There are a range of organisations, communities and groups in Scotland that can be spaces for another kind of democracy. Trade unions, businesses, and voluntary, campaigning, culture and media organisations – even shared accommodation and local sports teams - can all be potential spaces for democracy, experimenting with different forms of democratic decision-making and governance that can be instrumental in fostering an alternative political culture in Scotland. Any association, from a state to a business to a local football club – can be run democratically, but democracy takes time and resources. Those institutions with the most time, resources and inclination should take particular responsibility here, setting an example for others to follow.

CONCLUSION: AFTER THE PARTY

The proposals above would all contribute to building a different kind of politics in Scotland – a more open, diverse and self-critical approach to our culture and institutions. But as we have tried to make clear, the roots of party predominance go much deeper than Scottish or British institutions. The SNP’s power in Scottish politics and public life is the result of a long process of social, economic, cultural and political change, accelerated by devolution and the independence referendum. It is also, paradoxically, the result of a general decline in the mass party as a form of political organisation, and falling trust in the traditional institutions of representative politics. These changes have hurt the ‘established’ parties – Labour, the Conservatives and (although newer) the Liberal Democrats – to the same degree that they have helped the SNP. The SNP have benefited from the resurgence and politicisation of Scottish national identity since the 1960s and 1970s in a way that those other parties have not been able to. But while this may seem like a process of transformation, it is also in many ways a form of continuity. The SNP have picked up where Labour left off, promising to defend a sense of Scottish autonomy and ‘Scottish values’ against a UK government that “Scotland didn’t vote for”.

But ‘Scotland’ didn’t vote for the SNP either, just as it didn’t vote for Labour when they were predominant. A majority of Scots might vote for one party, but not everyone will; Scotland can’t vote for one party, because it’s too complex to be represented by one. We’re a many-voiced country, full of disagreements, uncertainties and insecurities, and that’s not necessarily a bad thing. A properly democratic politics should give voice to those things that make us different from one another just as much as it brings us together, if

only to make us more comfortable with our differences. But as this report has shown, our political culture and our political institutions don’t seem to be ready for that.

Political parties have a role to play in changing this. The SNP must avoid complacency and use their power to make bold, deep-seated reforms where they are needed, even if it might risk rocking the boat. Opposition parties, meanwhile, must face up to their own role in creating their current situation. The tribal approach to opposition politics simply seeks to replace one predominant party with another; they need to offer not only policy alternatives but an alternative kind of politics if they want to regain lost votes or win new ones. Scottish civil society, in the trade unions, voluntary sector, business community and beyond, has a particularly important role to play. Relatively free from the realities of nationwide electoral competition, ordinary citizens can find, build and promote alternate spaces and practices for democratic politics and the kind of critical political culture we have discussed.

In this report we have sought to explain what party predominance is, how it has emerged in Scotland, and why this is a problem. We do not claim to have all the answers when it comes to what can be done about it. That is for a much broader discussion than is possible here, and that discussion is one we hope to provoke by pointing out a problem without necessarily being sure of a solution. That’s perhaps one example of the instinctive “againstness” described by Scott Hames above, and it’s one that Scots can and must become more comfortable with if we’re to build a democracy fit for the challenges of the twenty-first century.

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