

The Scottish Question: The notion that constitutional politics can be separated from 'ordinary' politics is unconvincing

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*With the Scottish referendum less than one year away, **James Mitchell** offers three broad types of issues in the debate: those that are core, such as the economy, defence and welfare; those that are insulated, for example the lively debate on public service reform that continues outside of the Scottish referendum context; and issues that are being insinuated into the debate, i.e. policy entrepreneurs that are using the high profile nature of the referendum to further agendas and interests.*



Scotland's 'constitutional moment' may not conform with Bruce Ackerman's notion that constitutional debates are the 'highest form of politics', superior to 'ordinary politics'. The distinction between 'ordinary' and constitutional politics breaks down in practice. The Scottish Question is an amalgam of issues and debates in which a narrow understanding of constitutional politics operates alongside questions of identity, everyday public policy concerns and party politics. Additionally, the referendum exhibits classic features of adversarial ordinary politics that are difficult to interpret as in any way 'superior'. Nonetheless, the relationship between ordinary or everyday politics and constitutional politics is worth exploring.

Gutman and Thompson argue in [The Spirit of Compromise](#) that governing demands compromise but campaigning undermines it. The referendum is an interesting test case. How will the referendum affect governing at all levels in Scotland?

There are broadly three types of everyday issues in this referendum. The economy, defence and welfare are CORE to the referendum leaving little room for consensus. A familiar pattern has emerged to how these are framed by each side. Independence is framed by *YesScotland* as offering opportunities, highlighting the manoeuvrability of small states pursuing broadly social democratic policies. *Better Together* frames separation, its preferred term, as a threat which will leave Scotland isolated, losing the clout in a hostile world.

Another set of everyday issues are INSULATED from the referendum debate. The referendum excites much attention and media coverage but teachers continue to teach, doctors to tend the sick and the vast array of public services not only continue to be delivered as normal but debates on how these might be improved, how to deal with shrinking budgets and preparing for demographic changes already well underway occur in isolation from the referendum debate. Interviews with senior public officials and others across a wide range of services and in different parts of Scotland suggest insulation from the hurly burly of the referendum debate. And that is how many involved in these debates want to keep it.

The public policy challenges Scotland faces are broadly the same as those faced across many liberal democracies. The fall-out of the economic crisis including its public financial consequences is uppermost in the minds of decision-makers. There is a widespread acceptance amongst many at the sharp end delivering services that years of abundance are being followed by years of famine. For some, the referendum debate is cover for preparing ground for the era of austerity most expect to last for many years to come regardless of the outcome of the referendum. A lively debate continues on public service reform that remains largely insulated from the referendum. This is how many of those involved in these debates want to keep it. There is concern that the adversarial debate will spill over into everyday politics as has happened in Holyrood and council chambers. But the referendum has a capacity to overwhelm any everyday matter.

There is a third category of issues. A number of issues are being INSINUATED into the debate. Policy entrepreneurs are aware of the dangers of such a strategy but see the opportunity of using the high profile nature of the referendum to further agendas and interests.

There is a long history of this. In the 1970s, Shetland saw an opportunity to play each side off against the other in Scotland's then constitutional moment. In the Constitutional Convention debates in the 1990s, Shetland and Orkney won concessions from the Constitutional Convention to have separate representation in the Scottish Parliament for each island archipelago. Today, the two island local authorities have joined with the Western Isles in a campaign, *Our Islands, Our Futures* to make the case for significant new powers from Westminster and Holyrood.

The most successful example of insinuation in the Convention debate was the women's movement. Various women's groups linked women's representation to the establishment of the Parliament. They pressed for more 'family friendly' Parliamentary procedures and made some gains though were less successful in pursuing everyday public policy gains for women.

A number of human rights bodies are attempting to insinuate themselves into the debate. The Scottish Refugee Council (SRC) produced a report at the start of 2013 that set out what it saw as good policy and practice in the fields of refugee and asylum policies and challenged each side to outline how different constitutional scenarios would affect these areas. The two Human Rights Commissions (one covering devolved, the other retained matters) have each engaged with the debate, following a similar approach of challenging each side to outline how human rights would be improved under different constitutional scenarios.

Organised labour and business have engaged in diverse ways with the referendum. The CBI (Scotland) has become part of the anti-independence campaign engaging in adversarial style. The Scottish Chambers of Commerce recently issued the results of a survey emphasising that its members are more inclined to insulate themselves from the referendum debate, stressing that businesses want to get on with their 'day to day business' and calling for more information. The call for more information is proving a common means of insulating various interests from the debate. The Scottish Trade Union Congress (STUC) has challenged each side to provide details in response to its *A Just Scotland* campaign. It has avoided taking sides to date, aware that its members are divided on the Scotland's constitutional future.

With almost a year to go to the referendum, a pattern has emerged of highly contested adversarial issues at the core of the referendum. Ackerman's notion of constitutional politics as superior looks unconvincing but so too does the notion that constitutional politics can be separated from ordinary politics though the challenge for many is to keep these spheres separate or to insinuate ordinary matters into the debate in a constructive manner. Both present significant challenges.

Note: This article gives the views of the author, and not the position of the British Politics and Policy blog, nor of the London School of Economics. Please read our [comments policy](#) before posting.

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