

Lord Sumption gives a lecture to the Denning Society, at Lincoln's Inn*

The Disunited Kingdom: England, Ireland and Scotland

5 November 2013

I met Tom Denning in an earlier life. In the early 1970s, when I was the junior history fellow of Magdalen College Oxford, he was an honorary fellow. Most honorary fellows were content to smile benignly at the institution from a great distance, but Denning was different. He actually turned up and talked to people. One day we had an argument about some case that he had just decided, which had hit the front pages. I told him that I planned one day to go to the bar. He said: "A big mistake. Stick to history". I didn't take his advice. But this evening, I shall make amends, and stick to history.

I shall however start with a proposition of law, the only one that you will hear all evening. Article 1 of the Act of Union of 1707 provides that "the two kingdoms of Scotland and England shall on the 1st of May and for ever after be united into one kingdom by the name of Great Britain." These words marked the birth, three centuries ago, of Great Britain. The United Kingdom had longer to wait. A century after the Act of Union with Scotland, Article 1 of the Act of Union with Ireland in 1800 provided that the Kingdom should henceforth be known as the United Kingdom of Great Britain and Ireland. Uniquely among the nation-states of Europe, the British state was founded on two legislative unions, one between England and Scotland which has lasted more than three centuries and was until recently was remarkably successful, the other between England and Ireland, which was a tragic failure from the outset and broke up in less than half that time.

It takes more than statutes to make a nation and more than statutes to unmake one. The history of Irish nationalism was already a very long one when the union with Ireland broke up in 1922. It dated back

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certainly to the sixteenth century and arguably beyond that. By comparison, Scottish nationalism has a much shorter history. As a serious political movement, it dates only from the 1960s. Yet today it commands a majority of the Scottish Parliament created in 1999. The rise of powerful internal nationalisms within the territory of ancient states is a worldwide phenomenon. It raises some fundamental questions about the identity of nations.

Most states are composites, built out of territories that were once autonomous. Often, the component parts conserve their own distinctive ethnic, religious, cultural or political traditions. Italy and Germany are notable European examples. Beyond Europe, India combines highly diverse societies with distinct ethnic, linguistic and religious identities in a composite state with a strong sense of its own national identity and its place in the world. At the other extreme, five centuries after the union of the component kingdoms of Spain, separatist parties currently have a majority in the Catalan regional legislature, and in January of this year declared themselves to be entitled to secede unilaterally from Spain as soon as a referendum approved. Belgium, which in spite of its artificial origins and linguistic diversity, enjoyed a formidable cohesion for most of its history, is threatened with break-up by re nascent linguistic nationalist parties. In Italy there is serious talk, although as yet no more than that, about the industrial north seceding from the state created 150 years ago by Garibaldi and Cavour. But perhaps the most remarkable example lies further east. Kiev was the first nucleus of the Russian nation, but after ten centuries in which the fortunes of Russia and Ukraine seemed indissolubly linked, it is now the capital of an independent state. It is clear that there is nothing predestined or immutable about the identity of nations.

In 1882, the French historian Ernest Renan delivered a famous lecture at the Sorbonne entitled “What is a nation?”. Writing at a time when national sentiment in Europe had never been stronger, Renan questioned all of the theories of national identity current in his own day, most of which were based on ethnic and linguistic solidarities. In his view the identity of a nation depended entirely on collective sentiment. It was therefore inherently changeable. Nations, he said, depended for their continued existence on a “daily referendum” among its population. If once they ceased to feel like a nation, they

would cease to be one. So far as existing national identities had any stability, this was due to the accumulated weight of historic myth. A nation, Renan wrote, was the culmination of a long history of collective effort, collective sacrifice and collective devotion. It depended on a consciousness of having done great things together in the past, and wanting to do more of them in future. The definition is pithier in French: “avoir fait de grandes choses ensemble, vouloir en faire encore”. What were these great things in a nation’s past that fixed its identity? The examples that Renan gave, heroism, glory, great men, were those that would probably have occurred to most nineteenth century thinkers. Most of them were synonymous with war and conquest. Paraphrasing Renan, the Harvard political scientist Karl Deutsch observed, in language that has often been misattributed to Renan himself, that a nation is “a group of people united by a mistaken view of their past and a common hatred of their neighbours.” Renan thought that the major European nation-states of his own day would survive for centuries. Yet by his test even they were fragile constructs. Sentiments change. External threats recede, to expose the fault lines within historic nations. The memory of joint triumphs fade away, to be replaced by the more durable recollection of real or imagined oppression and antagonism.

England is and always has been the dominant member of the United Kingdom. This is the inevitable consequence of its greater size and population, its powerful public institutions and its central geographical position. The formation and survival of the United Kingdom is therefore essentially the story of England’s relations with the other nations of the British Isles. Historically, three factors have been dominant: religious allegiance, defence against external enemies, and access to markets. What is missing from this catalogue is idealism. The unemotional origins of the United Kingdom differentiate it from European states that coalesced in a wave of patriotic emotion. Distinctive too has been the absence of any deliberate policy of assimilation by the British state, such as that which was energetically pursued by the governments of post-revolutionary France and post-Risorgimento Italy. The British have never consciously tried to mould a British nation. So far as a broader British identity emerged, it did so only after the unions and not before. In Ireland it never happened. In Scotland it did. The reasons for this divergence can tell us a lot about ourselves.

It is necessary to start with Ireland, whose shadow looms large over this issue. The partial separation of Ireland from the United Kingdom in 1922 marked Britain's greatest failure in the whole of its long history. It was also a conspicuous symptom of our lack of interest in creating a single nation out of the disparate but interdependent peoples of the British Isles. At the time of the Irish Act of Union, Ireland represented about a quarter of the population of the United Kingdom, a far higher proportion than Scotland. For six centuries, Ireland had been a lordship belonging to the Kings of England, but constitutionally separate from England. It had its own legislature, with separate houses of lords and commons, its own judiciary, and its own executive. All of these institutions were essentially miniatures of the equivalent institutions in England. For customs purposes, Ireland was another country separated by steep tariff barriers from its natural markets in England. Ireland's relationship with England was essentially colonial. It was partly colonised from England twice, in the twelfth century and again in the seventeenth. The twelfth century colonisation was a superficial and ephemeral affair. The Anglo-Norman colonists were a numerically very small group whose economic and military dependence on alliances with the Irish chiefs meant that they were largely assimilated by the indigenous Irish by the end of the middle ages. It is a common fate of conquerors to be absorbed by those that they conquer, unless there is a wholesale displacement of population.

The seventeenth century colonisation was a far more thorough and brutal business, which not only did displace a large part of the population but also introduced into Ireland the corrosive religious divisions which are still with us. The reformed religion, initially a minority creed, was imposed on the great majority of the English population during the second half of the sixteenth century. This was possible in England because it was a highly centralised, intensively governed country, with an educated and influential elite that was already largely converted to one or other of the variant forms of protestantism. None of these conditions obtained in Ireland. Protestantism made virtually no headway there. Religion rapidly superseded ethnic origin as the real badge of collective identity in Ireland. The continued Catholic allegiance of the mass of the Irish population was a serious problem for England at a time when her main external enemies, Spain in sixteenth century and France in the seventeenth, were the leading Catholic powers of their time, and

Catholicism was an important part of their public ideology. The French intrigued with the Gaelic chiefs in the 1520s. The Spanish did the same a decade later and remained the principal threat for the rest of the sixteenth century. Even in the eighteenth century, when the foreign policy of the great continental powers lost its confessional colours, the existence of a predominantly Catholic population in Ireland was seen as a major strategic weakness, by both the English and their European enemies. As late as 1796, the French General Hoche, accompanied by Wolfe Tone, very nearly succeeded in landing an army of 15,000 men at Bantry Bay. Sir Roger Casement tried to do something similar with German support in 1916.

It was the abiding fear that Ireland would become a backdoor into England for her continental enemies that had prompted the succession of brutal attempts at large-scale protestant colonisation in the seventeenth century. It came in three main waves. At the beginning of the seventeenth century, the colonisation of the northern province of Ulster involved a massive displacement of the population in a very short period of time, transforming what had hitherto been the most intensely Gaelic region of Ireland into a largely Scottish and presbyterian community. The reoccupation of Ireland by Oliver Cromwell in the 1650s, which marked the second wave, was even more brutal and geographically more extensive. It may have displaced or killed as much as a third of the indigenous population. The third wave was the invasion of the country by William of Orange at the end of the seventeenth century in order to forestall the threat from the deposed Stuart King James II and his ally Louis XIV of France. The Williamite invasion was not particularly bloody. The annual commemoration of that event by the Apprentice Boys of Londonderry has unleashed far more bloodshed over the years. But it was the most damaging of all for England's future relation with Ireland, for it was followed by a series of draconian statutes against the Catholic majority, which prevented them from holding land or offices, from bearing arms, from observing their religion, from holding schools, in fact from participating in almost every aspect of civil society. Few of these disabilities were applied to Catholics in England itself. Eighteenth century English Catholics could not vote in Parliamentary elections or sit in Parliament or hold offices of state. But they could do almost everything else, including own land and practice their religion. In the eighteenth century, the serious persecution of Catholicism was

confined to the one part of the British Isles where they constituted the overwhelming majority of the population. The result was to create a caste-based system in Ireland, in which a protestant minority of mainly English origin held a monopoly of political office and all of the land. As William Pitt the Younger told the House of Commons in 1799, all the problems of Ireland were ultimately due to “the hereditary feud between two nations on the same land”

At the time when Pitt was speaking, the crunch moment for this unsustainable system had arrived. The French Revolution had an immense impact in Ireland, not only among Catholics but among radicalised Irish Protestants who saw in the unequal relationship with England the roots of Ireland’s political and economic backwardness. The United Irishmen, founded by the Protestant Wolfe Tone and others in 1791, adopted an overtly republican policy, and after the outbreak of the revolutionary war in the following year they made alliance with revolutionary France the cornerstone of their policy. The Parliament in Dublin responded by embarking on a panic-stricken programme of concession and reform. Almost all of the statutory disabilities inflicted on Catholics since the end of the seventeenth century were repealed, apart from their exclusion from the Dublin Parliament itself.

These rapid measures of liberalisation failed to draw the poison, for two main reasons. The first was that it was too late. The French revolution had unleashed passions which could not easily be contained. The progressive expansion of the franchise from 1832 onward broke the political power of land, marginalised the Protestant elite everywhere in Ireland except Ulster and made it possible to organise a home rule movement on a national scale. The second reason was that the long-term consequences of the disabilities inflicted on Catholics for more than a century proved to be more difficult to address than the disabilities themselves. The most serious of these was the land problem. As a result of the systematic exclusion of Catholics from the ownership of real property throughout the eighteenth century, by 1800 substantially all the land in Ireland was in the hands of a minority defined first by its religious allegiance and secondly by its political dependence on England. In a pastoral and agricultural society, where land was the main source of social status and the only source of capital, this was a disaster. It might perhaps have been addressed by a

wholesale redistribution of land of the kind which has actually happened in Ireland since 1922. This would have required a transfer of resources on an even larger scale than, to take a modern example, the vast transfer from west to east which followed the unification of Germany two decades ago. There was never the slightest chance of its happening in Victorian Britain, with its profound attachment to the minimal state and to rights of property as the twin foundations of constitutional liberty.

In May 1798, there was a serious uprising in Ireland, accompanied by three attempts by French squadrons to land troops on the Irish coast. The rising was poorly organised and quickly suppressed. But 1798 left a poisonous legacy. Although the leaders of the rising declared their desire to unite Irishmen of both religions against English rule, in parts of the south the revolt was accompanied by bloody massacres of Protestants which transformed attitudes on both sides of the Irish Channel. Before 1798, militant Irish nationalism had not been particularly associated with Catholicism. The United Irishmen had originally been founded by Protestants in Belfast and their main strength lay in the Presbyterian north. The sectarian violence against Protestants put an end to the tradition of Protestant radicalism in Ireland. Almost overnight, it transformed Irish Protestants, then about a quarter of the population and the dominant element in the towns, into an embattled, pro-British minority. As the Irish historian William Lecky observed a generation later, the rising of 1798 planted in Ireland the seeds of sectarian hatred which remained thereafter “the chief obstacle to all rational self-government.” In England, the Prime Minister, William Pitt the Younger, drew the same conclusion. In his view peace in Ireland was indispensable if Britain was to prevail in the struggle with Revolutionary France. The maintenance of a Protestant Parliament in Dublin was no longer sustainable in a mainly Catholic country. Yet the admission of Catholics to the Irish Parliament would only serve to swamp the Protestant minority and perpetuate sectarian divisions. The only solution was to dilute the political passions dividing Ireland by abolishing its independent Parliament and incorporating Ireland in the larger political community of England.

In 1835, the great French political scientist Alexis de Tocqueville spent several weeks in Ireland speaking to Catholic and Protestant, townsmen and countrymen alike. His notes, which he perhaps

intended to write up into a book, are among the most revealing portraits of Ireland in the generation after the Act of Union. The most striking thing is the almost complete absence of bitterness or hatred among educated men. De Tocqueville was impressed by the genuine desire of the Protestant minority to improve the condition of all the people of Ireland. Yet, the overwhelming impression which he took away from his conversations with them was one of hopeless resignation in the face of the insoluble problems bequeathed by two centuries of prejudice and folly. De Tocqueville was a liberal Frenchman, a nobleman and a Catholic. He was also a great admirer of England. But his conclusion was that the same tradition of liberal aristocratic government which in his view had made English strong and rich, also accounted for the irredeemable failure of every thing that they did in Ireland. Modern mythology has tended to concentrate on the potato famine of 1846, on the fate of Gladstone's home rule policy and on the Easter Rising on 1916. But the Union was doomed well before these events. It did not even bring England the military security which had been Pitt's great object in 1800. In a speech delivered in Glasgow in 1871 Isaac Butt, the first leader of the Parliamentary Home Rule movement, said: "We were told that the Union would make an invasion of Ireland impossible, but would an enemy be any worse received in Ireland by many of the people now than in 1798?" It was a good question. There were important pro-German movements among Irish nationalists in both world wars of twentieth century. In the closing days of the Second World War, the Irish President Eamon De Valera famously sent a message of condolence to the German ambassador on the death of Hitler.

I have dwelled upon the unhappy experience of Ireland's union with England, because it is in almost every respect the polar opposite of Scotland's experience. In an essay written in 1881, the great constitutional lawyer A.V. Dicey noted the divergent fortunes of the Scottish and Irish unions over the previous century. His explanation was very simple. "The shortest summary of the whole matter," he wrote, "is that all the special causes which favoured the incorporation of Scotland with England, were conspicuously wanting in the attempt to unite Ireland with Great Britain."

What were these differences?

In the first place, although Lowland Scotland, like England itself, was occupied by the Normans in the eleventh century, and migrants from England still account for more than a tenth of the population of Scotland, Scotland has never been an English colony. Except for a very short period in the late thirteenth and early fourteenth centuries, there has never been a sustained English occupation of Scotland. Secondly, Scotland had never been a subordinate lordship. Before the union it was an independent kingdom with an ancient monarchy of its own and institutions that were not just clones of their English equivalents, as the Irish ones were, but had their own distinctive origins and traditions. In 1603, the play of dynastic marriage and inheritance brought a Stewart King to the throne of England. However, this did not bring about a union between two countries. Both countries were Parliamentary monarchies in which the power of legislation and taxation were vested in representative assemblies, and there was no Parliamentary union until 1707. In legislative terms, Scotland was a foreign country. The only notable gesture towards union was a purely symbolic one: the laying of the St. George's cross over the St. Andrews saltire to create the Union Jack. But for a century it was only a royal standard and not a national one. Third, at the time of the union, Scotland was a Protestant country. Except in parts of the Highlands, Catholic practice had disappeared even more completely than it had in England. From the sixteenth century until relatively recent times, Protestantism was at least as important as an element in Scotland's identity as it was in England's. In 1688, England and Scotland both independently renounced their allegiance to James II because he was a Catholic and invited the Dutch Stadholder William of Orange and his Stewart wife Mary to occupy the throne, because they had undertaken to secure the Protestant religion.

In spite of a common Protestant ideology, however, there was no emotional tide of British nationalism before the union of 1707, and no pressure for a union with England until shortly before the union occurred. On the English side, the pressure for union arose from concerns about the defence of the realm very similar to those which prompted the union with Ireland a century later. After the Glorious Revolution of 1688, the exiled James II lived with his court at Saint-Germain under patronage of Louis XIV of France at a time of militant international Catholicism and major European wars. When James died, Louis XIV recognised his son as King of England. Jacobitism enjoyed

considerable support in the Highlands and Islands, and elsewhere among the Episcopalians who had been ousted from the Church of Scotland. The risk of a French invasion through Scotland was taken extremely seriously at Westminster.

For the Scots, by far the most important reason for agreeing to the union was their desperate need for access to the England's rapidly growing markets. The English domestic market was at least ten times the size of the Scottish one, and its colonial markets more important still. The great engine of economic growth across much of eighteenth century Europe was the raw materials and seaborne trade of the Americas and Asia. Yet this growth was very unevenly distributed as nations sought to reserve it to themselves. The Dutch, French and Spanish governments all reserved the trade of their colonies for the mother country. In seventeenth century England, the Navigation Acts reserved the colonial trade to English nationals and English ships. Scots were excluded from right to trade with English colonies in Caribbean and North America, and attempts to break the monopoly were suppressed with growing efficiency by the English navy. Scotland was ill-placed to compete in this world. It had a relatively small economy, with a limited range of exportable products, very little international clout and virtually no navy. Shortly before the union, Scotland's vulnerability was brought home to its inhabitants by the failure of an ambitious scheme of colonisation known as the Darien scheme. In 1695, Scotland chartered a company to found a colony at Darien on the Isthmus of Panama, in a region traditionally regarded as belonging the sphere of influence of Spain. Under pressure from the English government, which wished to maintain good relations with Spain, English financiers refused to invest capital in it. As a result, the capital was ultimately subscribed by a large number of Scottish investors. The venture was a disaster, and by comparison with the modest size of the Scottish economy, the losses were enormous. They particularly affected the classes represented in the Scottish Parliament. There were a number of reasons for the failure of the scheme, including mismanagement, disease, Spanish hostility and absence of naval support. But the Scots blamed English indifference. In the years immediately leading up to the union of 1707, anti-English feeling in Scotland was probably stronger than it had been at any time since the Anglo-Scottish wars of the middle ages. In 1704 the Scottish Parliament passed an Act reserving the right to choose a different

monarch from England after the death of the childless Queen Anne, unless arrangements were made to secure “the religion, liberty and trade of the nation from English or any foreign influence.”

It was this overtly hostile enactment which led to the appointment of the joint commission to prepare the articles of the treaty of union. The passage of the Act of Union through the Scottish Parliament was eased by crude political horse-trading and a liberal distribution of bribes, and its enactment was accompanied by riots in Edinburgh, Glasgow and other towns. Rarely can a voluntary union have been agreed amid such a tide of mutual suspicion and resentment. Even after its passage there was a period of disillusionment during which a number of proposals were made for its repeal. One of them, in 1713, failed by only four votes in the House of Lords. In truth, when the Act of Union was passed, the common feeling of belonging which Renan identified as the foundation of nationhood did not exist. The union with Scotland had been the result of pragmatic calculations of mundane economic and political interest. The emergence of a wider British patriotism was a later development, the result rather than the cause of the union.

There is an interesting parallel to the situation of Scotland on the eve of the union, in the history of that other great imperial power, Spain. Spain came into being in its modern form as a result the dynastic union of Crowns of Aragon and Castile, when Ferdinand of Aragon married Isabella of Castile in 1479. As in Britain after 1603, it was a union of crowns but not a union of nations. Castile and Aragon retained their own distinctive institutions. But the Spanish colonial Empire, which was run like the English one on strictly protectionist lines, was a purely Castilian affair. Catalans, traditionally the most dynamic traders among the subjects of crown of Aragon, were excluded from benefits of Spain’s Caribbean and South American empire, just as the Scots were excluded before 1707 from England’s Caribbean and North American empire. As in Britain, the Catalans had no automatic access to Castilian domestic markets either. They paid duties at the boundary of Castile. As in Britain, this separation of Castile and Aragon ultimately proved to be intolerable because of the threat of foreign intervention. There was a powerful invasion of Catalonia from France in 1640, and another in 1705. But the solution was different. The problem was brought to an end not by a voluntary coalescence, as in England, but by forcible absorption. The whole

process was a disaster for Catalonia, which in the middle ages had been the most dynamic trading community, but atrophied economically for nearly two centuries.

This was the fate of eighteenth century Ireland, and might have been the fate of eighteenth century Scotland. Ireland became an economic satellite of England, a source of raw materials, food and cheap labour. Economic specialisation was limited. Urbanisation and manufacturing growth were slow. Capital formation was inhibited by the concentration of landed wealth in the hands of a largely non-resident aristocracy. By the beginning of the nineteenth century, industrialisation was actually going into reverse in Ireland, except in the Belfast area where substantially the whole of Irish heavy industry was to be concentrated for most of the next two centuries. The experience of eighteenth century Scotland could hardly have been more different. After an uncertain start, the union brought spectacular economic benefits to Scotland. In the first century and a half after 1707, Scotland enjoyed a rate of industrialisation second only to England's. To some extent, this was due to purely Scottish factors, in particular a relatively high standard of literacy and general education and a generous endowment of natural resources, particularly water power and coal. But by far the most important factor in the economic achievement of eighteenth century Scotland was its new access to the domestic and international markets of England. Glasgow and the Clyde region became one of the major British centres of the transatlantic trades, and one of the greatest concentration of heavy industry in the world. Moreover, the men who built and managed these businesses were native Scots.

The rapid expansion of the Scottish economy in the aftermath of the Act of Union was the most important single factor in the creation of a common British identity. But almost as important was a common belief in the Protestant settlement and the rhetoric of constitutional liberty, which were central to both nations' sense of identity. Nations commonly identify themselves by comparison with some great other, and for both English and Scots, the great other was usually France. Britain was Protestant where the French were Catholic. Britain regarded itself as constitutionally free whereas the French were thought to be the servile helots of a privileged aristocracy and an absolute King. Britain was rich and enterprising, while France

stagnated as the riches of the land were appropriated by the few. It was to these stereotypes that the British ascribed their economic success and their remarkable imperial expansion in the eighteenth century. The frame of mind is perfectly encapsulated in William Hogarth's much-reproduced painting *Calais Gate*, of 1749, in which starving and ragged Frenchmen are shown enclosed by a vast prison, pushed about by equally ragged soldiers, as in the background well-fed catholic monks live on the fat of the land. Appearing on American television last year, our current prime minister was unable to identify the author of *Rule Britannia*. For a convinced Unionist, Mr. Cameron was missing a trick. It was in fact written in 1745 by a Scot, James Thomson. This famous patriotic song was a great deal more than a celebration of British sea power. It was paeon of praise for political liberty, and a conviction that only in Britain was it to be found. "The nations, not so blest as thee, must in their turn to tyrants fall, must in their turn, to tyrants fall while thou shalt flourish great and free, the dread and envy of them all."

Nothing promotes a sense of common patriotism as effectively as a common external enemy. In early eighteenth century Britain, one of those enemies was Jacobitism. The threat of a Jacobite invasion of Scotland, brought an insular, protestant and British Scotland into conflict with a cosmopolitan Jacobite movement with its roots in international Catholicism and monarchical absolutism. The Stewarts may have been an authentically Scottish dynasty, but their refusal to abandon their catholic faith made them foreign in the eyes of Britons on both sides of the border. At the outset of rebellion of 1715, the Old Pretender issued a proclamation declaring that once restored to the Scottish throne, he would repeal the Act of Union. A similar promise was made by his son Bonnie Prince Charlie in 1745. "No Union" was one of the slogans carried on Jacobite banners in both rebellions. This proved to be a serious misjudgement. In the Lowlands, which accounted for almost all the population and wealth of Scotland, the Stewart Pretenders had little or no support, rather less in fact than they had in the north of England. The main result of the rebellions was to reinforce support for the union in most parts of Scotland. George II's Germanic younger son William Duke of Cumberland may have gone down in history as the Butcher of Culloden, and the highlanders whom he slaughtered have become symbols of a romanticised Scottish past. But at the time of the "forty-five", this quintessentially unscottish figure was a hero in Scotland. After the battle, he was elected

Chancellor of the University of St. Andrews and feted in the streets of Edinburgh. George II might have been a German who spoke poor English and never visited Scotland, but he was a Protestant and with the Stewarts laying claim to the British Crown, that was what mattered.

Religious allegiance, which had been such a divisive factor in England's relations with Ireland, remained the cement of the union with Scotland for many years after the Jacobite threat had faded away. Even in the twentieth century, Protestantism remained part of the fabric of public life in Scotland in a way that had not been true of England for many years. The Presbyterian churches retained considerable political influence. Until half a century ago, those bastions of Scottish working class culture, the Boy's Brigade, Sunday school and Rangers Football Club, were suffused with the ethic of muscular public Protestantism.

The main shared experience of England and Scotland for the first two centuries of the union was the British colonial Empire. The industries of the Clyde were heavily oriented towards the Atlantic trade, and later to the construction of the Empire's infrastructure: shipbuilding, railway engines and harbour works. Scotland supplied a disproportionate number of the Empire's imperial administrators and soldiers. They were among its most prolific and successful settlers, missionaries, engineers, traders and industrialists. In 1901, at a time when the Scots were about 10% of the population of the United Kingdom, they were about 15% of the British-born population of Australia, 21% in Canada and 23% in New Zealand. There is some evidence that Scottish settlers in the colonies and dominions were not only more numerous but arrived with higher standards of education, more skills, and more capital than other settlers from the British Isles.

When the American steel baron Andrew Carnegie, who was born in Scotland, remarked that America would have been a poor show without the Scots, he had of course a vested interest. But he was not the only person who said so. The Irish politician Sir Charles Dilke, who toured the Empire in the 1860s observed that "for every Englishman that you meet who has worked himself up from small beginnings, without external aid, you find ten Scotchmen." The novelist Anthony Trollope, returning from Australia in the following decade, famously declared that "in the colonies those who make money are generally Scotchmen and those who do not are mostly

Irishmen.” The English tendency to praise the enterprise of the Scots while denigrating the Irish was perhaps as revealing as anything about their attitude to both of their British neighbours. It was a travesty in fact. There were large and prosperous Irish communities in North America, Australia and New Zealand. But it is undoubtedly true that in proportion to their numbers the Scots played a much larger part in the imperial operations of the British state than any other nation within the British Isles, and their activities as settlers contributed to the enrichment of their home country in a way that was not as true of the Irish or even the English.

In much the same way, the Scots have played a remarkably prominent role in the government of the United Kingdom itself. For much of the eighteenth century the Scottish Parliamentary block at Westminster produced few leaders, but succeeded in selling its support to the Parliamentary managers of the Crown in return for a disproportionately large share of its patronage and influence. The eighteenth century system of political patronage disappeared after the Reform Bill of 1832, but Scotland continued to have a weight in the government of the United Kingdom out of all proportion to its share of the British population. Of the thirty two prime ministers who have held office since the 1850s, no less than eleven have been of Scottish ancestry and two more have sat for Scottish constituencies.

The emergence of a specifically British patriotism was the result of the two centuries of shared experience of government, war, colonisation and industrialisation which followed the union. By far the most important single factor behind the emergence of a specifically British patriotism was the fact that the union occurred at the outset of the period of Britain’s greatest international power and wealth, a process in which the Scots played a particularly important part. To return to the language of Ernest Renan the English and the Scots did great things together and until quite recently were intent on doing more. It is difficult to imagine that either would have been as successful in the heyday of British power without the other or that either of them was unaware of this at the time.

What is striking about the rise of a specifically British patriotism in Scotland during the eighteenth and nineteenth century is not just that it happened, but that it proved to be entirely consistent with the

survival of an authentic Scottish patriotism as well. The Scottish Parliament disappeared in 1707, and so, shortly afterwards, did the Scottish Privy Council, which had been the main organ of government north of the border. Until the creation of the Scottish office in 1885, there were no government departments concerned specifically with Scotland. Even the Scottish Office was based in London until 1937. Yet the union left intact all of the indigenous institutions that were closest to the Scottish people. The Act of Union guaranteed the position of the Kirk as the established Church of Scotland, which came closest to being the authentic voice of Scotland in the next two centuries. It expressly preserved the Scottish judiciary, administering a body of Scottish law with its roots in continental civil law systems and differing in significant ways from the common law of England. It did not touch the Scottish school system or the four Scottish universities. To these major institutional monuments of Scotland's distinctive past were added in the course of the nineteenth century, a revived interest in Scottish history and in the great epics of the wars against England, like Barbour's *Bruce* and Blind Harry's *Wallace*. Some of the most famous modern symbols of Scottish identity, such as kilts, sporrans, tartans and bagpipes, had been forbidden by statute after the Jacobite rebellion of 1745. But in the early nineteenth century they were readopted by a country by now largely urban and industrial, whose population was concentrated in the lowlands. Yet this recognition of a distinctive past existed side by side with a wider British nationalism. Ironically, the chief agents in the growing popularity of Scottish national dress in the nineteenth century were British institutions, notably the monarchy, which reinvented itself under Queen Victoria as a Scottish institution, and the War Office, which kitted out even the Lowland regiments in kilts and tartans. As the great Scottish historian of the Victorian age, Thomas Babington Macaulay, observed, every self-respecting Scot now went about wearing a costume which would once have been regarded as the authentic uniform of thieves and brigands.

It is obvious that the main factors which brought about the union of England and Scotland at the beginning of the eighteenth century have little if any resonance today. The strategic concerns which determined England's attitude to the union in 1707 have vanished. Although it is notoriously difficult to predict the balance of power internationally more than a generation ahead, there is for the moment no credible

external threat to the security of the British Isles and it is not obvious where such a threat might come from in the future. The same is true of the economic factors which propelled Scotland into the union. The economic imperative to belong to a British common market has become irrelevant with the creation of a wider European common market offering the same benefits. But the fact that the original rationale of the union has gone hardly matters. A great deal has happened since 1707 to create a composite British nation out of the distinctive traditions of English and Scottish nationalism. The interesting question is why this counts for less now than it did only a generation ago.

It is common to answer this question by referring to the well-advertised differences between Scottish politicians and the Conservative governments of the 1980s, and to the striking decline of the electoral fortunes of the Conservative party in Scotland after a long period when it had been the dominant force in Scottish politics. But it is important not to confuse the symptoms with the cause. Scottish nationalists experienced their strongest electoral performance in Scotland in the first decade of the present century, at a time when the Labour party was in power at Westminster, was led by Scots and held a large majority of Scottish seats. This interesting phenomenon is likely to have far more profound causes than the ephemeral issues which have preoccupied British politicians for the last thirty years. I want to offer some explanations. In a sense the factors which have encouraged the decline of British nationalism are no more than the obverse of those which led to its creation in the first place.

It is I think worth making three broad points about the present situation.

The first and much the most obvious is the decline of Britain's sense of its own historic destiny and global relevance. This is a remarkable change that has occurred in the relatively short period since the Second World War, an event which marked perhaps the climactic moment of England's and Scotland's shared history. The British Empire was not the only European empire. But it was by far the largest of the European empires and it was the one whose fortunes were most closely bound up with the identity of the nation which created it. Its disappearance has removed the principal historic

experience which Scotland shared with England. It has also deprived Scotland, even more than England, of an outlet for emigration and a source of middle class employment. It is true that the main British possessions in which the Scots were engaged, Canada and New Zealand, have been politically autonomous for many years. But sentiment, ethnic attachment and a large measure of economic interdependence kept them close to Britain until about the 1960s.

The American political scientist Rogers Smith has suggested that every political community depends for its sense of identity on what he calls a “constitutive story”, a historical memory which explains who we are and why we belong together. This is in reality an updated and more elaborately argued version Renan’s theory of nationhood. In the last half-century, there has been a striking decline in Britain’s confidence in the special value of its own collective experience. Take as an example the decline of English constitutional history. The struggles of the Crown and Parliament in the seventeenth century not only fed the eighteenth century myths of national identity but until quite recently seemed to be the paradigm for the development of constitutional liberty everywhere, a story of universal relevance. British constitutional history has all but vanished from the curricula of university history courses. Britain’s overseas empire, which was a source of pride while it lasted, has become a matter for embarrassment and apology among many who have only the haziest idea of its history. When a state can no longer maintain its own constitutive story, Rogers Smith argues, historical memory becomes localised. This is what has happened in Britain. The last thirty years have witnessed a veritable explosion of interest in Scottish history ranging from work of outstanding originality and scholarship to colourful fantasy and patriotic myth. Scotland is in the process of making its own constitutive story. In a world which is at the same time more globally minded and more locally minded, to be British seems less important. Whether this is a pity or not, I leave to you to judge. For the moment, it is a fact.

Secondly, the institutions at the heart of Scottish life which contributed most to sustaining belief in the union in the eighteenth and nineteenth century have recently lost much of their influence. This applies particularly to those great engines of Scottish unionism, the British army and the Scottish Kirk. For most of the history of the union, the British army has been recruited in disproportionate

numbers from north of the border. A quarter of the Duke of Wellington's army at the battle of Waterloo fought in regiments raised in Scotland, at a time when only about one in seven of the population of the United Kingdom lived there. The role of Scottish troops as shock troops, generally deployed in the front line meant that their casualties have always been high. In the First World War the Scottish regiments suffered casualty rates of about one in four, more than twice the average for the United Kingdom as a whole. All of this represented a highly visible contribution to a much admired and authentically British institution. The army has progressively contracted as Britain has shed its international responsibilities since 1945. The contraction has been particularly marked among the famous Scottish infantry regiments. As a result of successive suppressions and mergers, they have been reduced from eleven in 1957 to just one today, the Royal Regiment of Scotland.

The decline of the Kirk, that other notable bastion of unionism, has been a more complex and drawn-out process. The eighteenth and early nineteenth centuries were probably the high point of its influence. After the so-called Disruption of 1843, when the courts reaffirmed the rights of lay patrons in the Church of Scotland, some 40% of the Kirk's membership seceded to form the Free Church. Although the social and political attitudes of the different Presbyterian churches were much the same, the established church lost much of its social pre-eminence and moral influence. Responsibility for poor relief was transferred from the Kirk to elected parochial boards in 1845. Education was transferred to elected bodies in 1872, with the introduction of universal, publicly funded elementary education. The urbanisation of Scotland inevitably weakened the grip of the Kirk on local government. The Kirk never enjoyed the same influence over the municipal corporations of the expanding industrial cities as it had over the small towns and rural parishes. In 1929, even the Kirk's dominance of rural parochial councils was lost when these bodies were abolished. But since the Second World War, the progressive secularisation of British life on both sides of the border has transformed social attitudes to a degree which is hard for those brought up under modern conventions to grasp. Protestant Church membership in Scotland has declined in half a century by more than two thirds. These changes have served to undermine the political influence of one the union's principal

historic defenders, and put an end to the aggressive Protestantism that was once one of the major components of the British national identity.

The third factor is the existence of a range of social problems, to some extent specific to Scotland, arising from the speed of Scotland's industrialisation in the nineteenth century, and of its deindustrialisation since the last war. These problems have affected the whole of the United Kingdom, but have been more significant in Scotland, where steel, shipbuilding and heavy engineering in their heyday were a larger part of the economy and more highly concentrated geographically than in the rest of the United Kingdom. Perhaps the most notorious single symptom of Scotland's social problems was housing of the working classes, especially in the Clyde. Housing conditions in Glasgow were for many years the worst in Britain and among the worst in Europe. On the eve of the second world war, one in four dwellings in Scotland was overcrowded according to the not particularly exacting standard laid down in the Housing Act of 1935, as against only one in twenty five dwellings in England. While the heavy industry of the Clyde prospered, a good deal of social amenity was sacrificed to feed its need for manpower. Yet in the 1930s, at a time of sluggish but steady growth in England, the Scottish economy was actually contracting and in 1937 was smaller than it had been in 1913. After a pause resulting from the long post-war manufacturing boom, these divergences between England and Scotland resumed in the 1970s and 1980s. Between 1976 and 1987, Scotland lost nearly a third of its manufacturing capacity. Today, the differences have narrowed. The jobs have been replaced. Unemployment is substantially the same in Scotland as it is in England. But there has been a shift away from traditional male working class jobs in manufacturing, agriculture and construction, towards financial services, public services and tourism, all on a scale and at a speed much greater than the UK average. The legacy of social dislocation resulting from both industrialisation and deindustrialisation has been very great, and has inevitably produced a political agenda in Scotland which differs quite significantly from that of England.

These problems have been addressed mainly, and no doubt inevitably, by the expansion of the social action of the state, something which has made the United Kingdom one of the most centralised countries in the developed world. This was always bound to have a considerable

impact on sentiment about the union. Until well into the twentieth century, the central government impinged very little on the lives of the great majority of Scots. What little public authorities did was done locally. Poor relief was originally the preserve of the Kirk and then of the Scottish Board of Supervision. Education was locally managed, also by the Kirk until 1872, and then by local Boards. Law enforcement was the responsibility of the Lord Advocate. Major social initiatives were mainly in the hands of the larger municipal corporations, which dealt with an expanding portfolio of social issues including policing, public health, housing, transport, and utilities. Against this background, the fact that the central government and the legislature were located far away in London and dominated by Englishmen was less likely to be an issue.

In all economically advanced countries, the arrival of a broadly based democracy has been followed by rising public expectations of the state and a considerable increase in its powers. The scale of the social problems associated with Scotland's rapid industrialisation and even more rapid de-industrialisation, was always likely to lead to stronger commitment to governmental action in Scotland than in the rest of the United Kingdom. The only surprise is that it took so long. The Royal Commission on Housing in Scotland, whose report was published in 1918, advised that the housing situation in western Scotland was so catastrophic that it could be addressed only by large-scale state intervention. At the time, this was an unpalatable message, with financial implications that the British state was unwilling to accept. Large-scale state intervention in the Scottish economy and society had to wait another quarter of a century. The turning point came in the 1940s with the Second World War and the major programme of state intervention inaugurated by the Labour government of 1945-51. In fact parts of that programme had already been introduced in Scotland during the war years, as a result of the determination of the wartime coalition government to ensure the smooth operation of vital war industries located there. Tom Johnston, a Labour MP and Secretary of State for Scotland in the wartime coalition, was given a free hand to promote his own brand of social action under powers derived from the vast apparatus of statutory wartime controls. Among Johnston's more notable monuments were rent review tribunals, the introduction of state-owned hydro-electric power to the Highlands and a sort of prototype national health service in the Clyde area. The postwar

housing construction boom in Scotland was almost entirely the work of the public sector. In the two decades after 1945 public housing came to account for 86% of new housing in Scotland, even more in the Glasgow area. Looking at the position more broadly, in parts of western Scotland public spending accounted at the outset of the twenty-first century for something like three quarters of the local economy. These were far higher proportions than could be found in any other part of the United Kingdom. They have inevitably had a profound effect on public attitudes to the state in Scotland, attitudes which differ significantly from the rather more equivocal view of the state taken by most Englishmen.

In a society which is heavily dependent for its wellbeing on state action, the remoteness of the directing organs of the state is likely to be resented. In a society which conceives itself to be different, and in important respects is different, the preference of governments for applying standard solutions across the board and their impatience of regional differences, will provoke a sense of victimhood. All of these observable tendencies in complex societies are likely to be aggravated at a time of financial stringency, when public expectations of the state are likely to be disappointed anyway. But with or without financial constraints, people are likely to respond to state control by trying to break down the organs of the state into smaller and more responsive geographical units. When some of those units correspond to ancient polities with self-conscious identities of their own, the pressure to secede is strong. Whether it is wise is another matter, on which I express no opinion.

I have tried to offer some explanation of how we got here. I do not know, any more than you do, where we may be going to. But there is one aspect of the current debate which warrants a mention, not least because it is so characteristic of England's relations with Scotland from the outset of the union. In no other European country would the government have reacted so calmly to the prospect of secession by a small but highly significant part of its population, with a common language and political tradition, which over a period of three centuries has participated in some of the greatest moments of its history. The British government might, I suppose, have taken the line that was pressed by Dicey at the end of the nineteenth century. In his pamphlet, *England's Case against Home Rule*, Dicey argued that the shape of the

United Kingdom was of equal concern to all of its citizens. The English, he thought, had as much right to decide whether the Irish should continue to be part of it as the Irish themselves did. On an issue which turned more on sentiment than on law, this would not have been a very politic line for a British government to take. And it is not the position that the current British government has taken. Their line has been that it is up to the Scots, which of course in the last analysis it has to be. The polls suggest that most English agree. Their approach is in keeping with the pragmatic and unemotional considerations which brought about the union in the first place. It fits in with the generally co-operative character of a union which has always been regarded as closer to an alliance than a merger of nations.

I began this talk with an Act of Parliament. I want to end it with a work of fiction. In *A Farewell to Arms*, Ernest Hemingway's bleak novel of military life on the Italian front in 1917, there is an interesting exchange between the narrator's friend Rinaldi and the British nurse Helen Ferguson. "You love Italy?" "Quite well". "That is not good", says Rinaldi; "you love England?" "Not too well," comes the answer. And then, as if no other explanation was called for, "I'm Scotch you see." "But Scotland is England", says Rinaldi. "Not yet", said Miss Ferguson. "Not really?" "Never. We do not like the English." "Not like the English?" says Rinaldi. "You mustn't take everything so literally", she replies before breaking off the conversation. National sentiment depends to an unpredictable degree on rhetoric. Perhaps we too will discover when the referendum occurs next year that we should not have taken any of this too literally.