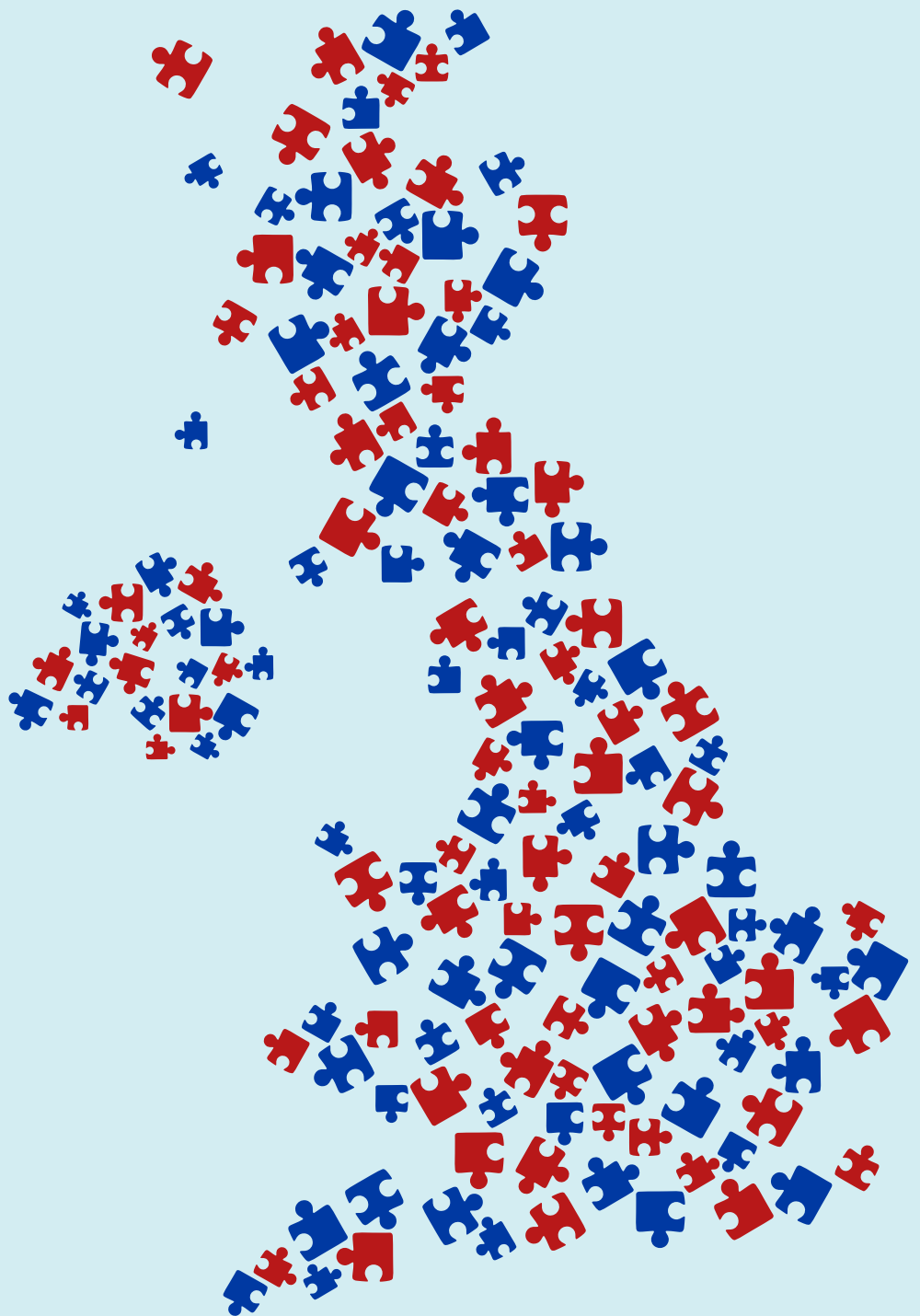


Can a new statecraft save the UK's dysfunctional Union?

Paul Gillespie



Introduction

The term “dysfunctional” has cropped up several times in the enquiry into how the British cabinet system handled the COVID-19 crisis, and it is well deserved. An astonishing array of senior UK officials berated the governing competence of then Prime Minister Boris Johnson and many of his ministerial colleagues. The most colourful evidence was given in foul language by his chief advisor Dominic Cummings. In one of his more measured statements, he said: *“I would say, overall, it’s widespread failure, but pockets of excellent people and pockets of excellent teams doing excellent work within an overall dysfunctional system.”*¹

Governing competence is a key determinant of political legitimacy and is long associated with the British Conservative Party’s traditional appeal and self-evaluation. In a scathing evaluation, the Observer columnist Andrew Rawnsley said that before the public enquiry, it was already established that Boris Johnson *“was a wholly unsuitable character to be leading the country through the gravest peacetime emergency in more than a century. We knew he was too selfish, too weak, too amoral, too capricious, too negligent and too frivolous. What the enquiry is adding to the familiar portrait of Mr Johnson is detailed and compelling evidence from people who were in the room about how utterly unfit – ethically, intellectually, temperamentally and in any other way you might mention – he was to be Prime Minister.”*² Such commentary goes far beyond the normal hostile discourse of an anti-Conservative newspaper to reveal what is viewed as an utter lack of governing competence – and a systemic problem. As Johnson’s communications aide, Lee Cain, said, *“it was the wrong crisis for this prime minister’s skillset”*.

Loss of Conservative statecraft

Among the principal traditional skillsets of the Conservatives, according to the British political scientist Jim Bulpitt, has been *“the art of winning elections and achieving some necessary degree of governing competence in office”*.³ Another political scientist, Andrew Gamble, in his analysis of Mrs Thatcher’s Conservatives in the 1980s, added to this list: *“sound party management and identifying and then bringing about the conditions for hegemony, as Conservatives have long understood.”*⁴

Gamble and Bulpitt use the term ‘statecraft’ to analyse these traditional Conservative skillsets. Today, this term is being revived by analysts and political theorists to better understand how contemporary British Conservatism has valued and now no longer has this reputation.⁵ Statecraft relates to the art of managing state affairs, and the capacity to convincingly do this was comprehensively lost by Johnson’s government during the COVID-19 crisis. However, the loss began before 2020 in its handling of the UK’s Brexit strategy and negotiations with Brussels.⁶ In the British context, managing state affairs applies to the territorial politics of the

whole United Kingdom and not only to the Westminster and Whitehall bubbles in London. After all, the Conservative and Unionist Party is so named because of their commitment to the Union during imperial and post-imperial times.

Dysfunctionality is increasingly being used as a concept to analyse badly performing democracies, with a particular focus on “why democratic systems are unable to adapt adequately to the demands of a changing environment and thus produce unintended outcomes that harm the democratic political system.”⁷ A recent study of the state of democracy in the UK reveals a public demand for more ethical and accountable politics and a mistrust of existing political systems and leaderships to provide it.⁸

Boris Johnson came to office after Theresa May, determined to “get Brexit done” and committed to do that on a harder Brexit than she could support because of her commitment to the Union with Northern Ireland. Johnson accepted the Northern Ireland Protocol which put a customs barrier in the Irish Sea – the only alternative available, but one he assumed could be renegotiated. On that basis – at least in large part – he won the December 2019 general election, thereby fulfilling one important task of Tory statecraft. His unionism treated the UK more as a unitary than a multinational state and was assertive or ‘muscular’ in style. Since the devolution settlement of 1998, Conservatives had to adjust to a ‘new unionism’ after more than a century of opposition to Irish Home Rule. Johnson was overheard saying that devolution is a disaster and he encouraged direct spending in Scotland and Wales alongside that of the devolved governments to remind voters where UK sovereignty finally resides. Taking back control from Brussels was interpreted as a reassertion of absolute parliamentary sovereignty in Westminster despite the evident paradox that Brexit was delivered by a referendum based on popular and not parliamentary voting. In another paradox, the call for absolute parliamentary sovereignty came with a pronounced reassertion of executive control over government and reduced parliamentary opportunity to make it accountable.

Brexit was carried by an English and Welsh majority against Scottish and Northern Irish majorities who favoured remaining in the EU. The UK’s withdrawal has involved repatriation of devolved regulatory powers from Scottish and Welsh authorities to London and the return of regulatory powers from Brussels also to London during the implementation negotiations. It thereby introduced many more neuralgic issues into the UK’s inter-governmental relations between the central and devolved governments.⁹ Studies of the state of play across the UK identify grave problems of how, over two decades, Westminster’s failure to adapt to devolution had left the Union on the brink of coming asunder.¹⁰ There has been far more change at the peripheries than in the heart of power in London.¹¹

Johnson's legacy to his successors Liz Truss and now Rishi Sunak include these heavy burdens of dysfunctionality and the concomitant loss of statecraft in the UK state and its governing Conservative party. They feed into the wider economic and political damage inflicted by Brexit, well-documented in Peter Foster's recent book on Brexit, *'What Went wrong with Brexit: and what we can do about it'*. A former European correspondent for *The Daily Telegraph*, now covering public policy for the *Financial Times*, he documents the damage done to the British economy, estimated by the Office of Budget Responsibility as equivalent to a 4% loss of economic growth and around 15 % lower exports and imports in the long run than if the UK had remained in the EU.¹² Foster concludes that "*Brexit has made the UK less competitive, less open and less productive than it otherwise would have been.*"¹³ This comes on top of the longer-term economic heritage of Thatcher's deindustrialisation and the associated financialisation of its economy which exacerbated social and regional inequalities. Johnson's 'levelling up' agenda to tackle those inequalities and hold on to the 'red wall' working class pro-Brexit seats in the northeast of England, which gave the party its majority in 2019, fell away with his departure. Sunak had to pick up the further damage done by Liz Truss' short-lived radical tax-cutting agenda; this he has done with an economic orthodoxy and pragmatic repair of relations with Brussels through the Windsor Framework. That leaves little fiscal leeway for a Conservative victory in the forthcoming general election.

This gloomy overhang affects the Labour Party too. Fiscal caution and orthodoxy narrow the choices it can offer voters and the same attitudes extend to how it approaches Brexit. Its own and associated analyses reveal the output, productivity, and trading gaps the UK must make up to become competitive again in European, transatlantic, and global settings¹⁴; but they are much less convincing on how that is to be accomplished. The same applies to the health, education, and welfare services on which the Labour Party's post-war UK welfare unionism was predicated. They have been eroded in successive phases of change - during the Thatcher years, surprisingly during the years of Labour government under Tony Blair, and then again through the austerity packages introduced during the Cameron Conservative governments after 2010. As a result, the British economic and social contract is less attractive in the devolved nations of Scotland and Wales, while the Union appears to have less to offer in Northern Ireland as well.

Growing dysfunction and loss of statecraft augur badly for the survival of a Union which needs to demonstrate transactional benefits for its constituent parts all the more if it is to compensate for the looser political identities now on display. Compared to the 1960s, trans-British politics are much reduced after the devolution settlements in the 1990s and the longer-term gradual erosion of older imperial, religious, class, welfare, and emotional identities across its four nationalities.¹⁵ In a

stimulating essay for *Foreign Affairs*, Fintan O'Toole suggests this is why "a polity that once shaped the world may no longer be able to hold its own."¹⁶ He traces the loss of empire, the erosion of monarchy, the collapse of Protestantism, and deindustrialisation along with the undermining of class and welfare solidarities taken for granted in the 1960s to justify the title of his article, 'The Disunited Kingdom', and the question posed in its sub-title, 'Will Nationalism Break Britain?'

Scottish, Welsh and English nationalism

Nationalism in Scotland, together with greater national consciousness in Wales and growing demographics distinctively favouring nationalists in Northern Ireland, are clear features – and perhaps drivers – of the UK's current social and political instabilities. Nationalist parties have displayed a competent functionality and statecraft in governing as these skills ebbed from Conservative rule in London. O'Toole factors in a major role for English nationalism as a driver of Brexit and potentially a subversive force for the Union's survival too. The case he makes may be too broad-brush about a Conservative Party that retains its unionist identity and influential 'One Nation' faction; but they are struggling to preserve their integrity as the party heads for electoral defeat in 2024, according to current polling. A vicious leadership contest then could see the party split into Brexit populist and One Nation factions. Its 170,000 members are strongly positioned on the radical right side. Such a division would recall the 1920s split in the Liberal Party that helped create the enduring Conservative-Labour polarity in the UK.

Current survey and empirical research into English nationalism doubts it is as yet mobilised enough politically to bear the weight O'Toole and other commentators place upon it. There is a definite emergence of English political consciousness, measured by those who consider themselves more English than British, which overlaps with voting for Brexit, the Conservatives, and the UKIP party.¹⁷ This consciousness is potentially mobilisable into demands on the British state, but that would require more comprehensive social, cultural, and political effort than has yet been manifest. As David McCrone puts it,

Nationalism is an oppositional culture—a question of the vis-à-vis. Nationalism cannot exist in a vacuum, in a bubble of its own; a process of 'othering' is key and it is not obvious, in the case of England, what that is or would be, excepting that 'Europeans' in the form of the European Union performed that role in the Brexit referendum campaign in 2016 and thereafter... The Conservatives, with UKIP, a more radical English party hard on its heels, were better able to appeal to people in England on the basis of being English. 'Take Back Control' was a wolf-whistle for English nationalism. Its 'other' was not the smaller countries of these islands but 'Europe', imagined as the significant other in this slogan.¹⁸

The precarious and potentially disunited UK Union may, of course, face greater pressures from English nationalism in the coming years depending on how forthcoming politics play out. The 2024 general election is the most consequential foreseeable event, given the absence of European elections in the UK next year for the first time. A great deal will depend on how the Labour Party performs then and how it behaves in office if elected. In the election, Labour will major on its greater integrity in office (and opposition) compared to the dysfunctional Conservatives. It will also stress its competence to govern in a bid to assert its own capacity for statecraft.

Given the poor economic prospects outlined above, a Labour government will be constrained in fiscal terms and will be ruthless in prioritising its objectives. To achieve office, it will need to perform well against the Scottish National Party (SNP) in Scotland. Labour has been heartened by the political crisis over Nicola Sturgeon's prosecution and the SNP change of leadership, which give it a current lead in general election polling, as well as a byelection triumph for Labour in Scotland in recent months. But, looking to the longer term, Labour will have to deliver a credible and convincing narrative and better functioning institutions to offset Scottish nationalism's demands for separate statehood.

In that perspective, the continuing public support for independence in Scotland, which hovers consistently in or around 45-50% notwithstanding the SNP crisis, is instructive and revealing.¹⁹ There has been a significant shift among Remain supporters (i.e. those who support membership of the EU), driven by the argument that independence for Scotland is the surest way to rejoin the EU. Against that, there are arguments in favour of voting Labour for those who want to remove the Conservatives from office (although the SNP say they too want to do that). We should look beyond such tactical questions to examine Labour's political strategy on the UK's constitutional future in evaluating how plausible their case for holding the Union together is likely to be. It is advisable to think this question through over two terms in office, given the scale of what is at stake.

Labour and the constitutional question

Labour has devoted serious work to constitutional change, concentrated on the commission led by Gordon Brown, a former Prime Minister and himself a Scot. The commission's report contains a highly critical account of government centralisation in England.²⁰ It proposes to deepen and legally entrench new regional, city, and local government powers there and to do the same with the devolution settlements in Scotland, Wales, and Northern Ireland. The main mechanism proposed is to abolish the House of Lords and replace it with a House of the Nations. The reform would be legally insulated from subsequent arbitrary legislative change to the devolution settlements by the House of Commons in a departure from the norm of absolute parliamentary sovereignty.

It is a radical proposal; but it stops well short of a federalisation which would substitute constitutionally distinct political administrations for the existing devolved ones that remain revocable from the centre of power. Such a federalising move would depart decisively from the existing model of absolute parliamentary sovereignty.

Labour leader, Keir Starmer, has leaked plans for a comprehensive overhaul of regional, city, and local government in England.²¹ Commentators say Starmer thinks that this is doable without major fiscal commitments, although the near bankrupt budgetary crisis of large urban authorities suggests otherwise.²² They also point out how complex the change proposed by the commission is legally, particularly for the House of Lords. Would political and parliamentary time be available in a first Labour term to make it happen or would prudent voices and more urgent socio-economic priorities take precedence in the first term, postponing it to an expected second? Given how much the Conservatives increased House of Lords numbers, would Labour have to do likewise if they want to get legislation through easily? Such questions speak to the likely balance between English and other MPs in a large Labour majority. If there are more Welsh and Scottish MPs than at present, they may be able to give devolution reform greater priority. Large majorities have traditional attractions for British political parties; but there are perils too because party factionalism can increase in these circumstances. MPs get sucked into the Westminster and Whitehall bubbles all too easily through the first-past-the-post electoral system that concentrates so much power in the hands of those who come first at election time.

A less than decisive Labour government would underestimate and miscalculate the antagonising effects of delaying constitutional change in the smaller nations. That would undermine the case Labour makes to entrench the devolution settlements legally in a new House of the Nations. Alongside that would be the slow pace of socio-economic change, making the argument that you are better off in the Union more difficult to win. State dysfunction from London will be pointed up by nationalists right through this process. They would hope to build their case for an independence referendum iteratively, drawing comfort from research showing that younger, more educated, and left-wing cohorts of voters disproportionately favour that outcome.²³

Similar sociological processes are at work in Wales, even though they are more centred on the governing Labour Party there. Its support for the constitutional commission on the future of Wales, which includes Plaid Cymru representatives, is expected to recommend a form of cooperative federalism all round for the UK. The proposal pits Welsh Labour somewhat against the party's national leadership on substance and timing, so that a parallel process scrutinising UK function or dysfunction to that in Scotland is under way.²⁴ Shifts in Northern Ireland's political identities towards those who say they are neither nationalists nor unionists

and support the Alliance Party, or others may validly be compared with these Welsh and Scottish processes.²⁵ There is a similar pragmatic argument about the functional benefits of the Union, making it essential for unionists to develop a persuasive case on answering that question in the affirmative. Among the many paradoxes involved is that the more a Labour Government in London draws closer to the EU without trying to rejoin, the less problematic would be the prospect of a hard border between both Scotland and Wales and England in the event that an independent Scotland and Wales joined the EU before England.²⁶

Scenarios of constitutional change

A two-term, ten-year perspective on these issues makes sense, as former senior UK civil servant, Ciaran Martin, argues in a recent informative podcast.²⁷ He sees three possible scenarios of change over that period: a continuation of Johnson-type assertive unitary unionism; an alternative Gordon Brown-type multinational unionism; or a continuing muddling through which would not resolve the issues. O'Toole has a similar take on them. He quotes Winston Churchill's definition of muddling on - "*Keep bugging on*" - and concludes that the UK "*now has to make a momentous and existential choice—between a radically reimagined United Kingdom and a stubborn adherence to KBO. If it chooses the latter, it will muddle on toward its own extinction.*"²⁸

In analysing scenarios, it helps to understand the major forces driving change as we think about how they might be combined in plausible outcomes. Since the Brexit referendum, one such force has been the extent of divergence or convergence of British regulatory policy with that of the European Union - dubbed a harder or softer Brexit. Another is the extent to which political power in the UK itself is centralised or devolved - in a unitary or multinational version of the United Kingdom. These two driving forces can be cross-classified to identify four plausible trajectories or scenarios of change in the UK's constitutional future: disintegration or breakup of the Union; a renegotiated Union; a differentiated Union; and a federal Union.²⁹ Since neither a differentiated nor a federal Union seem possible given the UK's existing political culture, the more likely outcomes appear to be a renegotiated and reimagined Union and a disintegration or breakup by way of Scottish independence, Irish reunification, and Welsh and English sovereignty. These are the major substantive outcomes at issue over the next decade. But muddling through or prolonged impasse has a well-established position too in British political culture. Nationalist self-awareness in the peripheral nationalities now makes it a less convincing solution.

There are several hints of Gramsci here. The Italian Marxist theoretician defined such indecision or impasse as times in which *'the old is dying and the new cannot*

be born; in this interregnum a great variety of morbid symptoms appear.³⁰ Deepening political dysfunction accompanied by a visible loss of the traditional statecraft that ran the Union before are the morbid hallmarks of such an impasse. Gramsci's analysis of hegemony concerns how rulers develop mechanisms to secure legitimacy and consent from those they rule. It has been deployed to understand how Conservative unionism developed and maintained traditions and practices of statecraft to rule the UK by reconciling national pluralism with a unitary state based on parliamentary sovereignty.³¹ Those skills departed the Conservatives throughout the prolonged Brexit crisis. The potential Labour governments over the next decade will not be able to claim and recover them if they fail to offer and deliver a convincingly reimagined and renegotiated model of the UK. It will have to combine transactional benefits for its citizens with new emotional ties to a reformed Union.³²

Ireland's constitutional futures

The looming choice between a reformed Union and one transformed by sovereign breakup is likely to become entangled with Irish debates on a shared or united Ireland and on Irish-British relations over the next decade. That is why close Irish political, policy, and academic attention to British political and constitutional change is needed as the choice clarifies and unfolds. The point is prudential and applies as much to unionists as to nationalists. Both will have to frame their arguments about Irish unity in good part on whether and how British constitutional futures might affect Irish ones. Dysfunctional government in Northern Ireland arising from the failure or collapse of power sharing, or the imposition of direct rule, feeds into such debates, as pro-devolution unionists argue.³³ So does the realisation by both unionists and nationalists that British political leaderships attach more importance to maintaining the Union in Britain than in keeping Northern Ireland as part of the UK. Functional and political interdependence between the two islands will continue whether the UK reforms or disintegrates. That matters because knowing it is true can help reassure unionists that the links they value will not necessarily be lost in the event of breakup. Nationalists should understand borders will necessarily remain permeable even if sovereignty does transfer from London to Dublin.³⁴

A reformed and renegotiated Union seems difficult to imagine in what is probably the final stages of a weak and fractured British Conservative government. A Labour government is more likely to offer and deliver a model of continuing union. Labour's recent nominees to Shadow Northern Irish roles have impressed official Dublin. They set the scene for a forthcoming intense relationship which is likely to combine a closer, more informed Labour government engagement with Dublin combined with a more existential Labour commitment to the UK's union. Pragmatic outcomes will play a larger role than before in determining preferences

about the Union in Scotland, Wales, and Northern Ireland. The simultaneity and interconnectedness of these trends is set to create more trans-border politics across Britain and Ireland – and this deserves more attention from researchers and policy-makers. Similarities between Scotland, Wales and Ireland include border management problems, orientations towards EU membership, and the potential loss of cultural, social, and economic links with England in the event of UK breakup.

Conclusion

A UK transformed and reduced by disintegration and breakup would be a traumatic experience for unionists. It would challenge nationalists to think much more seriously about how to manage continuing functional interconnectedness within the former UK and with Ireland, as well as with European neighbours and the EU. Unionists might come to see the possibility of a new confederal-type unionism beyond the Union by using the inter-state institutions of the one they have lost as a transitional set of links. They would need to convince nationalists that the need for continuing institutions to manage functional interdependencies across the two islands following sovereign choices could be a healing factor after bruising referendum campaigns. Such debates would recall the historian Colin Kidd's analysis of a '*unionism before the union*' is his account of how Scots-English relations were framed in the sixteenth and seventeenth centuries before the monarchical union of 1603 and the political union of 1707.³⁵

Such speculations necessarily arise from the deeply uncertain state of British politics and the weakening character of its political union. The economic damage done by Brexit will take medium-term action to repair. That will constrain the ability of British governments to limit growing dysfunctionality in the common services which underwrite the UK's various unions and unionisms. The statecraft and political skill which previously enabled its leaders to govern a multinational Union matched to a better performing state have deserted the Conservatives, as Rory Stewart documents grippingly in his account of serving in several administrations.³⁶ Labour is set to inherit many of the political and economic consequences without, as yet, a convincing case that they will be able to turn them around and preserve the union.

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