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**Brexit and Scotland’s Independence Debate: New Arguments for Autonomy**

**Abstract:** Alongside reshaping British politics, Brexit has transformed Scotland’s independence debate. The contrast between Scotland’s opposition to leaving the EU and the UK’s pursuit of it nonetheless has created two powerful arguments in support of the autonomy of independence. Functionally, independence is now the means of ensuring that Scotland remains part of the EU. Instrumentally, independence would ensure that Scotland could take its own major decisions without risk of being overruled by England.

**Keywords:** History; Arbroath; autonomy; independence; Scotland; UK; EU; freedom; Brexit; politics; institutions; parties; divisions; consensus; government; parliament; people; sovereignty; democracy; nation; state; constitution; referendum

**Introduction**

The UK’s ongoing debate on its relationship with the European Union has transformed Scottish and British politics. For the UK, the aftermath of the decision to leave the EU has tested British political institutions and the party system. More than three years after the 2016 referendum, divisions between Remain and Leave strongly persist across politicians, public figures and voters. Brexit has become the predominant political theme, occupying the public mind and eclipsing nearly all other issues. It is difficult to envisage a realistic pathway to a national consensus on Brexit, and the UK looks certain to continue its introspective arguments for years to come. For Scotland, Brexit stands alongside the independence debate, the primary question of Scottish politics. Scotland voted clearly to remain in the EU, and the prospect of leaving continues to be opposed by the Scottish Government and Parliament. The desire within the Scottish establishment to maintain existing relationships with the EU is widespread. Should Scotland ultimately exit the EU along with the rest of the UK, it will be against the will of its people and political institutions. This scenario raises profound questions about the democratic sustainability of Scotland’s continued participation in the United Kingdom.
Among the many different motivations for supporting independence for Scotland, the desire for greater autonomy is paramount. The creation of a Scottish state is not seen as the only objective, but as a means for achieving others. Brexit has sharpened the political environment and necessitated a re-evaluation of the political centre of gravity in London. The shift to the political extremes in England and Wales has not taken place in Scotland. Instead, independence remains the main dividing line in Scottish politics. This chapter analyses the consequences of Brexit for the Scottish independence debate in five dimensions: Brexit in Scottish politics, Scotland and the UK constitutional order, Scotland and its two unions, the prospects of a second independence referendum and the implications of independence for Scotland's EU relations. It concludes with reflections on the lasting impact of Brexit on Scotland's politics.

1 Brexit in Scottish Politics

Scotland's opposition to Brexit has been clearly stated on multiple occasions. Principally, the people of Scotland voted to remain in the EU by 62% to 38% in the UK's 2016 referendum (BBC News 2016). Majorities for Remain were recorded in every local authority area in Scotland. The Scottish Parliament has voiced its continued opposition throughout the Brexit process, passing resolutions against the activation of Article 50, the first EU withdrawal agreement and the possibility of a no-deal Brexit, and resolutions in favour of protecting Scotland's place in Europe and holding a second EU referendum. These parliamentary measures have been supported by parties on both sides of the independence divide. In contrast to the debate in London which has largely focused on what type of Brexit to pursue, in Edinburgh and further afield in Scotland opposition to Brexit has been consistent and substantial.

Despite its desire to remain in the EU, Scotland has been confronted with having only a limited role in the process of Brexit. Foreign affairs and relations with the EU are reserved to the UK Parliament. They remain held in London and the Scottish Parliament has no formal competence to act in these matters. However, many of the areas which are devolved to Scotland, including the environment, agriculture and fisheries, have strong EU dimensions – so Brexit would have a direct impact on the
functioning of Scotland’s political institutions (Scottish Parliament 2019). Fundamentally, the UK’s constitutional arrangements are largely based on convention and tradition. Since the UK as a state has no written constitution, the rights and powers of Scottish institutions are not guaranteed. The access and participation which Scotland is afforded are entirely at the discretion of the UK Government. Since the EU referendum, the UK Government has pursued its policies on Brexit without substantially involving the Scottish Government or the other devolved administrations.

Consequently, Scotland’s political institutions have not been able to meaningfully participate in the UK’s approach to Brexit, and in particular its negotiations with the EU. While from a legal perspective this exclusion may be valid, from a political point of view it is highly problematic (Salamone 2018). Throughout the Brexit process, successive UK ministers have claimed that the public wants to leave the EU and to end the free movement of people – yet these positions have never been the majority view in Scotland. Moreover, given the implications of Brexit for Scotland’s public policy, the closed nature with which the UK Government has conducted the internal and external dimensions of leaving the EU have challenged UK-Scotland relationships (Russell 2019). The UK-level response to Brexit has made it increasingly difficult to argue that UK political institutions adequately represent the views and interests of the people of Scotland.

The Scottish Government, run by the Scottish National Party (SNP), has throughout the evolution of Brexit sought to balance two competing objectives. The first has been to strongly articulate opposition to Brexit, given the EU referendum result in Scotland and the SNP’s pro-EU position. The second has been to prepare for Brexit all the same, as a responsible government, and also with the added difficulty of not being a full part of the UK Government’s Brexit deliberations. Over the years, the risk has been that focusing on the practicalities and procedural detail of leaving the EU ends up distracting from the principled position of opposing Brexit. Nevertheless, the Scottish Government has been relatively successful in maintaining this balance, largely due to its shift in focus.

In the immediate aftermath of the EU referendum, the SNP found brief cross-party support on protecting Scotland’s place in the EU (Scottish Parliament 2016). Shortly thereafter however, the party focused on
a compromise ‘soft Brexit’ offer of leaving the EU but remaining in its internal market and customs union (Scottish Government 2016). The SNP did not support the notion of a second EU referendum, hesitant of the implications for a future independence referendum, until the autumn of 2018 (BBC News 2018). Supportive of another EU referendum and stopping Brexit, the Scottish Government’s position became clearer and more forthright. It has been joined in that position by most of the other political parties in the Scottish Parliament – Scottish Labour, the Scottish Liberal Democrats and the Scottish Greens – with only the Scottish Conservatives opposed.

The constitution has been the central issue of Scottish politics for a number of years. In that sense, while Brexit has brought sustained constitutional debate to the whole of the UK (and particularly England), such discussion is not new in Scotland. However, Brexit has manifestly changed the debate on Scottish independence. It has reignited the active pursuit of independence by its supporters and caused the question of a second independence referendum to return much sooner than was originally planned. The SNP did not intend to seriously raise the prospect of a second referendum until a sizeable, sustained majority in favour of independence could be demonstrated. While the independence movement is wider than the SNP, as the largest pro-independence party and the current party of government, it has a central role in determining the practical course of the independence cause. The UK-wide decision to leave the EU, despite opposition from Scotland, has ultimately led to growing demands for a new referendum and remaining part of the EU. Earlier in the debate, the suggestion was raised that Scotland could seek to become independent while the UK was still in the EU, or during its envisaged transition period after withdrawal. However, with Brexit seemingly closer to happening, it is more likely that Scotland would have to apply to rejoin the EU from the outside.

2 Scotland’s Place in the UK Constitutional Order

Discontent in Scotland stems therefore not only from the fact of Brexit, but the manner in which the UK level has sought to undertake it. Scotland’s continued participation in the UK has been undermined by three main
factors connected with Brexit – devolution, intergovernmental relations and the UK’s constitutional order. The re-establishment of the Scottish Parliament has fostered the development of a distinct Scottish political culture and identity. Scotland’s constitutional settlement has also progressively evolved, with further transfers of power from London in 2012 and 2016 (Scottish Parliament 2017). Moreover, EU membership has been an intrinsic part of Scotland’s emergent policy space. The Scottish Government and Parliament are responsible for implementing EU law in their areas of competence, and EU principles are embedded into the devolution settlement. These realities explain in part the more pro-European character of politics in Scotland compared to other parts of the UK.

The UK Government’s approach to Brexit has challenged Scotland’s devolution arrangements. Should the UK leave the EU, powers which were exercised at the European level would return to the UK. The default position would have been that, in areas of devolved competence, Scotland’s political institutions would be empowered to exercise these powers – and perhaps decide to continue to follow EU laws and policies voluntarily. However, the UK Government decided that all EU-related powers should be re-centralised in London, before potentially being distributed to Scotland and other parts of the UK. This disconnect has been a substantial source of disagreement between the Scottish and UK Governments. It also relates to the EU Withdrawal Act 2018, the main piece of UK legislation designed to give effect to Brexit in the domestic legal order (UK Parliament 2018). Under convention, the Scottish Parliament was requested to give its legislative consent to this law when originally introduced, given that it impacts on Scottish competences. Although the Scottish Parliament refused to give its consent, the legislation was passed by the UK Parliament anyway, breaking a major constitutional convention (McGrath 2018). The Scottish Parliament passed its own law, the EU Continuity Bill, to preserve EU statute in Scotland, but the UK Government sought a judicial review of the bill for the first time in the history of Scotland’s devolution (Scottish Parliament 2018). While the UK Supreme Court ruled that the vast majority of the bill was within the powers of the Scottish Parliament when it was passed, the EU Withdrawal Act had been intentionally modified to supersede most of its provisions (Davidson 2018).
The UK’s internal conduct of Brexit has also damaged intergovernmental relations between the Scottish Government and the UK Government. Although the two governments have in recent years been led by different political parties, they have historically often been able to work together on areas of mutual interest. Relationships between officials in both governments have in particular remained consistently strong. However, Brexit has heralded notable change in that regard. The May and Johnson governments adopted a closed mentality on Brexit, with many decisions taken only by a small team around the executive. This style demonstrates minimal interest in input from the Scottish Government or other interested parties. Matters have been made more difficult by the UK Government’s own multitude of confused positions through the Brexit process. The Joint Ministerial Committee, the forum bringing together the UK Government and devolved administrations, has been viewed by the Scottish Government as substantially ineffective on Brexit, despite initial commitments from the UK Government to increase its importance (UK Government 2016). The Scottish Government was not involved in key moments of the Brexit timeline, such as the activation of Article 50 or the publishing of the EU Withdrawal Bill. Moreover, the Scottish Government was not accorded any participation in the Brexit negotiations – even in contributing to formulating the UK position.

Brexit has equally called into question Scotland’s place in the UK constitutional order. The absence of a written constitution and reliance on convention meant that Scotland’s political settlement was always at risk of being altered at Westminster if the UK Government of the day found it convenient. The foundations and powers of the Scottish Parliament and Scottish Government are codified in law, but not at a constitutional level. Moreover, since the UK does not have a federal system, Scotland has not benefited from effective rights to participation in the internal and external dimensions of Brexit. Devolution was intended to be a one-way street, with powers devolved from London to Scotland and other parts of the UK. However, the UK Government’s approach to powers and Brexit has demonstrated that devolution can be reversed, with responsibilities taken away from Scotland’s political institutions without their involvement. While at present the main EU-related powers which the UK Government has proposed to retain from Scotland are relatively modest, once the precedent is
created, the possibility remains that the UK level may in future take back more powers from the Scottish Parliament.

The resulting weakening of Scotland’s position within the UK was not inevitable. The UK Government could have chosen to pursue a more collaborative approach which involved the Scottish Government substantially more in the practicalities of Brexit. It could also have taken a different view on preserving the powers of the Scottish political institutions and safeguarding the conventions on power-sharing between the Scottish and UK levels. Major constitutional reform, such as the introduction of federalism, could provide much greater structure for Scotland to have a codified role in matters such as Brexit and could guarantee the rights and powers of Scotland’s institutions. However, the appetite for such change in London is largely non-existent. The UK Government is preoccupied with the daily challenges of Brexit, and from the Westminster perspective constitutional reform is not seen as necessary. Beyond the fact that it is now too late to reform the UK in time for the Brexit debate, the political will is very unlikely to materialise in London for the foreseeable future. Scotland is therefore confronted not only with the prospect of Brexit, despite its opposition, but outmoded UK constitutional structures which do not adequately protect its rights and powers.

3 Scotland and Its Two Unions

Scotland is a constituent of two unions – the union of the United Kingdom and the European Union. While the British union was historically between Scotland and England, the contemporary UK includes Wales and Northern Ireland. Scotland has been part of the EU as a constituent of the UK. From the London perspective, the UK union is patently more important than EU membership. However, in the Scottish establishment, the two unions are considered much more equal. Many people in Scotland have also become quite accustomed to sharing multiple national identities – Scottish, British, European or indeed others (Moreno 2006). Brexit fundamentally changes this identity dynamic because the clear implication is that Scotland can no longer be part of both unions. For supporters of independence, that development is hardly a dilemma since they desire for Scotland to leave the UK in any case. For opponents of independence, who also support
EU membership, it has become increasingly likely that they might have to choose one union or the other. That choice has finally begun to shift the voter calculus on independence.

Brexit and its pursuit since the EU referendum have resulted in increasing polarisation in Scotland. The question of independence adds a dimension which is not present in England. Over time, opinions on Brexit and independence have increasingly fallen into two groups (Salamone 2017). The first group is in favour of independence and EU membership. The second group supports the UK union and Brexit. The ostensible hard Brexit which has emerged and the implications of the UK Government’s approach for Scotland’s place in the UK have made it increasingly difficult for those in favour of both EU membership and the UK union to sustain that position. Given that the SNP and Scottish Greens support independence and EU membership, and the Scottish Conservatives advocate the UK union and now Brexit, pro-EU and pro-UK Scottish Labour and Scottish Liberal Democrats have faced this acute difficulty. Recent opinion polling has begun to show a majority for independence (Faulconbridge/Holden 2019), driven in large measure by the prospect of a hard or no-deal Brexit and disapproval of the UK Government. The alignment of pro-EU sentiment with support for independence could prove essential in a future independence referendum.

With the combined prevalence of Brexit and independence in Scotland’s public discourse, the comparative difficulty of Scotland leaving the UK versus the UK leaving the EU has often been raised (Hughes 2019). However, the essential question regarding Scotland’s two unions is not their longevity or the mechanics of separation, but the political circumstances. While leaving the EU or the UK would both be complex in their own ways, the difference would be the clarity of the destination. The principal reason that leaving the EU has been so difficult for the UK is that to this day no consensus has emerged on how the UK should exit the EU, the shape of the future EU-UK relationship or indeed whether Brexit should happen at all. The UK has remained extremely divided, with the UK Government pursuing a closed and confrontational approach. Throughout the course of Brexit, the UK’s continuing disorganisation has meant that the EU27 have set the direction of the process and the negotiations (Salamone 2018a). By contrast, in the independence debate the legitimate presumption is that if
Scotland votes to leave the UK it will proceed to do so, with challenges to be navigated but still a clear trajectory. It is largely understood what would be required and how independence might be implemented. Where supported by a common vision on Scotland’s future, independence could in fact be substantially less complex than Brexit.

While Scotland’s opposition to Brexit is well known throughout the UK, Scottish institutions have been accorded only a limited role in the UK-level debate on the EU. The positions and responses of the Scottish Government and Parliament have featured very little in UK media and the discourse in London. This absence of Scottish perspectives has only further widened the disconnect between Scotland and England. In reality, Scotland’s most effective contribution to the actual course of Brexit has been through its courts. The Court of Session ruled that Boris Johnson’s attempt to prorogue the UK Parliament for an extended period was unlawful, which was then upheld unanimously by the UK Supreme Court (Judiciary of Scotland 2019). In separate proceedings, the UK Government also gave undertakings that Boris Johnson would in fact comply with UK law and request the extension mandated by the UK Parliament, contrasted with every public statement he had made on the matter (Green 2019). Being put in a position of making that legal commitment was undoubtedly instrumental in ensuring that Johnson requested the extension, which was agreed by the EU and directly led to the 2019 UK General Election.

Brexit evidently threatens Scotland’s place in the European Union, and it has substantially weakened Scotland’s links to the UK union. These developments reflect changes in the UK state rather than Scotland. The UK’s intergovernmental relationships and external outlook have dramatically shifted since the first independence referendum in 2014. Moreover, the UK Government has insisted on applying a uniform approach to Brexit (at least for Great Britain). Proposals by the Scottish Government for a differentiated Brexit – mainly Scotland remaining in the EU internal market and customs union – were expediently rejected by the UK Government, without analysis or exploration of feasibility with the EU (Hyslop 2017). While the Scottish Government and Welsh Government have worked cooperatively in pursuing common interests on devolution and Brexit at the UK level (Scottish Government 2019), despite their differences of party and views on independence, their efforts have been largely unsuccessful.
Although the long-term outcome of Brexit remains undefined, Scotland’s relationship with the rest of Europe will remain subject to the decisions of the UK level. The lack of meaningful involvement of Scotland’s political institutions on such a major subject undermines the UK union. The UK’s inability to evolve its constitutional structures in the face of the existential consequences of Brexit exposes serious failings, which ultimately can only increase support for independence.

4 Prospects of a Second Independence Referendum

Brexit has, therefore, brought new dimensions and a greater focus to the pursuit of independence for Scotland. The logic of the modern independence movement, led by the SNP, has been to secure independence through a legally-recognised referendum. Indeed, much of the current debate has been framed by the 2014 referendum, which created a series of precedents. From this previous experience, it was established that the legitimate basis for holding an independence referendum should be majority support in the Scottish Parliament. Such support already exists, since the SNP and the Scottish Greens both advocate independence and together they have a majority in the parliament (although they are not in a coalition) in this current session, which runs until spring 2021. Since Scotland does not have powers over the constitution, the Scottish Government must negotiate with the UK Government to hold a referendum. In advance of the 2014 contest, the UK Government transferred the power to hold the vote and the two governments signed the Edinburgh Agreement which set out further details (Scottish Government/UK Government 2012). Similar arrangements would presumably be needed for a new referendum. However, if the UK Government were to agree, it might insist on further conditions, such as voter eligibility, which it did not pursue last time.

The UK’s process of leaving the EU has constituted a “significant and material change” in circumstances with respect to Scotland’s status within the UK, which the SNP argued was sufficient justification to seek a further independence referendum much earlier than originally intended (SNP 2016). First Minister Nicola Sturgeon originally sought powers for a referendum in spring 2017, but that effort was ultimately abandoned after the 2017 UK General Election. This rationale demonstrates the extent to
which Brexit has been instrumentalised for the politics of independence. Beyond the actual prospect of leaving the EU, Brexit is held as a first-order example of how Scotland’s political and democratic preferences can be set aside by the UK level. The clear suggestion is that Scotland could be ignored on future matters of major consequence. Since Scotland can be outvoted or overridden, the argument follows that independence is the only means of securing effective national autonomy. While opinion polls now demonstrate increased support for independence, it remains to be seen if a majority will be sustained. Moreover, despite the importance of Europe to the current independence debate, other issues are also at play – particularly the economy and currency. Brexit alone would not determine the course of a future independence referendum.

Brexit has substantially altered the dynamics of the Europe dimension of the independence debate. In 2014, the reality was that the UK was an EU member and Scotland would have sought to become a member (Scottish Government 2013). Both states would have been within the EU, facilitating the movement of people and the trade of goods and services through shared EU structures. Now, with the prospect of Brexit, an independent Scotland would have to apply to re-join the EU having fully left with the rest of the UK. Increasing divergence from EU laws and policies might create further obligations for Scotland to prepare itself for EU accession. Moreover, the UK’s future relationship with the EU remains far from certain – and appears likely to be much more distant than under EU membership. Differences between Scotland and the remainder of the UK in their relationships with the EU would likely lead to a substantive trade and regulatory border between Scotland and England. That scenario might dissuade potential supporters of independence. These new circumstances will undoubtedly form a major part of the debate in a future vote.

The perspective of EU actors towards Scottish independence has equally shifted. In 2014, figures from the EU institutions stated that the accession of an independent Scotland to the EU would be long and complicated – without many facts to substantiate those claims (BBC News 2014). Such assertions were driven by a desire to be supportive of the UK Government, given that the UK was a Member State. However, Brexit has fundamentally changed this dynamic, given both the UK’s ostensible exit from the EU and its progressively bellicose approach to the negotiations and its (former)
European partners. Now, European attitudes to Scottish EU membership upon independence are more favourable, provided separation takes place as a result of a constitutionally-valid process (Zuleeg 2019) – which has always been the Scottish Government’s approach. Moreover, if the UK leaves the EU, it will have no role in the accession of future members. While more detailed questions would arise around the future EU accession negotiations of an independent Scotland, the European political response would be markedly different from 2014 and shaped by Scotland’s continued pro-European outlook in the face of Brexit.

The most salient question in relation to a future independence referendum is its timing. In that regard, the next Scottish Parliament election in May 2021 is an important marker. At present, a majority exists in the parliament for a referendum. Depending on the outcome of the election, that majority might not be renewed. After successive delays, Nicola Sturgeon announced in autumn 2019 that the Scottish Government plans to hold a new referendum on independence by the end of 2020 (Brooks 2019). That timetable would put the vote before the election and avoid the uncertainty of the future parliamentary arithmetic. It would also be ambitious and necessitate all of the requisite steps to progress in good time. At the same time, it implies a shorter unofficial campaign than the first referendum. Agreement from the UK Government would be required, and the May and Johnson governments stated their opposition to a referendum in the near future. At present, it remains to be seen how the UK Government will respond once the Scottish Government sends its formal request – and in turn how the Scottish Government will respond to the reply. It may ultimately prove that a referendum will take place, but beyond the SNP’s original proposed time frame.

5 Independence and Scotland’s Place in Europe

While most attention is focused on Brexit and a future independence referendum, it remains important to consider the implications of independence for Scotland’s place in Europe. Differing motivations exist for independence, whether enhancing democracy and sovereignty in Scotland or creating a more Nordic-style welfare model. Should a majority of people vote for independence, it would be the start of a momentous journey for
Scotland. The establishment of a Scottish state would require the development of new aspects of the Scottish policy space which do not currently exist. On European and external affairs, Scotland would have to institute new policies and capacities to fulfil its role as a state. While these advancements are perfectly feasible, it would be equally important to recognise the challenges of being a small state in Europe (Salamone 2019). It is not a given that Scotland would be successful as an influential European actor from day one – concerted effort would be required. Scotland would need to build the profile it seeks for itself and engage collaboratively with its European allies.

Despite Scotland’s rejection of Brexit, the question of Scotland’s relationship with the European Union under independence remains disputed within the wider independence movement (see Riddoch 2019). The SNP and Scottish Green leaderships and a large majority of members support EU membership. However, a modest segment would prefer that Scotland instead join the European Economic Area, focusing on economic integration over political integration and standing outside the EU’s Common Fisheries Policy. Further, a proportion of independence supporters voted for Brexit and might also want an independent Scotland to not have a relationship with the EU beyond a trade agreement and other basic cooperation. Nevertheless, it is worth remembering that this debate is largely confined to the independence movement. Under an independence scenario, the entirety of the Scottish electorate would decide these questions, not just the movement. On that basis, it is very likely a clear consensus would form in Scottish society that Scotland should seek to join the EU as a Member State.

Given the EU’s position on enlargement and the fact of Brexit, it is clear that Scotland would have to apply for EU membership in the normal way. Nevertheless, Scotland will be in the unique position of having been part of an EU Member State for over 45 years. Although it would have to largely follow the standard accession procedure, it could make the case to accelerate the process. A frequent question is how long accession would take. While that remains a matter for debate, it would certainly be several years – a fact which is not widely recognised in the ongoing independence discussion. Scotland and the EU would have to determine their interim relationship during that period. Major EU policies, such as the euro and
Schengen, would also feature prominently in Scotland’s internal EU accession debate. More broadly, Scotland would have to build the diplomatic capacity to engage in the European Union and internationally – which would also take time. The Scottish debate would benefit from the recognition that, while the EU would likely welcome Scotland as a Member State, Scottish EU membership would be vastly more important to Scotland than it would be to the EU.

Scotland would also face questions related to its broader international affairs profile. In the formative stages of its independence, Scotland would need to seek membership of international organisations, including the United Nations, relevant organisations in the UN system and the Organisation for Economic Cooperation and Development. Membership of NATO is a major point of disagreement within the independence movement (Fleming 2014). While the SNP changed its policy to support joining NATO in advance of the 2014 referendum, the matter remains highly contentious in the wider movement. This debate often does not recognise that Norway, Denmark and Iceland, Nordic countries to which Scotland often refers, are members of NATO and still maintain their Nordic identity. Scotland would therefore have to define its priorities and areas of focus to navigate in Europe and the world. While Scotland would certainly be able to succeed as a small state in the EU, it would equally need to be realistic about its prospects for influence, particularly in the early years of independence. Scotland could make a decisive contribution to European and global affairs – but it would require constant investment and good strategy (see Salamone 2019a).

Conclusions

Brexit’s impact on the independence debate in Scotland has been fundamental. It has introduced two major arguments for the autonomy which independence would provide that did not exist in 2014. First, independence is now a means of remaining part of the European Union. In the previous referendum, the debate on Europe focused on the mechanism and conditions of Scotland becoming a separate EU member, but it was clear that both Scotland and the UK would be part of the EU. Now with the UK’s ostensible departure through Brexit, independence would ensure
that Scotland could re-join the EU. Second, independence enables Scotland to make major decisions which are respected and implemented. Although Scotland voted decisively to remain in the EU in the 2016 referendum, it nevertheless faces leaving the EU, combined with the erosion of devolution and uncertainty about the standing of Scotland’s political institutions. Independence would guarantee that Scotland could decide its own future, particularly given the clear lack of interest in London in meaningfully reforming the UK through constitutional change.

These arguments are powerful in view of the UK’s growing political dysfunction. Given the strong focus on instrumentalising Brexit, it is probable that the message of the power to decide will feature more prominently in future campaigning than actual membership of the EU. Moreover, the arguments have been amplified in their effectiveness by the cumulative actions of the UK Government. It was not inevitable that Brexit led to the deterioration of UK politics. In more normal circumstances, it is possible to imagine that a UK Government would compromise with other political parties and the devolved administration and pursue a soft Brexit option of remaining in the EU internal market and in a close customs union with the EU. Such a UK Government might instead, having recognised that two of the four parts of the UK voted to remain in the EU and that the result was close, have sought a second referendum of its own accord. Indeed, such a government might also have accepted the clear need for constitutional reform. Any of these eventualities could feasibly have resulted in a different political environment in Scotland. In the event, the actions of the May and Johnson governments have instead made these arguments for independence more compelling.

Despite their resonance, the two arguments are not as important for existing supporters of independence who have already been convinced of the logic of a Scottish state. The central question is whether they will persuade current opponents of independence or those who remain undecided. While occasional majorities for independence in opinion polls suggest that these arguments may be working, it remains to be seen whether any such momentum will be sustained over the near term. The extent to which such voters are motivated to switch to supporting independence could be crucial in determining whether a majority for independence manifests in a future independence referendum. The debate surrounding another referendum
would feature many issues beyond Brexit – including the economy, currency, fiscal policy, social model and defence. However, Brexit will be a fundament of the debate, impacting on Scotland’s relationship with the EU and its relationship with the UK. Even if Scotland were to vote for independence, Brexit would still play a major role in its European relations, from an externalised perspective similar in some measure to what Ireland must confront. Brexit will remain part of Scotland’s political debate for the foreseeable future – whenever an independence referendum comes and whatever its result.

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