

## **DOOMSDAY TWO: THE RETURN OF FORSYTH**

*Iain MacWhirter*

1995 will be remembered for one thing, above all. It was the year Michael Forsyth returned to the Scottish Office in triumph. The most hated politician in Scotland, according to the tabloid press, was made Scottish Secretary in John Major's July reshuffle. The Prime Minister needed Ian Lang at the Department of Trade and Industry, and there was simply no-one else available to replace him. So, the unthinkable had finally happened. The top job had gone to a man who had called on Scots to dance in the streets when the poll-tax was introduced here; the Thatcherite who had promoted disastrous social experimentation when he was education minister; the former Tory chairman whose own radical zeal had so deeply divided the Scottish Conservative Party that Malcolm Rifkind and Lord Whitelaw had to go to Margaret Thatcher to demand his resignation. Had the Tories developed a death wish? Or are there simply too few of them left in Scotland to care? Had John Major decided to give up on Scotland altogether?

### **THE NEW FORSYTH**

This most contentious of politicians was put in charge of the Scottish Office just when Scottish hostility to the Conservatives had reached new heights of intensity after the Perth and Kinross by-election, where they came a poor third. The Tories were running at 11% in the opinion polls, and they'd been wiped out in the elections for the new unitary authorities. Putting Forsyth in charge of Scotland at this time looked like trying to put out a house fire by throwing petrol over it. But somehow, the flames did not consume him.

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A few years previously, there would have been riots in the streets - okay, demonstrations and petitions at least. Yet the popular response to the second coming was not one of seething anger at this insult to Scotland - as the Opposition styled it - but rather a slightly cynical curiosity at what the new governor would do. Scotland was amused, and then intrigued, by the apparent moderation of his political attitudes. No longer the right wing ideologue, it was a new, improved 'listening' Forsyth who came North in July. His door was open, he insisted, and he wanted to hear from everyone - trades unions, local authorities, industry, the professions.

And it is a matter of record that he did listen. Trades unionists like the STUC's Campbell Christie emerged greatly cheered by the willingness of Forsyth Mk 2 to look for common ground. The teachers and health services professionals were mollified too. Scottish local authorities were frankly gobsmacked when the man who had formerly been the scourge of Labour local government announced that he was intending to devolve more power to them - perhaps even lift the government capping of their expenditure.

On the face of it, this made little sense. After fifteen years in which successive Conservative governments, inspired by Thatcherite centralism, had been systematically denuding local government of its powers and funding, it was bold indeed for Mr Forsyth, one of the leading advocates of the new right creed, to suddenly emerge as the champion of local autonomy. Was this a joke or what? Apparently not, for he lost no time getting his civil servants working on a scheme to decentralise local spending.

Indeed, so great was the new Scottish Secretary's enthusiasm for devolving power ever-downwards, that he even said, at one point, that he wanted Community Councils to be given genuine powers. This was parish pump politics with a vengeance - like Leon Trotsky trying to empower the Peoples' Soviets in post-revolutionary Russia. The only place in Britain where anything like it has been tried is, curiously, in Labour Walsall Council. There, Labour leader 'Citizen' Dave Church tried to set up 54 neighbourhood councils to counter Town Hall bureaucracy and bring power to the people. Unfortunately, when Tony Blair got to hear of it, he suspended the entire district Labour party, afraid their enthusiasm for grass-roots democracy might be interpreted as a return to local Labour looniness.

So, Michael Forsyth outflanking Tony Blair on the left? But then these are indeed curious times. Indeed, if you look at some of Forsyth's speeches, like his address to the Scottish Conservative Conference in 1995, it is clear that he has been influenced by some of the same 'communitarian' ideas so

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favoured by Blair modernisers. But Forsyth draws somewhat different conclusions from it.

Yet the Scottish secretary has little time just now for ideological reflections. He has a tough job on his hands, governing a country in which the memory of him is distinctly bitter. It sometimes seems as if Citizen Forsyth will stop at nothing in his bid for popularity. The Scottish Secretary's campaign to win the hearts and minds of the Scots doesn't extend so far as to endorse home rule. However, he did turn up wearing a kilt at the premier of 'Braveheart', Mel Gibson's homage to the nationalist hero William Wallace. He even pledged to help the Scottish film industry. And, of course, he saved the Fort William sleeper train, on the grounds that it was one of the sinews of the nation.

Michael Forsyth pledged to be Scotland's man in the cabinet, not the cabinet's man in Scotland. This was the most bizarre ideological inversion of all. Forsyth had long been aligned with those English Conservatives who believed that Scotland was addicted to the 'begging bowl' of state subsidies. The Scottish Office used to be regarded by the Tory right as just the kind of corporatist institution that any good Thatcherite would waste no time in dismantling. But when it came to questioning the alleged over-funding of the Scottish Office, Forsyth let it be known that any reduction in Scotland's spending budget would be 'over his dead body'. In other words, here was a Thatcherite minimalist actually praising tax and spend. Or at least spend, since he also, of course, devoted much energy to attacking Labour's 'tartan tax', the massively increased demand on the Scottish purse Forsyth said would be the price of devolution.

Four months on, the bemused Scots have not quite come to terms with this whirling dervish who has taken over the Scottish Office. His media blitz was highly effective - as it should have been from someone who made his fortune in the PR business. And though many remain highly sceptical about the new Forsyth, there are also many commentators who are genuinely convinced that he is a changed man. Even the Left-leaning **Herald** newspaper described him as 'a most determinedly politicised Secretary of State [who] has learned to combine this with a subtlety which will enhance Scottish politics in the immediate future' (25 July 1995). **The Scotsman** agreed, saying: 'Forsyth's past is no guide to his present' (8 July 1995).

Forsyth has even admitted semi-publicly that he is older and wiser now, and that his earlier incarnation as chairman of the Scottish Tories was too ideological and divisive. This new 90s Forsyth is a conciliator, a pragmatist,

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intending to work with the grain of Scottish political culture, rather than against it.

**BROADER IDEOLOGICAL PURPOSE**

Well, you either believe that or you don't. Equally plausible is the contrary interpretation that this is a consummate political magician using sleight of hand to bamboozle the Scots. His radical interventions have been largely presentational, intended to win high media profile at little actual political cost. A railway line and a few thousand for the film industry scarcely constitutes a revolution. His overtures to Scottish local councils can be interpreted differently also. Raising the cap on their spending doesn't mean they will get any greater financial support from government. It merely removes the taint of government intervention from local authority finance and will allow the Conservatives to blame Labour councils for being profligate when taxes go up. In other words, he's given them enough rope ...

There is a broader ideological purpose also. Forsyth knows that the mainstream Tories are seen in Scotland as the 'English party' largely because they have not come to terms with Scottish demands for self-determination. This opposition to devolution will not change. Forsyth is committed to the line that a parliament for Scotland would be divisive and costly and there will be no resiling on it. But he realises he must at least appear to be doing something to address the democratic deficit (he actually uses the phrase) in Scotland. That a party which is only at a dozen points in the polls, and has been comprehensively rejected at successive elections, should still remain in charge of the Scottish Office is a major presentational problem, to say the least. So, why not by-pass the Scottish Office altogether and hand power to the unitary authorities? See what they do with it. You want more democracy? Here it is, right down to the community. No need for any Scottish parliament, because the Scottish Office has been down-graded, and the unitary authorities are taking over. Anyway, a parliament would only be Strathclyde Region writ large.

Actually, a surprising number of Scottish Labour MPs are privately inclined to agree with the bit about Strathclyde writ large. Now that it looks as if a parliament in Edinburgh might actually happen, they are worrying about where the talent is to come from to run it. Labour councils? Dumbarton, Paisley, Monklands, Dundee?

But I digress. Forsyth's theatrics may have induced a temporary suspension of disbelief in the Scots, but his idea that the Scottish Office could, as it were, wither away in favour of invigorated local government is pretty unrealistic.

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The Scottish Office, with its fourteen billion budget and its higher complement of civil servants than Brussels, will be around a while yet. As will the democratic deficit and the demand for accountability.

The jury is still out on Michael Forsyth's conversion to consensus politics. It may well be that he has realised that Scotland simply is not fertile ground for Thatcherism, and that he is going to have to wait a long time for the green shoots of true Conservatism to pop through the permafrost. In the meantime, he has to do anything and everything he can to stop the Tory electoral rout, and to try to save his own highly marginal seat, which after boundary changes he holds by only a couple of hundred votes. The prospect of unemployment concentrates the political mind wonderfully, and makes even unpalatable corporatism suddenly taste almost sweet. Which could explain why he appears to be putting himself in the same wettish, but voter-friendly, tradition of Lang, Rifkind and Younger. Who knows, some voters might actually believe it.

### **JOHN MAJOR AND THE UNION**

But there is another agenda working here - John Major's. This year was remarkable, not only for Michael Forsyth's apostasy, but also for John Major's conversion to radical unionism. He sees the integrity of the United Kingdom as being desirable not just in itself, but also as a way of uniting his party and winning the next election. Michael Forsyth's role in this is clear. Major needs a strong man in the Scottish Office, someone who is prepared to compromise on the inessentials while keeping his eye firmly on the main objective - that objective being, of course, winning the next election.

The Prime Minister's interest in devolution goes back to the dying days of the 1992 general election. Things were looking dire. The government was behind in all the opinion polls. So, John Major mounted his celebrated soap box and began to rally Middle England in defence of the Union. He accused Labour of trying to break up Britain, and said that the UK was only safe in Tory hands.

The effect was devastating. Suddenly, Labour seemed all over the place. Their health spokesman, Robin Cook, announced that he could not serve in a Labour government as health secretary because he was a Scottish MP. The reason, of course, was the West Lothian Question. When English MPs had no say on devolved Scottish health matters, how could a Scottish MP dictate how English health should be run? It was perhaps unnecessary candour. Cook might well have waited until there was a Scottish parliament before raising the question of constitutional equity, to which there are many possible

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answers. But it was marvellous material for a beleaguered Tory Central Office. It gave birth to the legend that John Major had won the '92 election on his rediscovery of the Union, a legend to which Michael Forsyth subscribes.

It is a trick they intend to pull again next time; and in 1997, they intend to have the ground better prepared. Which is why John Major made his sudden and apparently unprovoked assault on Labour's devolution plans in January 1995. Central Office believe that to get Middle England properly briefed on Labours' constitutional policies will take around two years. Which is why a bemused England, still recovering from the excesses of Yuletide, awoke on New Year's day to discover that the Union was in danger from Labour's 'teenage madness' as the Prime Minister called Blair's constitutional programme. He said that devolution was 'one of the most dangerous propositions ever put before the British people'. Labour were bent on sabotaging the British constitution and splitting Scotland from the UK.

Of course, Labour are bent on nothing of the sort. Chance would be a fine thing, said the SNP leader Alex Salmond, who was himself under attack from the fundamentalists in his own ranks for his dalliance with Labour 'unionism'. It is a travesty of Labour's constitutional proposals to say that they were designed to destroy the UK; Labour's aim is quite explicitly the reverse of that - to use devolution as a means of keeping Scotland in the union. But that cuts little ice at Central Office. In a political environment where the two parties are moving so much closer on most areas of policy, here is one policy upon which they are fundamentally and irreconcilably opposed.

Moreover, by raising the banner of the Union, John Major hopes to appeal to the many Eurosceptics in the party who have caused him such difficulties in recent years. The nexus is 'sovereignty'. John Major's pitch at the next election will be to portray Labour as basically disloyal to the nation state. Tory spokesmen will accuse Blair of being a crypto-federalist in Europe, wanting to hand sovereignty over to Brussels, while being a crypto-nationalist at home, with his Scottish parliament draining sovereignty from Westminster.

Superficially, this might seem a plausible strategy for a difficult election. The Conservative Party is nothing if it is not the party of the Union. If John Major is able to wrap himself in the Union Jack and portray Tony Blair as a treacherous wrecker, he might well strengthen his vote in the English shires. There's nothing like an appeal to the flag to get the Tories roused. Moreover, it finally gives some cause for the Eurosceptic right of the Conservative party to cheer his leadership. This is English nationalism in action. The Bulldog

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breed barks again, 'the rebellious Scots to crush' (as it says in the national anthem).

Well, up to a point, Lord Copper. The problem with using devolution to rouse Middle England from its slumber is that it continued doggedly to doze quietly through Mr Major's hystrionics. There was little sign that the English were willing to get worked up about Labour's ideas on the constitution. It's simply not a voter-friendly issue. Most English people probably don't want a say in Scottish tourism and education anyway. If the Scots want a parliament - as the London cabbie puts it - let 'em have it. The West Lothian Question may raise real problems about Labour's plans, and point to anomalies which will have to be addressed. But don't expect the ordinary voters to get worked up about them. Bob Worcester of MORI gave his verdict on the Tory campaign: 'devolution is an issue which simply has no resonance in the South'. John Major is going to have to work very hard to get middle England to the barricades at the next election.

### **LABOUR CONFUSION**

That's not to say Labour won't help him. Blair's party has been in a state of confusion and disarray over the constitution. In January, the shadow chancellor, Gordon Brown, delivered a speech in Westminster replying to John Major's assault on his party's alleged teenage madness. The West Lothian Question, he said, could best be addressed by regional devolution in England. He pointed out that Whitehall had already established a network of integrated regional offices, IROs, to co-ordinate the increasingly devolved functions of government departments. These appeared to coalesce in the nine English planning regions. Why not, therefore, established elected bodies to oversee them. Devolution to the regions would make the West Lothian complaint otiose, since the English regions would be getting a say in their own affairs. Constitutional equity would be restored, and accountability increased.

However, that was not quite how Jack Straw, Labour's home affairs spokesman, saw it. As John Major's attack reverberated across the country - or rather failed to do so - he decided that Labour's policy on English devolution was a liability. So, he scrapped it. Just like that. He said that Gordon Brown had never intended legislative devolution to the regions, when he clearly had, and then went on to say that, anyway, there was little evidence of much demand for devolution in England. In this he was probably right. There has just been another botched attempt to re-organise English local government into unitary authorities under the Banham Commission. Banham's map was frankly a mess, and showed the dangers of too much

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consultation, so the government sacked him. The last thing on the minds of the English counties was the prospect of yet another level of government confusing the picture even more. So, instead of elected chambers for the English regions, Labour now proposes a network of regional councils composed of councillors co-opted from the existing local councils. If any region still wants devolution, and the assumption was that most don't, then they could have it - but it would probably need a referendum first. He added that, in any case, sovereignty would remain in Westminster if and when a Scottish parliament was established. So the West Lothian Question was never an issue in the first place.

Try telling that to Tam Dalyell. Thus went Labour's answer to the West Lothian Question up the chimney. The regional governments had been an intellectually compelling and constitutionally elegant way of re-balancing the constitution to remove an inequity that might arise from one part of the UK having a parliament for its own domestic affairs while the rest were stuck with Westminster. At first Labour insisted that this constitutional retrenchment had no implications for Scotland. But that is going to be difficult to sustain in the heat of the election campaign. The Tories will hammer the Scottish question for all it is worth. They'll say that it is wrong and unfair for the Scots to continue to have a say in English affairs when reciprocal rights are denied. They'll ask Labour spokespeople awkward questions about sovereignty, and ask why nearly all of Scottish Labour MPs signed a solemn pledge to return it to Scotland. They'll object to one part of the country being taxed at a different level; if the Scots can pay more for their public services, why should the exchequer continue to pay a disproportionately high sum to the Scottish Office under the Barnett formula?

Labour's answer to the tax question is revealing. They point out that local authorities have certain tax-raising powers also, and that that doesn't make them separatists. Now, comparing a Scottish parliament with a local government is just the kind of thing to raise hackles in the Scottish party, and so this line of reasoning is a particularly dangerous one. But that didn't stop Tony Blair using it on his last visit to Scotland. He became exasperated at questioning on the 'anomalies' which he conceded lie in Labour's constitutional plans, and insisted that there is no difficulty in a Scottish parliament having the power to vary income tax, when local government also has tax varying powers.

The difference of course is that local authorities are creatures of statute, whereas the Scottish parliament will exercise sovereign power in its own right - at least in theory. During **The Scotsman's** Great Debate in the Scottish Assembly debating chamber in spring 1995, the shadow Scottish secretary

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George Robertson reaffirmed the line that the parliament would have 'entrenched' constitutional status. No-one is quite sure if Jack Straw sees it this way. Labour are ambivalent on whether or not the Scottish parliament could ever be abolished by a future Westminster government. The logic of the Straw position - that sovereignty is indivisible and resides in Westminster - must surely be that it could be revoked. All Labour will say at present is that it is unthinkable that anyone would want to take Scotland's parliament away from them. Hmm.

And further problems arise. If Labour is proposing a referendum on proportional representation, should it not also be calling for one on the equally salient constitutional issue of devolution? Should the Scots not be asked again, as they were in 1979? They were equivocal then; what's changed? And shouldn't there be a minimum consent requirement here to legitimise such profound constitutional change - say, of 40% of the electorate?

The shadow of George Cunningham still falls over the Scottish question. And though the author of the 40% amendment went off to the Owenite Social Democrats, his ghost lives on, and could well stalk the lobbies if and when Labour tries to get its constitutional legislation through the house. Indeed, Mr Cunningham is alive and well, and was last heard of as an active participant in one of the Liberal Democrats' constitutional working parties. For what it's worth, he thinks the Convention's devolution plans are unworkable.

### **NORTHERN IRELAND**

However, there are considerable inconsistencies in the government's case also, as became clear in February, when the Northern Ireland peace process moved into the constitutional terrain. The Framework Document, prepared jointly by London and Dublin, proposed legislative devolution to Northern Ireland which was remarkably similar to the proposals the government was rejecting in Scotland. It did not have tax-raising powers. But in other respects it was identical - a legislative assembly elected on proportional representation, with a committee structure, and competence over domestic affairs currently administered by the Northern Ireland Office. In Ireland, John Major was saying that devolution would strengthen the Union, whereas in Scotland he was saying that it would break it up. He tried to overcome the contradiction by insisting that Irish politics and history are different from Scotland's. He meant that there had been a war there. But did this mean then that the only road to self-government which the government would recognise is the militant one? Should Scottish home rulers abandon the ballot box for the bullet?

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It was not Labour or the SNP who raised this point but the Conservative MP for Tayside, Bill Walker. The Tayside Question, as it might be called, was intended as an ultra-unionist warning to John Major against going down the devolution road in Ireland because of the lesson which might be drawn in Scotland - that guns and semtex could deliver where ordinary constitutional politics could not. Mr Major didn't think this was a serious question, and so hasn't attempted to answer it. But it is a tribute to the meticulously constitutional approach of the SNP that there was not a hint within the official Nationalist movement that anyone was drawing this conclusion. Apart from Settler Watch and a few oddballs, Scottish politics remains and will for the foreseeable future remain peaceful and democratic.

With the Irish peace process stalled over decommissioning of IRA arms, the Framework Document may be looking rather academic right now. But it is still there, and assuming the process resumes, and there is devolution to Northern Ireland, the Scottish parallel will be drawn again. At the very least, the West Lothian Question will be replaced by the West Belfast Question. If there is no problem about Northern Ireland MPs sitting in the Westminster legislature deliberating about English affairs while English MPs are debarred from a say in Northern Ireland, then the West Lothian Question is diminished accordingly.

It is, anyway, a question largely of interest only to constitutional pendants. All constitutions are riddled with anomalies - just look at ours. Or rather, don't because it isn't actually written down anywhere. The British constitution is a rag-bag of precedents, divine rights and accustomed practices which would not stand up to a moment's scrutiny. The whole point, surely, about constitutions is that they are there to solve problems, not create them. If there is a sense of grievance in England over Scottish devolution, then it may have to be addressed. Under interrogation, some Labour MPs accept privately that there might have to be a reduction in the number of Scottish MPs, or maybe something like an English Grand Committee to handle domestic affairs. But these constitutional solutions will only become necessary if there is an express grievance in England.

It was fascinating how the Northern Ireland Framework Document addressed so many of these issues - like the anomaly of the Northern Ireland Secretary continuing to sit in the cabinet - that have also preoccupied the Scottish Constitutional Convention. The Convention's framework is a similar balancing act between federalism and unionism. Indeed, there was speculation that the Northern Ireland constitutional affairs minister, Michael Ancrum, might have drawn on the constitutional expertise he acquired from

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being a Scottish Tory MP during the constitutional debates in Scotland during the 1970s. He certainly seemed to know what he was talking about.

#### **THE CONSTITUTIONAL CONVENTION**

The Scottish Constitutional Convention finally delivered its long awaited agreement on the parliament for Scotland - unveiled, after much delay, in time for St Andrews Day on 30 November this year. There were those who thought it might never make it. For months Labour and the Liberal Democrats were deadlocked over taxation and the size of the Scottish legislature. It might seem strange that these apparently technical questions should have nearly caused the project to fail, but they did. The tax conundrum was essentially a question of whether taxes should be raised and spent in Scotland, or whether the block grant should continue, supplemented by the three pence in the pound latitude on income tax. Labour wanted to keep the block grant, and prevailed in the end.

The size question was basically over proportional representation. Under the proposed additional member system of electing MSPs, the more members the parliament has, the more proportional it is likely to be. This alarmed Labour, who didn't want to lose too many seats. In 1992 they had 68% of Scottish Westminster seats on only 39% of the votes cast. This is a dominance they are understandably reluctant to lose. But they have made a major concession.

In the end, Labour's George Robertson and the Liberal Democrat leader Jim Wallace had to sort out the conundrum between themselves in last-minute negotiation. They agreed finally on a parliament of 129 - considerably fewer than 145 the Liberal Democrats wanted, but also substantially larger than Labour's proposal of a 112 seat legislature. The compromise deal displeased activists in both parties. The Liberal Democrats didn't think that an additional member system with 73 seats elected under first-past-the-post was very proportional. However, an analysis by John Curtice of Strathclyde University, in **Scotland on Sunday**, showed that the Liberal Democrats are by far the winners under the new voting scheme. Labour will now have to accept permanent minority status. Not surprisingly, some Labour activist complained that Labour risked giving up its Scottish hegemony.

The new proposal is open to criticism on a number of fronts - proportionality, fiscal powers, women's representation. However, a deal is a deal, and the main thing is that it emerged at all. If the two leaders had not taken matters in hand, there was a serious risk that the entire venture might have collapsed in precisely the way the SNP and the Conservatives had hoped it would.

## **THE SNP**

The Nationalists, of course, are still observing their boycott of the Convention. But there have been remarkable developments in the SNP position on devolution, which may be leading the party back into the Scottish constitutional mainstream. Alex Salmond has finally made his party come to terms with the devolved parliament, and has persuaded them - or most of them - that it can be a stepping stone to independence. The return of the former MP George Reid to the party will strengthen this reorientation considerably. Reid talked openly of coalition with Labour in his Donaldson lecture to the Perth conference in September. This would have been rank heresy a few years ago, when the line was 'no truck with Labour's phoney parliament'. Despite forecasts of splits and divisions, the remarkable thing about this year's SNP conference was how quiescent the fundamentalist faction was. There was scarcely a murmur at the party adopting a strategy that would have been dismissed as unionist defeatism only a few years ago.

So, the new Scottish Secretary faces a Scottish Opposition which is more united than at any time since the abortive devolution referendum in 1979. They are all moving, finally, in the same direction - towards an elected parliament within the union, at least as a first step. Perhaps, indeed, it was the coming of Forsyth which made the Opposition parties up their game. They realise that he is a formidable foe, and liable to do extreme damage to the Opposition parties if they fail to get together. It is possible, also, that the Opposition detect in Scotland's relatively muted objection to the new regime in St Andrew's House a sign that this could be their last chance. The argument for home rule has long been won in Scotland. There is a strong constituency for constitutional change, and the vast majority of Scots want some form of home rule. But as 1979 demonstrated, they are just not going to vote for any half-baked constitutional ideas, and the patience of the electorate is not infinite. There has been increasing disillusion throughout the West at the apparent inability of political leaders of all parties to deliver anything substantial, or even address the problems of the nineties. This disillusion is particularly strong in Scotland, where party bickering and divisions have sorely tried the tolerance of Scottish voters. The old saying that Scotland is not so much nation, more a family squabble, has been only too accurate as far as moves toward home rule have been concerned.

However, optimist like Andrew Marr in his book **Ruling Britannia** (Michael Joseph Publications, 1995) believe that the only democratic solution to the current national immobilism is to bring politics closer to people - that legislative devolution is the way forward for advanced industrial states like Britain, where overcentralisation has destroyed civic culture and helped

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debase parliamentary politics. Well, there are optimistic signs now that matters may be heading to a conclusion at the next election. Let's hope it's not too late.

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