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Towards a *New Union*..?

by Owen Smith, Labour MP

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TOWARDS A NEW UNION

by Owen Smith,
Labour MP

After full experience of the insufficiency of the existing federal government, you are invited to deliberate upon a new Constitution for the United States of America.'

So ran the celebrated opening gambit of Hamilton, Madison and Jay's 'The Federalist', one of politics' greatest propaganda pieces, designed to sell to the American people the fruits of 1787's convention at Philadelphia: the newly-minted US Constitution. Is it time for British politicians to convene a similar gathering – in Caerphilly, say, rather than Philly, PA – and to ask whether, after the full experience of the insufficiency of the existing quasi-federal British government, we should deliberate upon a Constitution for the new Union of the United Kingdom.

Written in black and white, this might appear a radical challenge, of interest only at the poles of our politics. But the truth is that this has re-entered the mainstream. The success of the Scottish Nationalist Party in May's Holyrood election and, to a lesser extent, the extension of full legislative powers to the rebranded Welsh Government, may have reinvigorated this debate, but the challenge has been implicit over the last decade in politics' growing interest in the hypothetical ramifications – now reality, of course - of Labour, Conservative and Nationalist parties holding power concurrently in the different nations of our state, and in the related re-emergence of the so-called 'English Question'. To left and right, Jo(h)n(s) Cruddas and Major, have studied the question; the one floating the dangerous notion of an 'English Labour Party', the other high-handedly warning that 'Scottish ambition is fraying English tolerance.' But it is the current Tory Leader who's really rocking the boat with the rumour that he's comfortable with a Scottish Conservative Party renamed and autonomous from Westminster, and the reality that his Government hopes to answer the question with a Commission of their own.



Nonetheless, there is one policy area where the Tories appear to be executing a plan with pitiless efficiency: implementing a quiet revolution in our constitution. A revolution designed, not as Labour's was intended in 1997, to disperse power to the people of our nation, but one calculated to hardwire Conservative hegemony into the UK political system, even at the expense, perhaps, of fragmenting our 300 year Union.

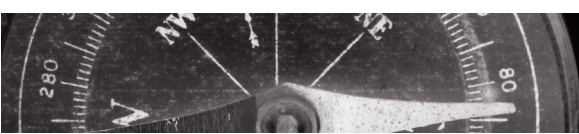
The English Question has passed through several iterations in the history of these isles; emerging first in relation to the Irish cousin who beguiled our politics at the turn of the 19th Century, it morphed into Tam Dalyell's fabled West Lothian challenger before coming into even sharper relief in light of New Labour's radical but asymmetrical devolution 'settlement'. Latterly, the growing divergence in public services policy and provision within the UK, and the volume of immigration from without, has posed the question in, arguably, its most acute form to date.

Back in 1997, Labour had in mind to deal with the question through extension of devolution beyond Wales and Scotland to the English regions. But that bold vision was still-born when the North East – the region assumed to be most enthusiastic about adopting greater local control – roundly rejected the deal on offer. Stung by the scale of the defeat and split, in any event, about the wisdom and sustainability of such an artificial, regional solution, Labour abandoned planned referenda in other parts of England and with them lost, for a generation, our radical instinct for constitutional reform. Now is the time to rediscover our taste for radical constitution reform, lest we find ourselves outflanked by a Tory party that is as radical as it is ruthless.

The current Prime Minister is fond of stating that he learns the lessons of history and privately claims to have learned much from the recent history of Labour: notably, that radical reform should be undertaken early, when electoral mandates are at their freshest and a party's energy at its highest. But Cameron is no Blair. He didn't win a mandate for a start, and his so-called reforms – to health, education and Local Government are already spiralling into chaos, dragging his party's mojo down with them.

Step one in Mr Cameron's plan was to gerrymander the map by culling 50 MPs, the majority likely to be Labour or Liberals located in Tory-hostile territory of Wales, Scotland and urban centres. Step two was to stuff the House of Lords with lobby-fodder peers, as bulwark and ballast against his coalition partner's plans for reform of the second chamber. Step three will entail moving, in light of the changed Parliamentary boundaries, to reconfigure the constituencies of the devolved legislatures in Wales and Scotland, cynically attempting to increase Tory representation through the proportional mechanisms they campaigned against just a few weeks ago. Step four involves the English Question, of course, and the recent establishment of the commission to consider how to sideline British MPs from Wales and Scotland when considering Bills that primarily affect England. If implemented, this final piece of the jigsaw, will amount to a more formal partitioning of Britain – the establishment of a Parliament within Parliament - and the possible entrenchment of a Conservative majority in its English parish.

Implausible though it may seem that the once Conservative and Unionist Party could place the Union in jeopardy, and loudly though Mr Cameron may avow his determination to defend it with his 'every fibre', the foundations for just such a decision have long been laid. When David Cameron assumed the Tory leadership in 2005, one of his earliest, serious, policy initiatives was to appoint Ken Clarke as the head of a 'Democracy Taskforce' charged with addressing the English Question. The answer, said Mr Clarke, was to deal with the growing 'resentment' that 'English' matters (such as the direction of the NHS or Education in Albion) were being decided with Welsh, Scottish and Northern Irish votes, by resurrecting the policy of English votes



for English laws first essayed by Gladstone in the second Home Rule bill of 1893.

The Labour government's response to this deeply flawed solution, led robustly by Jack Straw, was to demonstrate the profound difficulties of ever defining the territorial extent of any piece of UK legislation, and thereby carving up the voting rights of MPs upon it. The complexity of the task was established almost 120 years ago, with the Grand Old Man's failure to frame an 'in and out' solution for Irish MPs, and has only increased under a modern funding formula (Barnett's) where spending on public services in England, shaped by the decisions proposed in any bill, determines the spending envelope in the neighbouring countries. To introduce legislative segregation, as glibly proposed by Mr Clarke, would be to raise, in Scotland and Wales, the fundamental question of taxation without representation, and would surely set our countries on a route to separation.

Yet despite this clear risk, the Tory manifesto of 2010 disingenuously promised 'not to put the Union at risk' while pledging also to 'rebalance the unfairness in the voting system for devolved issues in Parliament'. Captured in that one sentence is the toxic mix of muddled constitutional thinking, base 'Little Englander' motives and party political self-interest that informs some current Tory attitudes to the Union. Because the plain irreconcilability of those objectives should be clear to all, as should the jeopardy in which English votes on English Laws will place the Union: North, South, East and West of Hadrian's and Offa's respective frontiers. Indeed, the suspicion grows in some quarters that protecting the Union is no longer a priority for many modern, English Tories. That, deep down, they feel that Scotland and Wales (if they pause to consider Wales at all) can be sloughed off with impunity – especially if the prize is permanent rule in England's green and pleasant land. It's no longer the preserve of the swivel-eyed backbencher to froth at the mention of free prescriptions charges in Scotland or reduced tuition fees in Wales. And though the language may be more decorous on the Treasury bench or between the pages of the manifesto, the inference is the same. That word, 'resentment', appears too often on the lips of leading Tories, including the Prime Minister and his frontbench colleagues, when confronting the consequences of devolution and differential spending allocations, for such suspicions to be entirely unfounded.

Such suspicion of Mr Cameron's motives is not contained to the Opposition parties either:

increasing numbers on his own side are also doubtful. In particular, Scottish Tories such as David Torrance and fellow travellers like Alan Cochrane, alive to the momentum behind Alex Salmond's softly-softly separatism, are fearful that their Prime Minister is either sleepily appeasing Scottish Independistas, or worse, that 'English Tories like him do not really mind if Britain is broken up.' They hear the robust rhetoric about his 'fight to keep the United Kingdom together', but note the counterpointing reality of granting Scotland increased fiscal powers, while entertaining successive demands for totemic control of Broadcasting, Crown Estates, and territorial waters – or air, land and sea, if you like.

In Wales, where Conservatives have enjoyed a minimalist revival under Mr Cameron, there are also noises off. Most of the Welsh Conservative contingent parrot unthinking support for the status quo, but some, most notably David Melding AM, a thoughtful and dripping wet Tory devolutionist, question whether Britain can 'survive beyond 2020'. He describes Scottish Independence as a 'rational, liberal and democratic option' and urges those who, like him, believe in both devolution and the Union to desist from 'tiresome vituperation against independence' and explain instead why the Union remains the best 'political, social and economic (means)' of 'protecting our welfare and freedom' in the current century, as it was in the last. He concludes that the answer to our puzzling, unfinished settlement is a fully Federal Union, with a clear demarcation of separate rights and shared responsibilities between its constituent countries.

I suspect you would be hard pressed to slip a cigarette paper between that maverick, Tory vision and Alex Salmond's plan to bifurcate Britain. And who would confidently bet against him at the moment? Indeed, watching Salmond en route to the recent Joint Ministerial Committee at Westminster, chest puffed out and trailing an entourage worthy of a visiting Maharajah, it was evident how easy politics seems to him right now. Ask, and ye shall receive – one way or the other: that's the simple recipe he's following. Demand more powers and responsibility for Scotland and either get it from

a Tory party unsure whether to respect or repel bo(a)rders - or don't get it, and pocket priceless propaganda for the long game of secession by consensus. Heads he wins, tails the Union loses. And all the while, that canny wee politician is sniffing the wind and, like some of the Tartan Tories mentioned above, scenting that the English Conservatives may be losing the stomach to fight for the Union, or acceding to their basest desires to command and control in a Tory-led 'Little Britain.'

How, in 2011 and beyond, should Labour respond to this dynamic debate? What should our party, with our internationalist instincts and our belief in equality, freedom, reciprocity and co-operation – beliefs that transcend national boundaries and supersede sectional interests – conclude about the state of the Union and how or whether it is to be reformed? Should we even care? After all,

isn't it delivery of economic growth and excellent, value-for-money public services that really matter to the future success of all of the nations and regions of Britain, and which will determine our ability to pursue our political goals in power once more?

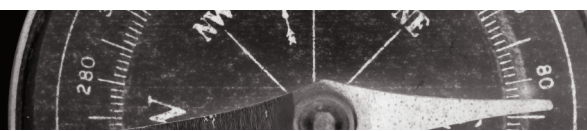
Well, though it is emphatically correct that a persuasive plan to deliver jobs and improved living standards for people across the UK is central to our task, it is also critical that we in Labour lead a debate

about how the governance and cohesion of Britain might evolve and improve. Labour should lead this debate because it is our heritage to have led such discussion in the past – from Hardie's call for 'Home Rule all round' to Blair's delivery of the devolution dividend for Wales, Scotland and Northern Ireland – but because it is also in our interest, and in the interest of the ordinary people we seek to represent throughout Britain, that we do so.

It is in our self-interest in the simple fact that unless we shape a debate and present a vehicle for addressing legitimate demands for some expression of English sovereignty, or more narrowly, some means of answering Tam's West Lothian legacy, we will shortly find ourselves presented with a fait accompli by the Tory party that is still disbelieving that it should have been forced to sit on the sidelines for the last thirteen years and determined not to do so again. That ruthless determination is likely to lead, sooner rather than later, to making good on their



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manifesto promise to stop Welsh, Scots and Irish MPs from amending or, perhaps, even voting at all on English Bills. And in any future Parliament bearing more than a passing resemblance to the complexions of Parliaments past that would preclude Ed Miliband from repealing the Tories' destructive Health and Social Care Bill and thereby repairing the damage that will shortly be done to our precious NHS. That threat of political impotence, as the Tories fortify their English redoubt, ought to be enough to move us to self-preserving action, and swiftly.

However, there is a far greater reason for our engagement on this field. Because this debate about democracy and representation, governance and identity, is of central significance to our socialist concerns about expanding access to power and opportunity, delivering empowerment and equality, economic and social justice. History's lessons are clear – though Mr Cameron is blind to these: some control of the levers of power (as well as the means of production!) is crucial if ordinary people – the squeezed middle, if you like – are to have, and to feel, some control over the quality and the direction of their lives. And history also tells us that the transparency, the proximity and the acknowledged accountability of those political levers to people has a profound bearing on those people's engagement with them. In other words, the more distant and elitist, opaque and unaccountable government appears, the less the people will trust, identify and engage with it.

In this era of alienation of people from politics and from governance, where fewer and fewer people bother to vote at all, and where the correlation between disengagement and disillusion grows ever closer as one descends through the income strata, politicians of all stripes – but particularly the Left – should be profoundly concerned at the dwindling cohort of our mandate and the growing army of conscientious, political objectors. To a great extent, of course, the keystones of a project to restore belief and engagement will be policies and priorities that deliver meaningful, material improvements to people's lives: increasing wealth and opportunity, health and happiness. But the success of such policies may also surely be rooted in the source of their identification and delivery: priorities and solutions that bubble up from below are invariably better accepted, and arguably better adapted, than those that percolate down from on high.

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Others in Labour have already started to address these issues. Maurice Glasman, of Blue Labour infamy, does so obliquely in his attempt to unearth Labour's English roots in a 19th century radical and democratic tradition, roots which allow us to authentically lay claim to 'conservative' values of 'flag, faith and family' and thus to 'reconnect to England, to its traditions and language'. Less obliquely, in a recent review article in Prospect Magazine, Maurice proclaims:

'There is a political void where England should be. While Scotland, Wales and Northern Ireland enjoy devolved government, the English do not govern themselves. Parliament, the traditional assembly of the English people, represents the Union and not the nation. England as a political nation, has no body and it cannot speak.'

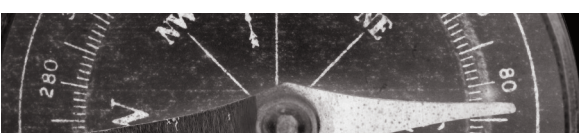
He goes on to state that: 'It was the scale and velocity of immigration that haunted the 2010 General Election and posed 'the English Question' in acute form for Labour'. Before suggesting that the answer, in part, may be to 'move towards a federal union in which Scottish, Welsh and Northern Irish representatives no longer sit in Parliament but in a national assembly in Manchester while London speaks once more for the commonwealth of England.'

Now this Welsh representative has nothing against Manchester, and agrees, as should be evident already, that Labour must find an answer to the English Question, but I think for the purposes of his argumentation, Maurice has profoundly oversimplified both the rootedness of

Labour in an purely English tradition: Frost's Chartists marched from Gwent, remember; the Taff Vale ruling, the Cambrian Combine strikers or their later Clydeside cousins were perhaps more formative than Maurice's much-mentioned London dockers; and Tillet's comrades, Glasier and Hardie, MacDonald and Mabon, were neither sais nor sassanach, of course. But that gentle historical corrective aside, if this attempt to answer the question is serious – and if it is to counter the politically motivated, but easily sold, Tory plans for English-only votes – it needs to be expanded and rendered in far finer detail, because the simple Federal model implied by Maurice is very difficult to imagine in a state in which one of the 4 constituent countries would be between 10 and 50 times the size of the others.

Instead, for Labour, the starting point for any serious attempt to address the question should be an acknowledgement of what we got wrong on this issue when in government. Devolution to Wales and Scotland was delivered after a 100 years of campaigning in the Labour movement, but the attempt to fully realise Hardie's vision of self-government 'all round' was predicated, in England, on an artificial conception of 'Regions' which had – and have today – little purchase on the hearts and minds of people who live within the cities and towns, counties and shires that comprise them. Secondly, we proposed a regional stratum with little real power: talking shops in all but name, superimposed above the largely unreformed level of local unitary and two tiers councils. Though the anti-politics of the early 2000s may not have been as visceral as today's – it was powerful enough to marshal real opposition to the creation of a costly tier of toothless regional politicians. Lastly, we failed to think holistically about the purpose and powers of government across the whole of the UK: National, Devolved and – for the first time in a generation – **Local**.

Having assessed our past, we should address the future, clear eyed about two critical, sometimes conflicting, modern moods: one, the persisting disillusion, anger even, with politics and politicians and; two, the real desire for greater local control and governance. Those widely held public sentiments should preclude our offering anything which resembles the hamstrung regional assemblies of the early 2000s, which lacked either the powers or the local legitimacy to command support. The second public mood should also impel us to consider that the answer to the English question – and perhaps to addressing people's wider sense of disinterest in politics – may be to re-



imagine English local government in our cities and shires, units of governance that enjoy allegiance and meaning, and which, if properly powered, might provide the right scale for economic and social regeneration to be locally designed and locally delivered.

Tory rhetoric has recognised that vogue in both the Localism Bill and its much anticipated 'Big Society' counterpart. However, the fact that there remains a significant gap between the localising rhetoric and centralising reality in the Localism Bill, likely to be repeated in the forthcoming 'Big Society' Bill, present a clear opportunity for Labour to capture territory that should be ours by right. Yet, for all New Labour's early boldness on devolution, we successfully avoided any significant reform of local government in our thirteen years in office. The patchwork quilt of unitary, two tier, county and city councils were left largely untouched by Labour. Most importantly, we did not address the powers, competences or resources of our councils. Our default position seemed to be not to trust the local and to invest far too much faith in our ability to direct from the centre. Such centralising instincts are clearly at odds with the spirit of the age.

In 2011 and beyond, Labour should have the courage to confront both our traditional impulse to govern from the centre and the contemporary anti-politics, and to champion devolution to a reformed and powerful tier of local government as part of a democratic and accountable antidote to the vapid 'Big Society' vision of the Tories. We should be the party talking about understanding the priorities and needs of local communities, voicing their concerns in the public realm, defending their rights, empowering them to improve their services, encouraging good behaviours and galvanising local people to action. We are the true party of the grassroots, of the little platoons even, but we must not lose sight of the fact that we are also the party that seeks to distribute and democratise power and privilege and that to achieve those ends we need effective and accountable mechanisms at a national and a local level. That is why we should not be entirely seduced by the promise of 'community organisers' at one step removed from politics. Yes, we need to infuse our atomised and dysfunctional, urban communities with a renewed aspiration and self-respect and community organisers may be one means to help us do so. But we cannot create this cadre of community interventionists in lieu of addressing the role and purpose of Local Government and local political representatives.

We should be the party talking about expanding and democratising local authority stewardship of health, education and social services. Economic development and strategic infrastructure investment should also be driven and, to a much greater extent than at present, determined by locally elected representatives and officials, while local referenda and other means of consultation and engagement should keep councils in touch with citizens between elections. In all of this, vital, national standards, frameworks and curricula should not preclude local innovation and even local legislation. Such a strategy requires trust and investment in Local Government, re-infusing the role with renewed civic pride and real responsibility. It also requires resources to be devolved and Labour should be the party which explores options such as reforming and expanding local taxation.

Critically, if this powerful new stratum of English government, with powers hitherto reserved to Westminster and the devolved administrations, is to provide the answer to the English Question, then its form must not follow, but rather complement, its function. It cannot be symmetrical in our country of cities and vales, valleys and counties. Rather its units must have both local meaning and coherence, such that they command belonging and identity. They must also have strategic scale. Those factors will be reconcilable within some units, such as metropolitan districts (eg Birmingham – currently the biggest but least potent urban authority in Europe?) or more populous and self-identifying counties (Yorkshire, perhaps? Cornwall, certainly). Elsewhere, it will require formal collaboration and partnership to deliver populations and geographies that allow properly strategic decisions. Below this strategic level of local government, further devolution might afford greater powers to town, parish and village councils, overseeing street-cleaning, local leisure, cultural and social institutions and events, echoing the responsibilities of community councils on much of mainland Europe.

When a radical Conservative Government is allowing citizens to set up schools beyond local authority, or competition to disaggregate the NHS, or NIMBY campaign groups to thwart strategic development that may be crucial to deliver economic growth or prevent environmental degradation, is it really so unthinkable to expand and embed in our communities the role of locally elected and locally accountable representatives? Or is it a logical step for a progressive party that is seeking to balance the rights of consumer-savvy

individuals against the mutual needs and reciprocal responsibilities of the wider community?

Such a reformation of English local government, allied to the reduced number of Welsh and Scottish MPs at Westminster, would go a long way to answering the English Question. Though it would not satisfy all who 'resent' the ability of the Welsh or Scots to take spending decisions on health or education that reflect the progressive consensus among their populations, it would provide a clear localised form of English self-government – to complement the perennial English dominance of a UK legislature, with 84% of the MPs reflecting England's 84% of the British population. Lastly, it would counter those that also see the fractures in our modern union but are looking to exploit them for their own, anti-progressive or narrowly nationalist ends.

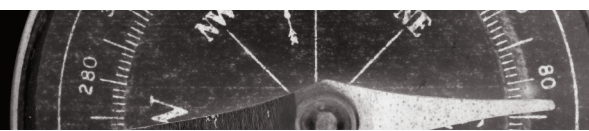
Rousseau wrote in *The Social Contract*, in a prescient pre-echo of this modern debate, that:

'The English people think that they are free, but in this belief they are profoundly wrong. They are free only when they are electing Members of Parliament. Once the election has been completed, they revert to a condition of slavery: they are nothing. Making such use of it in the few short moments of their freedom, they deserve to lose it.'

Devolution to England, at a level which might command local respect and with powers to balance modern individuals' demands for truly responsive government against a community's social and strategic needs, might emancipate the Englishman from Rousseau's enslavement. For Labour, it might allow us to harness powerful sentiments of local identity and belonging, to arrest the common, corrosive impression of national decline, and to foster a politics that will deliver our democratic and socialist goals. Better than Rousseau even, Bevan said that we should 'win power to give it away', a renewed vision of English devolution would satisfy that test and might also breathe life into the constitution of the Union that has provided political, economic and social security for Britain for 300 years past and, with luck, 300 to come.

Owen Smith, Labour MP for Pontypridd & Shadow Wales Office Minister

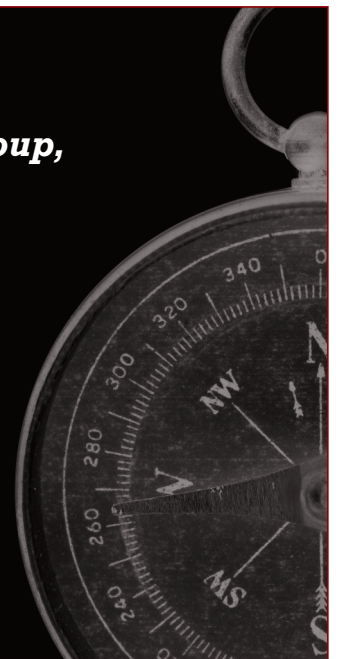
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