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## Brexit and the Future of Scotland

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BREXIT AND THE FUTURE OF SCOTLAND

A Capstone Experience/Thesis Project Presented in Partial Fulfillment  
of the Requirements of the Degree of Bachelor of the Arts  
with Mahurin Honors College Graduate Distinction  
at Western Kentucky University

By:

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2020

## ABSTRACT

Four years after the United Kingdom's (UK) referendum to leave the European Union (EU), many questions remain, especially about the mechanics of the so-called "Brexit." However, there is a general lack of media discussion about the effects of the Brexit on Scotland, who voted overwhelmingly to remain in the EU, and two years prior to the EU referendum, Scotland voted to remain in the United Kingdom by a small margin. One of the main arguments for remaining in the UK was that there was doubt that Scotland could join the EU after leaving the UK. The research question for this project is, "What are the possible paths forward for Scotland in a post-Brexit future? And how likely are these options?"

Keywords: Scotland, Brexit, EU Referendum, Independence

Dedicated to my family for their support, constant fostering of my curiosity,  
and willingness to listen to anything that I am researching.

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## CHAPTER 1

### INTRODUCTION

How will Brexit impact Scotland, and what are the possible futures for Scotland?

The 2016 European Union referendum (known colloquially as “Brexit”) in the United Kingdom has ramifications all over the world, but what it could mean for Scotland is an interesting question that has gripped the public and academic debates for four years. The referendum was a basic majoritarian vote, despite the Scottish National Party (SNP) proposing a referendum that was majoritarian U.K.-wide but also had a majority of “leave” votes in each nation in order to trigger Article 50 and withdraw from the European Union. 54% of the United Kingdom voted to leave the European Union, but 62.0% of Scotland and 55.8% of Northern Ireland voted to remain in the European Union. Even though Brexit was a non-binding referendum that only half of the four nations voter for, and that Scotland and Ireland are not only opposed to, but ardently so, the United Kingdom decided to trigger Article 50, the mechanism in the European Union by which a member state can start the process to leave the union.

So the question continues, why Scotland, and not Northern Ireland? What is so important that an entire thesis needs to be spent on a small portion of an island all the way across the Atlantic? What impact does Brexit even have on the world?

Northern Ireland's situation is a bit more complicated than Scotland's. In part, the complication comes from the fact that not only did Northern Ireland vote to remain in the European Union by a smaller margin than Scotland, but should Northern Ireland secede, they have to face the additional question of whether or not they would join the Republic of Ireland or try to form their own state. Scotland, however, does not have a Scottish state that they can contemplate joining or not. This is additionally complicated, since the Republic of Ireland is an E.U. member state, so they would be able to enjoy member state status, whereas it is not clear whether or not Scotland would be able to join the E.U. Additionally, a bloody history between Northern Ireland and the Republic of Ireland leading back to the Irish Civil War in the early twentieth century, as well as historical religious divisions between the north and south of the island continue in the memories of both. Whatever happens to Scotland will have ramifications for not only one of the United States' key allies and trading partners, the United Kingdom, but also on the European Union. There is no precedent for a former region of an E.U. member state joining the E.U. after independence, and if Scotland secedes from the United Kingdom and attempts to join the European Union, their success or failure to enter the E.U. will set international precedent going forward. This will have economic ramifications for both the United Kingdom and the European Union. Scotland controls much of the United Kingdom's agricultural economy, so if they secede, that would change the trade needs of the United Kingdom. This issue has been a continual point of debate. One of the key arguments for Scotland to stay in the United Kingdom during the 2014 Scottish independence referendum was that if Scotland left the United Kingdom, that would mean that they would have to leave the European Union.

Scotland is a topic of discussion and serves as example of how Brexit impacts the United Kingdom as a whole. As such, over the years, the discourse on Scotland has developed, into the two spheres of discourse, academic and public. The academic debate is centered around how Scotland could avoid leaving the European Union, and this could help explain the results of the EU referendum. The public debate is mostly about the economic ramifications of Brexit to Scotland. These two debates occur simultaneously, but mostly separately, orbiting around each other.

This thesis aims to outline the two spheres of debate, academic and public, and what the debates can tell interested audiences about Scotland's future in a post-Brexit world. To do this, one must review the current literature and then extrapolate the findings of that review into feasible outcomes for Scotland, and how likely they are to achieve each outcome. The primary research question of this thesis is what are the most probably futures for Scotland in light of Brexit? These futures will be determined after a review of the academic and news debates regarding various topics related to Brexit and Scotland. As such, it is incumbent to engage with an extensive literature review that provides an analysis of the two spheres of debate: academic and public.

The field is in need of more extensive literature reviews and meta-analyses, since the literature covers such disparate topics.

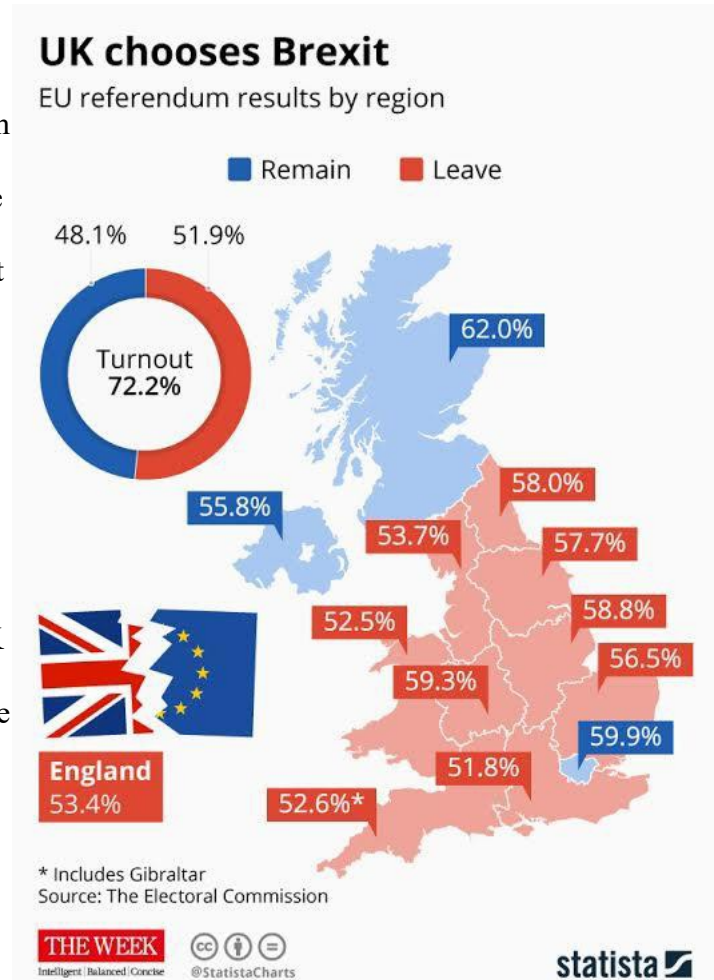
These topics include possible futures for Scotland; for example, Fletcher and Zahn (2017) write about their interpretations of what could happen to Scotland in light of a Brexit. In the literature that follows, the three most probable futures for Scotland will be examined in a comprehensive manner, weighing obstacles and advantages of each possible future.

Much of the literature entertains the question of whether Brexit will happen at all. The finality of Brexit is not guaranteed, as it is not only a non-binding referendum, but the time limit specified under Article 50, which allows for a member state to leave the European Union, is two years, which the United Kingdom has already exceeded. Plus, since Scotland, Northern Ireland, and the Republic of Ireland are all adamantly against the United Kingdom leaving the European Union, leaving the E.U. could complicate relations with the Republic of Ireland or trigger secessionist actions from Northern Ireland and Scotland. The following review begins with an examination of literature regarding the questions surrounding the larger Brexit issues. While this literature is not as all-encompassing as is needed, it is a first step in tying the different subtopics together.

## CHAPTER 2

### LITERATURE REVIEW

In 2016, the United Kingdom (UK) held a referendum on whether to remain or leave the European Union (EU) in an event that was colloquially deemed “Brexit.” “Brexit” refers to both the vote and the event of the UK leaving the EU. Following a surprising “Leave” result, the UK is now in negotiations to leave the E.U., but not every nation voted to leave the E.U. In fact, the only nations within the United Kingdom that had a majority vote to leave the E.U. were England and Wales. However,



*Fig. 1: How Did Your Area Vote?* The electoral results of the 2016 EU referendum by region. (Map by Statistica. In “EU referendum: How did your area vote?”, The Week, June 24 2016.)

due to other factors, the nation most likely to attempt to secede from the U.K. is Scotland. First, some terminology requires defining, as the key players and events of Brexit are the United Kingdom and Scotland. Electorally, Scotland voted 62% (The Week 2016) to

remain in the European Union (which can be seen in Figure 1, from Statistica for the publication *The Week*), which has led to tensions between the nation of Scotland and the state of the United Kingdom. In this usage, “nation” refers to a group of people (often associated with a territory) with a common identity, language, and/or culture; “state” refers to the government that has coercive power over the members of that nation. Often, states and nations coexist, but there are stateless nations (e.g. Kurdistan) and multi-national states (e.g. Canada, Belgium, the United Kingdom). Euroscepticism, which be discussed in greater detail in later paragraphs, is the apprehension of being a part of Europe. It must also be stated for an American audience that constitutional law discussions in the U.K. happen in a fashion that is fundamentally different than how those same discussions happen in the United States since the United Kingdom has no written constitution.

The stunning unpopularity of Brexit in Scotland has led to widespread debate over the likelihood of Scottish secession. However, many of the reasons why Scotland would leave the UK is to preserve its relationship with the E.U., but it is unclear whether or not the E.U. will accept Scotland as a new member state (Fletcher and Zahn 2017). While Scottish secession is improbable for various social, economic, and political reasons, the possible threat of secession is likely enough to be a valuable bargaining tool for the Scottish government to pressure the central government into meeting their demands during the Brexit negotiations.

The literature that was reviewed fell into two distinct categories: the academic and public debate. The academic debate usually had a more theoretical focus and gets into the specifics of topics like the legal options that Scotland has, about Scotland’s cultural

identity, and how much closer it is to Europe than the United Kingdom. Table 1 explains this breadth of topic in the academic arena.

One thing that must be noted about the academic debate is that it varies wildly by subtopic. The public debate is very cohesive, but the academic one ranges from constitutional law to cultural connections to Scottish nationalism. The major failing in the current research is that it's discombobulated, often with authors claiming that they are the only ones writing about Scotland or this very specific subtopic in regard to Scotland and Brexit. While they may technically be one of the few authors discussing that specific subtopic, there is a small academic debate about Scotland post-Brexit.

Normally, geographic distance or a language barrier between researchers might account for some of the lack of communication, but much of the research done on Scotland has been either written by Scottish authors or at the very least published by Scottish or British universities. In this case, the lack of communication between authors can be attributed to their tendencies to focus on very niche subtopics that indeed seldom other authors are writing about. The field is in grave need of more meta-analyses.

The majority of the literature on the United Kingdom after Brexit is equally as diverse in subtopic as the literature is about Scotland. It covers everything from to the international affairs of a post-Brexit world to the impact it will have on European languages to environmental and economic concerns about a not only a post-Brexit United Kingdom, but a post-Brexit world. Some of these pieces will be included in this analysis, but the broader academic debate about Brexit and the European Union is equally as disjointed and veering into wildly different subtopics, although there are a few articles that are commentaries on other works. This means that at least some authors are aware



that some other authors are writing about the European Union and Brexit.

The public debate is, in comparison, extremely concise in sticking to the issues that citizens and politicians identify, instead of issues identified by academics. This is going to annoy some, as Rahmatian (2018) laments that that academia is wholly absent from the public debate. The main two issues discussed in the public debate are the economic fallout of Brexit and the struggle of power that would ensue between the Scottish and British Parliaments. Clearly, the public debate does focus on certain issues, unlike the academic debate, which is diverse. There are some variations, like the 2017 BBC, which was about the international relations of a post- Brexit Scotland, but most news articles focus on either political tensions or the economy.

Before the discussion on the literature about Scotland, this is a quick review of the state of the literature on the United Kingdom and Brexit. White and Barnett (2018) respond to a proposal for a constitutional convention as a result of a lack of a strong sense of identity throughout the United Kingdom. They also mention a lack of understanding that some people have about what exactly Scottish nationalism entails (White and Barnett 2018: 591). Sacerdoti (2017) writes about how the U.K. wants to pursue free trade with the European Union, but the

E.U. is not prioritizing that on their side of the negotiations (Sacerdoti 2017: 3). Ham explores the *forum non conveniens* doctrine, the ability to “decline jurisdiction and dismiss cases in favor of a more convenient and appropriate forum,” in British law (Ham 2020: 720).

Table 1: The Academic Debate

Author (Year)	Glencross (2015)	MacKenzie (2016)	McHarg and Mitchell (2017)	McCorkindale (2016)	Vidmar (2018)	Fletcher and Zahn (2017)
Focus	Euroscepticism and Scottish independence (555).	The cultural history of Scottish identity and the Scottish people.	Scottish identity has changed, as evident in the change in the results of the 1975 EU referendum (Scotland voted to stay) and the 2016 EU referendum.	The tensions between constitutionally understanding the UK as a unitary state or a union.	International treaty law	The different options that Scotland can pursue following the referendum and their consequences.
Main Points	The article predicts that the result of the 2016 vote will exacerbate tensions surrounding both Euroscepticism and Scottish independence (555).	A seafaring nation due to poverty at home and the geography of Scotland (577). Due to this history, Scots have lived all across Europe and are more connected to European identity than British or English identity.	Changes in constitutional law theories over the years has changed Scotland's views of how they can best negotiate with the EU, but time has not changed their desire to be involved in the EU.	The source of the ongoing tensions between the UK and its nations is caused by an evolving understanding of the type of state the UK should become in the future and what it is today.	This details the conflict between international treaty law and constitutional law. It also details the mechanisms through which the UK can legally leave the EU.	All of the options put Scotland in a delicate position after the referendum vote that calls into question many issues with constitutional and international treaty law.
Journal	<i>The Political Quarterly</i>	<i>The Round Table</i>	<i>The British Journal of Politics and International Relations</i>	<i>King's Law Journal</i>	<i>Wisconsin International Law Journal</i>	<i>The Edinburgh Law Review</i>

Vidmar's 2018 article is a good place to start with the literature, since it goes well with Fletcher and Zahn (2017). Vidmar (2018) details the specifics of the legality of Brexit in accordance with international treaty law, and Fletcher and Zahn (2017) also employ arguments about constitutional and international treaty law when explaining the options that Scotland could pursue. Vidmar "seeks to define the exact legal meaning of Brexit and its consequences" (2018: 429) in more technical terms than other authors do

and is the most descriptive of various aspects of EU law. This is the only work cited that is from an American publication.

Fletcher and Zahn also discuss aspects of EU law throughout their article (2017: 98-103), but they focus on the specific set of options that Scotland has in response to Brexit, and how international treaty and constitutional law effects the probability of those outcomes. Fletcher and Zahn claim that the three options that Scotland has are as follows: 1) to secede from the UK, 2) to secede from the UK and seek EU membership independent of the UK, 3) to stay in the UK and try to independently negotiate treaties with the EU to try to make the best of the situation (2017: 98-103). While Vidmar (2018) is more detailed in his discussion of specific EU laws that pertain to the UK in this situation, Fletcher and Zahn (2017) employs arguments with greater clarity that are formatted in a way that is easier for someone without a background in international law to understand.

McHarg and Mitchell (2017) explain debates within constitutional law in a way that gives support partially to Fletcher and Zahn's third option for Scotland. In the 1975 EU referendum, Scotland voted to leave the EU, while the opposite result occurred in the 2016 referendum (2017: 512-513). McHarg and Mitchell describe the change as a result of a change in perception of how Scotland could best negotiate with the EU (McHarg and Mitchell, 2017:512). Scottish discourse in 2016 also looked different than English political discourse.

In 2016, by contrast, Scotland produced the strongest Remain vote of any area in the United Kingdom (Gibraltar excepted), and each Scottish local authority area also voted to Remain. Although the Scottish National Party (SNP) had supported withdrawal in the 1970s, by 2016, no major Scottish party, including the Scottish Conservatives—and

indeed, no major Scottish politician—was in favour of this position. Euro-scepticism [sic] was simply not a significant feature of Scottish political debate, with the UK Independent Party (UKIP) consistently recording its lowest levels of electoral support in Scotland. (McHarg and Mitchell 2017: 513).

McHarg and Mitchell introduce the idea that Euroscepticism is not a facet of political discourse in Scotland today. Glencross (2015) agrees with this, by asserting that Euroscepticism is an idea that has not really permeated Scotland and equivocates Euroscepticism to Scottish nationalism (555). Glencross goes further than McHarg and Mitchell and calls Scottish nationalism an alternative to Westminster's neoliberalism, and emphasizes the political power of Scottish labor union workers (2015: 559).

Glencross (2015) makes the argument that “euroscepticism [sic] and Scottish independence are based on exceptionalist identities that now revolve around economic policy,” (Glencross, 2015: 555). Glencross also predicted that the then-upcoming referendum vote would intensify the two debates. Glencross frames the debate as Scottish attempts to interrupt the spread of the Euroskeptics' underlying neoliberalism (2015: 555). This article was written after the 2014 Scottish Independence referendum and before the 2016 EU referendum, so naturally it focuses more on the former than the latter.

MacKenzie's 2016 essay is unique amongst all of the other works cited because it does not focus on politics or international law at first, but rather on the cultural history of the Scottish people. Towards the end of the article, he uses the foundation that he laid about the Scots to explain the EU referendum. For geographic and economic reasons, the Scots have always been a seafaring people, and that trade has spread Scots all over Europe (MacKenzie, 2016: 577-578). For this reason, “Scottish identity has been much more closely bound up with Europe than that of the English. Hence, it was no surprise to

find that Scottish voting practices in the referendum of 23 June 2016 were so strikingly different from those of the English and the Welsh,” (MacKenzie, 2016: 578).

McCorkindale (2016) frames this issue as being caused by “an internal and uneasy tension between its unitary and union state identities” (McCorkindale, 2016: 354). Within this context, a union is a state that has a national government and devolved powers with their own unique powers, like the United States of America. A unitary state may have devolved powers but almost all of the power lies in the unitary government. While the United Kingdom is a unitary state, the nations within the UK (especially Scotland) have been granted more power and want more of a vital decision-making role in the Brexit negotiations than the UK is willing to give them (McCorkindale, 2016: 355-356). White and Barnett (2018) discusses a proposal for a constitutional convention, and it touches on this same type of tension in identity; the premise for the call for a constitutional convention is based on the need for the formation of a united identity.

Other academic articles are not included in Table 1. Rahmatian (2018), like McCorkindale, discusses the constitutional restrictions that would limit Scotland’s post-Brexit options. Rahmatian makes the critique that academia has been absent from the public debate on the subject (2018). Rahmatian also argues that many of the pro-Brexit arguments misunderstood the European Union as an institution that was primarily designed to prevent war through the integration of economic markets (Rahmatian 2018). Rahmatian notes that Scots worry that the xenophobic sentiment that was evoked in the pro-Brexit could be used against ethnic Scots because they are not English. This compliments MacKenzie’s arguments that Scotland has a closer shared history with Europe than England (MacKenzie 2016).

The public debate found in the newspapers is mostly focused on the views of politicians, but there is a great amount of information on what average Scots think about Brexit and what their options are in that respect does exist. The public debate has a more limited scope than the academic debate. Table 2 provides a visual representation of the scope of the debate.

Table 2: The Public Debate

Author (Year)	Sim (2018)	Smith (2018)	Rampen (2016)	Dann (2017)	No author (2020)	Treanor (2017)
Focus	Political disagreement between the Scottish regional Parliament and the British Parliament.	Political disagreement between the Scottish regional Parliament and the British Parliament.	Economic fallout of Brexit.	Agricultural funding.	Immigration	Economic issues.
Main Points/ Developments	This is about the separation of powers between the central and local authorities, and power struggles like this have increased after the EU referendum.	The Scottish Parliament rejects the Brexit deal. While the U.K. Parliament can overrule this decision, but it would cause political problems.	This was written right after The EU referendum. Poor areas voted to leave the EU, even though the majority of Scotland voted overwhelmingly to stay in the EU.	The Scottish National Party and Scottish Greens want Scotland to have control over the UK's agricultural funding after Brexit.	Scottish first minister Nicola Sturgeon warned that post-Brexit immigration quotas will not be sustainable for Scotland.	The Royal Bank of Scotland was considering moving their headquarters to Amsterdam after Brexit.
Publication	<i>BBC</i>	<i>BBC</i>	<i>New Statesman</i>	<i>Farmer's Weekly</i>	<i>BBC</i>	<i>The Guardian</i>

The articles in Table 2 outline the debate well. Sim (2018) writes about the difficulty deciding which powers post-Brexit should go to the Scottish Parliament as opposed to the Parliament in London. Certain powers that the European Union has now

that would have to revert back to the United Kingdom (for example, making trade agreements and controlling immigration), and the two have been struggling over whether or not certain powers would be devolved to the Scottish Parliament (Sim, 2018).

Arguments over which powers should be central or devolved have occurred between Holyrood and Westminster for a while, but the European Union referendum have increased the prevalence of these (Sim 2018). The Smith piece (2018) is an example of a power struggle between those two seats of government, specifically it concerns the Scottish Parliament's rejection of the Brexit proposal, the proposal for how and why the United Kingdom would leave the European Union, and what effects that could have on the United Kingdom's plan to leave to European Union. Westminster could legally decide to override that decision and leave the European Union, but that would create great political tension between the two Parliaments (Smith, 2018).

The Rampen piece (2016) was written following the vote on the European Union referendum, and it focuses on the economic fallout of Brexit for Scottish businesses, although it does mention that the majority of poor Scots, like poor Englishmen, voted to leave the European Union, unlike the general majority of the nation. The Dann piece (2017) touches on both political tension and economic issues, because it is about how the Scottish National Party (SNP), the majority party in Scotland, and the Scottish Greens want post-Brexit agricultural funding for the United Kingdom to be under Scottish control. This is particularly of interest as the vast majority of farmers in the United Kingdom are Scottish, and Scotland makes the vast majority of Scottish agricultural output. The 2020 BBC article talks about Scottish concerns over the United Kingdom restricting low-skill immigration after Brexit, which will damage the Scottish economy

because they need those workers for the agricultural industry.

The Treanor piece (2017) discusses the Royal Bank of Scotland (RBS) and looks into the consequences of the possible movement of their post-Brexit headquarters out of Scotland. The proposed reason why The Royal Bank of Scotland would leave the United Kingdom is so that they could maintain a European presence and a business path in Europe. This article also underscores some of the economic effects of the United Kingdom leaving the European Union, which is that businesses based in the United Kingdom will no longer have the same level of access to the European market, which means that if businesses want the same level of access to the European market that they had previous to Brexit, they will have to move operations out of the United Kingdom. Doing so will have a disproportionate effect on small businesses that will not be able to move their operations overseas but that will no longer have the same easy access to the European market.

The 2017 BBC article and the 2018 Rahmatian article are very complimentary in topic, which is ironic since Rahmatian does not present a position that the public debate is informed enough by academia. The Rahmatian piece not only talks about the institutional barriers to Scotland being able to leave the United Kingdom and joining the European Union, but it also mentioned that the xenophobia stirred up in the pre-Brexit arguments in support of Brexit could be turned against non-English ethnic minorities (Rahmatian 2018). The 2017 BBC article is about solidarity between Scotland, Northern Ireland, and the Republic of Ireland against Brexit. While the article does not mention ethnic conflicts specifically, it does mention border conflicts, which could exacerbate ethnic issues (BBC 2017).



Other news articles include a 2017 BBC article that talks about how Scottish first minister aligning herself and Scotland with the Republic of Ireland against Brexit. Northern Ireland, Scotland, and the Republic of Ireland are against the United Kingdom leaving, albeit for slightly reasons. They all agree on common issues that Brexit would bring to their nations, but Scotland's main issues with the plan are economic, while the Republic of Ireland and Northern Ireland are concerned about closing the border between them (BBC 2017). Leask (2020) discusses the international security implications that an independent Scotland could have, including Scotland's anti-nuclear stance that could mean that they would remove British missiles from Scottish soil, which is a concern for NATO.

Reviewing this information informs the likely options for a possible future for Scotland after Brexit. The academic debate sometimes ponders the future for Scotland, whereas the public debate tends to focus on current developments. Key takeaways are that it is unlikely that Scotland would be able to join the European Union, due to several factors, Euroscepticism is not a large part of modern Scottish political discourse, and that certain powers currently centralized in the European Parliament would have to return to the United Kingdom, and Westminster and Holyrood are currently engaged in a power struggle over certain areas, like agricultural funding and immigration. All of these takeaways can be extrapolated into three possible futures for Scotland in after Brexit, if occurs.

## CHAPTER 3

### ANALYSIS

From the literature, there are three possible outcomes, but some are more likely than others. This section will discuss the outcome, the positives and negatives provided by the outcome, how likely the outcome is, and what the world would look like should the outcome come to fruition. These three outcomes are as follows: no Brexit, greater autonomy within the United Kingdom, and independence from the United Kingdom. As it stands currently with COVID safety precautions and response detracting from the energy and debate that would be allocated to Brexit and the fact that there is still currently no exit deal between the United Kingdom and the European Union, Brexit is unlikely to occur in the near future. If Brexit does happen, the most likely outcome is that Scotland will demand greater autonomy; it needs to be noted that while this outcome is slightly more likely than the third outcome, the emphasis is on *slightly*. The third and least likely (but still likely) outcome is that Scotland will secede from the United Kingdom, either joining the European Union or not.

Fletcher and Zahn give only two options: independence or European Union membership without independence (2018: 98-99). However, these are not the only two options, and the option that is the most likely often gets ignored on the assumption that of course Brexit is going to happen. This assumption, while academically and legally sound, fails to account for the public debate and the absolute refusal of the Scottish public to go quietly into that good night with Brexit. It is important for scholars to not only review the academic debates in situations like this, but also look to non-academic's positions as they

are stakeholders in the situation's outcome as well.

**Option One:**

The first option is the least dramatic and least fun one to analyze; however, as the years continue, it is becoming increasingly the most likely. With COVID-19 outcomes and safety measures dominating much of the news and the fact that the United Kingdom has failed to present the European Union with an exit bill that has been approved by all of the regional legislatures, it is unlikely that the United Kingdom will be leaving the European Union any time soon. Scotland rejected the United Kingdom's exit bill in 2018 (Smith 2018). The Kingdom continuing to push through a bill rejected by a regional Parliament would definitely escalate tensions and overall be unproductive and result in angering the Scottish more than they already have been angry about Brexit (Smith 2018). The United Kingdom has already exceeded the two- year time limit in Article 50, which is the E.U. provision that allows a member state to leave the union (Vidmar 2018: 428). The provision allows for there to be a two-year negotiation period between the European Union and the leaving member state, and if the two bodies do not come to an agreement by the end of that period, then that cuts off the member state from the European Union entirely without any relationship with the union (Vidmar 2018: 428). The European did vote to extend this two-year period, but if they were willing to do it once, they might be willing to keep extending the deadline.

With this option, the benefits are that the United Kingdom and all its nations can avoid the economic devastation that would come from not being able to have the same access to the European market. No businesses would have to leave, and low-skill immigrants could still have access to the Scotland, thus providing agricultural labor that

powers Scotland's large agricultural economy. Another positive will be that this will hopefully not exacerbate the ethnic tensions between the Scots and British, like Rahmatian (2018) suggests might happen after Brexit.

Another benefit to this future for Scotland is that the E.U. referendum and Brexit negotiations have exacerbated previously existing tensions in the United Kingdom, mainly xenophobia and the power struggles between Westminster and the regional Parliaments. If Brexit did not happen, that would lessen a lot of those tensions, although there is an argument to be made that they will not simply go away, only lurk under the surface of public discourse for a few years only to reappear later. The United Kingdom, which does not have a very revolutionary political culture, does not do very well with change, and while other states might even encourage tensions to rise in order to affect change, that is generally not how the United Kingdom prefers to operate. If they have the choice to opt out of Brexit altogether, they might take it.

As previously stated, this option may be ignored because it is not very dramatic, and the academic debate takes for granted that following the referendum is what the government would actually enact. Since the European Union referendum is non-binding, the decision to leave is largely built on misleading or inaccurate statistics and xenophobia. Both Northern Ireland and Scotland are united in their view on leaving the European Union, even citing the same reasons publicly (BBC 2017). The Scottish government refuses to entertain the notion of leaving the European Union, and while Westminster could overrule Holyrood, it would create negative optics and probably cause more problems than it would solve.

One negative aspect of this option is that the xenophobic sentiment that was used

to make pro-Brexit arguments in the lead up to the referendum vote could either go away (which is a desirable outcome), or be suppressed so long that they inevitably rise to the surface of public discourse in an equally or perhaps even more destructive vote or decision down the road. Nationalist identities have been growing in the United Kingdom for years, and the English are starting to get exacerbated by what they feel are unnecessary regional identities (White and Barnett 2018: 591). The English sometimes confuse the nationalist movements in Scotland, Wales, and Northern Ireland as ethnic nationalist movements, when in reality they are more similar to civic nationalism, and this is especially true of Scottish nationalism (White and Barnett 2018: 592).

Another negative aspect of this option is that it could be perceived as subverting democracy. To better illustrate the issues of democratic subversion. The SNP originally proposed that the vote not be a simple majority, but in order for the United Kingdom to actually leave the European Union, all four nations would have to all have a majority “leave” vote in order for the United Kingdom to trigger Article 50 (Vidmar 2018: 440). Since all four nations would have to leave the European Union together, there probably should have been four different votes instead of the one referendum for the whole state, and it would be an easy argument to make that a decision that requires a majority vote from all four nations of the United Kingdom is democratic. The argument about the democracy of this option can be found in the academic literature, literature that seems to take for granted the idea that the U.K. would in fact leave the E.U. Yet the public debate was not nearly as settled, and news coverage portrays the issue as if it is an ongoing struggle rather than an inevitability.

Just because something legally or constitutionally should or could happen, does

not guarantee that it will, even in a democracy. This is simply because there is more to democracy than voting. For example, authoritarian states will hold “elections” because they are an easy tool to give the regime a veneer of legitimacy and democratic aesthetics. Democracy is not just following the results of an election. While elections are supposed to be indicators of public opinion, what should happen if the calculated public opinion is not accurately represented in the election results? This is especially complicated because of the misinformation that preceded the E.U. referendum coming from the “leave” campaign. This begs the question as to what is even is the most democratic action to take in this situation? The simple answer is to follow the referendum, but then the question is about how democratic is it to override the wants of not only the Scottish but Irish people as well? How is a referendum truly democratic when one side of the campaign spread blatant misinformation as their argument to leave the European Union? If the people were deliberately misled into believing one thing, can that really be considered a democratic decision? Democracy, especially in this case, is very complicated and academics do themselves a disservice when they try to simplify it by only analyzing constitutional law and institutional power. The widespread sentiment against Brexit in Scotland makes it harder to argue that leaving the European Union would be completely democratic, but since England and Wales voted to leave, staying would be going against their democratic wants. In fact, before the official Brexit referendum, the Scottish National Party (SNP) proposed that the vote should be “a U.K.-wide majoritarian vote that would require support in all four constitutive countries: England, Wales, Scotland, and Northern Ireland” (Vidmar 2018: 440). It’s a difficult situation, and while most academics understand that it is complex from an institutional or constitutional perspective, since

most academics barely mention the public debate, they tend to ignore the complexity of the public opinion and informal democracy.

### **Option Two**

The second option is the most likely to occur if the United Kingdom does indeed leave the European Union. Still, this is not as likely as Brexit may simply not happen in the foreseeable future. This option is that Scotland gains powers that were previously under the purview of the European Union, like immigration, economic spending, trade policy with certain Scottish industries, thus gaining greater autonomy even while remaining in the United Kingdom.

The reason why staying and gaining greater autonomy is more likely than leaving the United Kingdom is that scholars are unclear whether or not Scotland could technically join the European Union, as there is no precedent for that in the history of the EU. This is one of the reasons why the Scotland chose to stay in the United Kingdom in the 2014 referendum, and the main motivator for Scotland to leave the U.K. after Brexit would be for Scotland to join the E.U.

Even though Scotland probably can't join the European Union while remaining in the U.K., Scottish politicians and political parties still use the threat of secession as a tool in negotiations with Westminster. There have been calls to hold another independence vote if the U.K. actually passes a Brexit bill through the E.U. Parliament. Leaving the E.U. would send shockwaves through every part of British society and be a destabilizing force. On top of that, the threat of Scottish secession would further destabilize the state, which is something the United Kingdom wants to avoid.

Scotland's access to greater autonomy could have several various outcomes. It

could mean that Scotland has a few powers that the European Union currently has over the United Kingdom, or it could mean that Scotland is given almost complete autonomy on their economic and diplomatic relations with the E.U. Scottish politicians already want all control over the United Kingdom's agricultural funding after Brexit to go to Scotland (Dann 2017). Scottish first minister Nicola Sturgeon has already expressed that Westminster's post-Brexit immigration is inadequate to suit Scotland's economic needs (BBC 2020).

Any Brexit negotiations will have enormous implications for Scottish trade with the EU, drastically impacting the Scottish economy. Trade within the EU is relatively easy because the states have agreed-upon trade guidelines, but trading with the EU as a non-member state can be more difficult. The Scots want greater autonomy in negotiations with the EU in general, but they cannot negotiate directly with the EU because the UK is a unitary government, and the devolved powers at the national level do not have unique powers that supersede the powers of the unitary central government (Fletcher and Zahn 2017: 100).

In a sense, the fate of the Scottish economy is under the jurisdiction of the UK government and the Scottish Parliament does not have any autonomy in negotiating with the EU. Utilizing a threat such as secession to influence the Brexit negotiations and the trade negotiations pertaining to Brexit in particular could grant Scotland at least some control over their future situation. It could work to pressure the British Parliament, and the Scottish National Party has seats in the British Parliament to aide in pressuring that entity.

The positive effects to gaining greater autonomy are that Scotland could sidestep



some of the economic fallout of leaving the European Union, negotiate directly with the European Union, and perhaps satisfy Scottish civic nationalism for a little while. It might not be enough to satisfy the Scottish nationalist movement long term but depending on the amount of autonomy that Scotland is able to negotiate from Westminster, it could be enough for a while. By being able to negotiate directly about trade with the European Union, Scotland will be able to control the economic fallout of Brexit, thus being able to mitigate the damage that Brexit could do to the Scottish economy. As it stands right now, Westminster and Westminster alone have complete control over all Brexit negotiations, which is part of the tension between Holyrood and Westminster.

The negative implications of this option fit into two categories: the negatives of threatening secession in order to achieve greater autonomy, and the negatives of having to leave the European Union. Threatening secession may be the best solution for Scotland, but there are some negatives that would complicate using the threat of secession. The Scottish Parliament would have to time this well, because if they threatened to hold an independence referendum too early, then they will take themselves away from the table without having acquired a favorable deal for Scotland. On the other hand, if they only threaten such a referendum for too long without a follow-through, then the threat will lose its potency. The threat only works if the UK government believes that Scotland could feasibly believe that Scotland could actually secede.

While the UK government could take the threat seriously, they could also perceive it to be political grandstanding on the part of the Scottish and ignore it. The only way that the threat could work as a negotiation tool is if the UK sees the threat as legitimate. If the UK perceives the threat as illegitimate, then there is no incentive for

them to bow to any demands made on behalf of the Scottish people. The Scottish Parliament must make it clear to the British Parliament that the former entity has every intention of seceding should the threat not be taken seriously. Then, if Scotland secedes after the British Parliament continues to ignore their demands, then the Scots have both lost their negotiating power and have angered a global power for the possibility that it might join the EU in the future.

Unfortunately, this future necessitates that Scotland leave the European Union permanently. One of the major reasons to vote to stay in the United Kingdom in the 2014 Scottish independence referendum was that leaving the U.K would mean leaving the E.U. Scottish nationalism is not Eurosceptic, and actually Scottish national identity includes a close relationship with the European continent, and some have argued that part of Scottish national identity historically is having close cultural ties with the continent of Europe. Also, even greater autonomy from the United Kingdom is not going to satisfy Scottish nationalists for long. If Scotland remains in the United Kingdom, it will likely leave the E.U. and with no option to rejoin. If, however, Scotland secedes from the United Kingdom, it may or may not be able to join the European Union.

It is unclear whether greater autonomy will impact the xenophobia that some are worried that the Scots will get. There's an astonishing lack of understanding by Englishmen of the nature of Scottish nationalism, with some thinking that anyone not ethnically Scottish will be thrown out of the nation, when that is not what Scottish nationalism is at all (White and Barnett 2018: 591). Additionally, nationalist movements in Wales and Northern Ireland exist, and the result could be that people in England who misunderstand Scottish nationalism use it as an excuse for ethnic nationalism or

xenophobia.

The occurrence of this scenario is slightly more likely than independence. In conclusion, Scotland could use the threat of secession as a tool to obtain greater autonomy from the United Kingdom. It is unclear whether this will satisfy Scottish nationalism or not, and it is also unclear whether or not it will have any effect on possible xenophobia towards Scots. This option also necessitates leaving the European Union, whereas other options do not, and ultimately, the main goal of Scotland is not to leave the European Union.

### **Option Three**

The third and least likely option is Scottish independence. This is not only the least likely result as it would require Brexit to actually happen, and because greater autonomy seems to be more feasible than independence. However, it has its advantages just like the others, and is the most drastic solution, and definitely the solution that is that Scottish politicians posture as if this is the one that they'll choose. Posturing for independence aides any attempts that they want to gain greater autonomy, since the United Kingdom has a vested interest in keeping Scotland part of the United Kingdom.

There are many positives to this option; this option, unlike the previous one, at least allows for the possibility, albeit a slim possibility, that Scotland could join the European Union. If this occurred, the long-term economic fallout of leaving the E.U. would be avoided, although Scotland would have to exist outside of the E.U. in an interim period before they were accepted. Even so, they would be able to directly negotiate with E.U. themselves, as opposed to only being able to approve of what

Westminster negotiates. Scottish politicians are lobbying for greater autonomy to negotiate directly with the European Union, if, however, Scotland gains independence, it will be able to unilaterally set its own terms in the interim between leaving the United Kingdom and joining the European Union. This is preferable to the current arrangement of Westminster making deals with the European Union when Scotland does not even want to leave the European Union in the first place. Being forced to leave the European Union and being prevented to mitigate the damage that will be done to Scotland is the main reason why Scottish politicians are threatening to hold a second independence referendum the moment that something happens in Brexit that is unfavorable to Scotland.

The main reason likely resulting in Scotland's secession from the United Kingdom would be in order to join the E.U. The academic debaters do not have a consensus on whether Scotland would actually be able to this, since there is no precedent for a former region of a member state joining the European Union. With or without secession, "an independent Scotland would be the clearest legal route to membership of the EU should the UK leave, although by no means guaranteed," nonetheless at least Scotland could legally be able to apply to join to E.U., whereas it could not join as only a region of the United Kingdom (Fletcher and Zahn 2017: 95). With this option, Scotland has an opportunity to rejoin the United Kingdom, whereas the chances are much slimmer should they try to lobby for greater autonomy.

Scotland would probably have the support of Northern Ireland and the Republic of Ireland, considering the 2017 BBC article, which states those three nations' united front against Brexit, for various reasons. The main reason why this is improbable is the United Kingdom's interest remains to block Scotland from seceding. Not only are there

historical ties between all of the nations and England, but since Northern Ireland is also against Brexit, there could be worries that independence for Scotland would embolden Irish separatist movements. Northern Ireland's fate is a little more complicated in some ways than Scotland, because if they leave the United Kingdom, they have the option of either joining an existing state or creating their own; however, if they wish to remain in the European Union, they should join the Republic of Ireland since it is an E.U. member state. There is a Welsh separatist movement and political party, but since Wales voted originally to leave the European Union, then Scottish secession based on European Union membership may not sway them, but they could be persuaded by Scotland's example of independence in general. In short, Scotland's secession could cause a domino effect of separation, and as such the United Kingdom would try to prevent Scottish secession.

An obstacle to this option is that Scotland would have to negotiate with the United Kingdom directly, and secession will understandably make those relations very tense. Unlike Wales, or Northern Ireland should they choose to secede, Scotland shares a land border with England, and since neither state will be an E.U. member state, they will have to enforce a border there, which could lead to political violence. It could also just generally be difficult to negotiate with a power that one just seceded from; it took the United States and the British Empire a while before they were on good diplomatic terms. Part of this very struggle is seen in Brexit negotiations now; the European Union is not happy that the United Kingdom is leaving the union, and that is making negotiations very difficult between the two Parliaments. With the history between England and Scotland, there is the potential for the negotiations to escalate tensions between those two powers.

The other main obstacle to this future is that it is not guaranteed that Scotland will

be able to join the European Union after secession. There is no precedent for a former region of a European Union member state rejoining the European Union, and even if Scotland could rejoin the European Union, it could take years. The literature is inconclusive about how feasible this is; if pressed to draw a conclusion, it is cautiously optimistic. The problem is that the main factor for secession would be for European Union membership, which option two does not allow for and remaining in the European Union is currently a primary goal for the Scottish Parliament, politicians, parties, and first minister. If Scotland were to secede and were not able to procure E.U. membership, then they would have potentially escalated tensions between England and Scotland, possibly inspired secessionist movements in Northern Ireland and maybe Wales, still have to deal with the economic repercussions of leaving the European Union, all to end up permanently outside of the European Union anyways. It has a higher reward than the second option, because Scotland finally gets independence and possibly European Union, but it also has a higher risk in that Scotland will have to go through a lot in order to only maybe be able to join the European Union.

A positive aspect of this future is that since Scotland has already formed a positive relationship with the Republic of Ireland and Northern Ireland (BBC 2017), so they might have allies in their independence efforts. Seceding from the United Kingdom to join the European Union might make it easier for them to negotiate with the European Union before Scotland is admitted into the E.U. and also ingratiate Scotland with the European Union, making the E.U. amenable to negotiating with Scotland. Scotland is going to need allies when they secede, as diplomatic recognition and established allies are vital for new states. If the Scotland has the support of Northern Ireland, E.U. member

state the Republic of Ireland, and even a few E.U. member states, that would ease their transition into an independent state. Secession is a difficult process, especially when the newly independent state is seceding from a regional or global power like the United Kingdom. The state that the new state is leaving does not even have to be powerful themselves, as long as they have powerful allies, other states will be hesitant to recognize the new state. Historical examples of states that have had difficulty receiving diplomatic recognition because of either the power of the state that their trying to secede from, or their allies are Taiwan (because of the People's Republic of China) and the Western Sahara or Sahrawi Arab Democratic Republic (because of the United States' and other powerful states' support for Morocco). Part of the reason why the Kurds still do not have a Kurdish state, despite it being promised to them after World War I, is because in order to officially establish Kurdistan, the Kurds would have to secede from not one, but four states, and they lack a lot of strong international allies.

However, if Scotland cannot get allies to recognize it and risk angering the United Kingdom, that could really hinder the Scottish economy and their ability to have diplomatic and trade relations with other states. It could also be an international security risk for Scotland to not have any allies, since they would be left out of diplomatic meetings about international security. They may or may not be able to join NATO, and they may or may not be able to join other IGOs. If Scotland is allowed into the European Union, it will probably make it easier for them to join other IGOs, and since the United Kingdom will not be a member of the European Union and Brexit negotiations have soured relations between the E.U. and the U.K., the United Kingdom will not be able to do much to prevent Scotland from joining the European Union. There is a possibility that

if Scotland is able to join the E.U., their membership will be able to legitimize them enough to make their membership into other IGOs and diplomatic circles easier, but it is not guaranteed that Scotland would be able to join the European Union.

In light of security risks, there are British nuclear submarines that are currently based near Glasgow, but Scotland has vowed to not be a nuclear state despite also wanting membership in NATO, which highly prioritizes those nuclear weapons (Leask 2020: 14). There is also international concern that Scotland will not align with the United Kingdom on certain future foreign policy decisions; Leask mentions concerns about Scottish decisions over Libya and Iraq specifically, but this concern is not limited to those areas (Leask 2020: 17). If Scotland wants to remove the nuclear-armed submarines from their territorial waters, then NATO would have a problem with that, possibly jeopardizing Scotland's ability to join NATO. Since NATO's main concern is that those submarines are the United Kingdom's only nuclear deterrent, according to Leask (2020), that raises the question of why those submarines have to be stationed off of the coast of Scotland and they absolutely cannot be moved to the south, off the coast of England.

In summary, Scottish independence has many benefits, the chief of which is that Scotland could be able to join the European Union, and that they might already have allies, which they would need in order to secede from a power like the United Kingdom. Some of the obstacles are the difficulties of secession, and the international security and diplomatic risks that Scotland might face as a result of leaving the United Kingdom, especially in the interim period before they can join the European Union. While most scholars are cautiously optimistic Scotland's ability to join the E.U., it will still take some time before they are accepted into the union. During this time, there will be a struggle to



establish alliances, although they might already have an ally in the Republic of Ireland in particular. The United Kingdom also has a vested interest in not allowing Scotland to secede, which is another obstacle to this option. The separatist movements that have been steadily expanding in Northern Ireland, Scotland and Wales. The reason why this is option is the least likely is that although it has the opportunity to provide Scotland with what it wants: a Scottish state and E.U. membership, it also has obstacles are great and the E.U. membership might not even happen. The first future does not have much of these obstacles, while still allowing Scotland to have European Union membership. The second one, while it does require Scotland to leave the E.U., would allow for Scotland to negotiate directly with the European Union on their own terms, instead of London negotiating for Scotland. This is still a likely future for Scotland.

## CHAPTER 4

### CONCLUSION

In conclusion, the academic and public debates can inform what the possible futures for Scotland could be, and from these possibilities, the community can plan for each possible outcome. These three futures are not the only ones that are possible: Brexit could happen without giving Scotland greater autonomy, Scotland may not be able to join the E.U., there could be another Brexit referendum that has a different result, etc. However, based on the literature, the options outlined of no Brexit, greater Scottish autonomy, and Scottish independence are the most likely futures for Scotland. There are many benefits and obstacles for each of these futures.

Key takeaways from this thesis are that no matter what happens, Scotland will continue to be in a difficult position, and that a significant number of problems have been and continue to be caused by tensions between England and Scotland. An underlying problem in Scottish politics is that they are not allowed full autonomy under a British unitary government, and decisions like Brexit only exacerbate the sentiment that Scotland is being ignored. Brexit could be interpreted to feed the narrative that Scotland is being forced into actions that Scotland does not want to take. This is Scottish politicians rejected the United Kingdom's E.U. withdrawal bill, because they do not want to be forced to follow a course of actions that Scotland voted against following (Smith 2018). Another key reflection is the need to not have research that is too niche, as that can result in disparate topics. What appears to have happened is that the academic authors chose specialized topics after Brexit, and then much of the research by consequence was highly

specific. Many articles include general information on Brexit, so a general audience reader would have some idea of what they are talking about, but the specialization makes it difficult to ascertain a consensus. When Rahmatian (2018) says that the academic debate outside of constitutional law is absent from the public debate, one wonders if that might be a result of the specialization making it difficult to apply lessons from the academic debate to the public one. Also, as pointed out in the literature review, there is a news article about immigration, not constitutional law, that agrees with Rahmatian.

There are many areas for further research in this field; there is a need for meta-analyses and large literature reviews because the academic literature especially varies wildly by subtopic. This is also not meant to be an analysis about the United Kingdom as a whole; all of these futures have implications for the other nations in the United Kingdom that was not discussed in as great of detail as it could have been. This could be a plan for future research. Comprehensive opinion polling of the Scottish public could also be a plan for any future research.

This research is important because it attempts to collect information from academic and news sources and apply that information to discern what Scotland's future might be after Brexit. Scotland, as the home of a significant portion of the U.K.'s agricultural economy, is important to study for economic reasons. Scotland is also important to study because if Scotland secedes from the United Kingdom, that might embolden at least Northern Ireland, if not Wales as well. There are also international security implications of an independent Scottish state.

I must admit that my research has some limitations. First, I was not able to do

opinion polling on my own, so I do not have my own data on some of these issues.

Secondly, this did not have as extensive a literature analysis as I would have liked to have done, which was mostly a result of time restraints on my part. The public debate also shifted away from Brexit a little and towards the COVID-19 response in the United Kingdom.

However, the importance of research like this is that it can help prepare the international community for seismic shifts, like Brexit and possible Scottish secession. If research like this continued, the academic community, as well as possibly the public, would be able to anticipate the consequences of certain actions. The community would be able to engage in a better-informed general debate, instead of many people looking at small niche areas of research under this same topic with nothing to guide the discussion.

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