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Article:

Gamble, A. orcid.org/0000-0002-4387-4272 (2016) *The Conservatives and the Union: The 'New English Toryism' and the Origins of Anglo-Britishness*. *Political Studies Review*, 14 (3). pp. 359-367. ISSN 1478-9299

<https://doi.org/10.1177/1478929916649614>

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The Conservatives and the Union: the 'new English Toryism' and the origins of Anglo-Britishness

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The Union has for over a century been one of the cornerstones of Conservative politics, but it was not always so prominent. It was a rather late addition to the Conservative armoury, dating from the end of the nineteenth century, and in the last twenty years its value has been increasingly questioned. The creation of a Welsh Assembly and the re-establishment of a Scottish Parliament alongside the new power-sharing arrangements for Northern Ireland have raised questions over the viability of the existing institutional form of the United Kingdom, the old union state, but there is no agreement over what should replace it. While the Conservative party remains committed to maintaining the Union, the strength of its commitment has begun to be doubted, and some in the party have shown signs of wanting to give priority to English interests and English institutions. Is the Conservative party ceasing to think of itself as a Unionist party?

A new English Toryism is emerging, which has a strong continuity with an older English Toryism which was partially buried by the ascendancy of Unionism. English Tories have always considered the Union to be desirable but it comes second in their thinking to the need to protect the sovereignty of the British state, the core of which is England and its traditional institutions. What is new about the contemporary Conservative party is that there is within it the revival of an English Toryism (Heffer 1999) which is happy to discard the older clothes of Empire and Union once so important to Conservative identity, and is unabashedly English in its focus (Kenny 2014). If other parts of the United Kingdom want to participate on English terms and show they are prepared to value the things which English Tories value then they are welcome to be part of this new assertive England. But the appetite among this part of the Conservative party for maintaining the old union state appears to be waning. There no longer seems to be any passion about defending the Union among these Conservatives or even of thinking about the United Kingdom in Unionist terms.

The Conservatives came to be identified as the party of the Union because of the Irish Question. They bitterly fought the rise of Irish Nationalism and the plans made by the Liberals to grant Ireland Home Rule. They made common cause with those Liberals who split from their party on this question and who styled themselves Liberal Unionists. In 1909 the Conservative Party added Unionist to its name and became the Conservative and Unionist party, a coalition of Conservatives and Unionists. A formal merger with the Liberal Unionists took place in 1912. Even after the Republic of Ireland separated from the UK, preserving the Union of England with Wales, Scotland and Northern Ireland remained central to the purpose of the Conservative party. Ulster Unionist and Scottish Unionist MPs took the Conservative Whip at Westminster. .

In 1955 the Scottish Unionists won fifty per cent of the vote and fifty per cent of the seats in Scotland. The Conservative party's alliance with the Ulster Unionists was also solid, and the party enjoyed substantial representation in all parts of the United Kingdom including the northern cities. All that changed from the 1970s onwards. Northern Ireland became even more detached from the rest of the UK political system once the Ulster Unionists gave up the Conservative Whip following the suspension of Stormont in 1972. The Scottish Unionists formally became the Scottish Conservatives in 1965. Under Edward Heath the Conservatives responded to the growth of nationalism by initially supporting devolution for Scotland but under Margaret Thatcher they rejected devolution became intransigently opposed both to any weakening of the Westminster

Parliament. It was a strategy which failed to stem the long-term decline of Conservative support in Scotland. In 1997 the party did not win any of the 72 Scottish seats, and its vote share was 17 per cent. In the four elections since then the Conservatives have won only one seat and their vote share has declined further to around 15 per cent. The party has fared better in Wales where it has averaged around 25 per cent share of the vote, and although not winning any seats at all in 1997 and 2001, has since recovered, winning 11 of the 40 Welsh seats in 2015.

In its 2015 election manifesto the Conservatives declared: 'The Conservative Party is the party of the Union – and we will always do our utmost to keep our family of nations together.' This was already a change from earlier manifestos which tended to speak simply of Britain, implying an uncomplicated unity. Devolution of powers to Scotland and Wales in 1998 and the Good Friday Agreement which established power-sharing in Northern Ireland have fundamentally changed territorial politics in the UK. The old union state has been undermined, and with it the rationale of the Unionism to which the Conservatives have subscribed. There is a new emphasis on England and the needs of England. The 2015 manifesto went on to highlight the need for English Votes for English Laws (EVEL): 'One fundamental unfairness remains today: Scottish MPs are able to cast the decisive vote on matters that only affected England and Wales, while English and Welsh MPs cannot vote on matters that only affect Scotland. This leaves a space for resentment to fester – and put our Union in jeopardy.' (Conservative Party 2015) There are now voices urging the party to rethink its politics and to recast itself primarily as an English party. This is in part a plea to return the Conservative party to its Tory roots, shorn of the Whig trappings of Union and Empire which have been the framework of Conservative politics for so long, and the basis of their appeal as a One Nation party. Unionism remains the official position of the party, partly because of the ingrained habit of thinking of the state as *the United Kingdom*, but it makes less and less sense to many party members and MPs, and the political logic is leading the party away from defending the Union as a priority.

Tories and the union state

The history of the Conservative party in relation to the Union is a complicated one. The loose Tory parliamentary faction which preceded the modern Conservative party originated before the creation of Great Britain. The term Tory was pejorative, an Irish term applied during the civil war by Cromwell's armies to Royalists during the Irish campaigns. The Tories were pursued men, outlaws. After the Restoration the term was revived as an insult to refer to the faction which supported the Crown and the succession of James VII and II to the throne despite his adherence to Roman Catholicism. Although most Tories in England were Anglican rather than Roman Catholic, they put loyalty to the Crown above everything else. After James was deposed, many Tories continued to regard him and his heirs as the legitimate monarch. The Whigs pushed through the Act of Succession in 1701 to ensure that if there was no (Protestant) Stuart heir, the succession should pass to the Electors of Hanover (who had a tenuous claim to the throne but were Protestant). After 1714 many Tories were not reconciled to the first two Hanoverian Kings and continued to support the Jacobite Pretenders. This allowed the Whigs to question the loyalty of Tories, and their leaders were excluded from office. Only after the failure of the second Jacobite rising in 1745-46 did loyalty to the actual King, (rather than the King over the water) and to the established Anglican Church become once again the touchstones of Tory identity. English Toryism between 1688 and 1746 was distinct from Jacobite support in Ireland or Scotland where it was much more closely associated with Catholicism.

During the reign of George III Tory politicians once again formed ministries. They were above all legitimists, defenders of the Crown and its prerogatives, defenders of the Church of England against Dissenters, and hostile to reform, particularly where it concerned the rules for election to Parliament or the rights of property. Many Tories had been opposed to the Act of Union with Scotland in 1707 because they feared it might undermine English institutions and the English Constitution. They were even more strongly opposed to making any concessions to the American colonists, because that would encroach on royal prerogatives, and attempted to suppress them by force. Those colonists who continued to support the Crown became labelled Tories by the revolutionaries. The Tories accepted the union state, and further strengthened it with the Act of Union in 1801 which incorporated Ireland into the United Kingdom, but at the core of Tory thinking about the state and the constitution was the primacy of England. Wales, Scotland and Ireland were not equal but subordinate nations. They were joined to England but on English terms. What mattered most for Tories was that the principle of undivided national sovereignty – Crown-in-Parliament – should be upheld. This meant a strong, centralised executive authority whose writ could not be challenged within the territory of the British state. The key institutions in this state were the Crown and the Church. Tories accepted that monarchs must rule through Parliament, but it was the prerogative powers of the Monarch and the defence of the institutions of the English state which were most important (Amery 1947). So long as the other nations of the United Kingdom were loyal to the Crown and therefore to the ‘empire of England’, they might be accorded certain privileges and autonomy. If they were disloyal, demanding concessions which threatened the executive authority of the Crown and its Ministers then they had to be crushed. Tory ministers refused to accommodate the demands of the American colonists, and instead attempted military repression.

Even when the Conservatives formally became a Unionist party in 1912 this same Tory reflex can be seen at work. Conservative Governments were prepared to provide extra resources for Ireland in a bid to meet Irish grievances, but they were implacably opposed to Home Rule because it threatened to dilute the authority of the British state. Conservatives felt so strongly about this that they were willing to support mutiny in the army against the Liberal Government, believing that its actions in preparing to coerce Ulster were illegitimate because it depended for its parliamentary majority on the support of the Irish National Party whose loyalty to the Crown was suspect (Blake 1985). The same logic, in much milder forms, has been on display in the reaction of the Conservatives to the rise of Scottish Nationalists seeking independence. The Conservatives wanted to retain the informal arrangements of the union state in which Scotland in practice enjoyed a great deal of administrative devolution and a financial settlement which was much more generous than for many other parts of the UK, together with its own Cabinet Minister which parts of England with greater populations than Scotland lacked. Where Conservatives drew the line was restoring a Scottish Parliament, which they feared would strengthen not weaken nationalist sentiment, and create a political forum for the magnification of Scottish grievances against England, leading inexorably to separation.

As a political philosophy Toryism was to become much more sharply defined through the response of Tories to the French Revolution, and to the claims for new political rights which it helped unleash. They fought a rearguard action to defend the increasingly unrepresentative British state. They delayed but were ultimately not able to prevent the Great Reform Bill in 1832 and the passage of liberal legislation which ended many privileges and exclusions once dear to Tory hearts. Tories

identified themselves in the nineteenth century as the champions of the traditional institutions of the British state – Crown-in-Parliament (King, Lords and Commons), the Church of England, the Law, the Universities, the Bank of England, the Army and the Navy. As Linda Colley has argued these institutions were consciously used in the eighteenth century to forge a British identity for the new union state (Colley 1992). This achieved considerable success but at their core a distinctive English identity remained. Tory governments legislated to advance a free economy in the 1820s, but it was English Tories who became the backbone of the fight to preserve the Corn Laws and agricultural protection in 1846. Agricultural protection was seen as vital to protect the interests of the English landowners. This proved another lost cause, along with the attempt to preserve discrimination against Catholics, Jews and Dissenters. In the new liberal era after 1832 the Conservatives fared poorly. There were some Conservative administrations between 1832 and 1886 but not many.

What transformed the situation for the English Tories was the realisation by Conservative leaders like Benjamin Disraeli, Lord Salisbury and Randolph Churchill of the potential of the Empire and the Union to provide the Conservatives with a new popular appeal as the franchise was gradually extended. In this way the traditional conservatism of the Tories was joined with the much more dynamic popular movements of Union and Empire, which were linked to the Protestant working class in Northern Ireland, Scotland, and some of the big English cities like Liverpool. The maintenance of England's institutions was not forgotten but was subsumed within greater wholes. The need to defend the Union and the Empire against internal and external enemies took precedence. All parts of the Union and the Empire were accorded the status of full members of both so long as they professed loyalty to the British Crown and the Westminster Parliament. Joining the traditional concerns of the English Tories with the energy and enthusiasm of new popular movements transformed the Conservative party into a formidable mass political party, one of the most successful parties of the Right in the democratic era anywhere in Europe (Blake 1985).

Yet ultimately the attempt to keep the Irish within the Union failed, and Conservative efforts switched to protecting that part of the Irish population which wished to stay loyal to the Crown, the Ulster Unionists. The departure of the rest of Ireland was accepted. It was the biggest check to the expansion of England since the loss of the American colonies. For a while that loss was absorbed, but after 1945 the withdrawal from Empire began in earnest. By removing the rationale which had sustained the Union for so long, withdrawal from Empire also began to undermine the Union, and was one of the factors in the growth of nationalist movements in Wales and Scotland. The rise of the Scottish National Party (SNP) has been the biggest challenge to English Tories, since here is a movement explicitly rejecting England's claim to leadership and the legitimacy of the British state, as well as one which potentially commands majority support among Scots which was not the case with Irish Nationalists in Northern Ireland. The SNP may not reject the British Monarchy, but it rejects the rest of the British State and the possibility of being both Scottish and British. The English Tories had come to think of English and British as interchangeable.

There are still those in the Conservative Party who counsel caution and want to continue the old policy of trying to preserve the union state, making concessions to the smaller nations within the United Kingdom, and not raising issues of fiscal transfers and how Scotland is represented in the Westminster Parliament. But there is an increasingly vocal section of the Conservative Party which has begun to speak of England and England's needs. English Votes for English Laws (EVEL) commands great support, and William Hague, charged with coming up with a solution, was criticised for not

going nearly far enough in his proposals before the 2015 election. As John Redwood put it in the House of Commons: 'England expects English votes for English issues and we expect simplicity and justice now - no ifs, no buts, no committee limitations, no tricks, give us what we want. We have waited 15 years for this. Will he now join me in speaking for England?' (Hansard December 16th, 2014 Column 1270) These English Tories want the equivalent of an English Parliament, if other parts of the United Kingdom are being allowed to move towards a form of Home Rule. Alex Salmond's declaration before the 2015 election that the SNP would not support a Conservative Government at Westminster was condemned by many Conservatives as sabotaging the will of the British people. As some Scottish Conservatives pointed out, this was read in Scotland as English Tories saying that the will of the British people was the will of the English people, and that the Scots if they voted SNP no longer counted as part of the national community. Many English Tories reacted to the rise of the SNP in the same way as English Tories had reacted to the Irish Nationalists a hundred years before.

There is remarkable continuity in the new English Toryism and the old. English Tories have always considered the Union to be desirable but it comes second in their thinking to the need to protect the sovereignty of the British state, the core of which is England and its traditional institutions. The Unionist approaches which developed at the end of the nineteenth century were strongly linked to Empire and the sense of England and its home base, the United Kingdom, being at the centre of a global empire. This was why the loss of Ireland was so hard to contemplate. Home rule was fought so bitterly because it was seen as a stepping stone to full separation. Devolution was fought so hard in the 1980s and 1990s because it was seen in the same way.

The weakening of the union

Although the Conservatives still proclaim themselves a Unionist party, in electoral terms they no longer look much like a Unionist party. They have huge support in the South of England, and an improving position in Wales, but their support is weak in many parts of Northern England and Scotland, and Northern Ireland is now a separate political entity. Two crucial stages in the dismembering of the old Unionist Coalition were the estrangement of Northern Ireland Unionism from the Conservative party and the Unionist decline in Scotland. The first began once the Heath Government suspended Stormont and imposed direct rule in 1972. Even after Heath's departure the Conservatives never agreed to the return of the old Stormont as the Unionists wanted, because that would have meant the continued exclusion of the Catholic minority from any share in the Government. They also rejected Enoch Powell's solution of integrating Northern Ireland with the rest of the UK and treating it exactly the same as any other region of England. The Conservative Governments of Thatcher and Major became convinced that the war could not be won by either side and that the only solution to the conflict was a settlement which had the consent of the Catholics as well as the Protestants. That meant that while they would not concede the reunification of Ireland while there was still a majority in favour of staying in the UK, they were willing to concede that it might be a possibility in the future. The Downing Street Declaration of 1993 outraged Conservative Unionists like Nicholas Budgen who seized on the wording in paragraph 4 of the Declaration which said that the British Government had 'no selfish strategic or economic interest in Northern Ireland.' He asked the Prime Minister to confirm that the Government still had a 'strategic or economic interest' in Wolverhampton. He highlighted that fact that the Major Government was willing to consider the possibility of Northern Ireland transferring to the Republic if that is what a majority of its citizens wanted to do at some point in the future. Northern Ireland could not be held in the

United Kingdom against its will. To many that seemed a statement of the obvious, but it had a wider significance. It clearly indicated that the British Government no longer regarded Northern Ireland as an integral part of its sovereign territory. James Moyneaux, the leader of the Ulster Unionists, commented in the same debate that a previous Downing Street Declaration issued by Harold Wilson had stated that the affairs of the Northern Ireland were an internal matter for the Parliament of the United Kingdom. Now it was a matter to be agreed between the United Kingdom and the Republic of Ireland.

This was always the problem with the union state which had evolved in Britain. It was a multinational state rather than a nation state. Four separate nations co-existed within a single state (Davies 1999; Mitchell 2009). Despite some attempts to forge a single British nation the original national and regional identities remained the bedrock of the Union. That meant that if one of the component nations sought to leave the union state, it was very hard to argue against its right to self-determination, since that principle had become the founding principle of the legitimacy of most states in the modern world. The anachronism of being a multinational state in a world largely composed of nation states has underlain the difficulty of managing the union state in the twentieth century. Ireland is the most obvious example where the arrangement became unsustainable. Northern Ireland remains so complicated even after the Good Friday Agreement ended the armed conflict because there are two nations within it, one wanting continued membership of the UK, but the other wanting union with Ireland. The power-sharing arrangements which were put in place acknowledge that reality. It has kept Northern Ireland within the United Kingdom, but the connection is now fragile, and the Conservatives are no longer its champions at any price (Aughey 2001).

The same logic has begun working itself out in Scotland. The Union with Scotland worked so long as the Scots were content to subscribe to an overarching British identity and to share in the remarkable expansion of the British economy and the British empire over two centuries. Scotland retained its own institutions, particularly its legal system and its Church, and the gains from participation in the British state outweighed the disadvantages for most Scots. Scotland was integrated into the British state through the empire and then through the welfare state in the twentieth century. The first was associated with the Conservative party, the second with the Labour party. It is the decline of both of these that has provided the seed bed for a new nationalism which has defined itself against control by Westminster and reasserted a specific Scottish identity and Scottish interest as the basis of its politics.

Under Edward Heath the Conservatives temporarily renounced their Tory instincts for preserving undiluted the principle of Westminster sovereignty, both in relation to the Union and to Europe. Instead they resorted to a Gladstonian strategy, addressing the rise of Scottish Nationalism by exploring the possibility of devolution, giving the Scots much greater control over their own affairs. Many Scottish Conservatives, including Alick Buchanan-Smith and Malcolm Rifkind, became advocates of devolution as the best way to preserve and strengthen the Union. Such a view implied as it had done for earlier Liberals like Winston Churchill, the evolution of the informal union state into a much more formal federation.

This flirtation with the Whigs was short-lived. Margaret Thatcher went back to the traditional Tory position on the Union and in doing so laid the foundations for the revival of

Englishness and the turn to Euroscepticism among Conservatives. She began by flatly opposing the devolution proposals put forward by the Labour Government. Buchanan-Smith and Rifkind resigned from the Shadow Cabinet as a result in 1976. The new intransigent constitutional line did not cause the collapse of Conservative support in Scotland. That had already started in the 1960s, driven by many factors such as secularisation which led to the steady decline of the once-mighty Protestant working class Unionist vote. But it certainly did not help. The Conservative administration of Scotland under the Thatcher Government followed a familiar path. Scotland (and Wales) were both treated differently (and often more generously) than England. But the perception in Scotland that the country was being used as a test bed for Thatcherite policies such as the poll tax, and was being ruled from Westminster by a party for which it had not voted proved a powerful recruiting tool both for supporters of devolution within the United Kingdom and supporters of independence. The Conservatives stuck to their opposition to devolution to the last, calling for a No vote in the referendums in 1998. They were still opposed to devolution in 2005 when David Cameron made it clear that he believed devolution was an accomplished fact and had to be made to work (Bale 2013). There was no prospect of a future Conservative Government repealing the devolution legislation passed by Labour in 1998.

After the aberration of Edward Heath the rise of Scottish Nationalism emphasised that the instincts of the party on matters constitutional were Tory rather than Whig. The best way to preserve the Union was to maintain the undivided sovereignty of the British state. Cultural identities are one thing in a multinational state, but when they are translated into political identities they risk breaking the state apart. Scottish Nationalists oppose the continuance of the Union and wish to renounce their loyalty to the British state. In the past faced by movements seeking autonomy or separation from the British State the Conservatives have often advocated forcible suppression. In dealing with Scottish nationalism the option of repression is not available. The right of self-determination has been conceded to the Scots as it never was to the Americans or to the Irish. But in conceding it, and being made aware of just how many Scots were prepared to vote for independence in the 2014 referendum, it has cooled support for the Union among Conservatives. Since the SNP took control of the Government at Holyrood in 2007 first as a minority then as a majority government, and followed it up by winning 56 out of the 59 Scottish seats at Westminster (on 50 per cent of the vote) the Conservatives have increasingly seen Scotland, like Northern Ireland, as a separate entity, and posing a number of threats to the rest of the UK. Chief among them are the threat to the nuclear submarine base at Faslane on the Clyde; secondly the increasing unfairness of the budget subsidy Scotland receives from Westminster under the Barnett formula which has enabled the Scottish Government to fund a more generous welfare state than exists south of the border; and thirdly the West Lothian Question, the ability of Scotland's MPs to vote on legislation before the Westminster Parliament which only concern England. English MPs do not have the same right to vote on matters which have been devolved to Scotland.

The West Lothian Question has generally been ignored, because it is very hard to provide an acceptable answer (Bogdanor 2009; King 2015). It would not matter very much if the representation of Scotland at Westminster was roughly equal between Labour and the Conservatives. But since the creation of the Scottish Parliament in 1998 first Labour and now the SNP have scooped almost all the MPs. It is this imbalance which has made the West Lothian Question a live issue for English Conservatives. Many of them have become strong supporters of English Votes for English Laws. This can take a number of forms, and there have been several different reports. At one extreme there are

demands for a full English Parliament to counterbalance the Welsh Assembly and the Scottish Parliament. That would solve the West Lothian Question but would raise serious issues of what would be the status of the Westminster Parliament. The Prime Minister of the English Parliament would tend to overshadow the UK Prime Minister, particularly if they came from different parties. At most general elections since 1945 the Conservatives have won a majority of English constituencies, so they would expect to control an English Parliament. The attitude of Conservatives who support such a change is that it is the logic of devolution. It is only fair that all nations including England are treated the same. Other nations have no cause to resent England having charge of those issues which only concern England.

This is a sound Tory argument, but it has implications. Since England has 85 per cent of the population of the United Kingdom an English Parliament would overshadow the Scottish Parliament, the Welsh Assembly and Stormont to such an extent that they would become subordinate bodies. It would be hard to maintain a UK Parliament in which all participated as equals. Such an asymmetrical Union would breed resentments and would make breakup more likely. The logic would be the creation of a genuine federation, but that would mean a written constitution and the breakup of England into regions, since no working federation anywhere in the world has one of its components comprising more than 50 per cent of the population. Most English Tories would rather see the breakup of the United Kingdom than the breakup of England. Many like Charles Moore feel sad about the prospect that the Union flag and the familiar geographical image of the national territory will be lost if the United Kingdom breaks up (Moore 2014). But many Conservatives seem increasingly resigned to it. Their idea of England and maintaining the traditional sovereign authority of the state counts for more than maintaining the British Union. Their words are different. The Union is still extolled, as it was in the 2015 Manifesto. But the actions are clear. The demonising of the Scots in the 2015 election in order to mobilise voters in England against Labour and against UKIP, to ensure a Conservative majority was not missed north of the border. Many Scottish Conservatives saw it for what it was. The Tories returning to their English roots.

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