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‘Majoritarian Versus Consensus Policymaking’ or a ‘Common European Policy Style’? The Case of the UK and Scotland

Abstract

Lijphart’s (1984; 1999) distinction between majoritarian and consensus democracies still has a major effect on the comparative study of British politics. Although the UK literature generally supports a more consensual image of British policymaking, reflecting a common ‘European Policy Style’ identified by Richardson and colleagues in 1982, it is difficult to shake off Britain’s distinctive ‘majoritarian’ label. This image was reinforced by a Scottish devolution campaign in the 1990s which promoted a shift from a UK majoritarian to a devolved consensus democracy. Flinders (2010) uses Lijphart’s framework to allege ‘bi-constitutionality’: the Scottish political system adopted the consensus democracy ideal while majoritarianism was maintained in UK politics. The aim of this paper is to present an alternative comparison, focusing on their ‘policy styles’ or how they make and implement policy. The evidence suggests that consultation practices in Scotland and the UK are similar (and not very ‘majoritarian’), while the way they implement policy often differs. Further, Scotland’s size, its government’s capacity and the attitudes of governing parties may be better explanations for distinctive Scottish practices than its new ‘consensus democracy’ institutions. In this context, the paper focuses briefly on the effect of devolution on intergovernmental relations, highlighting a generally smooth relationship between the UK and Scotland, and the potential for a distinctive relationship between Scottish Government and local authorities.

Introduction

Lijphart’s (1984; 1999) highly influential distinction between ‘consensus’ democracies, built largely on proportional electoral systems, and ‘majoritarian’ democracies, built on plurality systems, still has a major effect on the comparative study of British politics. Lijphart (1999: 9; see also Adam and Kriesi, 2007) treats the ‘Westminster Model’ as the archetypal majoritarian system in which power is concentrated at the centre and governments make policy from the top down - with relatively small regard for consultation and negotiation with interest groups and other affected organisations. In contrast, the vast majority of the UK literature on policy networks and governance has long supported a more consensual and interdependent image of British policymaking (Jordan and Cairney, 2013). The early literature *pre-dates* Lijphart’s (1984) first major exposition - it can be traced at least as far back as the ‘policy communities’ image of British policymaking promoted by Richardson and Jordan (1979) which built on classic work by Stewart, Beer, Eckstein and others – and the modern literature on and governance lives on well beyond Lijphart’s (1999) second

exposition. Yet, the majoritarian/ consensus distinction remains as a popular but misleading description of ‘Westminster’ politics as it compares with other political systems.

The problematic nature of the ‘majoritarian’ label has implications which extend far beyond British politics – it highlights a fundamental difference in the way that studies use methods and assumptions to produce markedly different images of government and policymaking. Lijphart’s studies, in the ‘comparative politics’ mould, initially offer a largely deductive model of political system characteristics, highlighting their formal differences and seeking to quantify the effect of those differences on the outputs of political systems. Public policy studies tend to challenge these assumptions by identifying: (a) the ‘universal’ nature of many policymaking conditions; and (b) the inclination of policymakers to address them in similar ways.

In particular, ‘boundedly rational’ (Simon, 1976) elected policymakers do not have the time or cognitive ability to pay attention to many issues for which they are responsible. Consequently, they ignore most issues and promote a few to the top of their agenda (Baumgartner and Jones, 1993; 2009). The sheer size of government and its policy environment necessitates breaking policy down into more manageable issues involving a smaller number of interested and knowledgeable participants. These arrangements exist in most systems because there is a common logic at play: policymakers rely on their officials for information and advice; those officials rely on specialist organisations; and, those organisations trade that information/ advice for access to government. The result, for the vast majority of issues, is ‘policy communities’ (‘networks’), or policymaking relationships between those in formal positions of responsibility and those who seek to influence them.

In this context, the bulk of the modern UK policymaking literature focuses on how to produce a more realistic understanding of UK policymaking based on the evidence. It highlights the importance of looking ‘beyond the headlines’, identifying rather more consensual policy styles in the UK when governments consult and negotiate with pressure participants such as interest groups (Jordan et al, 2004)ⁱⁱ. Further, it reflects and reinforces the comparative policymaking literature which identifies common problems and solutions in ostensibly different political systems. In particular, major comparative studies of Western European countries suggest that UK policy networks resemble ‘more closely those expected for consensus than for majoritarian democracies’ (Kriesi, Adam and Jochum, 2006: 357-8).

Nevertheless, the UK has failed to shake off the ‘majoritarian’ image, particularly outside the UK and in broad comparative texts which rely on the study of formal institutional design. This problem has been exacerbated by Scottish devolution. Devolution has given the Scottish Government the responsibility for policy in areas such as health, education, justice, social work, housing and local government. However, the campaign for Scottish devolution went beyond the need for policymaking responsibility towards a call to create a new type of policymaking based on a favourable impression of Nordic consensus democracies and rejection of the ‘old Westminster’ model. Pro-devolution rhetoric was built on the misguided

argument that the UK system centralised power, encouraged adversarial ‘winner takes all’ politics and minimised consultation with interest groups. Consequently, devolution was designed to improve the policy process by developing new institutions that diffused power, encouraged coalition building and maximised the involvement of participants.

The aim of this paper is to present a more nuanced and realistic understanding of UK and Scottish policymaking based on the evidence rather than such (academically-informed) rhetoric. It critically examines two main, competing, narratives. The first narrative identifies a stark contrast between the majoritarian UK and consensus Scottish democracy. This image is supported by Flinders (2010), who identifies ‘bi-constitutionality’: the diffusion of power and introduction of consensus democracy to sub-national bodies such as the Scottish Parliament; but the further concentration of central government power at national level, and maintenance of a majoritarian policy style, in terms of its remaining core business. As Flinders’ respected work demonstrates, this portrayal of the majoritarian UK endures in the academic literature; it still suggests a gap between UK and Scottish policymaking systems based on their formal institutions. The second narrative applies the ‘policy communities’ (Richardson and Jordan, 1979) literature to the issue of policy styles. It identifies common ‘standard operating procedures’ in so called ‘majoritarian and consensus’ democracies. It suggests that, despite their institutional differences, most systems share an incremental approach to policymaking and an attempt (based on similar democratic norms) to reach consensus with interest groups, not impose decisions. Consequently, it would suggest that the UK and Scottish systems share the same key features and their governments share policy styles.

‘Policy style’ is defined simply as the way that governments make *and* implement policy (Richardson, 1982; Cairney, 2011b; Cairney, 2008; Knill and Tosun, 2012: 32-6). Consequently, the paper examines two dimensions: the way that governments *make* policy, in consultation with pressure participants; and, the way that they *implement* policy in partnership with organisation such as local authorities. In other words, there is often a distinction between the way that governments engage with groups when making policy and the ‘policy tools’ they use to implement it (Greer and Jarman, 2008). This distinction between policymaking and implementation (or administration) has long been described as problematic (Hogwood and Gunn, 1984: 198) and is difficult to operationalize. However, it is an important analytical distinction, providing a degree of clarity when comparing competing claims regarding the British and Scottish policy styles and when assessing the empirical evidence.

Overall, the majoritarian/ consensus narrative is potentially misleading because, although Scotland often lives up to its consensus image, the UK experience does not often confirm its majoritarian image. Further, the differences in policy style do not appear to follow the differences in institutional structure. Rather, the Scottish and UK governments have taken different approaches to implementation based on a combination of differences in the administrative problems that they face (for example, Scotland’s size allows it to make policy differently) and their attitudes to policymaking. In particular, the election of a Scottish

National Party (SNP) government in 2007 accelerated those differences when it made a commitment to change the relationship between central and local government.

The paper briefly applies this argument to the study of intergovernmental relations, which can refer to the relationship between the UK and Scottish Government, or the relationship between those governments and local authorities. The evidence highlights strong similarities in UK and Scottish consultation styles – which extends to the way in which the UK engages with the Scottish Government (the relationship is generally smooth, not ‘top down’ and impositional). It also highlights the potential for differences in implementation style – which extends to the way in which the Scottish Government engages with local authorities (which often appears to be more ‘bottom up’ than the UK central-local relationship).

The Majoritarian-Consensus Democracy Narrative

Lijphart (1999) sets up a simple distinction between ‘majoritarian’ and ‘consensus’ democracies according to their formal institutional make-up (a comprehensive table outlining their differences can be found in Cairney, 2012a: 89; see also Adam and Kriesi, 2007: 138-41). Lijphart’s (1999: 2) argument is that there are two basic models of electoral and political system design: those that concentrate power in the hands of the few (majoritarian) and those that ‘share, disperse, and limit power’ (consensus). In a majoritarian democracy the first-past-the-post voting system exaggerates governing majorities by (in most cases) granting a majority of seats in the legislature to a party which commands only a plurality of the vote. This result in the UK, combined with an imbalance of power towards the governing party’s leadership, a weak second chamber and a unitary government, generally produces a concentration of power at the centre (unlike majoritarian-federal systems, such as the US, which diffuse power across institutions).

Lijphart (1999: 2-3) associates majoritarian democracies with an ‘exclusive, competitive and adversarial’ mentality in which parties compete within parliament, interest groups are more likely to compete with each other than cooperate, and governments are more likely to impose policy from the top down than seek consensus. In a consensus democracy, the proportional electoral system generally produces no overall majority and power is dispersed across parties, encouraging the formation of coalitions based on common aims. This spirit of ‘inclusiveness, bargaining and compromise’ extends to group-government relations, with groups more likely to cooperate with each other and governments more willing to form corporatist alliances (although note the differences between consensus-federal states like Switzerland and consensus-unitary states like Italy).

Lijphart and the Architects of ‘New Politics’ in Scotland

This ‘majoritarian versus consensus democracy’ idea proved useful to devolution reformers in Scotland in the early 1990s. Lijphart’s (1984) schema offered reformers the chance to reject what was seen as a flawed majoritarian democracy and pursue a normatively preferable consensus democracy. Indeed, the influential ‘architects of devolution’ (McGarvey and

Cairney, 2008: 14) made significant reference to these caricatures to help make the case for constitutional change more compelling.

One of the most authoritative voices was the Scottish Constitutional Convention (1995) – a collection of political parties and representatives from local government, the voluntary sector, churches and interest groups. It argued that a “‘top-down’ system, in which power is concentrated within government, is not appropriate for a Scottish system with a tradition of civic democracy and the diffusion of power” (McGarvey and Cairney, 2008: 12; Author et al, 2009). Consequently, the new Scottish political system was designed to produce consensus democracy. A more proportional electoral system with a strong likelihood of bargaining between parties would replace a plurality system that exaggerated majorities and produces one-party dominance. A consensual style of politics would replace the adversarial style in Parliament. Power sharing with the Scottish Parliament would replace executive dominance, particularly under periods of minority government. There would be more consultation beyond the ‘usual suspects’ and ‘the people’ would get more chance to contribute to the political process (McGarvey and Cairney, 2008: 11-2). In short, ‘new politics’ would represent a departure from ‘old Westminster’. The SCC foresaw a positive role for pressure participants such as interest groups – with an increase in participation required to bypass reliance on the powerful interest groups which were seen as crowding-out social interests. Access for groups would be more frequent and of a better quality than in the past; the consultation process would be more open, perhaps with a clearer link between group effort and the end result (McGarvey and Cairney, 2008: 235-6). More consultation also perhaps meant greater group support for policies and fewer problems of implementation, and this departure from command-and-control and policy driven by targets would produce fewer unintended consequences.

From Lijphart’s Majoritarian-Consensus to Flinders’ Bi-constitutionality

Flinders (2010) updates Lijphart’s interpretation to confirm the utility of the majoritarian/consensus framework and the existence of different political systems in the UK and Scotland. He identifies a mix of power diffusion and centralisation during the modern Labour Party era (from 1997). This did *not* involve a wholesale shift from ‘majoritarian power-hoarding to consensual power-sharing’ (2010: 12). Rather, it fostered a degree of constitutional reform to transfer considerable policymaking responsibility to the devolved territories (Scotland, Wales and Northern Ireland) and other bodies such as the Bank of England, but sought to concentrate power within central government power at the national level, and maintain a majoritarian policy style, when conducting its core business. Indeed, Flinders (2010: 12) suggests that a commitment to the former may have provided some cover to the latter - the Labour Party used a ‘rhetorical commitment’ to limited constitutional reform to ‘win power’ and then hoard it within central government.

The outcome is described by Flinders as ‘bi-constitutionalism’ in which the UK Government created different types of policymaking in the UK and devolved government arenas. While the UK remains majoritarian, the devolved Scottish arena became like a consensus

democracy in the Lijphart mould, with a proportional electoral system providing a new context conducive to power sharing among parties, between government and Parliament, and between the government and interest groups (2010: 177). Flinders (2010: 173-4) notes that there is now ‘quite a different pattern of interest group pluralism.’

What is the Basis, and Evidence, for Bi-constitutionality?

Flinders’ interpretation suggests that there should be evidence of a contrast in the policy styles of the UK and Scottish governments. Yet, the evidence outlined below does not confirm the hypothesis. The next two sections argue that the empirical evidence on group-government relations challenges this stark contrast between the majoritarian UK and consensual Scotland. This section simply expresses scepticism about the value of current applications of Lijphart’s methods; that the quantification of political systems is weakly connected to Lijphart’s argument.

The Lijphart model is attractive not only because it helps us present a neat distinction between majoritarian and consensus systems, such as in the UK and Scotland, but also because it seems to be sophisticated and precise. For example, Flinders (2010: 176) provides a British score for the ‘index of interest group pluralism’ of 3.38 (note the second decimal place, which implies precision) from 1945-96 and 3.5 from 1971-95. More importantly, the UK government’s score of 3.5 from 1997-2007 compares to 2.6 for sub-national governments (Scotland, Wales, Northern Ireland) in the same period - a difference in scores that Flinders describes as very important. Flinders’ conclusion is that the UK retained a majoritarian political character, but Scotland was more consensually oriented.

This is an appealingly simple picture but it is undermined by a key problem: the authors do not explain their calculations well. It is unclear how, and from where, the numbers are derived and what meaning we should attach to the differences in scores. They are asserted rather than justified and, as such, present a false sense of precision. This has long been a feature of attempts to transform Lijphart’s model into comparable measures (even when Lijphart appears to try to show his working).ⁱⁱⁱ Consequently, the quantitative evidence is not persuasive. It is certainly no more precise than a verbal account drawing on qualitative data such as interviews.

The evidence seems particularly unpersuasive when examples are given of the types of new institutions and commitments that factor into the quantitative analysis. For example, Flinders (2010: 169) sees significance in the formation of organisations, such as the Scottish Civic Forum, to widen interest group participation, and in commitments, such as the ‘Memorandum of Understanding’ between the Scottish Executive and the Scottish Trades Union Congress, to formalise group-government relationships. The inclusion of such developments in the calculations inflates the consensus-Scotland results because the (short-lived) Scottish Civic Forum was merely a peripheral ‘talking shop’ (McGarvey and Cairney, 2008: 231-2) and the ‘Memorandum’ did not produce a new ‘corporatist’ Scotland.^{iv} Indeed, such examples suggest that the scores reflect the *potential* for governments to operate in a particular fashion

rather than the evidence that they do so (and while this point refers to one measure, group-government relations, it may refer to several others).^v

The Policy Communities Narrative

The policy communities literature helps us go beyond the ‘headline’ comparisons of political systems to provide a competing image of UK policymaking based on the identification of universal policy processes that transcend political systems. Richardson’s (1982) edited volume suggests that we cannot read off policymaking behaviour simply from formal institutions – an argument that has been reinforced regularly in the comparative policymaking literature (see, for example, Kriesi, Adam and Jochum, 2006; Larsen, Taylor-Gooby and Kananen, 2006; Atkinson and Coleman, 1989; Bovens et al., 2001; John, 1998: 42–4; 2012: 62-4; Freeman, 1985; Barzelay and Gallego, 2010: 298). Although the political structures and electoral systems of countries vary, they share a ‘standard operating procedure’ based on two factors: an attempt to reach consensus with interest groups, not impose decisions; and, an incremental approach to policy.

This outcome is based on two factors common to political systems. First, governments deal with a large and complex state by breaking it down into policy sectors and sub-sectors, with power spread across government and shared with interest groups. Politicians are only able to pay attention to a small number of policy issues for which they are responsible. By necessity, much policymaking is devolved to less senior civil servants, who consult with groups and exchange access for resources such as expertise. Second, this exchange is based on the ‘logic of consultation’ with the most affected interests; it encourages group ‘ownership’ of policy and maximizes governmental knowledge of possible problems (Richardson and Jordan, 1979; Jordan and Maloney, 1997). Given civil servants’ lack of political legitimacy, they are ‘ill placed to impose and conflict avoidance is likely to result’ (Jordan and Richardson, 1982: 84). Further, given civil servants’ lack of specialized knowledge, they are often dependent upon groups for information and advice. The result is policy communities, or policymaking relationships between those in formal positions of responsibility and those who seek to influence them (Jordan and Cairney, 2013).

In addition most policymakers recognise the value of building on past policies – or they only have the cognitive ability and political resources to impose their will in a small number of areas. They also operate within the context of a shared set of ideas about the nature of policy problems and how they should be solved, and it is rare for policymakers to reject the established knowledge that underpins existing policy. Finally, the implementation of policy is often left to other organisations. While central governments have measures to ensure compliance and to monitor outcomes, their resources are limited.

Crucially, these arguments hold across political systems regardless of the majoritarian or consensus democracy reputations. An argument that was initially used in the 1970s to challenge the way that we understood British politics was combined with data from a range of Western European countries to identify a common ‘European Policy Style’ (Richardson,

1982). This argument is still relevant today because key causal factors (including bounded rationality and the need to prioritise policy attention, as well as the interdependence between policymakers and pressure participants) are ‘universal’, producing common pressures which policymakers tend to address in very similar ways. Further, the argument holds up even when new political systems are created to contrast with the old.

In this context, the ‘British policy style’ may be seen as consultative and non-radical despite the UK’s majoritarian image. Further, evidence of consensus building in Scotland may be seen as an *extension* of the British policy style rather than a major departure from it. While there are differences of detail between the British and Scottish processes, there is also an impressive degree of policy style convergence, based on a ‘logic of consultation’ that transcends political systems. It is in this context of constrained difference that British and Scottish policy styles should be compared, rather than with reference to unrealistic hopes in Scotland based on a misleading picture of Britain.

What is the Evidence for Policy Communities?

Devolution has prompted extensive empirical work on the Scottish policy style, or the new ways in which the Scottish Government makes policy following consultation and negotiation with pressure participants such as interest groups. Keating, Cairney, Hepburn and Stevenson have conducted approximately 400 interviews in the UK since devolution, including approximately 200 in Scotland. Interviewees include policymakers, representatives of interest groups, the third sector, unions, businesses and business groups (Keating, 2005; 2010; Keating and Stevenson, 2001; Keating et al, 2009; 2012; Cairney, 2008; 2009a; 2009b; 2011a; 2011b; McGarvey and Cairney, 2008; Cairney et al, 2009). The research highlights devolution’s ability to prompt many pressure participants, and interest groups in particular, to change their organisational form (devolving lobbying functions to Scottish ‘branches’) and lobbying focus (shifting their attention from the UK to the Scottish Government). Consequently, new ‘territorial policy communities’ in Scotland can be identified. This term refers simply to the group-government arrangements that have emerged or changed in devolved territories following the ‘rescaling of government’ (Keating et al, 2009: 54). While territorial policy communities have also developed in Wales and Northern Ireland, Keating et al (2009: 54) suggest that devolved policymaking arrangements will be particularly significant in Scotland because the Scottish Parliament was granted the most powers within the UK political system. In Scotland, devolution has contributed to:

1. Relatively high levels of interest group devolution (or the proliferation of new Scottish groups) as groups are obliged to lobby Scottish political institutions.
2. ‘Cognitive change’, in which policy problems are defined from a territorial perspective and groups follow, and seek to influence, a devolved policy agenda.
3. A new group-government dynamic, in which groups might coalesce around a common lobbying strategy, or perhaps find that they are now competitors in their new environment.

While many UK groups had regional arms, and many Scottish-specific groups existed before devolution (partly reflecting the value of lobbying the pre-devolution Scottish Office in Edinburgh), there has been a significant shift of group attention to reflect the new devolved arrangements. In particular, UK groups have devolved further resources to their Scottish offices to reflect the devolution of power and their new lobbying demands (50% of groups lobbying in Scotland fall into this category – Keating, 2005: 65). However, the shift should not be overestimated since organisational devolution has varied (often according to the level of devolution in their areas – e.g. trade union devolution is often limited, reflecting the reservation of employment law) and some groups have provided few additional resources (such as one additional member of staff).

Perhaps more importantly, groups increasingly follow a devolved policy agenda. The broadest, albeit indirect, marker of this change is the attitude of Scottish ‘branches’ to their UK counterparts, with many bemoaning the lack of UK-based understanding of the devolved policy context. They also face a new organisational task, with the old focus on policy implementation (or joining with a coalition of groups and the Scottish Office to attempt to influence UK policy formulation) replaced by the need to fill Scottish Government demands for policy ideas – a process that may be more competitive in the absence of a Scotland-wide lobby. The evidence suggests that some groups addressed that task more quickly than others. Most notably, business groups opposed to devolution (and linked in the minds of many to Conservative party rule up to 1997) were relatively slow to adapt, while the voluntary sector built quickly on links that it began to develop with the Labour party in government from 1997 (Keating et al, 2009: 55). There were also some group-government links already in place in Scotland, reflecting extensive levels of administrative devolution in areas such as compulsory education and health before political devolution in 1999 (Cairney, 2013).

This empirical work highlights the generally open and consultative approach of the Scottish Government and the strong willingness and ability of groups to engage constructively in policymaking in Scotland (Keating, 2010: 192; 227). In that general sense, it is important to note that the devolved Scottish experience meets the expectations expressed by Scottish constitutional reformers and Flinders. Scotland lives up to its billing as a consensus democracy with a distinctly non-majoritarian style. However, this evidence alone does not demonstrate that the ‘Scottish Policy Style’ has diverged from the ‘British Policy Style’ – because we have not demonstrated that the UK fails to deliver similar consensual relationships. Consequently, the evidence needs to be considered in more detail to make meaningful comparisons.

This paper suggests that the standard policy style concept is enhanced, for comparative purposes, if two sub-dimensions are pursued: the way that governments consult with pressure participants to make policy; and, the way that they seek to implement policy. The distinction is problematic in practice, particularly since consultation practices generally involve

discussion of policy formulation and implementation, but indispensable as an analytical device to provide conceptual clarity.

Policy Style 1 - Style as Consultation in Scotland

Pressure participants in Scotland are generally positive about the new arrangements (Keating and Stevenson, 2001; Cairney, 2008; McGarvey and Cairney, 2008: 236). The broad image of the Scottish Government is that it is open and consultative, and almost all groups feel that they have the chance to take at least some part in policymaking, and enjoy regular dialogue with civil servants who are a 'phone call away'. Most groups describe a fairly small world and the 'usual story of everybody knowing everybody else' (Keating et al, 2009: 57). Many key groups – such as the British Medical Association in health, the EIS in education and COSLA in local government - also discuss the chance to influence the terms of reference of wider consultations by, for example, becoming part of working groups (although note that this may allow them to set the agenda, perhaps at the expense of other groups with different priorities). Overall, groups talk of, 'partnership, of stakeholder empowerment, of consensus' (2009: 57). Most interviewees (or at least those interviewed in the first five years of devolution) also contrast this style with their perception of the UK policy process which they believe to be more top-down, less reliant on professional or policy networks and more competitive between groups (Cairney, 2008).

However, this picture of *relatively high* consensus and pressure participant influence in Scotland should be queried for at least four reasons. First, it is not clear if interviewees are in a good position to compare the Scottish and British styles. In particular, their impressions may be based on their experiences as small and ill-resourced Scottish groups trying to influence UK institutions, rather than the experiences of their larger and better-resourced and connected UK counterparts (Cairney, 2008: 358). This is particularly relevant to interviewees with longer memories. Many of the most vocal supporters of devolution were from interests that had poor contacts with successive UK Conservative Governments (1979-97) and pursued agendas not favoured by the Conservatives. The calls for 'new politics' were perhaps sparked by this specific political tension rather than the more general 'majoritarian' style. The idea that the UK government failed to engage with groups perhaps gives way to the idea that it paid relatively little attention to 'fringe' interests (in some cases with limited public support) representing agendas different from the majority party.

Second, devolution went hand in hand with a significant increase in UK public expenditure. The main effect was that there were comparatively few major policy disagreements in Scotland. Departments or groups were competing with each other for resources, but that competition was not fierce because most policy programmes appeared to be relatively well funded. Now, in the austerity era, there is more potential for strained relationships between government and groups, and competition between different groups or interests, when tougher policy choices have to be made. Time will tell if the first 'honeymoon' decade of Scottish group-government relations reflected a particularly Scottish culture of cooperation and the

pursuit of consensus or the once favourable economic climate (see Cairney, 2013; 2011a: 136-41 on the case study of education policy).

Third, the new arrangements may be explained by Scotland's size and policy capacity rather than a culture of cooperation linked to its new institutions. Scotland's size allows relatively close personal relationships to develop between key actors (and for closer links to develop across fewer, much-smaller departments). For example, a ministerial team could meet with all University, local authority or health board leaders in one small seminar room (in England it would require a lecture theatre). Further, the policy capacity of the Scottish Government is relatively low, prompting civil servants to rely more (for information, advice and support) on experts outside of government and the actors who will become responsible for policy implementation. This was particularly the case in the early years of devolution, when the Scottish Government was becoming used to its new role and it relied on more established organisations such as local authorities. As Keating (2010: 258) argues, the Scottish policy style resembles that of 'other devolved governments in Europe' (and many 'small independent states') which are 'weak compared with [large] nation-states, limited in their powers, resources and policy capacities'. Consequently, the Scottish Government 'is obliged to cooperate with outside groups, and policy making tends to be negotiated, gradual and, to a large extent, consensual'.

Fourth, Scottish groups also qualify their comments on their own experiences. Many acknowledge the difference between being *consulted* regularly and *influencing* policy choices – particularly when ministers have already formed views on the subject. Further, many distinguish between their influence at the point of Scottish Government choice and the eventual policy outcome (and express disappointment about the latter – see below).

Policy Style 1 - Style as Consultation in the UK

Overall, while the evidence from Scottish groups points to a consensus building machinery in Scotland it does not necessarily confirm a contrast with the British style. In fact, when we draw on interviews with their UK counterparts we often find a much more favourable impression of the British policy style (as consultation) than suggested by the majoritarian cliché. There is still an impressive degree of consultation, in comparable areas, in the UK. For example, most teaching unions were represented on the 'social partnership' with education ministers and enjoyed frequent contact with senior civil servants. Further, the partnership's convention was to negotiate 'to exhaustion' (Cairney, 2008: 365). Similarly, there was systematic 'cooperative work' between the Department of Health, British Medical Association and Royal College of Nursing. In local government, consultation rose during Labour's term and 'the working relationship between government and the Local Government Association is good' (2008: 368).

Crucially, in each of these cases there is a combination of a small number of high profile and controversial issues (in which policy community-style arrangements are not prominent) and a much larger number of issues on which groups and government cooperate routinely. In other

words, the UK's majoritarian image is often exaggerated by the focus on a small number of high profile top-down incidents at the expense of the more humdrum and routine business of consultation and negotiation.

The case study of mental health encapsulates this need to combine a study of the 'exciting' aspects of policymaking and the 'day to day', more humdrum and less public issues (Cairney, 2009a). Mental health policy appeared to confirm huge differences in the British and Scottish policy styles. The process associated with the UK Mental Health Bill from the late 1990s confirms the caricature of the top-down UK government and contrasts markedly with a consensual style in Scotland. The UK Government presided over a ten year stand-off with interest groups, followed by limited legislation (just enough to be compliant with the European Convention on Human Rights); the Scottish Government oversaw a two year consultation process that produced consensus and extensive legislation. Yet, further investigation reveals that a series of factors effectively had to be in place to cause what is really a departure from the 'normal' consensus-seeking British style. In particular, this was an area characterised by unusually high UK ministerial commitment linked to its strong pre-election agenda (Labour was elected in 1997) on public safety and low tolerance for crime. It combined with a series of high profile murders (by people who had received mental health services in the past), and a European Court of Human Rights ruling that held governments responsible for the prevention of certain crimes, to produce a UK policy which aimed to detain certain mentally ill people *before* they committed crimes. This measure proved controversial and led to the 10 year conflict between the government and almost all mental health groups. Policymaking resembled the normal consensual style, very similar to that found in Scotland, in almost all other mental health policy issues, because these factors were not apparent. Indeed, mental health demonstrates the remarkable ability of governments and groups to compartmentalise their disagreements – the more consensual process on most other issues took place at the same time and with the same groups.

Importantly (for our comparison between the UK and Japan), this argument about the general lack of imposition extends to one aspect of intergovernmental relations (IGR) - the UK government style when in consultation with devolved governments (Cairney, 2012b). Like consultation with groups, IGR has largely been informal, quiet and between executives rather than formal and in the public and parliamentary eye. This set-up reflects the fact that the relatively powerful UK Government faces a similar 'logic of consultation' or 'accommodation' (Jordan and Maloney, 1997). This refers to the benefits - including the maximisation of government knowledge and the 'ownership' of policy by those who may influence its implementation - of reaching a consensus or practical understanding with consultees ('stakeholders'). It suggests that top-down policy making by the UK Government is problematic, politically expensive and generally unnecessary - and few governments are willing or able to bear the costs. Instead, both governments have sought ways to cooperate for mutual gain, much in the same way that governments form close relationships with groups. For example, they maintained the 'Barnett formula' (which produces automatic changes to the Scottish budget and reduces the need for regular negotiations) by portraying the system of

deciding Scottish public expenditure as a ‘technical’ that need only involve the most expert or interested. They have also minimised the use of formal mechanisms such as joint ministerial committees, avoided using the courts to resolve disputes and set up a system in which the Scottish Parliament passes (‘Sewel’ or ‘legislative consent’) motions that give the UK Government permission to legislate on behalf of the Scottish Government (Cairney, 2011a: 85-94; 2012b). While the election of an SNP Government in 2007 produced some change in that relationship, the SNP proved remarkably willing to exploit many of the same channels of influence and pursue an, “insider strategy which includes an acceptance of the ‘rules of the game’, or a willingness to engage in self-regulating activities (the value of which some of the party rank-and-file may not appreciate) in the short term, to allow it to benefit in the long-term” (Cairney, 2012a). It also accepted the selection of a ‘Whitehall’ civil servant as its new Permanent Secretary in 2010. Further, the election of a Conservative led UK Government in 2010 did not produce a more antagonistic relationship.

The main exception to this remarkably pleasant and rarely-public relationship is the independence referendum, which has exposed major ideological differences between the SNP-led Scottish Government (seeking an independent Scottish state) and Conservative-led UK Government (seeking to maintain the UK Union). However, we should also note that much of their interaction has been devoted to agreeing (quite quietly) the ‘rules of the game’ (including the rules regarding the referendum question) rather than engaging in public arguments (these arguments are generally left to the political parties and official campaigns within Scotland).

Policy Style 2 - Style as Implementation

The second aspect of the Scottish policy style relates to how it implements policy, or what ‘policy tools’ (Greer and Jarman, 2008) it uses to achieve its aims. It is in this area that we can often identify a relatively distinctive Scottish style. Scotland is often characterised by a ‘bottom up’ approach to implementation in which flexibility is built into the initial policy and there is less of a sense of top-down control, linked to specific targets which are monitored and enforced energetically, that we associate with the UK government (Cairney, 2011a: 184). Implementing bodies are often given considerable discretion and/ or pressure participants are well represented in working groups set up to manage implementation. In this sense, the Scottish policy style refers to a relative ability or willingness of the Scottish Government to devolve the delivery of policy to other organisations in a meaningful way.

On this basis, Greer and Jarman (2008) highlight the emergence of two very different Scottish and British styles from 1999-2007. In their account, the UK Government style was ‘top down’ (based on its ‘low trust in providers’); it used market mechanisms reinforced by a large number of targets reinforced by stringent audit-based procedures (2008: 172-3). For example, they note that it encouraged a range of different schools (relatively independent of local authority control) to compete with each other by using pupil testing to build up league tables of school performance; it introduced tuition fees to allow Universities to compete with each other for students; it set strong centrally-driven targets for local authorities and used an

audit and inspection regime to make sure that they were met; and, it drove health policy by setting targets on key aims such as reducing waiting times for treatment (backed by strong punishments for non-compliance) and encouraging ‘foundation’ hospitals to compete with each other for business (2008: 173-8).

In contrast, the Scottish Government formed relationships with its policy partners, based more on ‘a high degree of trust in the professionalism of providers’ and with less emphasis on competition (Greer and Jarman, 2008: 178). For example: it oversaw a ‘comprehensive’, or less differentiated, schooling system (relatively subject to local authority control) in the absence of competition based on pupil testing; it rejected the introduction of tuition fees to Scottish students; it set fewer targets for local authorities (or at least used fewer punitive measures to ensure delivery); and, it set similar health policy targets but without competition within health service markets or a punitive regime (2008: 178-83).

This approach may be linked to the scale of Scottish systems where policymakers can form direct, personal relationships with the chief executives of health boards and local authorities. It compares to the much larger England in which policies travel further distances and the UK government attempts to control far more organisations with less scope for personal relationships, resulting in a relative desire to set quantitative targets for service delivery organisations.

The approach may also be linked to the philosophies of particular governments. It has certainly taken on greater significance since the formation of the Scottish National Party (SNP) Government in 2007 which sought to change its relationship with local authorities. It signed a ‘Concordat’ with the Convention of Scottish Local Authorities (COSLA) to perform two related functions. First, the concordat committed both parties to a package of Scottish Government aims (Scottish Government and COSLA, 2007). In return, the Scottish Government agreed to increase the scope for the flexible local delivery of policy by: promising to not consider reforming local government structures; introducing a longer term and less punitive approach to agreed targets; reducing the amount of ‘ring-fenced’ budgets; allowing local authorities to keep their ‘efficiency savings’; and, in effect, rejecting a natural tendency to ‘micromanage’ local government (Cairney, 2011a: 130). Indeed, the language used by First Minister Alex Salmond to describe these developments (‘The days of top-down diktats are over’) was significant, since it suggested that arrangements in Scotland, already very different from England, would become even more ‘bottom up’ (2011a: 130).

Note, however, that this relationship with local authorities does not indicate an overall tendency to devolve policymaking in Scotland. As Cairney and McGarvey (2013: 141-2) suggest, there is also a ‘centralizing trend built on the argument that fewer organizations reduce duplication’ in areas such as the police and fire services and further education (the Scottish Government’s proposed local income tax ‘would also make local authorities even more reliant on the Scottish Government for funding’). Consequently, when we consider

central-local relations comparatively, we need to be clear about which policy areas we include in our analysis.

How Does the Evidence Inform Policy Styles Narratives?

The discussion demonstrates the need to be analytically clear about what is meant by ‘policy styles’ when considering the role and influence of pressure participants such as interest groups. This distinction between the consultation and implementation dimensions of style may not always be clear in practice, but it helps further clarify the arguments of Lijphart and Flinders (who perhaps focus only on consultation, not implementation). It is necessary to demonstrate that the majoritarian/ consensus distinction does not adequately describe the UK and Scottish Government’s consultation practices. Greer and Jarman (2008) identify a top-down policy style in relation to the UK Governments use of *policy tools*, not the imposition of policy without consultation, while Cairney (2008) finds an impressive degree of consultation and, in some cases, consensus building in the UK. This is an important corrective to the argument that the ‘British Policy Style’ is top-down and impositional.

The analytical distinction is also necessary to revisit the policy communities narrative. It helps identify and explain the surprising finding that the same Scottish groups, who seem relatively satisfied with the consultation process, often appear to be more disappointed with policy outcomes than their UK counterparts (even allowing for the fact that some pro-devolution campaigners had exaggerated hopes for major policy change). Such dissatisfaction may be an unintended consequence of the combination of Scottish Government styles. First, it adopts a consensual consultation style, promoting high group ownership of policy and signalling to groups that they can make a difference to government decisions. Second, it pursues a bottom-up implementation style, in which it sets strategic priorities but often leaves the details of implementation to other organisations.

Some groups are less supportive of this approach than others. In particular, groups with limited resources may be the least supportive of flexible delivery arrangements because they have greater ability (or only have the ability) to influence the initial policy choice made by the Scottish Government. The more that governments make policy commitments that lack detailed restrictions, and leave the final outcome to the organisations that deliver policy, the less some groups see their initial influence continued during implementation (Cairney, 2009b: 366). Further, the additional devolution of service delivery responsibility since 2007 may produce further dissatisfaction among groups with limited resources. It may also produce a need within most groups to reorganise their activities to reflect a shift in their attention. While they once had to influence a single Scottish Government, or a number of actors within it, they may now have to lobby to influence 32 local authorities and the organisations within them.

Consequently, the Scottish experience prompts us to revisit our assumptions about interest group politics. A key element of the idea of policy communities, as originally described by Jordan and Richardson (1982: 104), is that participants often have more than one ‘bite’ of the

same ‘cherry’. If they do not get what they want when the initial policy choice is made (perhaps when there is greater ‘top-down’ ministerial involvement), they may still have influence when policy is implemented (perhaps by civil servants). In other words, the British policy style is often about getting what you want in the long term even if policy is made from the top-down in the short term. Preliminary Scottish case studies, such as in compulsory education, highlight the opposite effect: participants get what they want at the formulation stage, only to find that policy is implemented differently by organisations that they find relatively difficult to influence (Cairney, 2009b identifies a similar situation in Wales).

This difference prompts us to reconsider the idea of a policy community. The image of a policy community may rely on the understanding that most actors coalesce around a common reference point – such as central or national government. There is now some uncertainty on this point in the example of Scottish education. Before 2007 the picture was perhaps clearer, with the Scottish Government responsible for national policy and local authorities delivering a policy given to them, backed up by an inspection regime, some ‘ring fenced’ money and a tendency for local authorities to follow a common and relatively detailed curriculum. While there was considerable scope to influence national policy, it was still driven by the government. This picture is now less clear and the acceleration of local devolution may produce significantly new arrangements. The nationally directed education system is locally managed, and local management becomes more significant when national direction is backed up less by dedicated money and short term targets.

Locally determined implementation has the potential to change interest group relationships. While there may be a policy community at the national level and, for example, teaching union representatives have strong links with other unions despite their competing roles, local level relationships between unions and local authorities are often relatively strained and unions are more likely to identify top-down decision making with limited consultation. The groups at local levels may be obliged to compete with other groups and other demands on the budget, and the local authority could be referee to that battle rather than just another interested party (as is the case in national policy communities). At the national level, the civil servants with whom the groups interact may share goals with groups, but at the local level the relevant officers may not be service specialists or as sympathetic to group demands.

This devolution to the local level is part of a wider multi-level group-government process - which undermines the idea of a *Scottish* policy style if Scotland-relevant policy is made at many levels (Cairney and McGarvey, 2013: 169). Such developments complicate the ‘policy community’ image and make it increasingly difficult to conclude simply that Scotland enjoys more consensual interest group politics. In particular, the relationship between interest groups and policymakers at the local level does not confirm the simple ‘consensus democracy’ image. The British and Scottish policy styles may be diverging, but such change is not captured well by the majoritarian versus consensus democracy labels.

Conclusion

A comparison of two narratives of Scottish devolution has implications which extend far beyond the politics of one country. It highlights a fundamental difference in the way that we understand government and policymaking. Lijphart's majoritarian-consensus distinction, as an exemplar of the 'comparative politics' method, highlights the characteristics of formal institutions and seeks to quantify their effect on the outputs of different political systems. Using this approach, Flinders (2010) argues that policy styles in the UK are diverging: the UK remains majoritarian, while Scotland has adopted the institutions of a consensus democracy; and, their group-government relations have diverged as a result. The 'policy communities' approach, as an exemplar of public policy studies, challenges this conclusion by identifying the 'universal' nature of many policymaking conditions and the inclination of policymakers to address them in similar ways. Using this approach, we find that the UK and Scotland often share a common policy style – a finding that reinforces the identification of a common 'European Policy Style' in 1982 – and that the differences in style are not captured well by the majoritarian-consensus distinction.

Devolution in the UK has certainly given Scottish governments the responsibility to make policy and some *capacity* to make it in a distinctive way. New 'territorial policy communities' have developed and devolution has prompted many interest groups to change their organisations and/ or lobbying strategies; to focus their attention much more on the Scottish policy agenda. The overall picture suggests a generally open and consultative approach by the Scottish Government and the strong willingness and ability of groups to engage constructively in policymaking in Scotland. This all takes place within the context of the design of new Scottish politics; as a set of institutions designed to produce a consensus, not majoritarian, democracy. In this sense, the Scottish experience confirms one part of the consensus democracy narrative. However, the argument here is that the apparent distinctiveness of the Scottish style is often exaggerated by comparing it with a simplified and negative interpretation of the majoritarian British style. This commonplace picture of British policymaking is a misleading caricature and the majoritarian-consensus narrative is often undermined by the evidence.

The 'policy communities' narrative suggests that political systems such as the UK do not live up to their majoritarian reputations, and that policymaking (or at least the consultation element) in consensus democracies is not radically different from that in majoritarian systems. Democracy is inevitably associated with consensus building and consent. Ostensibly different types of democracy tend to converge on policy styles that reflect a wish to consult with interest groups (to address their 'rationality deficit'), their desire to produce consensus (to ensure the smooth implementation of policy) and their tendency to change policy incrementally (based on previous agreements and past policy decisions) rather than from a 'blank slate'. Few governments reject completely the ideas underpinning previous policies, or the relationships that they have built up (a) with participants providing information and support, and (b) the organisations held responsible for policy implementation. Indeed, policymakers do not have the *ability* to radically change government policy as a whole because they inherit a huge government with massive

commitments and they only have the ability to pay attention to, and seek to influence, a small proportion of the policies for which they are responsible (Cairney, 2012c). While instances of high-profile top-down policymaking can be identified, they are situated within a wider system in which power and policymaking responsibility is necessarily spread across government. The policy communities narrative suggests that behaviour cannot be simply ‘read off’ from formal institutions and, instead, different systems share a ‘standard operating procedure’ as they try to meet with democratic goals and make well informed policy. Shared democratic expectations constrain the ways in which styles can differ.

This narrative is supported strongly by extensive evidence gathered since devolution. There are some notable differences between Scottish and British styles, but they may not always reflect a different policymaking culture based on political system design. Rather, there are key practical sources of difference, such as Scotland’s size and the ability of policymakers to maintain more personal relationships with local authority and health board chief executives rather than rely on setting targets backed up by audit regimes and the injection of forms of competition into the public sector. In other words, it is often the Scottish Government’s *implementation style* that stands out more than its *consultation style* since we can often identify similar levels of consultation within the UK Government.

These conclusions should allow us to reflect on the issues that arise in our Japan-UK comparisons of policy styles in general, and intergovernmental relations in particular. The UK experience suggests that IGR between the UK and Scottish governments is not as top-down as one might expect. The machinery for UK government dominance appears to exist, but we should not forget the general absence of a willingness or ability to use it. We may find more evidence of differences in the UK and Scottish Government approaches to central-local relations, given the UK’s reputation for using targets and punitive measures to achieve its policy aims and Scotland’s reputation for engaging in a ‘bottom up’ style (although note that these are often reputations that should be analysed in depth; this paper only identifies policymaking in Scotland, without a systematic UK central-local comparison). However, we should not exaggerate those differences or Scottish distinctiveness. Often the Scottish Government pursues localisation and centralization at the same time (or in different areas). Its reputation for consensus may often be based as much on its ability to *manage* groups personally as generate their agreement.

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ⁱ This paper is based on work I am currently completing with Professor Grant Jordan (see also Jordan and Cairney, 2013).

ⁱⁱ 'Pressure participants' is used by Jordan et al (2004) partly to stress that terms such as 'pressure groups' or 'interest groups' can be misleading because: (a) they conjure up a particular image of a pressure group which may not be accurate (we may think of unions or membership groups like Greenpeace); and (b) the organisations

most likely to lobby governments are businesses, public sector organisations such as universities and other types of government.

ⁱⁱⁱ Lijphart has put his notes underpinning this work on the web -

<http://www.tamuk.edu/geo/urbana/Database/POD-DATA.DOC> - but they do not clarify *how* the data were generated: 'Two-thirds of the data on interest group pluralism in *Patterns of Democracy* are based on an unpublished manuscript by Alan Siaroff ... in which he provides ratings for the 1960s and the 1980s. The remaining one-third of the data, for the 12 developing countries, are my own estimates'. A more impressive discussion is provided by Vatter (2008: 6) but note the basic approach: 'indicator values for the individual variables ... were allocated according to estimates ... validated by interviews with experts'.

^{iv} If corporatism is a way to engage union *and* business interests, more evidence is needed beyond Flinders' (2010: 170) quote of Keating's 2005 point which does *not* provide strong support for the bi-constitutional argument: 'It would be an exaggeration to say that Scotland has developed its own form of corporatism, binding government, business and the unions'. Further, the calculation is based on a misleading comparison between the UK and Scotland, since the devolved governments do not have the powers to control some of the most controversial issues – such as employment and economic policy - with which corporatism is most associated (the UK's 3.5 is based largely on its labour and economic policies, for which there is no devolved equivalent).

^v Consider, for example, the Scottish Government and Parliament relationship. The relationship between the two main political parties (the SNP and Labour) has always been adversarial, contributing to a Westminster-style coalition majoritarian government from 1999-2007, followed by an adversarial relationship under minority government from 2007-11 and majority government from 2011 (Author, 2011a: 39-40; Arter, 2004: 83; compare with Flinders 2010: 137-42).