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| <b>Institution:</b> University of Aberdeen   |                                  |  |
| <b>Unit of Assessment:</b> UoA19 (Politics and International relations)  |                                  |  |
| <b>Title of case study:</b> Constitutional Change and Territorial Politics in the United Kingdom   |                                  |  |
| <b>Period when the underpinning research was undertaken:</b> 2013-2019   |                                  |  |
| <b>Details of staff conducting the underpinning research from the submitting unit:</b>   |                                  |  |
| <b>Name(s):</b>  | <b>Role(s) (e.g. job title):</b> | <b>Period(s) employed by submitting HEI:</b> |
| Michael Keating  | Chair in Scottish Politics       | 08/1999-present                              |
| <b>Period when the claimed impact occurred:</b> 2014-2019  |                                  |  |
| <b>Is this case study continued from a case study submitted in 2014?</b> N   |                                  |  |
| <b>1. Summary of the impact</b> (indicative maximum 100 words)   |                                  |  |
| <p>Michael Keating's work concerns how the United Kingdom has reorganised its tiers of government and its external relations to the European Union in a post-sovereignty age, and how these changes articulate with each other. His research has sought to clarify the competing meanings of terminology used during the debates on Scottish independence and Brexit, while recognising that protagonists operate within different conceptual frames and political languages. His impact involves novel forms of dissemination to enable key stakeholders at all levels of discussion to respond to these changes, allowing the public, politicians and state actors to understand the nature, consequences and implementation of decisions taken. This has taken place during a period of extensive constitutional change, and his work has focussed on the competing understandings of Scottish independence, the European Union, and the nature of Brexit.</p>  |                                  |  |
| <b>2. Underpinning research</b> (indicative maximum 500 words)   |                                  |  |
| <p>Since 2013, Keating's research has covered two broad areas: the redistribution of social and political powers and systems across the different layers of government (Rescaling); and the debate around the concept of political union itself (Post-sovereignty) [P1-4]. This ongoing research has enabled the 2013 foundation of the Centre for Constitutional Change (CCC), established as part of the ESRC Future of the UK and Scotland programme in the lead up to the Scottish independence referendum of September 2014 [P1]. The CCC represents a consortium of researchers from universities in the UK and Ireland. Since its establishment in 2013, Keating, the Centre's Director, has led an interdisciplinary programme of research in collaboration with the University of Edinburgh, examining options for constitutional change, including independence and subsequent implications for the future of the UK and Scotland.</p> <p>Rescaling refers to the migration of functional systems, governing institutions and political competition to new levels above and below the state. Keating's work examines how rescaling of social and political systems – rather than involving the creation of a 'blank slate' on which totally new scalar arrangements can be established – occurs through a conflictual 'layering' process in which resultant rescaling strategies interact with, and only partially rework inherited social and political systems. Post-sovereignty refers to the changing meaning of state sovereignty in an interdependent world.</p> <p>Keating's work has focussed on the Scottish independence (2014) and EU (2016) referendums. In both cases, the conceptual frameworks drew on Keating's work on spatial rescaling and post-sovereignty. These frameworks have been critical to enable Scottish independence and Brexit to be framed not as absolutes but as changing relationships: indeed, the difficulty in defining exactly what Scottish independence or Brexit have really meant, in terms of social or political systems, is</p> |                                  |  |

often at the heart of the debate. As part of this framework, Keating, in collaboration with the wider CCC, has examined the political debates from an interdisciplinary perspective, drawing on political science, public policy, social policy, economics, international relations and law.

### **Constitutional Futures and Models of Policy Making (2013-14)**

In 2013, Keating undertook research to explore policy models related to the constitutional debate in Scotland. Rather than aiming to show which model would fair best in a normative (cost-benefit) sense, he looked at the institutional foundations and implications of each to examine what version of Scotland might be adaptable to the Scottish case. As part of this project, Keating examined:

- the issue of sovereignty within the UK, which has never definitively been resolved;
- the status of the Legislative Consent (Sewel) Convention, including the Supreme Court rulings;
- whether and how an independent Scotland could join the European Union;
- the interpretation of the Good Friday Agreement in Northern Ireland;
- the place of England in the changing union;
- the scope for a differentiated Brexit for Scotland and Northern Ireland.

By introducing comparator cases, including independent states and other autonomous regions he was able to examine key features such as shared identities, long-term census, social partnership, labour market regulation and tensions among the elements. Ultimately, Keating identified two models of adaptation, the market-liberal and the social-investment models [P2; 1, 5].

### **Changing UK in a Changing Europe (2015-17)**

In 2015, Keating was awarded an ESRC-funded fellowship to examine the impact of changing the UK's relationship to the European Convention for the Protection of Human Rights and Fundamental Freedoms on the arrangements in the devolved territories. The project analysed these issues in a form accessible to stakeholders and the public, exploring options for change within the UK and Europe and drawing on comparative experience. In particular, this included the changing territorial constitution of the UK within a changing Europe and the prospects for reform.

As part of the project, Keating undertook analysis of:

- the economic consequences both of Scottish independence and of Brexit;
- the currency and public finance options for an independent Scotland;
- public finances in Scotland, tax options and prospects after independence;
- the meaning and implications of the UK internal market;
- the implications of Brexit for agriculture in Scotland, Wales and Northern Ireland.

Keating focussed on reviewing existing knowledge and dissemination to assess future scenarios for the European Union and the UK's place within it as well as scenarios for constitutional change in the UK itself. This included reviewing different perspectives on Europe among the public, civil society and political parties, and differences in the interests of the component parts of the UK in European policy choices. Keating found that the EU is a key factor underpinning the UK devolution settlement and that membership would allow a more extensive internal devolution than would otherwise be possible [P3; 2, 3,4].

### **Between two unions. The Constitutional Future of the Islands after Brexit (2017-2021)**

Brexit represents an unprecedented event in the history of the European Union and constitutes a real-time experiment in constitutional reinvention. As such it has taken place in a context with very few rules and unknown outcomes. In 2017, Keating led research exploring the reconfiguration of political, economic and social union after Brexit, in particular, the inter-relationship between UK withdrawal from the European Union and constitutional change within the UK and Ireland. By undertaking critical examination of claims made by actors in the process he produced a case study, which challenges existing understandings of statehood, sovereignty and union. Keating asked fundamental social questions concerning:

- the rescaling of social solidarity;
- the meaning of social union;
- options for devolution of welfare policies.

Keating found that although the ideological foundations of union have been weakening in recent decades, the devolution settlement has been moving towards a form of asymmetrical federalism [P4].

Keating's research has been strongly informed by public opinion. As part of [P1-4] Keating and the wider CCC conducted surveys for both referendums, finding that public opinion on independence was not as polarized as the parties. There was strong support for a middle option which had not been on the ballot paper, although after the referendums the parties moved towards compromise. Combining constitutional analysis with policy studies enabled Keating and the CCC to examine the landscape of an independent Scotland or post-Brexit beyond formal competences [1-5] with analyses made available here: [https://threadreaderapp.com/user/CCC\\_Research](https://threadreaderapp.com/user/CCC_Research).

Keating's research has ensured provision of impartial, tailored and effective communication to target groups, adjusting messaging to facilitate engagement. Throughout the research has been accompanied by active engagement with policy-makers, the media and the public, mediated as a two-way exercise, in which Keating and collaborators were able to inform stakeholders while learning from them about issues, perceptions and priorities. Stakeholders within each project have included policy-level officials, parliamentarians, professional stakeholders and civil society, including business, trade unions and the voluntary sector, and the general public. Keating facilitated engagement with target groups, through organised events, topical public meetings with participatory elements, and regular engagement with broadcast media and journalists. This work was supported by a strong digital media strategy including release of reports, newsletters and a vibrant social media presence. As a result, Keating has developed an effective and accessible mechanism to communicate findings to non-academic users in order to inform debate, and in particular to reach the public by providing good analysis in a readily comprehensible form.

### 3. References to the research (indicative maximum of six references)

- [1] Keating, M (2014) *Small nations in a Big World: What Scotland can learn* 1st ed. Edinburgh: Luath Press. 152 p.
- [2] Keating M (2017) Brexit and Devolution in the United Kingdom in *Politics and Governance* 5, 2, p. 1-3 3 p.
- [3] Keating M. (2018) Brexit and the Territorial Constitution of the United Kingdom in *Droit et Société* 98, p. 53-69 17 p.
- [4] Keating, M. (2019) *The Repatriation of Competences in Agriculture after Brexit* (revised version)
- [5] Keating, M (2019) *The Political Economy of Small European States: And Lessons for Scotland*, *National Institute Economic review* 227, 1, p. R54-R66 13 p.

### Grants

- [P1] **Keating, M.**, Tierney, S McEwen, N, et al. *The Constitutional Future of Scotland and the United Kingdom*. ESRC; 10/2013-10/2016 (GBP2,437,955, GBP460, 918 to Aberdeen)
- [P2] **Keating, M.** *Constitutional Futures and Models of Policy Making*. ESRC 01/2013-04/14 (GBP148, 451)
- [P3] **Keating, M.**, Harvey, M. *A Changing UK in a Changing Europe*. ESRC; 07/2015-06/17 (GBP128,603)
- [P4] **Keating, M.**, Murphy, M., McEwen, N., Kenny, M., Wincott, D., George, M. *Between two unions. The Constitutional Future of the Islands after Brexit*. ESRC; 10/2017-06/21 (GBP414, 493)

**4. Details of the impact** (indicative maximum 750 words)

The period of deliberations since 2013 has involved considerable constitutional change. Conducting political analysis in 'real time' is challenging, as it requires researchers to anticipate implications in the light of limited evidence. Keating and the wider team at CCC have introduced novel mechanisms to adapt rapidly to policy developments, and to produce substantive, concise and user-accessible analyses to suit a variety of audiences. These mechanisms have enabled effective communication of on-going events while retaining a 'big picture' and impartial academic perspective on the development of devolution, the UK state and its relationship to the EU. The success of this approach, in particular Keating's focus on end users, is evident in the extent and form of engagement; as a result his research has been picked up by a wide variety of stakeholders at all levels of the constitutional debate:

**Enhancing voter understanding**

The aim of the CCC is to support the creation of new and effective ways to communicate research findings. The Centre regularly posts online blogs accessible to a wide audience. Since 2013, Keating's blogs have been viewed over 41, 000 times [S1]. In 2014, Keating teamed up with The Hunter Foundation and other leading scholars to produce a free e-book to answer voters' questions before the Scottish referendum. This e-book titled *Scotland's Decision* was downloaded over 120,000 times in the lead up to the Scottish independence referendum, highlighting its uptake across the public [S2]. Due to the success of the first e-book, a second was released prior to the European referendum titled, *Britain's Decision – Facts and Impartial Analysis*, which involved scholars from the CCC and the David Hume Institute. They identified 19 key questions that underpin the debate and they offer objective, independent analysis of these issues. These books analysed the facts and the relative merits or demerits in an impartial manner to help voters to make their decision.

The influence of the CCC can be evidenced in the direction of the Scottish Policy & Research Exchange (SPRE), which launched in January 2019 and advocates for policy engagement across the social sciences. SPRE's Director, Nick Bibby, has stated that his interest in policy engagement was heavily influenced by his time at CCC, building experiences through work in communications and engagement:

*'the Scottish Policy & Research Exchange would not exist had it not been for the participatory approach to research employed by Michael and the rest of the CCC team. This approach, a participative, iterative attitude to policy engagement, allows researchers to develop insights that can feed directly into policy discussion. Not only is this at the heart of much of SPRE's work but also informs the way we train and mentor early-career and other researchers'* [S3].

**Informing civil society organisations**

The National Farmers Union (NFU), an apolitical membership organisation representing the interests of 9,000 crofting and farming members, in itself is not equipped to comment extensively on how such governance might or could operate upon leaving the European Union and Common Agricultural Policy (CAP). In 2019, and on behalf of CCC, Keating provided a research briefing to the Scottish Parliament on the current scope and practice of policy divergence and convergence under the Common Agricultural Policy, the future of agricultural funding and the possible ways in which it might be distributed after Brexit. NFU drew heavily on his academic analysis stating, *'In its consideration of this important issue, NFUS has engaged with the authors of, and subsequently has drawn heavily from, academic and independent analysis published by the Centre on Constitutional Change [...] on the operation of devolution and EU competences after Brexit'* [S4].

**Providing an effective knowledge base to media outlets**

Keating has routinely provided interviews for radio and television, including BBC News (June 2014), BBC Radio 4, and BBC Radio Scotland (Dec 2018). He has also provided impartial contributions to the national and international press, including *The Scotsman*, *The Herald* and *Sunday Herald*, and *The Times*, for their coverage of key issues in his area of expertise [S5]. As a result of his skilful ability to communicate his ideas, Keating's value as an analyst and communicator have been recognised with high esteem by media outlets:

*'Professor Keating was a regular guest on most of these programmes. He was, and is, valued for several reasons:*

- his impartiality as an analyst [...] added credibility to his analysis of constitutional matters concerning Scotland and the interminable twists and turns of Brexit [S5]*
- His ability to communicate his ideas [...] This is a skill which, sadly, is far from universal. Professor Keating was extremely good at explaining his insights and analysis in a way that viewers and listeners could understand' [S5].*

The accessibility and impartiality of Keating's research has had an impact on policy through his innovative approach and his ability to provide clear, accessible, and unbiased written and oral evidence. This is evidenced by Keating's role as official advisor to the Scottish Parliament's European and External Affairs Committee, and his engagement with governance institutions including the Scottish Parliament, National Assembly for Wales, House of Commons, House of Lords and European Parliament, on over fifty occasions. Select examples are outlined below:

### **Advising the tiers of government**

Keating has been identified as an informed but neutral arbiter on vexed constitutional matters, and as such has been a trusted advisor to many of the tiers within the British governmental system as demonstrated below:

**Welsh Assembly** In 2016, Keating was engaged by the Welsh Assembly to help develop terms of reference in order to produce best practice principles for inter-institutional working for constitutional legislation and promote citizen engagement [S6].

**Scottish Parliament** In 2020, Keating acted as a witness during a debate on the UK Internal Market Bill to the Finance and Constitution Committee on 16<sup>th</sup> September [S6] as well as an advisor to the Culture, Tourism, Europe and External Affairs Committee [S8].

**Select Committee on the Constitution** in 2018, Keating provided independent advice on policy co-operation and co-ordination, dispute resolution as well as funding the devolved administrations.

**Public Administration and Constitutional Affairs Committee** In 2017, Keating gave evidence to the committee (Devolution and Exiting the EU and Clause 11 of the EU withdrawal Bill: Issues for Consideration) [S6].

**House of Lord Constitution Committee** Evidence presented by Keating and the wider CCC is cited in the Lords Constitution Committee's report 'The Union and Devolution' (2015), with direct links drawn between this evidence and the Committee's recommendations on the development and structure of the union. In this instance, his evidence clarified that manifestation of solidarity goes beyond simple redistribution of resources, stating that in a world where citizens are subject to multiple layers of government, from the European Union to the local level, it would be important to build social cohesion "at all levels". Keating's evidence clarified that 'Good inter-governmental relations should mean that differences in policy or major implementation decisions are made because of the active decisions of each administration, rather than through a lack of consultation and communication.' As a result, the Committee recommended that the Cabinet Office, as part of its current review of inter-governmental structures, consider and report on how a revised Joint Ministerial Committee structure might best be used to facilitate joint policy-making and co-ordination [S7].

### **5. Sources to corroborate the impact** (indicative maximum of 10 references)

[S1] Evidence from CCC demonstrating viewership of Keating blogs (email correspondence)

[S2] Evidence from CCC demonstrating e-book downloads (email correspondence)

[S3] Testimonial from the Scottish Research and Research Exchange (SPRE)

[S4] Evidence provided by National Farmers Union (NFU) to Scottish Parliament (report)

[S5] Testimonial from media outlet (email)

[S6 (group)] Committee reports, minutes demonstrating Keating's role as neutral arbiter to tiers of Government

[S7] Lords Constitution Committee's report (2015)

[S8] Testimonial from the Culture, Tourism, Europe and External Affairs Committee in the Scottish Parliament (email)