

SPECIAL ISSUE ARTICLE

Political responses to a second Scottish independence referendum: Deferral, denial and delegitimisation

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Abstract

This paper examines how the UK state has responded to Scottish demands for a second independence referendum, treating those demands as constitutional contestation and asking whether the state has converted that contestation into deliberative engagement or managed it through deferral, denial, and delegitimisation. Drawing on a longitudinal analysis of ministerial discourse between 2016 and 2026, the paper traces how successive UK Governments – Conservative and Labour – have justified their consistent refusal to sanction a second referendum. It identifies three overlapping phases: conditional deferral under Theresa May, in which the question was postponed around Brexit; assertive denial under Johnson, Truss and Sunak, in which crisis conditions were instrumentalised and the 2022 Supreme Court ruling used to normalise refusal; and managed delegitimisation under Starmer, in which a softer tone masked an effort to render independence constitutionally illegitimate. The UK state has deployed a consistent repertoire – democratic finality, crisis conditions, mandate contestation – to close off rather than structure debate. The paper concludes that while these strategies have prevented a second referendum, they have not resolved the underlying tension, raising fundamental questions about deliberation and democratic legitimacy in multinational states.

Keywords: Conservative Party; Labour Party; Scottish nationalism; secession; unionism

Introduction

The management of territorial self-determination claims poses challenges for multinational states. This is particularly true in the United Kingdom (UK) where the status quo, underpinned by an uncoded constitution, is largely reliant on unwritten constitutional norms and principles. Unlike other multinational states, such as Spain (see López Bofill, this special issue), contentious territorial issues in the UK have been managed, if not resolved, predominantly through political negotiation rather than recourse to the courts. Despite contrary positions, the Scottish and UK Governments worked together to deliver the 2014 Scottish independence referendum, but while voters rejected

independence, the issue has been, and remains, far from settled. The result of the 2016 referendum in which a majority of voters across the UK voted to leave the European Union (EU), while a firm majority in Scotland voted to remain, reignited the independence debate. In response, the Scottish National Party (SNP)-led Scottish Government has repeatedly called for a second independence referendum, but these requests have been repeatedly rebuffed by successive UK Governments. In this context, in 2022 the Scottish Government drafted a bill to hold a second independence referendum, and asked the Lord Advocate, the Scottish Government's senior law officer, to seek the Supreme Court's ruling on whether the Scottish Parliament had the legislative competence to organise a referendum. The Court ruled in November 2022 that the proposed independence bill was outwith the Scottish Parliament's powers; only with the consent of the UK Government could a second independence referendum take place.

The Scottish independence debate provides a useful illustration of the prevalence of deliberation and contestation within multinational democracies. As the Introduction to this special issue details, multinational states are by nature permeated with constitutional tensions and political friction. National minorities, for their part, are typically concerned with preserving or enhancing their territorial autonomy, including secession, whereas central governments seek to sustain the territorial integrity of the state. The politics of multinational states are therefore characterised by competing visions of the state, giving rise to both contestation over territorial politics and deliberation about how competing claims might be reconciled (Gagnon and Tully 2001). Multinational states are characterised by the routine co-existence of co-operation and conflict, with friction over territorial questions a normal rather than exceptional feature of political life.

In line with the wider aims of this special issue in exploring contemporary processes of deliberation and contestation within territorial debates in multinational states, this paper seeks to understand the reasoning behind the UK Government's position vis-à-vis the rejection of calls for a second independence referendum. This paper approaches these repeated refusals as a form of constitutional contestation. Rather than asking whether a second referendum should or should not be held, it explores how the UK state has responded to Scottish demands as a constitutional claim. To better understand this, we explore a 10-year period (2016–2026), beginning with the trigger for renewed demands for an independence referendum – the vote to leave the EU – and ending with the departure of UK Prime Minister Keir Starmer in July 2026, a point at which the question of independence was of diminished salience, but still ever present in Scottish political life. This period was one of significant tumult, both within the UK and globally, and includes the protracted and difficult process of leaving the EU, the succession of crises both endogenous and exogenous (Covid-19, Russia's invasion of Ukraine, the cost-of-living crisis and the Iran war), and a number of devolved and UK-wide elections. In offering a longitudinal perspective, we identify both continuity and change in the reasoning of the UK Government and political elites from both the Conservative and Labour parties. While opposition to a second referendum remained consistent over the 10-year period, the arguments used to justify this position varied in both tone and substance, revolving around broader strategies of deferral, denial and delegitimisation.

This article is structured as follows. The next section provides an overview of the evolving debate over Scottish independence. The sections thereafter set out the method and present the empirical analysis, which details and examines the way that successive governments have responded to consistent demands for a second independence referendum. The final section reflects on the future trajectory of the Scottish independence debate.

From referendum to referendum: The independence debate

The 2014 independence referendum was a result of negotiated agreement between the Scottish and UK Governments, made possible by the latter's willingness to transfer the necessary powers to the Scottish Parliament to facilitate the organisation of the referendum. The Edinburgh Agreement thus represented a notable example of intergovernmental deliberation. It was not the product of legal proceedings, but of compromise between the two governments, and a conscious decision by David Cameron, UK Prime Minister, to attempt to settle the issue. As he explained in 2014:

I felt, as the prime minister of the UK, I had a choice. I could either say to them 'well you cannot have your referendum, it is for us to decide whether you should have one.' I think that would have led to an almighty and disastrous battle between the Westminster parliament and the UK government and the Scottish Government and the Scottish First Minister. So I did what I thought was the right thing, which was to say 'you voted for a party that wants independence, you should have a referendum that is legal, that is decisive and that is fair' (Watt 2014).

For Cetrà and Harvey (2019: 613), while the decision to hold a referendum was, as demonstrated in the excerpt above, portrayed by Cameron as 'magnanimous and respectful to democratic ideals', they argue it was in fact 'predicated on his view that the Union would win a crushing victory, and that the demand for independence could be completely defeated' (Cetrà and Harvey 2019: 622). This viewpoint was bolstered by polling at the time, which in 2012 at the signing of the Edinburgh Agreement gave the No camp a comfortable 20-to-25% lead. On 18 September 2014, on a record turnout of almost 85%, 55% of the Scottish electorate voted against independence, while 45% voted in favour. Consistent with the UK Government's intentions, the referendum was fair, legal and produced a decisive result, but the vote failed to settle the matter. In the aftermath of the referendum, the SNP gained a substantially increased membership and 56 of Scotland's 59 seats at the 2015 UK General Election. Notwithstanding the referendum, the independence question remained a live issue.

The SNP was unsuccessful in securing a majority in the 2016 Scottish Parliament election, but since 2007 Scotland has been governed continuously by pro-independence administrations, including the SNP governing alone, or with the support of the pro-independence Scottish Green Party. This has provided a platform for pro-independence actors to ensure independence remains salient, but also to claim, from their viewpoint, a mandate for a second referendum. Following the 2016 referendum on the UK's EU membership, these claims became more prominent within pro-independence discourse (McEwen 2018).

On 23 June 2016, by a slim majority (52% to 48%) the UK electorate voted to leave the EU. The result, however, reignited the independence debate in Scotland and raised concerns about the stability of the peace process in Northern Ireland (McEwen and Murphy 2022). Majorities within Scotland and Northern Ireland voted to remain (62% in the former and 56% in the latter), while majorities within England and Wales voted to leave (53% in both nations). Brexit altered the constitutional and political context in which independence claims were made. EU membership was a prominent issue in the Scottish independence campaign, with both sides endorsing opposing viewpoints on whether Scotland would remain a member of the EU in the event of an affirmative vote for independence. While the degree to which European Union membership factored into voters' decision-making in 2014 was (and remains) a highly debated issue (Muro and

Vlaskamp 2016), the insertion of a provision into the 2016 SNP manifesto to hold a second referendum ‘if there is a significant and material change in the circumstances that prevailed in 2014, such as Scotland being taken out of the EU against our will’, provided, in the view of the SNP, a mandate for revisiting the question of independence (SNP 2016: 23). The prolonged and contentious period of negotiation with the European Union that followed was characterised by repeated appeals by the SNP to hold another referendum (Anderson and Brown Swan 2025).

The referendum route to independence was adopted as official party policy in the 1990s, and the precedent set by 2014 is a powerful one. While independence activists have speculated on alternative pathways to a referendum, including a *wildcat* referendum or the use of a General Election as a mandate, it seems clear that the demands made by the SNP have centred and continue to centre on a referendum as the means by which an independent Scotland is to be secured (Douglas-Scott 2022; Fasel and Wilson Stark 2024). This was evident in the party’s 2019 General Election manifesto, in which it underlined the necessity of an agreed process, both for legitimacy at home and in order to secure international recognition (SNP 2019). McCorkindale and McHarg (2020) note that while ‘As a matter of law, a referendum is not a required part of the process of becoming independent’, however ‘in a conventional sense, it is a constitutional requirement, given the precedent of the 2014 independence referendum’.

From 2017 onward, the SNP Government at Holyrood lodged requests with the UK Government – both formal and informal – for a second independence referendum. In line with its 2016 manifesto pledge, these requests were justified on the basis of the ‘material change of circumstances’ posed by the UK’s exit from the European Union, electoral victories positioned by the party as mandates and democratic consent, particularly in response to the most controversial elements of post-Brexit legislation. As we shall see, successive UK Governments refused to grant consent.

In 2021 the SNP was returned to office, subsequently forming a confidence and supply agreement with the Scottish Greens. In their election manifestos, both parties committed to holding an independence referendum within the parliamentary term, a commitment that was subsequently included in the formal Bute House Agreement between the two parties (Scottish Government 2021). In response to the UK Government’s ongoing refusal to transfer the requisite power to hold a referendum as happened in 2014, in June 2022 the Scottish Government announced its intention to hold an independence referendum in October 2023 and published a draft Scottish Independence Referendum Bill (Douglas-Scott 2022). However, legal uncertainty arose as to whether the Scottish Parliament had the legislative competence to pass such a Bill, given that constitutional matters are reserved to Westminster under the Scotland Act 1998. Using a provision under Schedule 6 Paragraph 34 of the Scotland Act 1998, which states that the Lord Advocate – the senior law officer of the Scottish Government – ‘may refer to the Supreme Court any devolution issue which is not the subject of proceedings’, the question about the legal viability of the Scottish Parliament to hold a referendum was referred to the Supreme Court. The Scottish Government argued that the Scottish Parliament could lawfully legislate for a referendum given the result would only be advisory and therefore would not directly affect the reserved matter of the Union. The UK Government directly contested this and argued that any independence referendum would clearly relate to reserved constitutional matters and therefore the Scottish Parliament lacked legislative competence to unilaterally hold a referendum. Indeed, the UK Government also challenged the procedure of the Scottish Government in referring the issue to the Supreme Court because the bill was only a draft proposal. In a

unanimous judgment published in November 2022, the Supreme Court ruled that the Scottish Government had followed the correct process, but that the Scottish Parliament did not have the competence to legislate for an independence referendum.¹ As was the case in 2014, a legal independence referendum can only take place with the consent of the UK Parliament.

However, although the ruling provided clarity on the legal validity of a referendum, it did not settle the matter. The ruling asserted that a Section 30 order was the only lawful route to an independence referendum. The ruling did not elaborate on under what conditions an order should be granted or denied, or offer an alternative mechanism should the UK Government continue to refuse. In response, then Scottish First Minister Nicola Sturgeon stated that the Scottish Government respected the judgment and would therefore pursue alternative routes to secure a referendum (SNP 2022). These included treating the next UK General Election (held in 2024) as a *de facto* referendum on independence, alongside the publication of a series of papers under the title ‘Building a New Scotland’ which set out the case for an independent Scottish state.

Following the resignation of Sturgeon in 2023, Humza Yousaf succeeded her as First Minister. Signalling his commitment to advancing the independence cause, he created the post of ‘Minister for Independence’ within the Scottish Government and endorsed the *de facto* referendum strategy laid out by his predecessor (Carrell and Brooks 2023). Yousaf’s premiership, however, was short-lived. After terminating the SNP’s confidence and supply agreement with the Scottish Greens in April 2024 and facing a possible no-confidence motion, Yousaf resigned. John Swinney was subsequently elected unopposed as the new SNP leader and thus became First Minister (Rosie 2024). Under Swinney’s leadership, the 2024 General Election was not contested as a *de facto* referendum, although advocating independence was a central plank of the SNP’s campaign. Nonetheless, with Labour in the ascendancy in Scotland as much as across the UK, the SNP lost its position as Scotland’s largest party, with a total loss of 39 seats (Brown Swan 2025). This dip was, however, short-lived; in the 2026 Scottish Parliament election the SNP was re-elected to form the government for a record fifth time.

Research design

To examine how successive UK Governments have justified the continued refusal of a second Scottish independence referendum across changing political contexts, this article analyses ministerial discourse over time. In doing so, we adopt a longitudinal approach to identify the dominant justifications advanced during three periods (2016–2020, 2020–2024, and 2024–2026). We draw on three key sources: 1) Hansard records of debates, identified by contributions from key figures using the key words of ‘Scotland’, ‘independence’, or ‘referendum’, as well as more focused searches to identify the repetition of specific phrases; 2) publicly available correspondence between UK and Scottish Government ministers; and 3) relevant media interviews and public statements by Prime Ministers and Cabinet members. Arguments were identified inductively and assessed in terms of their prominence, repetition and uptake by key actors. This article

¹For a detailed discussion of the Supreme Court ruling, see Psycharis and Mills (2023) and Sanger and Young (2023).

adopts an interpretive approach, treating governmental discourse as a key site through which the UK state articulates and legitimises its authority in response to demands for a second independence referendum.

Legitimising 'No': Discursive responses to Scottish Independence (2016–2026)

The analysis that follows examines how successive UK Governments justified their refusal to grant a second Scottish independence referendum between 2016 and 2026. By tracing the justifications deployed over time, we identify both continuity and change in the way the UK Government sought to justify its refusal of a second referendum. The core response remains the same: successive governments have rejected such calls, but both the justifications employed and the tone in which these justifications were made have shifted over time. This, we argue, reflected shifting political conditions including the calculation of political risk, electoral considerations, and the presence or absence of crisis conditions. The section is organised chronologically, reflecting distinct phases in the political context and corresponding patterns of justification.

2016–2020: Managing contestation after Brexit

The vote to leave the EU in June 2016 precipitated a protracted period of political turmoil between the UK and Scottish Governments. As noted above, the Scottish First Minister described the result as representing 'a significant and a material change of the circumstances in which Scotland voted against independence in 2014', continuing 'it is therefore a statement of the obvious that the option of a second referendum must be on the table' (Sturgeon 2016). Cognisant of the challenges of the territorial incongruity of the Brexit result, Theresa May, who replaced David Cameron as Conservative leader in 2016, emphasised her commitment to the Union in her first speech as prime minister, stressing the need to maintain the 'precious bond between England, Scotland, Wales and Northern Ireland' (May 2016). Highlighting this, the Prime Minister made visits to Cardiff and Edinburgh early in her premiership, with rhetoric focused on emphasising the value of constructive relations with the devolved governments. While developments such as the establishment of the Joint Ministerial Committee: EU Negotiations, an intergovernmental council to develop a UK approach to EU withdrawal, were heralded as advances in improving relations, the May Government made little effort to meaningfully engage with the devolved governments on the actual substance of the Brexit agreement (McEwen 2022). Engagement with the question of independence was similarly thin.

In March 2017, the Scottish First Minister wrote to the Prime Minister formally requesting discussions between the Scottish and UK Governments to agree 'an Order under section 30 of the Scotland Act 1998 that would enable a referendum to be legislated for by the Scottish Parliament' (Sturgeon 2017). Prior to this, May had already rejected calls for a second referendum, with the much-cited phrase 'now is not the time' repeated to justify the UK Government's position. Analysing this rhetoric, commentators and academics noted that the UK Government appeared not to outright reject the possibility of having another referendum; rather, it objected to the timing of discussions on the vote (Kenealy and MacLennan 2017; McEwen 2017; Stewart, Walker and Carrell 2017). Our analysis of statements by UK Government officials and Conservative parliamentarians during this period demonstrates repetitive use of the 'now is not the time' phrase. In contrast to an outright no, this reflected, on the part of the UK Government, an effort to

avoid confrontation with the Scottish Government, and the potential fuelling of independentist sentiment.

This framing was typically justified through two main arguments. First, the 2014 independence referendum was repeatedly characterised as a ‘once in a generation’ or ‘once in a lifetime’ vote, with parliamentarians frequently emphasising that only 2 years had passed since the Scottish electorate had expressed its will to remain part of the United Kingdom (Graham, HC Deb, 12 November 2017; Lamont, HC Deb, 12 November 2017). On this basis, calls for a further referendum were presented as premature and as undermining the legitimacy of the original result rather than fully off the table in the long-term (Ross, HC Deb, 12 November 2017). In a debate on the prospect of another independence referendum, Scottish Conservative MP Colin Clark argued that calling for another referendum so soon after the 2014 vote ‘devalues referendums and democracy’, with repeated calls by other Conservative parliamentarians during the debate for the SNP and Scottish government to uphold democracy and respect the result (Clark, HC Deb, 12 November 2017).

Beyond the focus on democracy, Conservative figures argued that political and institutional focus, in Westminster, Whitehall and Holyrood, should remain on negotiating the UK’s withdrawal from the EU and not on delivering a second referendum. A further referendum was portrayed as a distraction that would potentially weaken the UK’s negotiating position and divert attention from the complex and time-sensitive Brexit negotiations. This argument was most used by leading government officials. In rejecting a second referendum, Prime Minister May emphasised the need for the country to be ‘working together, not pulling apart’, reiterating her view that ‘to be talking about an independence referendum would ... make it more difficult for us to get the right deal for Scotland, and the right deal for the UK’ (Settle 2017). Similarly, then Secretary of State for Scotland, David Mundell warned that renewed debate over Scottish independence risked ‘blurring the issues around EU negotiations’ (Cramb 2017).

Other Conservatives challenged the Scottish Government’s premise that they had a mandate for what they saw as a re-opening of the constitutional debate. As mentioned above, the SNP’s manifesto for the 2016 Scottish Parliament election stated that if Scotland were ‘taken out of the EU against our will’, this would constitute grounds for the Scottish Parliament to hold another independence referendum (SNP 2016). The UK Government and Conservative parliamentarians, however, rejected this view. Some relied on the apparent precedent of 2014 in which negotiations were entered into by David Cameron on the basis that the SNP had formed a majority government in 2011, a feat not replicated in 2016, in which it fell short of a majority (Costa, HC Deb, 9 January 2019; Graham, HC Deb, 26 September 2019). This argument gained increased currency following the results of the snap General Election in 2017 in which the SNP lost 13% of its vote share and 21 seats compared to the election results just 2 years earlier (Hair, HC Deb, 12 November 2017; Jack, HC Deb, 12 November 2017). Specific to Brexit, however, several Conservative parliamentarians argued that the Brexit result could not be legitimately considered a mandate for a second referendum given that voters were already aware that EU withdrawal was a possible outcome when they went to the polls in 2014. This argument referred directly to the Scottish Government’s White Paper published ahead of the independence referendum, which stipulated ‘if we remain part of the UK, a referendum on future British membership of the EU could see Scotland taken out of the EU against the wishes of the people of Scotland’ (Scottish Government 2013: 210). For some Conservatives, this acknowledgement undercut the SNP’s claim that Brexit could be considered a material change in circumstances. As MP Ross Thomson (HC Deb,

12 November 2017) argued, ‘despite that being in the White Paper, and despite all Scots knowing it, Scots voted overwhelmingly to remain in the UK’. From this perspective, the possibility of EU withdrawal had already been factored into the 2014 decision and therefore could not be retrospectively invoked to justify a second referendum. These arguments focused on technicalities rather than disputing the right for Scotland – at some point in the future – to have a referendum. It was not the principle of self-determination which was contested, but the manner in which a referendum could legitimately be secured.

The final argument advanced during this period against holding an independence referendum was that the continuation of the constitutional debate itself was damaging. In this sense, while the Scottish Government sought deliberation on the issue, for the UK Government, engaging in such dialogue was conceived as a risk to the social fabric of the UK and Scotland. On the one hand, this was framed as socially damaging, with Conservative parliamentarians emphasising the contentious nature of the independence debate and increasing political polarisation. This debate was described as ‘nasty and divisive’, with claims that it actively created division within Scottish society (Graham, HC Deb, 12 November 2017; Ross, HC Deb, 12 November 2017). Ongoing uncertainty about Scotland’s constitutional status was also presented as economically harmful, with repeated warnings that another referendum could damage investor confidence and hold Scotland back. Alister Jack, who would later become Secretary of State for Scotland, evocatively described ongoing debate on a second referendum as ‘like having Cicero’s sword of Damocles looming over the Scottish economy’, reiterating the UK Government’s opposition to another vote on the grounds it created an atmosphere of instability that undermined both economic trust and performance (Jack, HC Deb, 12 November 2017).

Similarly, Conservative opposition to a second independence referendum drew on portrayals of the Scottish Government as so obsessed with independence that it neglected the business of governing. Succinctly encapsulated by Douglas Ross (HC Deb, 12 November 2017) as ‘separation at the expense of local issues’, opposition to a second referendum was framed as necessary to ensure the Scottish Government focused on domestic issues. In this context, Conservatives claimed that public services such as education and health care were suffering as attention and resources were diverted away from everyday governance towards existential constitutional questions (Kerr, HC Deb, 12 November 2017).

The 2016–2020 period was defined by conditional deferral – now was not the time, as Theresa May repeatedly stated. This was a strategically convenient position, avoiding the more difficult and dangerous task of denying independence’s legitimacy outright. Instead, it drew on the relative recency of the 2014 vote, a result which should be respected. It also cited ongoing negotiations of the UK’s exit from the European Union as justification for deferral. The SNP’s electoral disappointments during this period – a failure to form a majority government in 2016 and decline in seats in Westminster in 2017 – were further used to bolster this position. Each argument relied on procedural or temporal justifications, rather than an outright challenge to the constitutional principle of Scottish self-determination. It was in the subsequent period – one defined by a series of crises – that deferral began to harden into something closer to closure.

2020–2024: Muscular unionism, crisis and closure

The period 2020–2024 was one characterised by a series of crises. Like other governments around the world, the Scottish and UK Governments had to contend with exogenous

crises, notably the Covid-19 pandemic, the Russian invasion of Ukraine and the cost-of-living crisis. In addition, both governments faced significant endogenous challenges. For the UK Government, this was exemplified by the succession of three prime ministers (Boris Johnson, Liz Truss and Rishi Sunak) within a short period, while in Scotland the surprise resignation of Nicola Sturgeon amidst controversy over internal SNP finances added a personal dimension to the debate. During this period, the topic of a second independence referendum remained live, fuelled by rising support for Scottish independence, averaging around 54% between June 2020 and January 2021 during the Covid-19 pandemic (Curtice 2022). The demands of crisis governance, however, gave the UK Government a functional rationale for asserting greater authority over the question of a second independence referendum. Much like the previous period analysed in this paper, calls for another referendum were repeatedly rejected, but the tone shifted in a substantive way, with the UK Government adopting a markedly more assertive posture towards the Scottish Government (Anderson and Brown Swan 2024). This position was bolstered during this period by the UK Supreme Court's judgment (in autumn 2022) which confirmed that the power to hold another referendum sat solely with Westminster.

Following a series of failed attempts to shepherd EU withdrawal through the UK Parliament and several challenges to her leadership, Theresa May resigned as Prime Minister in July 2019, succeeded by Boris Johnson. Johnson subsequently called for a snap General Election, held in December 2019. The 2019 election, at least in Scotland, centred on Brexit and independence. Unsurprisingly, the SNP's manifesto called for a second independence referendum. This was directly rebuffed by the Scottish Conservatives' manifesto, titled *No to Indyref 2*, whose first pledge stated, 'we will stop Nicola Sturgeon's plan for a second independence referendum next year' (Scottish Conservative and Unionist Party 2019), cementing the salience of the issue in the campaign. Here, opposition to a referendum was used as a mobilising tactic, despite the fact that the UK Government showed no willingness to grant a referendum, rendering the SNP's promise unviable. In this contest, the SNP won 45% of the vote in Scotland and increased its number of seats by 13 to a total of 48 (Harvey 2020), prompting the Scottish First Minister to write to Prime Minister Johnson requesting the formal transfer of power to hold a second independence referendum (Scottish Government 2019). In his written reply, Johnson rejected the request, reiterating the argument of his predecessor and other Conservative representatives that the 2014 vote was a 'once in a generation vote ... [at which] the people of Scotland voted decisively ... to keep our United Kingdom together' (UK Government 2020).

Johnson challenged the democratic credentials of the Scottish Government in demanding a second vote, arguing 'the UK government will continue to uphold the democratic decision of the Scottish people and the promise you made to them' (UK Government 2020). This was accompanied by what we have described elsewhere as 'the Conservative mantra of focus on the day job' in which opposition to a second referendum is exemplified through the narrative that the Scottish Government's obsessive pursuit of independence comes at the expense of focus on devolved policy issues (Brown Swan and Anderson 2024: 8). Johnson warned 'another independence referendum would continue the political stagnation that Scotland has seen for the last decade, with Scottish schools, hospitals and jobs again left behind because of a campaign to separate the UK' (UK Government 2020). While this argument was employed by Conservatives in the 2016–2020 period, we witness an intensification here, much in line with the more assertive, muscular unionism strategy of the Johnson Government as a whole, through which the powers of the devolved institutions were 'to be checked and contested, and,

should the opportunity arise, clipped' (Martin 2021: 37). Conservative ministers framed Scottish domestic policy issues such as economic underperformance, long NHS waiting lists, increased numbers of drug deaths and declining results in education as the consequence of the 'self-obsessed, self-pitying and self-delusional' pursuit of independence (Mordaunt, HC Deb, 30 November 2023). Relatedly, demands for another referendum were framed as a deliberate distraction from the SNP's poor track record in office (Johnson, HC Deb, 11 March 2020; Lamont, HC Deb, 22 March 2021).

Although Johnson and his Conservative successors as Prime Minister – Liz Truss and Rishi Sunak – were consistently forceful in their rejection of a second independence referendum, some of the arguments employed echoed the May premiership's 'now is not the time' narrative. However, whereas under May the deferral of a second independence referendum was justified primarily by the need to focus on Brexit, from 2020 onwards this position was increasingly framed around the exigencies of crisis management related to the Covid-19 pandemic, followed by the cost-of-living crisis (Anderson, Brown Swan, Ferreira and Sijstermans 2024; Sijstermans, Anderson and Brown Swan 2025). In this context, the UK Government argued that debate on a second referendum should be shelved so that the Scottish and UK Governments could work together to manage and mitigate the public health crisis. In a 2021 debate on Scottish independence in the UK Parliament, Douglas Ross, then leader of the Scottish Conservatives, lambasted the Scottish Government for continuing to discuss and prepare for a second referendum, accusing the government of 'taking us back to the divisions of the past, rather than focusing on our recovery from Covid-19 and rebuilding Scotland after this most damaging pandemic' (Ross, HC Deb, 22 March 2021). Other Conservative parliamentarians and ministers expressed similar sentiments, arguing that the priorities of both the Scottish and UK Governments should be on economic recovery rather than constitutional debates (Lamont, HC Deb, 22 March 2021; Mundell, HC Deb, 22 March 2021). During this period, calls for a second independence referendum were increasingly characterised by Conservatives as a 'neverendum', a constant campaign predicated on a grievance that distracted from day-to-day politics (Stewart, HC Deb, 29 June 2022; Jack, HC Deb, 2 November 2022).

Another related argument advanced by the UK Government against a further independence referendum centred on the notion of a 'union dividend', that is, the benefits Scotland gains from membership of the UK. This was particularly prominent during the Covid-19 pandemic and subsequent cost-of-living crisis, whereby Government ministers focused on the 'broad shoulders' of the UK Treasury, the development and rollout of a British vaccine and the role of the British Army in supporting the NHS as evidence of the benefits of union membership for Scots – thus negating the need for a second referendum (Gove, HC Deb, 21 November 2022; Hands, HC Deb, 16 March 2022; Lamont, HC Deb, 9 January 2024). Prime Minister Johnson made a similar case in 2022, when responding to a second letter from Nicola Sturgeon requesting the transfer of authority to hold an independence referendum:

our shared priorities must be to respond effectively to the global cost of living challenge, to support our NHS and public services as they recover from the huge disruption of the COVID-19 pandemic, and to play our leading part in the international response to Russian aggression in Ukraine. These are common challenges across the United Kingdom, which deserve our full attention ... on all fronts, we stand to achieve so much more from the people we serve by continuing to work together as partners (UK Government 2022).

In October 2022, following the resignation of Boris Johnson as Prime Minister in July 2022, and the resignation of Johnson's successor Liz Truss just 49 days later, Rishi Sunak became the UK's third Conservative Prime Minister that year. As discussed earlier, not long after Sunak came to office, the UK Supreme Court ruled that the Scottish Parliament did not have the power to legislate for an independence referendum. Welcoming this 'clear and definitive ruling', akin to his predecessors, Sunak rejected calls for a second referendum, arguing instead that the Scottish and UK Governments should focus on working together: 'my belief is that the Scottish people would like their governments – both the Scottish Government and the UK Government – to focus on the issues that are most pressing at the moment, given the scale of the challenges that we face' (Sunak 2022).

While the Sunak administration sought to strike a more constructive tone vis-à-vis relations with the Scottish Government, it simultaneously pursued a more combative approach towards UK-Scottish relations, exemplified through two interventions: the blocking of the Scottish Government's Gender Recognition Reform Act and the decision to withhold an exemption from the Internal Market Act required for the introduction of a Scottish deposit return scheme (Nyatanga 2026). Underlining this more assertive approach, Lord Offord of Garvel (HL Deb, 7 December 2022), then Parliamentary Under-Secretary of State at the Scotland Office, criticised the Scottish Government's demands for independence. He suggested that the Scottish Government risked encroaching on reserved matters, stating, 'The Constitution is clearly and unequivocally reserved to Westminster. It follows now that His Majesty's Government calls on the Scottish Government to cease and desist from constantly crossing the line from devolved matters into reserved matters'.

This section documents a move from the deferral approach of Theresa May to a more assertive denial, framing demands for a second referendum as unnecessary, irresponsible and destabilising, particularly at moments of significant crisis. The emphasis during this period moves away from deliberation and dialogue on the issue, to one in which the authority of the UK state is unilaterally asserted. However, there remained an element of contingency. It was not that an independence referendum was wholly off the table. For any UK Government, permanently foreclosing Scotland's right to self-determination would likely ignite rather than ameliorate constitutional tensions. During this period, this temptation was resisted – aided by the Supreme Court's affirmation that any referendum would remain firmly in Westminster's control. This allowed the government to avoid a confrontation with the SNP government, at least on the issue of independence. By the end of this phase, the rejection of a second referendum was no longer presented as temporary or contingent, but settled and routine, a position maintained by the Labour Government that followed, notwithstanding the adoption of a more conciliatory tone.

2024–2026: Managed dialogue, delegitimation, and strategic deferral

The return of Labour to government in 2024 marked a change in tone but not in substance in the UK Government's approach to the issue of a second Scottish independence referendum. As we demonstrate, Labour's post-2024 discourse does not engage deeply with the case for the Union but instead seeks to render Scottish independence an unnecessary political project. In doing so, and in a similar vein to their Conservative predecessors, the party employs claims about the SNP's quality of governance, temporal conditions to rule out a vote, and the absence of a democratic mandate for one. These arguments culminate in a rejection of independence, and in an argument which suggests

that the SNP's insistence on a referendum is only a means of distracting the electorate from its policy failures. This can be read as an instance of discursive closure – avoiding the question by challenging its legitimacy. These arguments were also present in the 2026 Holyrood election campaign.

The UK Labour Party entered government pledging a new approach to devolution, and a reset of intergovernmental relations. In his first week in office, Prime Minister Keir Starmer prioritised calls with the UK's devolved First Ministers and later established a new intergovernmental council – the Council of the Nations and Regions – to facilitate increased interaction between the UK and devolved governments. While Labour acknowledged that Conservative policies had undermined intergovernmental relations, and pledged to review aspects of the controversial UK Internal Market Act (2020) and create a new Memorandum of Understanding on Sewel, the SNP's perceived 'grievance mongering' came in for equal critique. It also stressed partnership in pursuit of much-needed economic growth, an approach viewed by some within the Scottish Government as subordinating devolved autonomy to UK-wide priorities. Speaking in a House of Commons debate, Douglas Alexander (who was later appointed as Secretary of State for Scotland) contrasted the UK Government's commitment to devolution with the SNP's focus on the constitution, saying:

The SNP wants to end the United Kingdom, and we believe in devolution, which is, ultimately, a two-Parliament, two-Government solution. There are two Governments who represent the best interests of the United Kingdom and, in that sense, I appreciate that there is a constant demand and a constant set of grievances from the SNP about why devolution is not working. It is about time that we had a Government in Scotland who were committed to making devolution work (Alexander, HC Deb, 21 April 2025a).

A newly elected Labour MP argued 'They need to stop calculating what they think will be best for the cause of separation, and start calculating how to use the opportunity of the spending review to get people the jobs they need and the future they deserve' (Taylor, HC Deb, 2 July 2025). This emphasis on improved intergovernmental relations and economic growth was an attempt to pre-empt or foreclose discussions of Scotland's constitutional future. Labour sought to redirect attention away from the constitutional question towards government performance within the existing devolution framework.

Labour's temporal framing of the independence question draws on two strategies, with echoes of Conservative rhetoric, suggesting perhaps a shared language of Unionism (Brown Swan and Cetrà 2020; Cetrà and Brown Swan 2022). The first adopts a strategy long employed by its predecessors – that the independence referendum is a once-in-a-generation event. The second suggests that the crisis and uncertainty of recent years should rule out any serious discussion of a referendum. The constitutional question was to be both settled and exhausted, the last recourse of a failing SNP government.

Although the duration of a generation is oft-debated, this framing was used by Labour to preclude a second referendum. In a BBC interview, then Chancellor Rachel Reeves bluntly ruled out a second referendum, saying 'There will not be another referendum.' She continued, 'When there was a referendum just a few years ago, they said this was a once-in-a-generation referendum. People gave their verdict then. We do not need another one' (Reeves 2025). This message is reinforced through an emphasis on crisis, which presents demands for a second independence referendum as inherently irresponsible amidst economic and geopolitical uncertainty. This refrain of irresponsibility was

repeatedly picked up by Labour MPs to critique both the Conservative UK Government and the nationalist Scottish Government: ‘Is it not incredible that during the worst cost of living crisis in living memory the Prime Minister’s entire approach is to tell people to hold their nerve, while the approach of the First Minister in Scotland is to launch proposals for a de facto referendum and a written constitution’ (Murray, HC Deb, 28 June 2023, c264). This argument has taken on renewed force in the context of the geopolitical instability of the mid-2020s. Labour ministers have pointed to the return of Donald Trump to the White House, the ongoing conflict in the Middle East, and broader global economic uncertainty as reasons why constitutional upheaval at home would be irresponsible, a dangerous distraction at a moment of acute international risk.

Early in his tenure, Starmer used Prime Minister’s Questions to dismiss the SNP calls for a second referendum by pointing to the party’s dramatically reduced Westminster presence following the 2024 election, reduced from 48 MPs in 2019 to just 9 in 2024. This was cited as evidence that Scottish voters had rejected independence – without need for a referendum (Starmer, HC Deb, 24 July 2024). Starmer also noted on the 2024 campaign trail that independence did not emerge as a ‘priority’ for Scottish voters. The Labour Party’s increase in support in Scotland at the 2024 General Election was correspondingly employed to suggest that Labour had a mandate and indeed an obligation to the electorate to reject calls for a second independence referendum. Douglas Alexander noted ‘I was elected on a very clear manifesto, which made clear that this UK Labour Government do [sic] not support independence or another referendum’ (Alexander, HC Deb, 22 October 2025b). This framing allowed the Labour Party to insist, in the face of SNP demands and critiques from Conservatives in opposition, that it would stand firm on the independence issue.

As the 2026 Scottish Parliament election neared, the Labour Party centred its core argument on the SNP’s pursuit of independence as both a distraction – preventing it from fulfilling its core functions as a party of government – and a smokescreen. This was similar to the argument long pursued, with some success, by the Conservative Party, both at Westminster and in Scotland. Speaking in 2025, Starmer noted that ‘They [the SNP] have got the powers, and they have got the resources; they just have not got any excuses left’ (Starmer, HC Deb, 5 February 2025). In an appeal to Scots, the Secretary of State for Scotland argued, ‘Behind the smokescreen it has tried to create by talking about independence, we know the reality: one in six of us on waiting lists, rising violence and falling standards in our schools. Frankly, Scotland deserves better’ (Alexander, HC Deb, 22 October 2025b). This frame portrays independence not as a constitutional demand, but as a rhetorical shield against accountability and a distraction from the business of government. In the 2026 campaign, Health Minister Wes Streeting intervened directly, saying of independence, ‘We’re not going to introduce chaos into the UK by having an independence referendum, absolutely not’ (Davidson 2026). During its tenure, Labour characterises the SNP’s demand for a second independence referendum as a failure of devolved governance rather than a constitutional principle. This further legitimises its unwillingness to countenance such a vote by framing it as the actions of a responsible government, not an obstruction.

The 2024–2026 period is therefore characterised by continuity in substance and a change in style. Where Conservative governments deferred and denied claims, Labour has sought to sidestep – adopting a language of partnership and responsible governance within the devolved settlement, while pursuing the same end: the closure of the independence question. What distinguishes this phase is the move towards delegitimisation as the dominant strategy. Rather than arguing that now is not the time, or that crisis

conditions preclude a referendum in the short to medium term, Labour has increasingly sought to reframe independence itself as an irresponsible, and therefore illegitimate act, a distraction from devolved governance.

Discussion

Between 2016 and 2026, successive UK Governments were faced with calls – at varying volumes and intensity – for a second referendum on Scottish independence. Each has, in their own way, rejected such a demand, treating the question of Scottish independence as a door to be closed rather than a debate to be had. We characterise these as strategies of deferral, denial and delegitimisation. These are, we contend, a product of different manifestations of Unionism across the Labour and Conservative parties, but also instrumental calculations of risk and benefit reflecting the time at which these political choices were made. Over the 10-year period, domestic and international crises were used to forestall discussions of constitutional change, with the choice of strategy reflecting the nature of demand, political calculations, and endogenous conditions.

The period from 2016 to 2020 was defined by deferral, as exhibited in the discourse of then Prime Minister Theresa May. The UK's vote to leave the EU reignited the debate on Scottish independence, arguably making, for most independence supporters, a more compelling case for an independent Scotland, while at the same time making it more difficult to achieve (Anderson and Brown Swan 2025). The UK Government relied on this complexity to defer the issue, emphasising the need to focus efforts on exogenous negotiations with the EU to secure a worthwhile withdrawal deal rather than endogenous discussions about Scottish independence. May's famous assertion of 'now is not the time' was not an outright rejection of Scottish nationalist demands, but a deliberate strategy of deferral that suggested that at some point, a time would come when the issue of independence would once again be considered. The hope, we might surmise, is that the SNP's dominance of Scottish politics is not permanent, and the question might be deferred to a much later date.

Between 2020 and 2024, the path to another referendum was made more complex. This was the result of the Covid-19 and cost-of-living crises, as well as the more assertive approach to devolved relations adopted by the UK Government. The persistent refusal of successive Prime Ministers to engage with the question of independence led to the normalisation of refusal. Instrumentalising the pandemic and the cost-of-living crisis, the Conservative Governments framed debate on independence as a distraction from crisis management and voters' immediate economic concerns. This position was bolstered by the Supreme Court's ruling, which placed the question of another referendum firmly within the competence of Westminster. While this judgment brought judicial clarity to the topic, it reinforced the UK Government's strategy of denial. However, the ruling does not fully foreclose the topic; the Supreme Court did not rule that a referendum was unconstitutional, nor did it set out conditions which must be met. The question of independence remains, in the UK context, a political one, necessitating ongoing deliberation between governments. Ahead of the 2024 General Election, Labour pledged a more constructive approach to UK-devolved relations, but on the topic of another independence referendum, adopted the same position as the Conservatives. Upon taking office, there was, at least initially, an identifiable shift in the tone towards working with the devolved governments, but Labour sought to diminish the legitimacy of the independence debate. In the context of the ongoing cost-of-living crisis, as well as geopolitical

uncertainty, Scottish independence was portrayed as politically divisive, economically damaging and disconnected from voters' concerns.

This raises the question of why postponement, rather than outright denial, has been the preferred strategy across governments of both parties. While these strategies differ in tone, the underpinning message is similar. Successive UK Governments do not reject independence as a constitutional option *tout court* or cast doubt on the ability of Scotland to exist as an independent country. There is a long-standing acceptance of the right of Scotland to determine its own future. This path was set by David Cameron in 2012, and successive Prime Ministers have not deviated, likely fearing the instrumentalisation of an outright rejection by nationalist actors. Instead, unionists seek to defer or postpone such an event rather than rule it out entirely. This can be read as an attempt at deferral – in hopes that the SNP's dominance of the Scottish Parliament and the issue of independence may be diminished. Postponement offers further strategic advantages beyond this. It buys the UK Government time and political space in which circumstances – economic, electoral, or otherwise – might shift in the Union's favour. Sustained deferral may also demoralise the independence movement more broadly, prompting tensions within the ranks and opposition to the SNP. By declining to clarify the conditions under which a referendum could be granted, the UK Government avoids providing the SNP with a target to organise around. However, support for independence – consistently around half the electorate – has become decoupled from support for the SNP, which has fluctuated in recent years. This suggests the question of independence cannot be wholly set aside regardless of the SNP's electoral fortunes.

Conclusion: Future trajectories

Between 2016 and 2026, the Scottish independence question has been managed, not resolved. Successive governments have sought to defer, deny, and delegitimise questions of independence, in the hope that public opinion might turn against independence and the electoral fortunes of the SNP would wane. Refusal to support another referendum became normalised. Independence, however, remains a live issue. Ahead of the 2026 Scottish Parliament election, independence was ranked as the sixth most important issue facing Scotland (YouGov 2026), with support for independence across all polls conducted in 2026 averaging 50% (What Scotland Thinks 2026).

The normalisation of refusal that we have charted in this paper, however, creates a structural problem for the independence movement. The SNP has, to date, insisted on the precedent set by the 2012 Edinburgh Agreement. A referendum is necessary both to ensure the legitimacy of any constitutional process and to secure international recognition should voters affirm their desire for Scottish independence. The UK Government's success in foreclosing that route – without offering any alternative framework through which independence could be pursued – leaves the independence movement in a difficult position. It is unclear what, if anything, could move the UK state from its entrenched position, and operating outside the boundaries set in 2014 risks alienating voters, for whom independence might be supported in theory but not pursued at all costs.

The strategies of successive UK Governments may have prevented another referendum, but they have failed to settle the matter, raising questions of what the desired deliberative outcome may be. We suggest this does not necessitate resolving the question of independence itself, nor does it require a clear timeline towards another referendum, but rather engaging in a deliberative process, in which competing positions can be debated, negotiated and potentially reconciled. A recent inquiry undertaken by the

Scottish Parliament's Constitution, Europe, External Affairs and Culture Committee concurs, noting that 'it was problematic that no established mechanism exists for ensuring that, in appropriate circumstances, the wishes of the people of Scotland can be expressed' (Scottish Parliament 2026). The inquiry suggested the Scottish and UK Governments 'should negotiate a clear pathway to exercising Scotland's democratic right to determine its constitutional future as a matter of urgency'. Recommendations from the Committee included agreement on statutory and non-statutory options, such as clarifying the criteria under which a referendum could be held (for example, votes in elections or opinion polling) and amending the Scotland Act 1998 to place a duty on the UK Government to hold a referendum in the event these criteria were met. As yet, however, there is no evidence of any appetite from the UK Government to provide further clarity. The political costs may be judged too significant – with Labour particularly vulnerable to charges of being insufficiently committed to the Union.

As we revise this paper in August 2026, Andy Burnham has become the latest UK Prime Minister. It is not yet clear whether Prime Minister Burnham will continue in this vein, and indeed, we may expect a greater focus on devolution, if not constitutional politics more broadly. After meeting John Swinney in July 2026, Burnham suggested that the two leaders would have to 'agree to disagree'. His Secretary of State Douglas Alexander recalled that 'the Prime Minister made clear that independence was off limits' (BBC 2026), which may be read as a more explicit form of closure. While only a single data point, this is distinct from Starmer's indirect comments about independence not being a priority. However, Burnham tempers his rejection of referendums – based on divisiveness – with an active focus on more devolution, an explicit contrast to the more muscular Unionism of the later Conservative period. Burnham may wish to avoid the issue of independence – but the electoral landscape – with nationalist and pro-independence leaders in Belfast, Cardiff, and Edinburgh – is likely to necessitate some attention to this issue.

Gagnon and Tully (2001) argue that in a multinational society, constitutional institutions should sustain deliberation within their shared constitutional order, preserving the potential for negotiation, even at moments of crisis and strain. This is precisely the kind of process we have in mind – while the legal authority to grant a referendum sits with Westminster, a broader process of deliberation, whether informal conversations, an intergovernmental agreement, or constitutional convention, would offer a legitimate pathway currently absent. This would, if entered into in good faith, forestall some of the direct contestation between governments which has defined the last decade.

In light of the 2026 Scottish Parliament election results in which a majority of pro-independence Members of the Scottish Parliament was returned for a fourth consecutive time, the UK Government is likely to face similar calls for an independence referendum in the near term. The tension between legal authority and political mandates, however, remains unresolved, raising broader questions, as other papers in this special issue highlight, about deliberation, contestation and democratic legitimacy in multinational states. In the case of the UK, the future trajectory of this debate is still uncertain. The durability of the Union, however, may depend less on the success of short-term political strategies, and more on the willingness of the UK Government to engage with these underlying tensions.

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