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The Union and the Constitution: it's complicated...

New History & Policy paper published as Cameron and Salmond sign referendum deal

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There is a pressing need for constitutional reform, regardless of the nature and outcome of the Scottish independence referendum, historian Professor Colin Kidd urges in a new History & Policy paper published today.

In [The Union and the Constitution](#), Professor Kidd explores competing political and legal interpretations of the 1707 Treaty of Union and asks whether in fact it is the unacknowledged constitutional bedrock of the British state. He argues that the Union must be seen in its true historical context, the product of a political crisis, which happened to create a new state. Professor Kidd also analyses competing interpretations of the British constitution, including distinctive Scottish traditions of popular sovereignty dating back to the Declaration of Arbroath in 1320, of which, he says, English politicians seem to be oblivious.

Professor Kidd said:

"Today's agreement between the U.K. and Scottish governments raises many constitutional issues, most obviously those relating to the extension of the franchise for 16 and 17 year olds. However, there are several larger constitutional issues which have never been properly addressed outside the specialist literature of constitutional theory.

"Despite the focus on the 1707 Treaty of Union, the UK is in fact a state of unions, and the constitution a clutter of law, prerogative and convention. There is no consensus that the 1707 Union is the constitutive document of the British state, or what its political and legal consequences are. Unravelling Scotland's relationship with the rest of the UK will not be nearly so simple as a 'yes or no' referendum question suggests.

"The debate leading up to the referendum will hopefully bring greater clarity to wider, and much-needed, discussions about constitutional reform in the U.K. Whatever the basis of the relationship between Scotland and the Union after 2014, there will be a pressing need for constitutional clarification and reframing."

Notes to Editors:

1. Colin Kidd is Professor of Modern history at the University of St Andrews and a Fifty Pound Fellow of All Souls College, Oxford.
2. His History & Policy paper, [The Union and the Constitution](#), is published today at www.historyandpolicy.org.
3. [History & Policy](#) (H&P) is an independent initiative working for better public policy through an understanding of history. Founded by academics at Cambridge and London universities, H&P is based at the Institute of Contemporary British History at King's College London.

4. History & Policy's current work is funded by [The Esmée Fairbairn Foundation](#).
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