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Scotland and Brexit: Citizenship, Identity and Belonging

Abstract

This article is the editorial introduction to the Special Issue of *Scottish Affairs* on Scotland and Brexit: Citizenship, Identity and Belonging. Here we outline the key themes and concerns of the Special Issue and contextualise the various contributions that follow. In particular we focus on issues of rights, identity, representation and entitlement in the context of growing social divisions and shifting boundaries of citizenship. We consider, too, Scotland as a distinctive part of the Brexit discourse, and explore the past, present and future of Scotland in a changing UK and EU.

Key words: Scotland; Brexit; Citizenship; Identity; Belonging.

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Dedication

We dedicate this special issue to the work and memory of Neil Davidson (1957-2020).

Scotland and Brexit: Citizenship, Identity and Belonging

Brexit as a political event, as a moment of 'heroic failure', is both complex and simple (O'Toole, 2018). The 2016 referendum on the UK's membership of the European Union had not been, when initially legislated for by Cameron's Conservative led government after the 2015 general election, expected to result in a 'leave' decision. Further, at that point, the 2015 Referendum Act did not require Article 50 - the element of the Treaty of the European Union by which a member state formally withdraws - to be invoked. Nonetheless, after the 2016 result, with a majority share of 51.89% voting to leave, the UK government did eventually invoke Article 50 three years later in March 2019. Following various legal and political battles, including attempts by Scottish politicians and the Scottish Parliament to oppose withdrawal, as well as extensions to the enactment of the process, the UK Parliament finally passed the European Union (Withdrawal Agreement) Act 2020, and the UK ceased to be a member of the European Union at 11pm on the 31st January 2020 - some 47 years after the UK had originally joined. There was, it seemed, little rejoicing in Scotland at this news for reasons that several of the papers in this special issue offer comment on.

However, the wider political and legal ramifications of Brexit remain blurry and contested. Clarity is still rather absent and even after the formal withdrawal happened it seems the UK will remain in a foggy transition period until the end of 2020, during which time EU laws and regulations continue to apply, and be applied, by the UK. Indeed, the UK and EU have remained in rather sticky negotiations on the specific outcomes of the UK's withdrawal, seeking to negotiate an agreement around a variety of specific issues, not least freedom of movement and the Irish 'backstop'. The public health situation regarding COVID-19 has also, of course, added to delays on these vexed negotiations. So, the final impact of Brexit is unlikely to be fully realised until the nature of that agreement, or lack thereof, is known. It is worth noting that Brexit not only impacts upon the UK's relationship with the EU: there are over 700 international agreements to which the UK will no longer be a party once it fully departs from the EU regulatory framework, and these relationships will all need to be considered as a result. This much is clear: there is still a huge amount of labour and politics required to detach the UK from the EU and the broader 'European project'.

Still further, it is the wider social, economic and subsequent policy ramifications of Brexit that remain uncertain and perhaps as confusing as the non-linear process itself. Several papers within this special issue, discussed below, touch upon the Brexit referendum itself and the possible reasoning beyond the slight UK majority for leave. However, what is often lost in some of the wider discussions around Brexit, whether as a sociological debate, a structural process, a political science result, or an unknown socio-economic future, is that it must be considered as both a wider social and cultural 'event' (if this is the right term to use). The ramifications of Brexit

are also fundamentally *intimate*: they are linked to personal experiences, community imaginaries and societal fears, of the past, of the present and an unwritten future. What is certain is that Brexit remains a dividing event, the consequences of which are both Byzantine and Kafkaesque. Perhaps because of this uncertainty, it will likely have unintended implications for the themes that this special issue engages with, such as citizenship, identity and belonging. It is in the context of post-Brexit Scotland, by focusing on three interrelated themes, that we consider the potential implications of Brexit for the people of Scotland:

- (1) Issues of identity, representation and entitlement in the context of growing social divisions, bordering and shifting boundaries of citizenship.**
- (2) Scotland as a distinctive picture on the map of Brexit discourses.**
- (3) The past, present and future of Scotland in a changing UK and EU.**

(1) Issues of identity, representation and entitlement in the context of growing social divisions, bordering and shifting boundaries of citizenship

The combative slogan of the pro-Brexit campaign - 'Take back control' - referred explicitly to issues of sovereignty and democracy, as well as a tightening of the UK's borders and restricting freedom of movement from other EU member states. The 'Take back control' campaign, however, was also underpinned by much wider, pre-existing issues of racism, nationalism and colonialism (Burnett, 2017). Whilst some studies have focused on the effects of Brexit having placed emphasis on tightening immigration controls by ending the right to freedom of movement (Portes, 2016), this special issue considers a number of wider effects that are badged around themes of identity, rights, entitlements, welfare and formation of citizenship. Further, by giving attention to the processes of bordering practices, boundary making and conditionalities in the context of Brexit, the papers aim to create a holistic impression of what is truly at stake in these often quite sterile debates. By using the term 'bordering practices', what we mean here are the diverse 'measures taken by state institutions – whether at territorial frontiers or inside them – which demarcate categories of people so as to incorporate some and exclude others, in a specific social order' (Balibar, 2002: 76). At the front and centre of such bordering practices are the social, economic and political processes through which judgements are made about who is 'deserving' and 'undeserving' (Benson 2019: 2) as well as the privilege of rights awarded to the members of the political community and who has the privilege - that is, the right - of (legal) 'belonging' (Yuval-Davis et al., 2018).

By focusing on the varied experiences of diverse ethnic and national minorities in Scotland, such as Polish and Roma communities from central and Eastern European, as well as Scots living in England, we unpack everyday experiences of growing vulnerabilities, borders and boundary-making vis-à-vis nationality, 'race',

ethnicity, community and welfare rights. The collected papers undertake this challenge in the shadows of Brexit and within the context of a Scottish society that for the moment remains located in the UK. To be sure, understanding the complex ways in which Scots, including 'New Scots', experience Brexit on a day-to-day basis, brings new insights into how macro level structures of citizenship, identity, entitlements and representation operate at the micro-level. Whilst the questioning of migrants' rights is not a new phenomenon (Lafleur and Mescoli 2018; Burrell and Schweyher, 2019), this special issue outlines how Brexit has further exacerbated existing vulnerabilities and social divisions, generating new boundaries of belonging in both Scottish and UK settings. All seven papers here bring with them in-depth and critical analysis of how multi-layered and interrelated divisions of the legal arrangements of citizenship, including quasi-citizenship of settled status, along with social boundaries of 'race', ethnicity, gender and class operate on a daily basis. These are linked to wider issues of identity, representation, entitlement and hierarchies of belonging. For example, the contributions from Sime, Clark and Botterill stress how Brexit contributes to everyday experiences of racism, discrimination and xenophobia among central and Eastern European minorities in Scotland. At another level, the contributions from Kay, and Leith and Sim point out that Brexit is a fractional part of a much longer historical continuum of past inequalities and spatialised hostilities, illustrating discourses of bordering, deservingness and welfare bordering practices (Burrell and Schweyher, 2019; Guma and Dafydd Jones, 2018).

This special issue offers new insights into different constellations of identity and citizenship arrangements, especially around the 'place' of migrants. The contribution from Pietka-Nykaza and Botterill, for example, outlines how the status of EU nationals in Scotland, and their limited legal rights and entitlements, create another form of quasi-citizenship category - that is settlement status - and this is conditioned by their continued residency in Scotland. This quasi-citizenship category reflects broader hierarchies within a citizenship status 'league table' where EU nationals are able to exercise some civic, social and political rights - excluding voting in UK national elections - but their rights are firmly conditioned by continued residency in the receiving country. Both papers outline how a 'simple' act of disenfranchisement in the EU referendum (see Pietka-Nykaza's contribution) and the formal application for settlement status (see Botterill's paper) herald a much more complex process of boundary making and conditionality that have serious implications on how migrants negotiate their identity and everyday sense of belonging.

This aspect stands in contrast to, but also helps underline the issues raised by Leith and Sim, who point to acts of disenfranchisement along national identity lines, which Scots in England, and other areas of the UK outside Scotland, suffer in relation to the issues of independence and belonging. While, unlike other migrants, Scots nationals share full citizenship and legal rights with English nationals, this is firmly conditioned along Scotland's belonging to the UK union. However, this group, the

Scots in England, are still subject to everyday forms of 'othering' and similar, albeit significantly less hostile and disempowering, challenges in terms of their identity and belonging (see Leith and Sim, 2012, 2019). Such processes, as demonstrated in this special issue, have clear implications on matters of identity, migrant mobility and settlement as well as socio-political integration in Scotland and the wider UK. In broader terms, these processes also illustrate how patterns of differentiated citizenship within nation-states (Castles, 2007) are linked to patterns of global injustice and inequalities. This layered analysis contributes to an understanding of the significance and impacts of the process of conditionality and boundary making, operating at different levels, in restructuring and restricting the rights of individuals, such as migrant's who are resident in the UK and their experiences of identity, belonging and integration.

(2) *Scotland as a distinctive picture on the map of Brexit discourses*

As noted above, all the contributions within this special issue demonstrate that Brexit has not only exacerbated existing vulnerabilities and inequalities, but it is also part of a much longer continuum of past discourses of bordering, othering, deservingness and welfare bordering practices around issues of identity and belonging. However, this in turn raises a pressing and political question: to what extent is Scotland's position different? The diverse results of the EU referendum in Scotland (62% remain and 38% leave) in comparison to England (53.4% leave to 46.6% remain) and Wales (52.5% leave to 47.5% remain), underlined the distinctive position of Scotland in comparison to the rest of the mainland UK (Northern Ireland, of course, also supported remain by a margin of 55.8% to 44.2% leave). The papers included in this special issue provide some evidence of Scotland's distinctive position in relation to wider Brexit processes. For example, the detailed migrant narratives included in Kay's opening contribution - 'this is not about Brexit' - highlight positive perceptions and attitudes of migrants living in Scotland towards public and state institutions, often considering such bodies as caring and supportive about their needs. In addition, Pietka-Nykaza's paper shows that a number of Poles perceived the Scottish Government as having a more 'welcoming' attitude to migration, when compared to England, albeit one that is often linked to a recognition of migrant contributions to Scottish economy and society.

Indeed, the Holyrood Government has, throughout the period of public discourse around the Scottish Independence Referendum and the Brexit Referendum debates, consistently promoted a much more inclusive and welcoming public discourse around issues of identity and belonging. As Clark makes clear in his paper, this has included a clear pro-immigration public stance from the First Minister, Nicola Sturgeon, as well as a consistent civic framing for identity that mirrors an inclusive construction of Scottish nationalism by the Scottish Government. The narratives of a more inclusive Scotland were also repeated by Polish migrants reflecting on Scottish nationalism in Gawlewicz's paper. The narratives of Scotland as welcoming,

inclusive and as being a more tolerant nation seem to stand in clear contrast to England, based on Gawlewicz's findings. This is especially interesting as immigration, of course, is a 'reserved matter' meaning that laws relating to immigration are controlled by Westminster, not by Holyrood. As a result, continued discourses by the Conservative led UK Government at Westminster have led to England and Englishness being framed around xenophobia and 'othering', with the clear outcome of England (and Westminster) being perceived as standing firmly behind Brexit. Of course, this narrative is also inaccurate and misleading, when you consider the referendum results in London, Brighton and other parts of England that voted very clearly to remain in the EU.

Over the last decade, the SNP led Scottish Government has taken a much more positive stance on immigration by emphasising the positive economic contributions that migrants provide, with migrants filling skills gap and responding to population decline in Scotland. Again, this is in direct contrast to the actions and emphasis of Westminster, dominated by the Conservatives since 2010. While cultural contributions are acknowledged, in part, the onus is on neoliberal arguments around the alleged social and economic 'costs' of migrant workers, rather than their perceived contributions and 'benefits' (Davison and Shire, 2015). Such narratives, however, suggest that economic contributions by migrants also underpin their rights and entitlements in Scotland. As such, the common discourse around migrant contributions, that is being conditional for their rights and denials of dependency on welfare, are part of a hegemonic narrative among migrants reflecting on their deserving presence in Scotland, as outlined in both the Kay and Gawlewicz papers.

Whilst it is true that some of the contributions here do provide evidence of migrants feeling safe and valued in Scotland, other papers outline several examples of experiences of exclusion, racism and xenophobia. For example, Sime's contribution demonstrates vivid examples of young Eastern European migrant's everyday experiences of being othered; experiencing racism and xenophobia, prejudice-based bullying and harassment following the Brexit result. Similarly, the contribution from Clark provides quite shocking evidence regarding how Brexit has contributed to existing racialised vulnerabilities and structural discrimination experienced by Roma families in Scotland who are stigmatised (Clark, 2014). Some empirical studies included in this special issue suggest that there are some opportunities for ethnic and national minorities to connect to Scottishness and be able to engage in a positive feeling of attachment to the country of their residence. Others, however, demonstrate how such feelings of belonging can be undermined by existing experiences of, exclusion, racism and xenophobia. These experiences of hostility and violence were however encountered before, during and after the Brexit referendum campaign, demonstrating the longstanding and structural nature of these experiences in Scotland (Davidson, Liinpaa, McBride, Virdee, 2018). Indeed, a growing 'hostile environment' and migrant racialisation is documented in the literature, often in a broader experience and context of austerity and underlying

economic inequalities (Fox, Moroşanu, and Szilassy, 2012; Rzepnikowska, 2018). This raises a question about how Scotland might best respond to existing hostilities and examples of racism to develop a more inclusive society. In particular, what will the future of Scotland look like for the people who live here, whether Scots or 'new Scots'? Can we begin to imagine and plan for a 'new Scotland' that is free of the politics of a 'hostile environment'?

(3) *The past, present and future of Scotland in a changing UK and EU*

What does Brexit mean for Scotland? This special issue argues that Brexit threatens not only the identity, but also the rights and entitlements, of diverse ethnic and national minorities living in Scotland, especially central and Eastern Europeans such as Poles and Roma. This also applies, in a rather different manner, to Scots who are living and working in England. Further, we argue that Brexit also undermines the participation, settlement and belonging of such communities in wider Scottish society. However, these processes are also reflections of the longstanding nature of inequalities and racism in Scotland, and the wider UK, that further contributes to processes of bordering and boundary making around belonging and identity. The debates around Brexit are clearly centred around national belonging (Virdee and McGeever, 2017) and this entails the question of *who does* and *who does not* belong in the bordered national community?

The papers included here stress that migrants' incorporation and belonging are dependent not only on migrants' status and entitlements in their countries of residence (Pietka-Nykaza; Botterill) but are also shaped by destination societal receptions and encounters (Sime; Kay; Clark) and the narratives of nationalism that shape the foundation of national rights and citizenship (Gawlewicz; Leith and Sim). The Brexit Referendum results created a great deal of uncertainty with reference to wider socio-political rights and entitlements of some residents in Scotland, and Scots around the UK. In addition, this has created broader hierarchies within citizenship status that have been strengthened by compounded processes of austerity, conditionality, border and boundary making along the lines of 'race', nationality, ethnicity and welfare entitlements – it is evident that the 'right to remain' necessitates a 'politics of embedding' (Sotkasiira and Gawlewicz, 2020). These processes have had a larger unsettling impact beyond just the borders of Scotland, of course, and have clearly further extended migrants' concerns around their settlement and belonging in the wider UK. Throughout this special issue we intentionally refer to a future for a *new Scotland*, rather than future *New Scots* to emphasise the deeper boundaries around which our discussions operate. These are not only within Scottish Society but also include much larger aspects of political and legal boundaries and limitations that refer to Scotland and 'the Scots' as a whole. Therefore, taking a closer look at the current nature of Scotland, to see how the social, political and legal worlds are intertwined and indeed mutually constitutive, we consider the future nature of a potentially more inclusive and socially just Scotland.

The changes that have taken place in Scotland over the last two decades, since devolution became a reality, have been considerable. Scotland, since 1999, when the Scottish parliament came into being, has had the ability to write its own laws, set policies and establish social and political preferences that clearly set it apart from the wider UK – and it has consistently elected at the ballot box to do so (Leith and Sim 2020). Significant social changes, driven by the legislative outputs and socio-political agenda of Holyrood can also be identified (Mooney and Scott, 2016). From abolishing prescription charges and warrant sales, to creating specific income tax levels (with higher and lower threshold rates) or creating minimum alcohol pricing, Scotland has set a pattern of social change and improvements, some of which have been followed (smoking bans in public spaces) by other areas of the UK, such as England, or not (free tuition for higher education).

Nonetheless, Scotland should not be considered an exemplary case, nor should it be self-congratulatory in its behaviour or thinking. There is still much work to be done. While much debate and many publications hoped for an end to the combative and often antagonistic politics of Westminster with the establishment of Holyrood, this hope has not been justified (Cairney and Widfeldt, 2015). Nor has the early promise of minority party representation in the Scottish parliament chamber been borne out. Indeed, Scotland has seemingly inherited much of Westminster's potentially negative political behaviour and it has also entered a period of one-party dominance. Like the rest of the UK, it has also witnessed a growing political divide, based not so much on party or ideology, but on a firmly constitutional cleavage. Where does Scotland locate itself: in the UK, in the European Union, or neither? Such cleavages seem to cut across both traditional party and ideological lines (Bennett, Moon, Pearce and Whiting, 2020).

The Brexit vote raised fundamental questions on issues of identity, belonging and citizenship but these were firmly part of the Scottish debate before they occupied the attention of Westminster. The Scottish Independence referendum of 2014 was preceded by a long and very public debate. This debate was clearly about Scotland's place in the UK union; however, it was also a debate around issues of identity, citizenship, and belonging and an opportunity for reflection and redefinition of the values that underpin them, and in the ways that these concepts were defined and approached within Scottish society. Such a debate was not only held, but with almost 85% of the voting population (including all EU citizens resident in Scotland) it was a debate that obviously focused the attention of Scotland's population. Yet, the result (55.3% voting to remain in the UK and 44.7% voting for an independent Scotland) was cast in doubt by the resultant Brexit referendum of 2016.

At present, Scottish society is as unbalanced socially and economically as it is politically. It remains a firmly unequal and divided society, with significant wealth, but just as significant areas of deprivation and poverty - just like the other three nations

of the UK (Bywaters et al, 2020). Yet Scotland holds fast to its myth of egalitarianism, with the oft invoked phrase that 'we are all Jock Tamson's Bairns' (meaning, in a metaphorical sense, that we are all born equal and share a common humanity). The contributions within this special issue do highlight the wish of Scots to be regarded as more socially just and living in a more inclusive society. Yet, whether it be ethnicity, gender, nationality, sexuality or disability, clear challenges still exist to which we must pay attention and offer policy consideration. There is no doubt that the evidence we present within these papers illustrate many positives, and an overall progressive trajectory. Yet there also clear areas where challenges remain to be addressed. Scotland may indeed be moving towards achieving a more balanced, equal and inclusive society, it may well be leading the debate around issues of citizenship boundaries and associated rights, but it is a journey that is far from complete.

There is also little doubt that the constitutional cleavage and relationship with England will remain a firm part of the socio-political agenda in Scotland for the foreseeable future. Likewise, the social cleavages between the elites and the masses, and the fight for the future social, economic and political policy direction of Scotland also remains front and centre. Yet, at the time of writing, we are witness to an event that illustrates these differences and challenges for control rather vividly and it also impacts upon debates on issues such as identity and belonging. In 2020 the arrival of the COVID-19 global pandemic has impacted the UK in ways that we can only begin to imagine, let alone understand. Nonetheless, what is already clear from the early stages of 'lockdown', from March 2020, has been the essential roles of minorities and immigrants in Scotland and across the UK. Whether retail workers, farm workers, fruit and vegetable pickers, or NHS staff, the place of migrants and the roles they fulfil, has once again been thrust into the political and media spotlight. The nature and the rhetoric of that focus has shifted though, to a slightly more positive tone and view. However, will this shift be a temporary readjustment in attitudes towards migrants or will it change the previously dominant negative policy environment? It remains to be seen, but it is having an impact of sorts. Further, it may be the case that an event outside of the 'normal' social, political and economic controls may emphasise to the residents of Scotland that we might be, in fact, all 'Jock Tamson's Bairns'.

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