

How Brexit has changed Scotland's constitutional debate

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Introduction

One of the most intense debates during the 2014 independence referendum was whether or not Scotland could maintain uninterrupted membership of the European Union if it became an independent country. The UK Government argued that the rest of the UK would be the ‘continuing state’ and would exclusively retain the rights and obligations of the UK’s current membership. Consequently, Scotland would have to apply afresh to become an EU member after becoming independent. The Scottish Government, in contrast, took the view that as Scotland would already be fully compliant with the requirements of EU membership, there was every reason to believe the country would be able seamlessly to become an EU member in its own right.

Of course, just two years after Scotland voted by 55% to 45% to remain inside the UK, the UK as a whole – though not Scotland itself – voted to Leave the EU. Eventually, after some years of political turmoil, the UK formally left the political institutions at the end of January 2020, while it exited the single market and customs union at the end of that year. As a result, the debate that was held in 2014 on the implications of independence for Scotland’s membership of the EU has been overtaken by events. Perhaps, then, it was not entirely surprising that after it became clear that the UK was heading for a relatively ‘hard’ Brexit, in March 2017, just two and a half years after the original ballot, the then First Minister, Nicola Sturgeon, called for a second independence referendum. That call has, of course, not been answered. But Brexit does mean that, unless there is a change in the UK’s relationship with the EU, the choice with which Scotland’s voters would be presented in a second independence referendum would not, as in 2014, simply be whether it should be inside or outside the UK, but, rather, whether it should be in the UK but outside the EU, or inside the EU but outside the UK. Doubtless, once again, part of the debate would be about whether and how easily an independent Scotland would be able to secure EU membership. However, now voters would be being asked whether it would be better for Scotland to seek EU membership rather than retain its current position in the UK.

In this briefing we examine two questions about public attitudes towards Scotland’s constitutional status that arise from the UK’s decision to leave the EU. The first is to what extent have attitudes towards the EU and attitudes

towards the constitutional question become intertwined? Is it the case that those who are in favour of EU membership are more likely to support independence – and vice versa? The second is how do voters react when they are asked to evaluate the consequences of being inside the EU versus being part of the UK? And what expectations do they have of what being in the EU but outside the UK might mean in practice?

Our data come from two sources. Our first question is addressed using data from the Scottish Social Attitudes (SSA) series of surveys (Scholes et al., 2024). This high-quality survey, conducted by the Scottish Centre for Social Research (ScotCen) on a near annual basis, has tracked attitudes in Scotland towards independence and towards the EU ever since the advent of devolution in 1999, thereby enabling us to track how attitudes towards the two subjects – and the relationship between them – have evolved since before the independence referendum. The second question is addressed using data collected in March 2023 via ScotCen’s mixed mode random probability panel. This panel consists of people who were originally interviewed as part of the Scottish Social Attitudes survey and who have agreed thereafter to undertake further short surveys, either online or over the phone (Jessop, 2018).

The intertwining of Brexit and Independence

Since the creation of the Scottish Parliament in 1999, every Scottish Social Attitudes survey has asked the following question:

Which of these statements comes closest to your view?

Scotland should become independent, separate from the UK and the European Union

Scotland should become independent, separate from the UK but part of the European Union

Scotland should remain part of the UK, with its own elected parliament which has some taxation powers

Scotland should remain part of the UK, with its own elected parliament which has no taxation powers

Scotland should remain part of the UK without an elected parliament

Crafted as it was in the 1990s for the 1992 Scottish Election Study (Bennie et al., 1997), the choices offered reflect the constitutional debate at that time. The SNP, which had campaigned against Common Market membership in the 1975 Common Market referendum, had only recently adopted a policy of ‘Scotland in Europe’. Meanwhile, whether the Scottish Parliament should have taxation powers was the subject of debate in the Scottish Constitutional Convention and subsequently became the subject of a separate question in the 1997 devolution referendum. However, it is the only survey question that has been asked throughout the 25 years of devolution and thus it provides a unique record of how attitudes towards Scotland’s constitutional status have evolved during that time. To simplify matters in Table 1, those who chose the first two options, both of them versions of independence, are combined, as are those who opt for the third or fourth option, both of which reflect support for a devolved parliament within the framework of the UK.

Table 1 Attitudes in Scotland towards how Scotland should be governed, 1999-2023

	Independence	Devolution	No Parliament	Base
	%	%	%	
1999	27	59	10	1482
2000	30	55	12	1663
2001	27	59	9	1605
2002	30	52	13	1665
2003	26	56	13	1508
2004	32	45	17	1637
2005	35	44	14	1549
2006	30	54	9	1594
2007	24	62	9	1508
2009	28	56	8	1482
2010	23	61	10	1495
2011	32	58	6	1197
2012	23	61	11	1229
2013	29	55	9	1497
2014	33	50	7	1501
2015	39	49	6	1288
2016	46	42	8	1237
2017	45	41	8	1234
2019	51	36	7	1022
2021	52	38	8	1365
2023	48	41	9	1574

Note: The 2014 survey was conducted before the Independence referendum, while the 2016 survey was undertaken after the ballot on the UK's membership of the EU.

Source: Scottish Social Attitudes survey. In 2021 two versions of the survey were conducted, one online and one by phone. The figure quoted here is that obtained by the online survey.

The table reveals that there was a marked shift in favour of leaving the UK in the wake of the independence and Brexit referendums. Before the 2014 ballot,

support for independence oscillated between just below a quarter and just over a third. Since 2016 it has varied around the 50% mark, leaving Scotland more or less evenly divided on whether it wishes to be inside the UK or not. Although the Yes side lost the 2014 ballot, that contest, together with the EU referendum, resulted in a long-term increase in support for independence, albeit that support may not be quite as high now as it was in 2019 during the height of the parliamentary stalemate over the implementation of Brexit.

Meanwhile, SSA has tracked attitudes towards Britain's relationship with the EU by asking the following question:

Do you think Britain's long-term policy should be...?

- ***... to leave the European Union***
- ***to stay in the EU and try to reduce the EU's powers***
- ***to leave things as they are***
- ***to stay in the EU and try to increase the EU's powers***
- ***or, to work for the formation of a single European government?***

Since the EU referendum, the question has been prefaced by saying, 'Leaving aside the result of the referendum on Britain's membership of the European Union, what do you think Britain's policy should be...?'.

Table 2 shows both the full pattern of responses that has been obtained when the question has been asked, and also a dichotomisation into those who either say that the UK should be outside the EU or that it should be seeking a reduction in the EU's powers, responses that might be considered to express a Eurosceptic outlook, and those opting for any of the last three responses that state that, at minimum, the relationship should not be weakened, a group we label 'Europhile'. The balance of opinion between these two positions has changed over time, with Scotland becoming more Eurosceptic in the years leading up to the 2016 referendum – albeit most were looking for the EU to be less powerful rather than for the UK to withdraw – while more recently reverting back to a more evenly balanced set of views.

Table 2 Attitudes in Scotland towards Britain's membership of the EU, 1999-2023

	1999	2000	2003	2004	2005	2013	2014	2015	2016	2017	2019	2023
	%	%	%	%	%	%	%	%	%	%	%	%
Leave the EU	10	11	11	13	14	19	17	17	25	19	19	16
Stay in the EU but reduce its powers	36	37	29	31	36	40	40	41	42	39	34	35
Stay in the EU and keep powers as they are	46	48	40	45	51	59	57	58	66	58	53	49
Eurosceptic	21	21	24	27	21	25	24	21	21	30	34	35
Stay in the EU and increase powers	14	13	19	12	13	8	7	9	5	5	5	8
Work for formation of a single European government	9	9	8	7	5	3	4	3	3	3	4	4
Europhile	44	44	52	46	38	36	35	33	29	37	43	47
<i>Unweighted base</i>	<i>1482</i>	<i>1663</i>	<i>1508</i>	<i>1637</i>	<i>1549</i>	<i>1497</i>	<i>1501</i>	<i>1288</i>	<i>1237</i>	<i>1234</i>	<i>1022</i>	<i>1574</i>

Note: Rounding may mean that the combined figure for 'Eurosceptic' and 'Europhile' may not match the sum of the figures for the component categories.

Source: Scottish Social Attitudes.

Our interest here though is not so much in the distribution of attitudes towards the EU as the extent to which, if at all, peoples' attitudes towards the EU are associated with their outlook towards independence – as the debate in the 2014 referendum seemed to assume was the case. Table 3 reveals that there was little relationship at the time of that ballot. In all three of our surveys conducted between 2013 and 2015, the level of support for independence among those we have classified as Eurosceptic was much the same as it was among those with a more Europhile point of view. Indeed, in our 2015 survey, 44% of Europhiles said they had voted Yes the previous year, little different from the 49% of Eurosceptics who said they had done so. The debate about the implications of independence for Scotland's future membership of the EU looks as though it had insufficient resonance among voters to have had much impact on the outcome of the 2014 vote.

Table 3 Attitudes towards how Scotland should be governed by attitudes towards Britain’s membership of the EU, 2013-15

Attitude towards Britain’s membership of the EU		
Constitutional Preference	Eurosceptic	Europhile
	%	%
2013		
Independence	29	30
Devolution	57	55
No Parliament	10	8
<i>Unweighted bases</i>	<i>913</i>	<i>484</i>
2014		
Independence	35	31
Devolution	53	49
No Parliament	7	9
<i>Unweighted bases</i>	<i>893</i>	<i>476</i>
2015		
Independence	41	39
Devolution	50	51
No Parliament	7	5
<i>Unweighted bases</i>	<i>787</i>	<i>394</i>

Source: Scottish Social Attitudes

Meanwhile, there was also little relationship between how people voted in 2014 and the choice they made in the 2016 EU referendum. According to the British Election Study internet panel, those who had voted Yes in 2014 backed Remain over Leave by 62% to 38%, while at 60% to 40% the balance of opinion among those who had voted No in 2014 was little different. Despite the SNP’s stance that independence would mean ‘independence in Europe’, some of those who backed leaving the UK were reluctant to see Scotland share its sovereignty with the EU too.

However, no sooner was the referendum over and the picture began to change. As Table 4 shows, even in our 2016 survey, undertaken in the weeks after the Brexit referendum, support for independence proved to be nine points higher among Europhiles than Eurosceptics. That gap has grown consistently since. In 2017 it was 16 points, in 2019 19 points, and now, in our most recent survey in 2023 it stands 36 points. Indeed, at no less than two-thirds, support for independence is now more than twice as high among Europhiles as it is among Eurosceptics. While they once were apart, now the two issues have become heavily intertwined with each other.

Table 4 Attitudes towards how Scotland should be governed by attitudes towards Britain’s membership of the EU, 2016-23

Attitude towards Britain’s membership of the EU		
Constitutional Preference	Eurosceptic	Europhile
	%	%
2016		
Independence	44	53
Devolution	45	37
No Parliament	8	7
<i>Unweighted bases</i>	<i>836</i>	<i>337</i>
2017		
Independence	40	56
Devolution	48	33
No Parliament	9	7
<i>Unweighted bases</i>	<i>763</i>	<i>407</i>
2019		
Independence	43	62
Devolution	42	31
No Parliament	10	4
<i>Unweighted bases</i>	<i>568</i>	<i>413</i>
2023		
Independence	31	67
Devolution	54	29
No Parliament	14	3
<i>Unweighted bases</i>	<i>767</i>	<i>754</i>

Source: *Scottish Social Attitudes*

Much the same pattern is evident in Table 5. This uses a different measure of people’s attitudes towards the EU and a different question about Scotland’s constitutional status. In the case of the former, we now use how people say

they would vote in another EU referendum, while for the latter we now deploy which choice respondents state they would make in the event of another vote on independence. Shortly after the EU referendum, those who would vote Remain in a second referendum were just four points more likely than those who would back Leave to say they would vote Yes to independence. By 2019 the difference had grown to 22 points, and after reaching as much as 41 points in 2021, it is still as much as 39 points in our most recent survey. With as many as 70% saying in that survey that they would vote in favour of joining the EU, it is very difficult to avoid the conclusion that the decision to Leave has had an adverse impact on support for remaining in the UK.

Table 5 Support for Yes to independence by EU Referendum vote intention 2016-23

% would vote YES In indyref2	EU Referendum vote intention	
	In EU	Out EU
2016	48	44
2017	49	41
2019	65	43
2021	67	26
2023	59	20

In 2016-2021, 'In EU' = would vote Remain, 'Out EU' = would vote Leave. In 2023, 'In EU' = would vote for being a member, 'Out EU'=would vote against being a member.

For the unweighted bases on which these figures are based see Appendix Table 1. Those not indicating how they would vote in a second independence referendum are excluded from the denominator on which the figures are based.

Source: Scottish Social Attitudes. See also note to Table 1.

Not least of the possible reasons is that however widespread the concern may be among voters about the consequences of independence, doubts about the impact of Brexit are even more commonplace. This was certainly the conclusion Curtice and Montagu (2020) drew when voters were asked on the 2019 SSA similar questions about what they thought would happen as a result of independence and what they believed would be the fallout from Brexit. For example, while one in three thought independence would make Scotland's economy worse, as many as 61% felt the same way about Brexit. However, this analysis still left open the question as to what the pattern of response would be if people were asked to evaluate directly the choice between being in the UK but outside the EU and being in the EU but outside the UK. It is to that question that we now turn.

The better choice: UK or the EU?

In March last year, respondents to ScotCen's mixed mode random probability survey were asked to consider the relative economic merits of being part of the UK versus part of the EU as follows:

Say that Scotland had to choose between being:

- ***part of the United Kingdom (UK) but outside the European Union (EU), or***
- ***being part of the European Union (EU) but outside the United Kingdom (UK).***

Under which arrangement, if either, do you think the economy would be stronger?

- ***Part of the UK but outside the EU***
- ***Part of the EU but outside the UK***
- ***Would not make much difference either way***
- ***Don't Know***

They were then asked to consider in a similar manner under which of the two arrangements:

It would be easier for Scottish companies to sell goods outside of Scotland?

- _____
there would be more money to spend on the NHS?

- _____
taxes would be lower?

- _____
Scotland would have a stronger voice in the world?

- _____
there would be less of a gap between rich and poor in Scotland?

- _____
the level of immigration would be better for Scotland?

- _____
would pose the bigger risk to Scotland's future?

Table 6 shows the pattern of responses for all the items where the prospect was worded in a positive direction (that is, all but the one about risk). Two key findings emerge. First, in each case more people reckoned the outcome was more likely to occur if Scotland were in the EU but outside the UK than felt it was more likely to happen if it were in the UK but outside the EU, albeit that in the cases of taxes the difference was only two points. If voters are forced to choose, they appear to be more likely to regard being in the EU as beneficial than they are being in the UK. Second, however, in all but one instance, that is, the ease with which Scotland's companies can sell goods outside of Scotland, the proportion who regard being in the EU more favourably is still less than half. That suggests there is no guarantee that a referendum that was framed as a choice between the UK and the EU would necessarily be won by the advocates of independence.

Table 6 Perceptions of the consequences of being part of the UK versus being part of the EU

	In UK, outside EU	Not much difference	In EU, outside UK
	%	%	%
Sell goods outside Scotland	18	26	53
Voice in world	18	33	47
Economy	25	27	46
Immigration	20	38	39
Less rich/poor gap	13	50	35
NHS	24	41	33
Taxes	23	49	25

Unweighted base = 1184

Source: ScotGen mixed mode random probability panel, March 2023.

Much the same is true of the last negatively worded item on the balance of risk. Rather more, 39% feel that being in the UK would be the bigger risk than indicate being in the EU would be (31%), while around a quarter, 27%, reckon there would not be much difference between the two scenarios. However, once again the proportion who choose what is in effect the pro-independence point of view is well under 50%.

This analysis implies that a lot might rest on how those who say that there would not be much difference between being in the UK or being in the EU would be inclined to vote in any referendum. Table 7 pursues this question by showing for each possible consequence the proportion who say they would vote Yes broken down by which scenario they think would be better. As we would anticipate, those who think that being in the EU would produce the better outcome are mostly inclined to vote Yes, with typically around four in five (80%) saying they would do so, whereas those who believe being in the UK

would be better are mostly disinclined to back Yes. The link that has emerged between attitudes towards Brexit and those towards Scotland's constitutional status is underpinned by perceptions that the choice between sticking with Brexit or opting for independence would make a material difference to the country's future.

Table 7 Independence referendum vote intention by perceptions of the consequence of being part of the UK versus being part of the EU

% vote Yes	In UK, outside EU	Not much difference	In EU, outside UK
Sell goods outside Scotland	12	31	79
Voice in world	14	28	84
Economy	21	39	83
Immigration	24	39	82
Less rich/poor gap	11	43	83
NHS	20	46	86
Taxes	24	53	80

For the unweighted bases on which these figures are based, see Appendix Table 2.

Source: ScotGen mixed mode random probability panel, March 2023.

However, the level of support expressed for Yes among those who say it would not make much difference varies between the topics. In the case of taxes and the NHS – topics where people are less likely to say that things would be better in the EU – the vote intentions of those who feel there would not be much difference between the two scenarios divide more or less evenly between those who would vote Yes and those who would back No. The same is also true of the perception of risk, where 47% of those who believe it would not make much difference would currently back Yes. Otherwise, however, those who feel it would not make much difference are more inclined to back No rather than Yes – and this is especially so in the case of companies selling goods outside Scotland and Scotland's voice in the world. It would seem that unless voters are positively convinced that Scotland would be better off in the

EU and outside the UK they are somewhat inclined to stick with the status quo of being part of the UK. Moreover, this is especially so on those topics where the balance of opinion would appear most favourable to those campaigning for a Yes vote. Although that balance of opinion appears favourable to the pro-independence side of the constitutional debate, the debate appears to be an asymmetric one in which voters have to be clear that being in the EU would be better than the status quo before they are likely to be willing to support Yes.

Preferences and expectations

Joining the EU, while the rest of the UK remained outside, would also potentially have some more immediate consequences for Scotland than those we have considered so far, consequences that might well feature prominently in any future referendum campaign. In joining the single market, the country would have to accept freedom of movement between Scotland and the rest of the EU. It would also likely involve some measure of customs checks on goods moving across the Anglo-Scottish border and thus into the EU single market, an issue that has proven particularly fraught in the case of Northern Ireland. Less certain, but potentially still contentious, is whether it would entail passport checks or whether instead the arrangements of the common travel area that exists between the UK and the Republic of Ireland would apply. Meanwhile, we can anticipate that, as in 2014, the issue of which currency would be used by an independent Scotland that was part of the EU would be the subject of much debate. Much might rest on whether voters – and especially those inclined to vote Yes – believe that a satisfactory resolution would be reached on these issues.

In our survey we asked respondents:

If Scotland became an independent country inside the EU, while the rest of the UK stayed outside of the EU, would you be in favour or against:

Customs checks on goods crossing the border between Scotland and the rest of the UK

Passport checks on people crossing the border between Scotland and the rest of the UK

Giving EU citizens the legal right to live and work in Scotland if they wish

And then we further asked:

If Scotland became an independent country inside the EU, while the rest of the UK stayed outside the EU, how likely or unlikely do you think it is that:

There would be customs checks on goods crossing the border between Scotland and the rest of the UK

There would be passport checks on people crossing the border between Scotland and the rest of the UK

EU citizens would be given the legal right to live and work in Scotland

Table 8 shows how those who said they would currently vote Yes to independence answered these questions. It indicates that giving EU citizens the right to live and work in Scotland would cause them little difficulty. Around eight in ten (81%) believe this is what would happen if an independent Scotland were to join the EU, while just over seven in ten (71%) say they would be in favour of this development. However, matters are not so clear cut in the case of customs and passport checks between Scotland and the rest of the UK. On balance, Yes supporters would prefer these were not introduced, though a significant proportion (36% in the case of customs checks and 30% passport controls) say they are neither in favour nor against. At the same time, however, nearly half (47%) believe that customs checks would be introduced and thus perhaps some Yes supporters have concluded that this is a price they are willing to pay. However, opinion is divided on the likelihood of passport checks, and any indication during a referendum campaign that they might in fact be required might prove more difficult for some current Yes supporters.

Table 8 Preferences and expectations of Yes supporters in the event that an independent Scotland joined the EU

	Preference		Expectation	
	In favour	Against	Likely	Unlikely
	%	%	%	%
Right to work	71	7	81	6
Customs checks	28	36	47	30
Passport checks	27	43	38	34

Unweighted base = 547.

Source: ScotGen mixed mode random probability panel, March 2023.

Meanwhile on the issue of which currency an independent Scotland should use, we asked:

And if Scotland became an independent country inside the EU, while the rest of the UK stayed outside the EU, which currency do you think it should use...

<i>The pound</i>
<i>The euro</i>
<i>Its own new currency</i>

And then:

And if Scotland became an independent country inside the EU, while the rest of the UK stayed outside the EU, which currency do you think it would use?

The pound

The euro

Its own new currency

This is a subject on which Yes supporters are divided – while there is certainly no strong support for joining the euro. Forty-three per cent would like to keep the pound, while as many as 49% anticipate that this is what would happen. Meanwhile, 22% would like Scotland to have its own currency, though slightly fewer, 19%, believe that this is what would happen. Only just over one in three (35%) would want Scotland to join the euro, while much the same proportion (31%) anticipate that this is what would happen. Moreover, in each case around seven in ten believe that the decision they would prefer is the one they believe would eventually come about. Here it seems is one subject where those who say they would back independence are far from fully committed to making a break with the UK and joining instead one of the key institutional features of the EU.

Conclusion

The UK's decision to leave the EU has had a significant impact on public attitudes towards independence. Whereas once the issue had little or no impact on people's attitudes towards Scotland's constitutional status, now the two issues have become increasingly intertwined. Those who want to be part of the EU are around three times more likely than those who back Brexit to support independence. And given that being inside the EU is by far the majority preference north of the border, this helps to explain why the overall level of support for independence is rather higher now than it was at the time of the 2014 ballot.

Moreover, this link between support for the EU and support for independence is underpinned by how people regard the consequences of the choice that Scotland now seems to face in its constitutional debate, that is, between being part of the UK but outside the EU and being part of the EU but outside the UK. On many issues voters are more likely to believe that being in the EU would be better for Scotland than they are to feel that being in the UK would be better – and these voters are highly likely to say they would vote Yes. However, while the balance of opinion may be more favourable to EU membership rather than being part of the UK, it is still the case that in most instances less than half believe that EU membership would be advantageous. Many are of the view that it would not make much difference and are also seemingly more inclined to stick with the status quo. Meanwhile, although Yes voters appear to have few qualms about signing up to freedom of movement, they are much less ready to embrace the euro, and more broadly the question of what currency an independent Scotland should use remains contentious.

Of course, in practice little has happened in the debate about Scotland's constitutional status since the implementation of Brexit. The COVID-19 pandemic prevented any significant discussion of the issue, while more recently the SNP's political difficulties have left the party unable to make the political weather. As a result, voters have had little exposure to the issues that would arise in the choice between being in the UK and being part of the EU, and we cannot be sure what view they would form when they have heard more about the issues at stake. But what is now clearly the case is that it is a

debate that will be crucial to how voters regard Scotland's constitutional future.

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Appendix

Appendix Table 1: Unweighted bases for Table 5

EU Referendum vote intention		
% would vote YES In indyref2	In EU	Out EU
2016	559	297
2017	750	263
2019	617	224
2021	942	328
2023	1043	241

Appendix Table 2: Unweighted bases for Table 7

% vote YES	In UK, outside EU	Not much difference	In EU, outside UK
Sell goods outside Scotland	246	327	568
Voice in world	250	364	532
Economy	348	303	494
Immigration	233	423	475
Less rich/poor gap	181	561	403
NHS	319	463	362
Taxes	308	611	219

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