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Multinationalism, Constitutional Asymmetry and COVID: UK Responses to the Pandemic

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ABSTRACT

This article explores how the asymmetric institutionalization of the United Kingdom's multinationality interacted with the COVID-19 pandemic. The UK's political elite has traditionally accepted the country's multinational character, but democratic institutionalization of it occurred relatively recently and in a remarkably asymmetric manner. Only the UK's minority nations possess devolved governments, while the largest nation, England, is governed directly from the center. This framework has consequences for the pandemic response. It has clarified the relevance of devolved legislatures, but also highlights continued resistance of the UK's governing elite to acknowledge the multi-level character of the state.

The United Kingdom is an unusual multinational state. Its legitimizing ideology—British unionism—acknowledges multinationality in ways that stand out from other such settings where state nationalism tends to crowd out national pluralism. At the same time, the UK's institutions constitute a singularly asymmetric expression of that multinationality. While the populations of Scotland, Wales, and Northern Ireland are governed both by the UK and devolved governments, the country's largest nation, England, is governed directly from the center, without a set of intermediate democratic institutions, offering incomplete coverage across England. Westminster, therefore, wears multiple hats, generating, at times, policy for the whole of the UK, for England and Wales, or for England alone.

The main reason behind this configuration is the way in which the UK's political elites, drawn predominantly from England, conceive of the state they are governing. Rather than seeing the 1998 Belfast Agreement and the 1999 devolution settlements as the central feature of the UK's constitutional DNA, the country's leaders regard them as issues to be managed on an ad hoc basis whenever a crisis emerges into open view in one of the devolved jurisdictions. By extension, the multi-level character of the state is not reflected in the decision-making processes at the center. Instead, the UK is run largely as a unitary state, with the governing elites frequently conflating the priorities of the largest constituent nation—England—with those of the entire country. This elite perspective is rooted in broad-based indifference among the English population to the United Kingdom's multinational character.[1]

In this article, we show how the UK's peculiarly (under)institutionalized multinational, multi-level settlement interacted with the COVID-19 pandemic. In line with the focus of this special issue, we explore both how the UK's multinationality influenced the country's approach to the pandemic, and how the pandemic has reflected on the UK multinational settlement. On the one hand, we show that the rather weak institutionalization of the multi-level system has militated against close intergovernmental collaboration in response to the crisis. This system has also given the devolved governments the opportunity to *visibly* differentiate themselves from their UK counterpart. The pandemic seems to have reinforced centrifugal tendencies that were already intensifying in response to Brexit in Scotland and Wales, if from different starting points. On the other hand, the pandemic and the multiple crises (for example, health and economic/fiscal) it has generated have thrown into sharper relief the lack of awareness of, or attention to, the state's multi-level character among England-based political and media elites, a phenomenon we cover in the last substantive section.

We offer two caveats. First, since we foreground the role of the Anglo-British elites in shaping the politics of the UK's multinationality, and in light of space constraints, we do not explore in detail the impact of the pandemic on the internal politics of devolved jurisdictions. Such an examination would require an article of its own. We nevertheless touch upon some of the ways the pandemic has interacted with the politics of national identity in sub-state nations. We focus on Scotland in particular given majority support for independence in recent polls, support that predates the pandemic but that has interacted with it in interesting ways.[2] Second, in light of the thematic focus of this special issue, we endeavor to cover a lot of ground in relatively short space—including both the impact of the UK's multinational settlement on pandemic response and the influence of the pandemic on the UK's multinational context. We are aware that this necessitates a more limited treatment of both sets of issues, but we believe it is important to contextualize the interaction between multinationality and COVID-19 from both angles in order to provide readers with a more comprehensive image of the interaction between UK's multinationality and the pandemic.

In the next section, we point to typical characteristics of multinational states, including the kinds of ideational and institutional configurations that tend to arise in response to claims by minority nations. Our focus is on majority and minority national identities and narratives that tend to emerge, and the ways in which these narratives shape the political contestation at the heart of multinational states. In the second section, we contrast the UK multinational experience to this pattern and suggest how the ideational and institutional dimensions of UK's multinationalism shaped the country's COVID-19 response. In the third section, we demonstrate, using UK government press events, how the pandemic has highlighted the UK government's inconsistent—and at times neglectful—approach to the UK's multinationality. In the concluding section, we reiterate our conclusions about what the pandemic shows about the character of the UK as a multinational state.

The multinational condition

The defining characteristic of a multinational state is the *conditional* legitimacy of its political-territorial order.[3] In nation-states, the territory, the monistic character of the

political community, and the key myths of that community, are taken for granted to such a degree that their social constructedness recedes from view. Public challenges to the territorial integrity of the state are more likely to elicit ridicule than apprehension.[4] By contrast, in multinational states, territorial integrity is not necessarily in constant jeopardy, but it is not taken for granted to the same degree. The legitimacy of the specific territorial-political order is conditional, particularly in those communities whose members consider their collective interests or their identity as being potentially sidelined within the common state framework. These may, but need not be, demographic minorities. If members of those communities can be persuaded that their interests are not being served, or their visions of the state not expressed in symbolically appropriate ways, they may call for the institutional reconfiguration of the state (for example, through greater autonomy or formal recognition). Should this not be forthcoming, they may withdraw their consent to being governed within the common state framework altogether, and pursue independence.

Scholarship on the multinational state has converged largely on the latter scenario—the potential for political crises that result either in peaceful secession of a territory, or in a violent clash motivated by self-determination contests. Since self-determination struggles become internationally prominent only when claimant communities make their demands for independence known—either through mass mobilization or by taking up arms—most of the scholarship on self-determination struggles tends to focus on the minority side of the equation.[5] Literature on the role of territorial autonomy and power-sharing almost universally emphasizes the influence of those institutional options on the political actions of minority/claimant communities.[6] A similar trend prevails in the more recent work on secession.[7]

Yet it is difficult to understand the multinational state without paying attention not only to the politics of minority nationalism, but also to the nationalism of majorities.[8] Minority claims, including secessionist ones, do not emerge in a vacuum. They are an iterative product of interaction between different political projects, both "within" communities and across them.[9] Indeed, the past decade or so has seen greater scholarly attention paid to majority nationalism in its various incarnations.[10] Especially important is the knowledge of how various communities and their representatives understand the institutions of the state.

Competing institutional visions are at the heart of the multinational predicament.[11] As noted at the start of this section, the multinational condition is partly a matter of institutional perceptions and institutional legitimacy. While members of minority nations diverge among themselves in terms of institutional preferences, they are, in the aggregate, far more likely to question the common state as a good in itself than are majorities. Their commitment to the state is, to put it differently, conditioned by the extent to which they believe that the state protects their interests and articulates and expresses their identity.[12] Majorities, on the other hand, are far more likely to identify with the entire state and to internalize it as "their own" more or less unconditionally.[13]

What we see as a result is a fairly predictable set of patterns. Minority nations tend to demand the right to self-government, either within the common state by way of territorial, and less often non-territorial, autonomy, or via external self-determination (secession). Central elites, normally drawn from the majority community, react in fairly

predictable ways as well.[14] They nearly always resist secession, but are more likely to contemplate territorial autonomy. Indeed, almost all of the world's multinational states are characterized by some level of territorial decentralization or non-centralization. However, this autonomy is seldom accompanied by formal recognition of the state's multinationality, either in the constitutional sense or as a matter of public discourse. Of course, there is recognition of various lines of diversity, including regional and linguistic, among others, but this need not extend to institutionalization of the multinational principle. We see this even in some of the longest lasting multinational states such as Canada.[15]

The UK multinational state is even more exceptional when set against these trends. In effect, it has reversed the predictable pattern of accommodation: instead of starting with territorial autonomy and resisting recognition, it has been more willing to recognize, formally and rhetorically, its multinationalism, but has acknowledged this multinationality via territorial self-government only quite late. At the same time, since the establishment of devolved legislatures in 1998 and 1999, neither the UK political elite—notably members representing English constituencies—nor those who elect them, have been eager to acknowledge the separate political space in the UK's constituent nations, the near inevitability of intra-state policy variation flowing from jurisdictional competence over devolved policy areas, nor has there developed a strong institutional framework to coordinate across different governments. As we show in the rest of this article, the COVID-19 pandemic has exposed these features of the UK polity more clearly than before.

The impact of UK multinationalism on the pandemic response

The UK multinational state: a background

By contrast to most other state nationalisms, the UK variety has been quite comfortable in acknowledging the country's multinationality. British unionism has tended to be constitutively multinational. It has traditionally recognized national diversity and incorporated it into state symbols.[16] While one can point to the emergence of a British national identity,[17] this identity did not emerge to the exclusion of, say, Scottishness or Welshness,[18] though one might venture that in the English case, the fusion between the British and English identitarian dimensions was quite pronounced.[19] As we note in the foregoing section, this is typical of majority nationalism, but it is perhaps accentuated in the UK case by the particularly lopsided demographics of the country, as approximately 85% of its population resides in England. As importantly, unionism was neither the only nor necessarily the primary ideational marker for the population of Great Britain/UK. As Colley argues, both Protestantism and the empire were important cohesive forces that underpinned the UK multinational project.[20]

At the same time, however, unionists have for most of the past three centuries felt little need to supplement the UK's multinationalism with democratic institutional expression. The doctrine of parliamentary sovereignty militated against formal territorial autonomy and devolution for minority nations, most clearly seen during the 19th and early 20th century debates on Irish home rule.[21] The 19th century introduction of administrative devolution for Scotland and Wales ensured that civil servants developed

policy for separate civil institutions—mostly obviously in Scotland given a separate education and legal system—but it was more than a hundred years before such policy reflected the political preferences of those living in the devolved territories rather than the wishes of the ministers elected by the UK electorate.[22] The delay was not merely due to the hostility on the part of the majority nation but also to hesitance on the part of the minority electorate.[23]

Devolution did not produce an *immediate* political backlash among the majority community, defined either as electors in England or British-identifiers in Scotland, Wales or Northern Ireland. This stands in contrast to the Canadian and Spanish reactions to symbolic reconstitution of those two states during the 1980s and 2000s, respectively.[24] At an elite level, none of the major state-wide parties made resentment against devolution a core aspect of their political strategy.[25] Indeed, all came to accept devolution as a positive development in their manifestos, though for different reasons and in different ways.[26]

The absence of sustained partisan opposition to devolution does not mean that the population of England has been indifferent to it. Over the past decade, scholars have started to outline the gathering resentment, or "devo-anxiety," among the English with respect to what they perceive as unfair advantages secured by the Scots in particular.[27] Both British and English identifiers believe that Scotland's share of public spending should be reduced and that Scottish MPs should not be allowed to vote on laws that affect England alone. At the same time, however, English opposition to devolution *as a matter of principle* is weak. While calls for an English Parliament are growing, particularly among those who prioritize an English national identity, the most popular institutional reform has been procedural rather than democratic, in the form of "English votes for English laws."[28] This provides an additional example of the hesitancy to offer or pursue democratic devolution for the national communities within the UK, with a preference for administrative solutions in the first instance.

To summarize, the UK governing elite has historically accepted the multinational character of the state as a cultural fact, while resisting institutional expression of that multinationality. Since the late 1990s, the process of devolution has led to increasing formal acceptance of institutionalized, multi-level multinationalism, but this institutionalization has been asymmetric, with important political and policy implications. While Scotland, Wales and Northern Ireland have developed their own institutions of governance, the demographically dominant population of England continues to be governed directly, without a coherent or comprehensive intermediate institutional layer. One could see this institutional asymmetry as an expression of the long-standing tendency to conflate England and the UK[29] that tends to view devolved policy choices as deviations from the norm.

The impact of the UK's institutional settlement on pandemic management and devolved politics

The manner in which devolution has been institutionalized has had important consequences for the management of the COVID-19 pandemic. The devolved governments have control over health, housing, education, and social care, but do not possess comprehensive fiscal or

economic policy autonomy. Successive Scotland Acts (2012 and 2016) have broadened Scottish fiscal autonomy, but the scope for large-scale borrowing remains limited in size and purpose for both Scotland and Wales.[30] This means that while the devolved governments were in a position to pursue independent policy choices on many public health dimensions of the pandemic response in their territories, the UK government took the lead on the same in England and developed and implemented the fiscal response across the UK.

At the same time, the relationship between the devolved governments and the central administration has been poorly institutionalized, suggesting the relative lack of importance that the central government attaches to the multi-level character of the UK polity. By contrast to shared-rule federations like Germany or Switzerland, the devolved governments have no parliamentary representation at the center. Unlike other self-rule devolved or federal states, such as Canada and Spain, the formal intergovernmental channels of the UK are underdeveloped.[31] The Joint Ministerial Committee system, the UK's principal intergovernmental forum, is consultative and does not meet on a sufficiently regular basis to facilitate productive coordination in policy-making.[32] While the early response to the pandemic was coordinated, though not through the JMC, the central government subsequently charted its own course with far less collaboration with the devolved governments.[33]

The pandemic, combined with devolution in health care, but without strong institutionalization in the intergovernmental domain, shaped the devolved government response. While devolved governments implemented largely the same public health policies as the central government, and with similar health outcomes, they distinguished themselves from Westminster largely through differentiated timing in the implementation of those policies. Below, we focus on Scotland.

Throughout 2020 the SNP government in Scotland tended to implement more cautious measures sooner than the central government and typically loosened those measures later than the UK government. Table 1 summarizes some of these differences. The Scottish First Minister also provided daily press briefings, typically taking these herself rather than rotating the role with scientific advisors or other ministers. The Scottish electorate responded positively to both policy variation—which was more in line with cautious electorate preferences—and to the First Minister herself. By autumn 2020, 44% of Scots rated the Scottish government either 8, 9 or 10/10 (very well). Only nine percent gave the same rating to the UK government (with one in five rating them 0—very poorly—out of 10). As for the leaders, almost half (49%) rated Sturgeon's performance as 8, 9 or 10/10 while only 7% gave the same rating to Johnson. In part this is because nearly half of Scots rated Johnson's performance as 0, 1 or 2 out of 10. In short, half of Scots thought Sturgeon was performing in the top three categories of the scale, and half of Scots thought Johnson was in the bottom three categories of the scale.[34] It is important to note that in a more integrated intergovernmental system, the policy output might well have been more coordinated and the opportunity for variation restricted as a result.

At the same time, the pandemic has attracted attention to the legislative competence and policy choices of devolved actors like never before. Not only were different governments reacting simultaneously to the same external event, but their policy decisions had near immediate impact on citizen mobility. Thus, the lack of institutionalization of the

Table 1. A comparison of select UK, Scottish and Welsh governments' COVID-19 measures (March–December 2020).

Measure	UK government	Scottish government	Welsh government
Initial lockdown	23 March	23 March	23 March
Lockdown easing strategy published	11 May (late)	23 April (early)	24 April (early)
Lockdown easing (retail reopening)	15 June (early)	29 June (late)	22 June (late)
Lockdown easing (bars/ pubs/ restaurants reopened)	4 July (early)	15 July (late)	13 July (late)
Lockdown easing (gyms reopened)	25 July (early)	31 August (late)	3 August (late)
Mandatory mask wearing introduced	24 July (late)	10 July (early)	14 September (very late)
Lockdown easing (lifting restrictions on foreign arrivals)	10 July (25 July reimposition of quarantine on arrivals from Spain)	10 July (but more restrictive, Spain/Serbia left out)	10 July (same as England)
Renewed restrictions on households	14 September ("rule of 6")	14 September ("rule of 6", but limited to 2 households)	7 September (different regime, local lockdowns instead of household restrictions across the board)
Renewed restrictions on business	14 October (late—pubs/ bars but not restos closed in Tier 3, only applicable to Liverpool City Reg.)	9 October (early—pubs/ bars/restos closed in Central Belt (majority of population covered))	N/A (early lockdown reintroduced earlier than elsewhere—see below)
Full lockdown reintroduced	5 November (early, but only until 2 December, reintroduced)	26 December/5 January (late)	23 October (early, for 17 days only, reintroduced 20 December, with Christmas exemption)

multi-level system of governance combined with the pandemic to offer a unique opportunity to all devolved governments to boost their profile among their respective electorates. In the Scottish case in particular, this appeared to accelerate public support for independence, increasing since the 2019 election but routinely topping 50% since March of 2020.[35] Likewise, the pandemic appears to have influenced a wider range of policy decisions. The SNP campaigned in the 2021 election on a commitment to holding a second independence referendum "once the COVID crisis had passed."[36] Since both the health and economic effects of the pandemic are likely to linger for some time to come, this commitment gives the returning SNP government ample flexibility over the referendum issue.

The situation in Wales parallels the Scottish developments in some important ways. As in Scotland, the pandemic offered an opportunity to evaluate simultaneous policy variation given devolved competence over health. As Table 1 shows, just as in Scotland, the Welsh government took a more cautious approach to the pandemic management. While opinion polls showed greater support in Wales than Scotland for the UK government's handling of the pandemic, polling on leaders showed far stronger support for the performance of Welsh First Minister Mark Drakeford, and falling support for Prime Minister Boris Johnson.[37] Drakeford, and the party he leads, Welsh Labour, have pursued a markedly different approach to the UK government than Sturgeon and the SNP.[38]

While support for independence in Wales has increased, now regularly reaching between a quarter and a third of those sampled, this has not translated into increased support for Plaid Cymru.[39] Welsh Labour has emerged from the pandemic as the party best seen to stand up for Wales. Thus, in Wales, the combination of pandemic and the specific political configuration may have strengthened the image of the devolved government, but it has also resulted in a pro-union government calling for substantial constitutional reform of the union.

The impact of the pandemic on the UK's multinationalism

Above we demonstrated how devolved governments' pandemic management intersected with the politics of national identity in Scotland and Wales. In this section, we show that the pandemic has exposed more clearly than before the degree to which the Anglo-British political and media elites elide England and the UK. Put differently, the pandemic has thrown into sharper relief the relatively low salience of the multi-level character of the UK multinational polity. We start with the discussion of popular understanding of the multi-level system and the barriers to better understanding of it. We then turn to the way in which the UK elites have framed the central government's response to the pandemic by examining Downing Street press conferences in March and April of 2020.

The asymmetric nature of devolution has always proved a challenge to UK voters for three reasons. First, different devolved legislatures had different levels of policy control so any heuristic shortcuts individuals might employ in federal states would be of limited use in an asymmetric situation. Put another way, knowing what was happening in one's own territory would prove a relatively poor guide to what was happening in other parts of the state. To some degree, this reflects the different origins of the legislatures, with devolution to Northern Ireland arriving thanks to an international treaty, and the different devolution settlements in Scotland and Wales the result of referendums following a Labour victory in 1997 and reflecting different levels of enthusiasm within the populations for constitutional change. Second, the legislative competence of the devolved institutions has changed since 1999, most dramatically in Wales where the legislature acquired primary legislative powers following the Government of Wales Act in 2006, but also in Scotland after successive Scotland Acts expanded the legislature's capacity particularly around tax.[40] Even if a voter had explored in depth the legislative competences of the Scottish Parliament in the year leading up to the 2014 referendum, they would have found significant changes as the full powers of the Scotland Acts 2012 and 2016 came into force in the years after the referendum. Those not living in Scotland or Wales could be forgiven for not following these debates attentively.

Third, particularly for those in England, media reporting about the legislative competence of devolved regions, and UK government communications about the territorial reach of its legislation, has not aided public understanding. Government announcements frequently occlude, whether by omission or design, the England-only aspects of policy changes, announcing new plans for hospitals or schools without clarifying that this applies to England alone. Such is the level of frustration that it has prompted two high profile Twitter campaigns, the Welsh-based @thatsdevolved, which attempts to correct

misleading government communications and news reports, and #sayEngland, which seeks to highlight when the territorial reach of England-only policy is unclear or hidden. The post-devolution elision of England/Britain/UK by parties and government is a long-standing and well documented phenomenon in UK politics.[41]

Related to this is the demographic dominance of England. Often cited as a potential obstacle to governance arrangements, it is relevant here for the center of gravity for news reporting. England-based newspapers and network news (from BBC, ITV or Sky) have considerable reach within Scotland, Wales and Northern Ireland, but the dominance of the English audience means coverage is often unreflectively Anglo-British, without much interrogation into whether the news item applies to the whole of the UK, Britain, or England. This list obviously includes a combination of effects. Some would be present in any asymmetric system (the absence of heuristic cues, for example). Still, the bulk of these are a result of the British manifestation of asymmetric devolution, namely serial *ad hocery*[42] and unclear communications, in part exacerbated by England's demographic dominance.

If one does not live in Scotland and does not know what the Scottish Parliament controls, and then reads English newspapers that report little on any of the devolved legislatures or the territorial limits of Westminster's domestic policy, then opportunities for learning are limited. Little wonder that the electorates across Britain make different judgements (and errors) about legislative competence. Scots tend to under-estimate Holyrood's powers, and English voters tend to over-estimate it. The result is that 20 years after devolution, the knowledge of legislative competence and the extent of policy variation is patchy, particularly in England, and there is continued support for policy uniformity across the whole of the state. The first of these is a direct result of the asymmetrical nature of the settlement given the absence of reliable cues. On the issue of knowledge of policy variation, however, the notion that citizens in symmetrical federal states have a detailed understanding of policy variation across the constituent states is perhaps optimistic.

What we find in the United Kingdom, however, is that the presence of high-profile policy deviation in the devolved legislatures is accompanied by high support for those policies in the devolved regions. This includes free university tuition in Scotland, free prescriptions in all three devolved territories, a free bus pass for over 55s in Scotland, as well as free personal care for the elderly.[43] It is perhaps not surprising, then, that support for policy uniformity is high, but that it has both principled and practical considerations—support for policy uniformity in principle out of a sense of social solidarity, and practical support because people want the same entitlements as the most generous options on offer.

This support is highest in England, with 70–80% of English respondents favoring uniform policy provision across the United Kingdom depending on whether this includes tuition fees, prescription charges, care for the elderly, and the sentencing for young offenders. It is not, however, a purely English phenomenon, with substantial proportions of those in territories with devolved legislatures also preferring policy uniformity across the state. As a result, the UK is home to a devolution paradox: large proportions of the citizenry view devolved legislatures as legitimate, and indeed in many cases wish for more power to be devolved, but substantial proportions of those same people want

policy to be the same.[44] Put another way, people in the UK want devolved legislatures to have the freedom to make identical decisions.[45] This background is important to help explain the various patterns we see in the UK government response to the COVID pandemic. In what follows we explore attention to the multi-level nature of the UK in communication of COVID developments, including communications from Westminster and resulting media coverage.

The COVID-19 crisis demonstrates the limits to the governing elite's perception of the UK as a multinational and multi-level state. This is in evidence when we examine the manner in which the UK government communicated with the UK general public about the pandemic. In response to the developing public health crisis, the Prime Minister, often accompanied by his scientific advisors or other government ministers, began delivering regular press conferences on 3 March 2020. These consisted of prepared statements, followed by questions from journalists, and were broadcast live. The following discussion draws on an analysis of each of these events throughout the first two months of the pandemic in March and April 2020. We use this time period deliberately, as the early weeks of grappling with a global pandemic show the UK government's reaction at its most instinctual, before outside actors shaped its response. They offer, therefore, a truer, unguarded representation of the UK government's approach to the multi-national, multi-level character of the UK. Daily press conferences about a single event are unprecedented in peace time, which inhibits comparison over time, but they offer an ideal opportunity to evaluate how, in the midst of a global pandemic, the UK government reflected or sought to accommodate the multinational character of the UK.

The UK Government's COVID press conferences provided important early guidance about, for example, hand washing, additional advice for those over 70s, and later maintaining a safe distance, as well as updates on infection rates. An analysis of each of the prepared statement portions of the first two months of press conferences (3 March to 30 April inclusive) provides an opportunity to assess (a) references to the four territories explicitly (or the three First Ministers in Scotland, Wales and Northern Ireland) and (b) clarity on the territorial reach of data, new policy, announcements or advice. The results reveal that members of the electorate attempting to track which rules and advice applied where and when would have found that task a difficult one.

In March, the Prime Minister made reference to Scotland, Wales or Northern Ireland only twice, by referring to the other first ministers, and both times that he was planning to, or had recently met with them. By April there were three explicit mentions of the devolved territories. On 8 April, Rishi Sunak announced £60 million of funding through the Barnett formula to help Scotland, Wales and Northern Ireland.[46] On 21 April, Health and Social Care Secretary Matt Hancock thanked a range of public bodies and government departments, with a reference to "the devolved administrations and territorial offices" appearing midway through the list. Later in the month the Transport Secretary mentioned Northern Ireland in relation to support for ferry and air links to Belfast and Derry. There were no further mentions of Scotland or Wales and no mentions of the first ministers of the three devolved administrations during this period.

When we examine the territorial reach of items covered in the briefings we can look for two things: first, whether it is possible to infer what the territorial reach is (by

reference to a legislative competence that is reserved, for example) and second, whether the territorial reach is explicitly identified. For example, in the first press conference Boris Johnson announced the existence of coronavirus action plan (if not its content) and stated that it applied to the whole of the UK. The 12 March statement about not closing schools, by contrast, would have been a decision for England only (since education is devolved in Scotland, Wales and Northern Ireland) but this was not clarified.

In general, UK government spokespersons almost never clarified when an announcement or a measure applied only to England. Thus, the previously mentioned announcement about schools on 12 March, or the decision 6 days later to close them, did not state the measures applied only to England. The call for retired healthcare professionals to return to their posts (and the announcement 5 days later that 7,500 former clinicians were returning to service) likewise applied only to the NHS in England (as health is devolved), but this was not specified either. Indeed, throughout March, only one of the items that applied only to England was explicitly identified as such: Alok Sharma's announcement on 28th March that English councils (local governments) were providing direct funding to businesses affected by lockdown. This was not a sign that the UK government had begun clarifying the territorial reach of various measures. One day later, Robert Jenrick's announcement of strategic coordination centers (which applied throughout England) was described as providing support throughout "this country," without specifying what the "country" in question was. On 31 March Michael Gove employed the same vague term when announcing over 8,000 ventilators were being deployed. By contrast, the UK government clarified more frequently when items applied to the whole of the UK, doing so 33 times in March. The most frequent instances of this were for data on testing, hospitalization and deaths, or for the number of repatriated citizens.

In April, England-only items were flagged more often but only marginally so. This included Alok Sharma's 1st April announcement that English councils had received more than £12 billion for financial assistance to small businesses, and Matt Hancock's announcement the next day that 5.7% of doctors in England were off work due to COVID. The following day, he noted there were over 2,000 critical care beds available in "this country," which we can assume applies to England. By 5th April he indeed clarified that the critical care bed figures were for NHS England, but a week later was referring to 121,000 gowns that had been delivered around "the country." This lack of clarity plagued announcements about the R value as well (16 April).

Across the entire month, England-only items were clarified as such nine times. At times this was partly because the organization involved had the word "England" in its name (Public Health England, Highways England). If we look at items that applied to the whole of the UK, again the territorial reach of this was cited more than for the England-only items, but less often than the month before. As in March, references to the UK typically surfaced in figures for testing, positive cases and hospitalization. In short, during both months there was a consistent lack of clarity on the territorial reach of a range of announcements, including laptops for students so they could study at home (presumably referring to England), the number of extra hospital beds (presumably England), the existence or extension of the coronavirus jobs retention scheme (all UK), or the number of items of PPE distributed, but that in general government spokespeople

Table 2. Attention to territorial reach and devolution in Number 10 press conferences, March–April 2020.

	Explicit references to the four territories in the UK or three First Ministers in Scotland, W, NI	Explicit reference to the territorial reach of policy
March (22 press events, 121 items)	2	England-only 1 GB/UK 33
April (30 press events)	4	England-only 9 GB/UK 27

showed greater efforts at clarifying when things applied to the whole of the UK than when they applied to England alone.

Two examples help to emphasize just how easily central government representatives shift between the UK and England-only frame of reference, further contributing to confusion about the constitutional framework of the multi-level state. On 22 April Dominic Raab thanked the Ministry of Defence and Defence Secretary Ben Wallace for their efforts. Those watching might or might not have been aware that defence is a reserved competence, and the MoD has installations across the UK. Raab then went on to provide examples of MoD assistance, which included delivering the new Nightingale hospitals[47] and the new local resilience forums to deliver PPE. The Nightingale hospitals, however, have been established in England only, while the local resilience forums are also England only, with similar but differently-named entities in Scotland and Wales. This was therefore a UK-wide defence ministry delivering England-only contributions. This is obviously entirely normal, but the announcement lacked clarification that the various achievements were for England rather than the UK.

Raab also noted that "People used to joke in *this country* [italics added] that you could never build a hospital that quickly. Well, we didn't just build one, we built seven and we thank our armed forces for helping to make that happen." There were of course ten temporary hospitals built in the UK, of which seven were in England. The example helps to illustrate the sleight of hand by which the territorial frame of references shifts from the UK to England with very little clarity. The following day, Matt Hancock announced the need to make progress on test, track and trace, with a goal of 100,000 tests per day. No territorial frame of reference was provided but he later explained the desire to "make it faster and simpler for any essential worker in England who needs a test to get a test." This was accompanied by information on how to book a test, followed by "it's all part of getting Britain back on her feet." England and Britain are either so clearly merged in the minds of central government ministers that distinguishing between them makes little sense, or they are willfully constructed as such for public consumption (Table 2).

Faced with significant obfuscation, both in terms of what the devolved governments were doing, or when announcements applied only to England, it is perhaps not surprising that media coverage of the multi-level aspects of the UK coronavirus response were similarly hazy. Research from Cardiff University's journalism school demonstrates that a lack of clarity over different policy choices across the UK led to considerable public confusion.[48] This was a direct result of imprecise government messaging, inconsistent media attention to the relationship between reserved and devolved powers, as well as

four-nation differences in evening news reports. The confusion was sown not by difference, but by the lack of communication about that difference.

This lack of attention did not go unnoticed. Ofcom, the UK's regulatory agency for communication, issued three notes to broadcasters on Coronavirus reporting in March, April, and May, warning of the dangers of misleading information. Much of this focused on the perils of distorted information with respect to medical advice. There was no follow up on this particular issue in April, but by May 2020 Ofcom warned that care should be taken with

> statements about public health advice on Coronavirus which may not apply to all four nations in the UK, given the variations in official guidance between the nations. Care should be taken to ensure that viewers and listeners are made aware in an appropriate manner of the different approaches taken by public authorities in England, Wales, Scotland and/or Northern Ireland in areas such as social distancing requirements.[49]

This suggests a slow awakening in some quarters, not about the asymmetric nature of devolution but the very existence of devolution and the capacity for variation within the state. This is one of a number of ways in which the coronavirus crisis has attracted attention to the extent of and consequences of devolved legislative competence, a process that, arguably, should have occurred shortly after 1999.

Conclusion

Evaluating the effects of an event on a political system while that event is ongoing is at once tempting and perilous. On the one hand, it is difficult to believe that an event as seismic as the COVID-19 pandemic would not have *some* sort of political consequence on a political system, in this case, awareness of, or preferences for, the multinational settlement in the United Kingdom, or make clear long simmering tensions. On the other hand, whatever political tendencies we may observe at such an exceptional time may be subject to change once society returns to some degree of normalcy. If we are to take Capoccia and Kelemen seriously, however, even the realistic *possibility* of a major political shift, whether or not that shift materializes, nevertheless may constitute a critical juncture.[50]

In this article, we opt for a relatively safe strategy. We document what had been happening over the course of the first stage of COVID-19 pandemic response, including how the UK multinational and asymmetric settlement has influenced the government response (part I), and what the response tells us about the character of that settlement (part II). In some ways, the pandemic has further revealed a level of indifference among the Anglo-British elites about the multi-level character of the state. Below we speculate, cautiously, about the potential future consequences of these patterns on the multinational system of the United Kingdom.

The interaction of the COVID-19 crisis with the peculiar (by international comparison) asymmetric territorial arrangement of the UK state has made it possible for devolved governments to differentiate—at times dissociate—themselves from the central government's response. The fact that health care is a devolved responsibility has provided a platform for devolved political actors to distinguish themselves on policy choices, on timing, and on communications. While much of the variation on policy and

timing has been, as we have shown, very much at the margins, at times limited by the particular distribution of legislative competence, the daily appearance of sub-state devolved politicians has served to sustain perceptions of competence in devolved administrations. This is not a blunt rallying around the flag effect, for the same levels of trust and competence have not been extended to the UK government or Prime Minister. Obviously, devolved administrations are presiding over infection rates and death tolls that, in an international context highlight just how badly hit the entire UK has been by coronavirus. The devolved administrations have benefited, though, from a comparison with English rates and a UK government that has presided over figures that have been, at times, the worst in Europe. There are obviously many reasons why individuals choose to support independence but it is worth noting that support for independence in Wales rose dramatically after March 2020 and accelerated over the same period in Scotland, routinely crossing a significant psychological barrier of 50%.

At the same time, the pandemic has revealed more clearly the manner in which the London-based media and political elites view the UK state and its institutions. We show that, at least during the first two months of the pandemic, the UK government frequently failed to specify the territorial reach of policy measures it was announcing. The UK Government's press briefings also seldom mentioned the devolved jurisdictions. It was frequently unclear whether a specific announcement applied to the entirety of the UK or some part of it, though a closer look reveals frequent conflation of measures applied to England and the UK both by design and by default. This has led to some confusion among the public with respect to which set of rules one ought to follow. It is beyond the scope of this particular paper to explore in depth the potential consequences of that confusion. More importantly from the perspective of our analysis, it reinforces the point that the UK governing elites tend to view England and the UK interchangeably, and (or perhaps because) they do not appear to take seriously the multi-level character of the UK multinational state. In this sense, the pandemic has proved not so much a catalyst as a mirror for the multi-level character of the UK multinational state.

Notes

1. Ailsa Henderson and Richard Wyn Jones, *Englishness: The Political Force Transforming Britain* (Oxford: Oxford University Press, 2021).
2. We cover Wales in less detail although we explore very important implications of the pandemic there. Northern Ireland is left out entirely since key issues associated with its place in the UK stem and the fallout of Brexit would require an article of its own.
3. Karlo Basta, *The Symbolic State: Minority Recognition, Majority Backlash, and Secession in Multinational Countries* (Kingston: McGill-Queen's University Press, 2021).
4. Ian Lustick, "Thresholds of Opportunity and Barriers to Change in the Right-Sizing of States," in *Rightsizing the State: The Politics of Moving Borders*, edited by Brendan O'Leary, Ian Lustick, and Thomas M. Callaghy (Oxford; New York: Oxford University Press, 2001), 85.
5. Thus, the debate on integration versus accommodation tends to emphasize the way particular institutions—whether federal or power sharing—shape the political actions of claimant (normally minority) communities (John McGarry, Brendan O'Leary, and Richard Simeon, "Integration or Accommodation? The Enduring Debate in Conflict Regulation," in *Constitutional Design for Divided Societies: Integration or Accommodation?*, edited by Sujit Choudhry (Oxford: Oxford University Press, 2008)).
6. The literature is too vast to cite here. For a sample of integrationist arguments—scholars who believe that institutional accommodation increases the likelihood that claimant groups

will try a radical break with the status quo, including secession and rebellion, see Valerie Bunce, *Subversive Institutions: The Design and the Destruction of Socialism and the State* (Cambridge, UK: Cambridge University Press, 1999); Erin K. Jenne, "The Paradox of Ethnic Partition: Lessons from de Facto Partition in Bosnia and Kosovo," *Regional & Federal Studies* 19, no. 2 (2009): 273–89; Philip G. Roeder, *Where Nation-States Come from: Institutional Change in the Age of Nationalism* (Princeton, NJ: Princeton University Press, 2007). For accommodationist arguments—the notion that institutionalizing and accommodating national difference is more likely to dampen minority nationalism, see Nancy Bermeo, "The Import of Institutions," *Journal of Democracy* 13, no. 2 (2002): 96–110; John McGarry and Brendan O'Leary, "Federation as a Method of Ethnic Conflict Regulation," in *From Power Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies*, edited by Sid Noel (Kingston: McGill-Queen's University Press, 2005), 263–96; Lars-Erik Cederman, Simon Hug, Andreas Schädel, and Julian Wucherpfennig, "Territorial Autonomy in the Shadow of Conflict: Too Little, Too Late?," *American Political Science Review* 109, no. 2 (2015): 354–70. "Situationalist" scholars, those who point to specific conditions under which institutions may or may not alleviate minority claims, similarly tend to focus on minority/claimant communities. See, for instance, Kristin M. Bakke, *Decentralization and Intrastate Struggles: Chechnya, Punjab, and Québec* (New York: Cambridge University Press, 2015); Dawn Brancati, *Peace by Design: Managing Intrastate Conflict Through Decentralization* (Oxford: Oxford University Press, 2009).

7. Scholars exploring structural factors (Elise Giuliano, "Secessionism from the Bottom up: Democratization, Nationalism, and Local Accountability in the Russian Transition," *World Politics* 58, no. 2 (2006): 276–310; David S. Siroky and John Cuffe, "Lost Autonomy, Nationalism and Separatism," *Comparative Political Studies* 48, no. 1 (2015): 3–34; Jason Sorens, *Secessionism: Identity, Interest, and Strategy* (Montreal; Ithaca: McGill-Queen's University Press, 2012)), as well as those looking at individual characteristics (Maria Jose Hierro and Didac Queralt, "The Divide over Independence: Explaining Preferences for Secession in an Advanced Open Economy," *American Journal of Political Science* 65, no. 2 (2021): 422–42; Matthew Mendelsohn, "Rational Choice and Socio-Psychological Explanation for Opinion on Quebec Sovereignty," *Canadian Journal of Political Science* 36, no. 3 (2003): 511–37; Diego Muro and Martijn C. Vlaskamp, "How Do Prospects of EU Membership Influence Support for Secession? A Survey Experiment in Catalonia and Scotland," *West European Politics* 39, no. 6 (2016): 1115–38) frequently focus on the political activities and demands of minority nations.

8. André Lecours and Geneviève Nootens, eds., *Dominant Nationalism, Dominant Ethnicity: Identity, Federalism, and Democracy* (Bruxelles: P.I.E. Peter Lang, 2009); Alain Gagnon, Geneviève Nootens, and André Lecours, eds., *Contemporary Majority Nationalism. Studies in Nationalism and Ethnic Conflict* (Montreal; Ithaca: McGill-Queen's University Press, 2011).

9. Karlo Basta, "The State between the Minority and Majority Nationalism: Decentralization, Symbolic Recognition, and Secessionist Crises in Spain and Canada," *Publius: The Journal of Federalism* 48, no. 1 (2018): 51–75; Basta, *The Symbolic State*; Philip Resnick, "Hubris and Melancholy in Multinational States," *Nations and Nationalism* 14, no. 4 (2008): 789–807.

10. Daniel Cetrà and Coree Brown Swan, "State and Majority Nationalism in Plurinational States: Responding to Challenges from Below," *Nationalism and Ethnic Politics* 26, no. 1 (2020): 1–7; Eric Kaufmann and Oded Haklai, "Dominant Ethnicity: From Minority to Majority," *Nations and Nationalism* 14, no. 4 (2008): 743–67; Gagnon et al., *Contemporary Majority Nationalism;* Lecours and Nootens, *Dominant Nationalism, Dominant Ethnicity*.

11. For an underappreciated treatment of the variability of such visions within minority national communities, see Jaime Lluch, *Visions of Sovereignty: Nationalism and Accommodation in Multinational Democracies* (Philadelphia: University of Pennsylvania Press, 2014).

12. Nicola McEwen and André Lecours, "Voice or Recognition? Comparing Strategies for Accommodating Territorial Minorities in Multinational States," *Commonwealth & Comparative Politics* 46, no. 2 (2008): 220–43; Wilfried Swenden, "Territorial Strategies for Managing Plurinational States," in *Routledge Handbook of Regionalism and Federalism*, edited by John Loughlin, John Kincaid, and Wilfried Swenden (New York: Routledge, 2013).

13. Basta, *The Symbolic State*; Zachary Elkins and John Sides, "Can Institutions Build Unity in Multiethnic States?," *American Political Science Review* 101, no. 4 (2007): 693–708; Henderson and Wyn Jones, *Englishness*; Christian Staerklé, Jim Sidanius, Eva G. T. Green, and Ludwin E. Molina, "Ethnic Minority-Majority Asymmetry in National Attitudes around the World: A Multilevel Analysis," *Political Psychology* 31, no. 4 (2010): 491–519.

14. John McGarry, "Asymmetry in Federations, Federacies and Unitary States," *Ethnopolitics* 6, no. 1 (2007): 105–16; Philip Resnick, "Hubris and Melancholy in Multinational States," *Nations and Nationalism* 14, no. 4 (2008): 789–807.

15. Karlo Basta, "Performing Canadian State Nationalism through Federal Symmetry," *Nationalism and Ethnic Politics* 26, no. 1 (2020): 66–84.

16. Michael Keating, "Reforging the Nation: Britain, Scotland and the Crisis of Unionism," in *Multinational Federalism: Problems and Prospects*, edited by Michel Seymour and Alain Gagnon (Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan, 2012), 109.

17. Linda Colley, "Britishness and Otherness: An Argument," *The Journal of British Studies* 31, no. 4 (1992): 309–29.

18. Graeme Morton, *Unionist Nationalism: Governing Urban Scotland 1830-60* (East Linton: Tuckwell Press, 1999).

19. Henderson and Wyn Jones, *Englishness*.

20. Colley, "Britishness and Otherness: An Argument."

21. Vernon Bogdanor, *Devolution in the United Kingdom* (Oxford: Oxford University Press, 2001), 29.

22. The Irish question is qualitatively different from either the Scottish or the Welsh one, in part due to the salience of the religious divide well into the 19th century and, in some instances, beyond it (David Hempton, *Religion and Political Culture in Britain and Ireland: From the Glorious Revolution to the Decline of Empire* (Cambridge: Cambridge University Press, 1996); John Wolffe, *God and Greater Britain: Religion and National Life in Britain and Ireland, 1843-1945* (London; New York: Routledge, 1994)).

23. Although government decisions about process, not least the quota for devolution referendums in 1979, did not provide clear opportunities for the expression of demands for change.

24. Basta, "The State between the Minority and Majority Nationalism."

25. Arthur Aughey, "Anxiety and Injustice: The Anatomy of Contemporary English Nationalism," *Nations and Nationalism* 16, no. 3 (2010): 506–24; Susan Condor, "Devolution and National Identity: The Rules of English (Dis)Engagement," *Nations and Nationalism* 16, no. 3 (2010): 525–43.

26. Coree Brown Swan and Daniel Cetrà, "Why Stay Together? State Nationalism and Justifications for State Unity in Spain and the UK," *Nationalism and Ethnic Politics* 26, no. 1 (2020): 46–65, 50.

27. Richard Wyn Jones, Guy Lodge, Ailsa Henderson, and Daniel Wincott, *The Dog that Finally Barked: England as an Emerging Political Community* [report] (London: Institute for Public Policy Research, 2012); Richard Wyn Jones, Guy Lodge, Charlie Jeffery, Glenn Gottfried, Roger Scully, Ailsa Henderson, and Daniel Wincott, *England and Its Two Unions: The Anatomy of a Nation and Its Discontents* [report] (London: Institute for Public Policy Research, 2013); Ailsa Henderson, Charlie Jeffery, Robert Liñeira, Roger Scully, Daniel Wincott, and Richard Wyn Jones, "England, Englishness and Brexit," *The Political Quarterly* 87, no. 2 (2016): 187–99; Henderson and Wyn Jones, *Englishness*.

28. Henderson et al., "England, Englishness and Brexit."

29. Henderson and Wyn Jones, *Englishness*.

30. Patrizio Lecca, Peter G. McGregor, and Kim Swales, "Taxes and Spending," in *A Wealthier, Fairer Scotland: The Political Economy of Constitutional Change*, edited by Michael Keating (Edinburgh: Edinburgh University Press Ltd, 2017), 29.

31. Nicola McEwen and Bettina Petersohn, "Between Autonomy and Interdependence: The Challenges of Shared Rule after the Scottish Referendum," *The Political Quarterly* 86, no. 2 (2015): 192–200.

32. Nicola McEwen, Michael Kenny, Jack Sheldon, and Coree Brown Swan, "Intergovernmental Relations in the UK: Time for a Radical Overhaul?," *The Political Quarterly* 91, no. 3 (2020): 632–40, 1.

33. House of Commons Scottish Affairs Committee. "Coronavirus and Scotland: Interim Report on Intergovernmental Working," 2020, 14, https://www.centreonconstitutionalchange.ac.uk/publications/coronavirus-and-scotland-interim-report-intergovernmental-working.

34. Progress Scotland poll by Panelbase, fieldwork 25 September–5 October 2020.

35. Mure Dickie, "Sturgeon Vows to Hold 'Legal' Second Independence Vote in Scotland." *Financial Times*, 24 January 2021, Web edition, https://www.ft.com/content/93402eaf-9f48-43f7-bf59-981b8273d2e6.

36. SNP's 11-point plan in essence entails passing a referendum legislation and then daring the UK government to challenge it in court or to allow it via Section 30 order as it did for the 2014 referendum (Michael Russell, "This Is the SNP's Routemap to a Scottish Independence Referendum in Full," *The National*, 23 January 2021, 12, Web edition, https://www.thenational.scot/news/19033561.snps-road-scottish-independence-referendum-plan-full/.).

37. Roger Awan-Scully, "Welsh Tories Are Misreading the Mood on Covid." *The Spectator*, 5 June 2020, 2020. https://www.spectator.co.uk/article/welsh-tories-are-misreading-the-public-mood-on-covid.

38. *BBC News*. 2021. "Mark Drakeford Says UK Must Be Radically Redrawn to Survive," 14 January, 2021, sec. Wales politics. https://www.bbc.com/news/uk-wales-politics-55649017.

39. Steven Morris, "Westminster Warned as Poll Shows Record Backing for Welsh Independence." *The Guardian*, 4 March 2021, Web edition, https://www.theguardian.com/uk-news/2021/mar/04/westminster-warned-as-poll-shows-record-backing-for-welsh-independence.

40. Lecca et al., "Taxes and Spending," in *A Wealthier, Fairer Scotland*.

41. Henderson and Wyn Jones, *Englishness*, Michael Kenny, *The Politics of English Nationhood* (Oxford: Oxford University Press, 2014).

42. Henderson and Wyn Jones, *Englishness*.

43. Michael Keating, Linda Stevenson, Paul Cairney, and Katherine Taylor, "Does Devolution Make a Difference? Legislative Output and Policy Divergence in Scotland," *The Journal of Legislative Studies* 9, no. 3 (2003): 110–39.

44. Ailsa Henderson, Charlie Jeffery, Daniel Wincott, and Richard Wyn Jones, "Reflections on the 'Devolution Paradox': A Comparative Examination of Multi-Level Citizenship," *Regional Studies* 47, no. 3 (2013): 303–22; Henderson and Wyn Jones, *Englishness*.

45. Ailsa Henderson, "The Freedom to Make Identical Decisions: The Devolution Paradox" in *Sex, Lies and the Ballot Box II*, edited by Philip Cowley and Robert Ford (London: Biteback Press, 2016), 181–4.

46. The Formula is a mechanism for the allocation of UK Treasury's funds to devolved jurisdictions (Linda Ferguson, Peter McGregor, Kim Swales, and Karen Turner, *The Regional Distribution of Public Expenditures in the UK: An Exposition and Critique of the Barnett Formula*. Discussion Paper (Glasgow: University of Strathclyde, 2003)).

47. These are temporary critical care facilities established to boost the critical care capacity in England.

48. Stephen Cushion, Nikki Soo, Maria Kyriakidou, and Marina Morani, "Different Lockdown Rules in the Four Nations Are Confusing the Public," *LSE Blog*, 2020, https://blogs.lse.ac.uk/covid19/2020/05/22/different-lockdown-rules-in-the-four-nations-are-confusing-the-public/.

49. Ofcom, "Ofcom Broadcast and On Demand Bulletin (2020) Note to Broadcasters Coronavirus Update," 2020, https://www.ofcom.org.uk/__data/assets/pdf_file/0033/195873/Note-to-broadcasters-Coronavirus-update.pdf.
50. Giovanni Capoccia and R. Daniel Kelemen, "The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism," *World Politics* 59, no. 3 (2007): 341–69.

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