

Cultural Sovereignty in the U.K.

A Glance Ahead

As many will have heard, the United Kingdom, after experimenting with unitary government for 200 years or thereabout, is on the verge of adopting a system of divided powers of the kind with which Canadians are familiar. A bill to confer legislative powers on Scotland has been passed but it will clearly not satisfy the aspirations of the separatist movement. The radical wing deny that they wish to repeal the *Act of Union* or to break up the United Kingdom. But they are for a new constitutional relationship with Westminster for which there is no exact name. Some call it "Sovereign Dependency" — others say "Conjoint Non-Association". The Party's constitutional experts are said by some usually reliable sources to have been taking a look at federal government in the Commonwealth countries and to have come up with a plan for a more effective division of power. Under it, the United Kingdom Parliament would retain some general powers such as the making of federal grants-in-aid, the upkeep of royal palaces and the management of Portsmouth Dockyard. But major powers would be allocated to the provincial legislature, such as:

1. Property and Civil Rights in Scotland.
2. Cultural and Culinary Matters.
3. The Borrowing of Money.
4. Saloons, Taverns and Asylums.
5. Hogmanay.
6. The Amendment from Time to Time of the Constitution of Scotland (except as regards (5) above).

Meanwhile details are beginning to leak out of the first legislative measure to be placed by the Nationalists before the Edinburgh Parliament at its opening session. The proposals are designed to place the nation's cultural sovereignty on a firm base. The draft of Bill 1 of 1979 is a closely guarded secret and is revealed here for the first time.

The Bill, to be entitled *The Official Garment Act*, recognises certain fundamental rights and duties of the inhabitants of Scotland in relation to what has been widely recognised as the national dress by which Scotsmen the world over are seen for what they are. In

recent years, it is feared, increased social mobility and the shifting patterns of immigration have threatened its survival. Its use in the schools has diminished, and amongst Scottish youth nether garments of a different shape and of primarily English design have acquired an easy attractiveness, seen as they constantly are on television programs originating in the south. The Bill is designed to remedy this situation. "The Kilt" as the Preamble puts it, "is the distinctive accoutrement of a people that is traditionally kilt-wearing and is the garment in which that people has articulated its identity".

The Bill's provisions cover a wide range of things both public and private. In the opening sections, it is declared that "the Kilt is the garment of the Legislature and the Courts". A Bill passed by unkilted legislators would, in the light of this provision almost certainly be invalid, although it may be that some latitude will be permitted at the Committee stage in the colder rooms upstairs. The Queen is of course a part of the legislature but it is unclear whether the general regulation of nether garments will be applicable to the Crown.

In the civil service, the kilt is to be universally adopted except in cases where other dress is required "for reasons of public health or safety". This provision will certainly involve delicate constitutional and sartorial problems, as indeed will all the other provisions.

Perhaps the most contentious aspects of the legislation are in its application to newcomers and immigrants, many of whom have never seen a kilt and also in the regulation of private businesses where the application of the rules to artificial persons and corporations will raise difficulties. Many directors and employees have become accustomed to conducting their affairs unkilted. In many trades, trousers have become almost universal. Coal mining and deep sea fishing provide only two examples. Nevertheless, a general program of enkiltment is envisaged by the Bill. In the short run, some exceptions to the general obligation will be made. A professional person working in a position that does not involve his dealing with the general public will be allowed to wear trousers. Otherwise, he will have to take them off. The Labour Code provisions of the Bill clearly prohibit employers from making the wearing of trousers a condition of employment or dismissing workers who remove them. The wearing of trousers underneath kilts is not in terms prohibited but it may well be forbidden by the Commission of Scrutiny (the Clothes Board) set up by the

Act and the Board's Garment Police and Limb Inspectors will keep a sharp eye open for it. The latter will also of course make sure that nothing else is worn underneath the kilt.

The sale of trousers will, it is foreseen, be closely regulated by a system of licensing. Section 54 of the draft Bill provides that two kilts must be sold for every pair of trousers and neither leg must exceed the kilt length in any event.

The Bill, it must be conceded, does not deal entirely in sanctions and enforcement. A research office and a number of associated committees are to be set up. Together they will conduct research in kilt-wearing and the committees will make lists of well known kilt-wearers, draw pictures of kilts and generally promote kiltic studies in their areas.

The implementation of the charter may well be of doubtful constitutionality until the major independence legislation has received parliamentary approval sometime in 1978. A referendum on the issue is proposed but who will vote and on what question is as yet unresolved. The nationalist preference is for a single comprehensive question that will clearly resolve the issues at stake. Rumour has it that the proposed query placed on the ballot will be 'Scots wha hae. Di ye ken?' and no English translation will be supplied.

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