

The Policy-Opinion Link and Institutional Change: The Legislative Agenda of the United Kingdom and Scottish Parliaments

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Abstract

Institutions can affect the degree to which public opinion influences policy by determining the clarity of responsibility in decision-making. The sharing of power between national and devolved levels of government makes it difficult for the public to attribute responsibility for decisions. In the UK this generates the prediction that the devolution of power to territorial units weakens the effect of public opinion on policy both for the UK and Scottish governments. To test this expectation, this paper analyses responsiveness of the legislative outputs of the UK and Scottish parliaments to the issue priorities of the public. It finds the policy-opinion link in the UK appears to be weaker since devolution to the Scottish Parliament in 1999 compared to the period between 1977 and 1998. It shows no evidence of a direct link between issue priorities of the Scottish public and legislative outputs of the Scottish Parliament.

Key words: agendas, legislation, opinion, policy, devolution, Scotland

The responsiveness of political institutions to public opinion is a defining feature of democratic politics (Dahl 1971, p. 1). The design of electoral systems and the prospective and retrospective behaviour of voters (Fiorina 1981) provide incentives for policy-makers to represent public preferences in their decision-making. There is now a large amount of evidence of the link between public opinion and public policy at the aggregate level (e.g. Page and Shapiro 1983; Hobolt and Klemmensen 2005), which presents analyses of the responsiveness of policy to public opinion and policy. Policy-makers can respond to public opinion as delegates, enacting policies that respond to specific preferences of the public, or as trustees, responding to general concerns of the public, but determining the appropriate form of policy themselves (Pitkin 1967). It is possible for policy-makers to respond through political rhetoric (e.g. Cohen 1997), general attention to issues (e.g. Jones and Baumgartner 2004), expenditure in particular domains (e.g. Soroka and Wlezien 2005), legislation in specific domains (e.g. Jones et al. 2009) and through the left-right position of major legislation (e.g. Stimson et al. 1995). For example, in response to public concern about crime, government can talk about the issue, make proposals or commitments to deal with crime, change levels of spending on policing and criminal justice, introduce new legislation on crime and adjust the interpretation of existing statutes. The responsiveness of government to public opinion therefore occurs through different mechanisms and institutional settings.

The level of opinion-responsiveness of democratic institutions is, however, not fixed. Soroka and Wlezien's (2010) *Degrees of Democracy* explores the effects of governing institutions – presidentialism (versus parliamentarism) and federalism (versus unitary government) – on responsiveness of policy to public preferences. It considers the claim that decision-makers in unitary political systems are less able to

avoid responsibility for policy decisions and so they tend to be more responsive to public preferences, whereas federal systems dampen the policy-opinion link by blurring the accountability of policy-makers to public opinion. Variations in political institutions affect the degree to which the public are able to attribute responsibility for policy decisions thereby altering the incentive for policy-makers to represent public opinion. If, due to institutional design, the public finds it difficult to identify who is responsible for policy, 'policy makers would have little incentive to represent what the public wants' (Soroka and Wlezien 2005, p. 666). Comparative studies stress the importance of political institutions in structuring responsiveness of policy-makers to public preferences (e.g. Lijphart 1994; Persson and Tabellini 2005). Whether powers are unified or shared between levels of government affects the ability of the public to attribute responsibility for policy outcomes to particular decision-makers. This, in turn, determines the degree policy-makers respond to public opinion. When powers are shared there is less clarity in responsibility for policy. More centralized and unitary forms of government may enhance the clarity of responsibility and the likelihood of electoral punishment of unresponsive policy-makers.

Soroka and Wlezien (2010) compare the relationship between public preferences and budgetary expenditure across range policy domains in the United States, Canada and United Kingdom. The UK exhibits the highest degree of policy-opinion responsiveness because of its clarity of responsibility as a unitary system; Canada is subject to least policy-opinion responsiveness because it combines federalism with a parliamentary system without a president. Whilst Soroka and Wlezien's (2010) work represents an important advance in the study of comparative politics, it remains difficult to conclude whether it is the character of the institutions themselves or the political culture and governing traditions that are the determinants

of policy responsiveness to preferences. When institutions change over time, however, it is possible to control for the impact of political culture because this tends to be a more entrenched characteristic of the political system, and so tends to be stable during the period of change. This has the effect – all other things being equal – of isolating institutions as a causal factor.

We use an institutional reform in the UK to assess the effect of institutional change on the responsiveness of policy-makers to the issue priorities of the public. Scottish devolution in 1999 marked the creation of a quasi-federal system in the UK. In theory this change should be associated with a weakening of the policy-opinion link because the public are less able to attribute responsibility for decisions and therefore provides fewer incentives for policy-makers to be responsive. In particular, the devolution of lawmaking powers to the Scottish Parliament enables a direct test of effects of the separation of responsibilities for decision-making between the Scottish and UK Parliaments. Legislative outputs are a mechanism through which policy-makers in both institutions are able to signal their attention to issues and secure change in policy outcomes.

With this framework in mind, the paper tests the relationship between the opinion-policy link and institutional change for both the UK and Scotland. The paper first reviews the literature on the relationship between institutions and the policy-opinion link; then it reviews the case of Scottish devolution, describes the data and presents an analysis of the relationship between issue priorities of the UK and Scottish public and the legislative agenda of the two parliaments.

Institutions, Federalism and Public Opinion

The division of powers in a political system can determine the degree to which the

public is able to attribute responsibility for policy decisions and outcomes and therefore affect the degree to which policy-makers have an incentive to respond to the priorities and policy preferences of the public. A longstanding literature suggests clarity of responsibility promotes the responsiveness of political systems (e.g. Lewis-Beck 1988; Powell and Whitten 1993). This is a function of the power of elected representatives to coordinate decision-making and policy delivery (Soroka and Wlezien 2007, p. 6) and the degree to which the public is, in turn, able to attribute responsibility for policy outcomes. The division of powers between bicameral legislatures and the executive, or between federal and state governments, or between political parties in coalition or minority governments, can blur the line of responsibility for policy decisions and restrict the ability of the public to attribute blame or reward the incumbent (see Fiorina 1981). The decrease in the clarity of responsibility associated with the institutional separation of powers therefore weakens the policy-opinion link through its reduction of the incentives for vote-seeking policy-makers to represent public opinion in their decisions.

Federalism should dilute clarity of responsibility by decentralizing executive power (Anderson 1995). This institutional design can reduce the responsiveness of national policy faced with heterogeneous public preferences at the same time as being vulnerable to institutional gridlock (Soroka and Wlezien 2010). Multiple levels of government can diminish the clarity of responsibility between governments and the publics they serve. Further, the existence of levels of government can provide opportunities for policy-makers to shift blame for unpopular decisions or policy failures in times of crisis as the exact demarcation of powers and responsibility is not clear. As a result it is hard for the voters to hold government to account and weakens the incentive for policy-makers to be responsive to public opinion. Greater

decentralisation means the policy-makers are less likely to be responsive to the public because of these blame-shifting opportunities.

It is not, however, self-evident that federalism weakens the policy-opinion link. It might instead decentralize and disperse legislative and executive power and create institutions that have a closer link to the public based on proximity, responding to sections of the public opinion that would otherwise be excluded under a unitary system. Indeed, greater pluralism could result in a greater degree of policy-opinion responsiveness overall. In a federal system, delegation of powers to decentralized institutions might enhance correspondence between public opinion and policy because matters of national interest can be attended to at the national level whereas policies requiring local variation can be addressed at the sub-national level. Such a pattern of representation is observed in the federal system in the US where state-level political outcomes are correlated with state preferences (Erikson et al. 1993).

The classic version of federalism in *The Federalist Papers* proposed separated institutions to be responsive to different publics. Other theories of federalism are premised upon the idea that decentralized units are better able to govern on behalf of regional publics thus promoting general welfare (Oates 1972). According to the Tiebout (1956) model, public preferences tend to correspond to those of policy-makers because individuals are able to relocate to their preferred jurisdiction so increasing the tendency of policy-makers to be responsive. The issue priorities of the public and policy-makers would be expected to correspond through the same mechanism. Political competition between sub-national units therefore increases the incentive for policy-makers to consider the priorities and the preferences of the median voter in their jurisdictions. In its purest form, different levels of federal government are cognate so are able to maximize total welfare. Instead of weakening

the clarity of responsibility the devolution of powers might increase it by relocating policy decisions to their appropriate spatial location, at both the national and regional/state levels.

Overall, there are competing theoretical claims regarding the impact of federal institutions on the responsiveness of policy to public opinion – pointing to either more or less responsiveness associated with the institutional sharing of powers. These expectations are testable for a range of measures of policy, such as functional expenditure, legislative outputs or the attention of policy-makers to particular issues. They are also testable in relation either to the policy preferences or the issue priorities of the public.

The Case of Scottish Devolution

The case of institutional change considered here is the devolution of power from the UK parliament to the Scottish parliament in 1999. There is longstanding dispute over the extent to which the UK can be classified as a unitary state, with some characterizing it as a union state (Rokkan and Urwin 1982: p. 11) or as a polity in which the division of powers is messy and implied (Bulpitt 1983). Nevertheless, the creation of a devolved legislature represents a major change in constitutional politics in the UK and transferred powers from the UK parliament in Westminster to the Scottish parliament at Holyrood.

From a comparative perspective, the UK represents a distinctive set of circumstances in terms of territorial units within nation states. The devolution settlement in Scotland led to establishment of its parliament with responsibility for devolved matters, while so-called reserved matters reside with Westminster.¹ The Scottish legislative agenda is, in theory, confined to devolved matters but in practice

there is some discretion in terms of its policy issue coverage. One of the difficulties of the UK, as compared with a fully federal system, is that the Westminster parliament still generates legislative outputs for England on issues that are devolved to the Scottish parliament. Moreover, even after devolution, the UK parliament can legislate for Scotland in devolved matters (Keating et al. 2003). Legislative outputs are important both in signaling priorities of policy-makers and securing change in policy outcomes.

On the other hand, it is possible that institutional design affects legislative outputs in several ways. The Scottish Parliament and associated institutions were expected by proponents to indicate a departure from Westminster politics (see Cairney et al 2009). The new politics of Scotland were about giving citizens what they wanted where Westminster was perceived to have failed. There would be a better fit of preferences to the policies of the new parliament.² Other writers noted that this new politics has failed to materialize or at least fell well short of the scenario imagined over a decade earlier (see Jordan and Stevenson 2000). Evidence include the low level of non-executive bills (despite the role of committees in the legislative process), the infrequent take-up by the executive of outputs from the Petitions Committee and the propensity for interest groups to focus their lobbying attention on the executive rather than on the new parliament (Cairney et al 2009). While scholarly attention has been paid to the amending functions of committees (Cairney 2006) and the comparative content of Scottish and UK legislative output (Keating et al 2003), not much attention has been paid to whether the outcomes of the devolved political institutions of Scotland – the legislative output – have better tracked Scottish public opinion than Westminster, which is a different question than whether the electorate has different preferences compared to the rest of the UK (Curtice et al 2002).

Hypotheses

The responsiveness of policy-makers to the issue priorities of the public can be understood in both contemporaneous (Jones and Baumgartner 2004) and dynamic (Jennings and John 2009) forms. For responsiveness to occur public opinion can either be coincident to (at time t) or immediately precede policy (at time $t-1$). Devolution has two distinct institutional implications for the policy-opinion link through its impact upon the clarity of responsibility. It first creates a new policy-opinion relationship at the sub-national level through establishment of a new representative institution in Scotland and second changes the existing national policy-opinion link through this transfer of responsibilities. The institutional creation of law-making capacities in Scotland creates a situation where the government is potentially accountable to constituents who are more likely to share policy preferences and issue priorities with each other than with the rest of the UK. Under devolution vote-seeking policy-makers are therefore more likely to respond to public opinion than previously since there are electoral consequences for not doing so. The first hypothesis (H_1) suggests that under devolution there should be a greater degree of correspondence between public opinion and the legislative agenda in Scotland than there was previously at the national level, supporting the argument that devolution serves to increase representation in Scotland.

H_1 (Scotland): there is a stronger relationship between Acts of the Scottish Parliament and Scottish public opinion than between Acts of UK parliament and UK public opinion.

However, it might be expected that the UK policy-opinion link is, in general, reduced by the devolution of powers to Scotland: decreasing the clarity of responsibility of central government by making it less clear who is responsible for outputs at the sub-

national level. The introduction of a stronger sub-national government means that the policy responsibilities of the UK Parliament are less clear making it more difficult for the legislative agenda to correspond to the policy preferences and issue priorities of the non-Scottish public. The second hypothesis (H₂) claims increased government complexity through devolution decreases the clarity of responsibility between governments and their respective publics.

H₂ (UK): The strength of the link between public opinion and Acts of the UK Parliament decreases after devolution in 1998.

Rejection of this hypothesis would suggest that devolution has enabled policy-makers in Westminster to be more responsive to UK (excluding Scottish) public opinion, due to its delegation of powers and concentration on a smaller constituency of opinion.³

Data

Legislative Outputs

We test these hypotheses on parliamentary laws coded according to a UK-adapted version of the Policy Agendas Project coding system (see www.policyagendas.org.uk). The coding system consists of categories for major topics of public policy, such as macroeconomic issues, defence and health. Our analyses use laws as a prominent signal of policy priorities and decision-making outputs. In the UK and Scotland, Acts of Parliament enact major changes and are designed to be high profile and observable to the electorate as they pass through the legislature. For these analyses we use data on the policy content of Acts of UK and Scottish Parliaments for the agreed devolved matters and any issues that received significant attention (greater than five Acts) in the Scottish Parliament since devolution. The long and short-title of acts of the UK and Scottish Parliaments were

blind-coded by two researchers assigning a major topic code. This procedure led to eighty-five per cent inter-coder reliability for most years. The remaining differences were resolved through discussion and the project leaders made the final decision in the few cases where coders could not agree.

This generates the topic codes of the major activities of government. The advantages of this coding process are twofold: first, we use an established and respected method for coding government policy and, secondly, this policy content coding system makes this and other Policy Agendas Project data sources easily comparable. Put simply, in the context of this paper, what is considered healthcare policy in Britain is also healthcare policy in Scotland and is the same when referring to that portion of public opinion. The coding system measures the legislative attention of government to policy issues rather than decisions on the specific provisions enacted in law or the left-right position of policy outputs.

The data for the UK parliament are taken from *Hansard* and contains all Acts of Parliament from 1977 to 2008. The data for the Scottish Parliament are taken from its official web site which tracks and records the passage of bills through the legislative process and covers the first two parliaments (1999-2008).⁴ In both cases, the date of royal assent of Acts of the UK and Scottish Parliament is the observed time point. A graphical inspection of both of these sources and their relation to one another is presented in Figure 1.

[Figure 1 here]

Devolution at purely an institutional level has had some effect on UK legislative productivity. Figure 1 shows a clear decrease in the number of UK acts after devolution and a drop to nil of the number of UK acts focused purely on

Scotland.⁵ The number of acts passed by the Scottish Parliament is far higher than the resulting decrease in the number of UK acts following devolution. This suggests that some issues concerning Scotland were not addressed by the UK parliament. Following devolution the Scottish Parliament became able to address these issues itself. A prime example is land reform, which includes both the right for community purchase of land and the right to roam, on which Keating et al (2003, p. 115) suggest that ‘nothing as extensive as the current Scottish legislation would have found its way onto the Westminster timetable’. This also indicates that the reform has been successful in a formal sense in offloading legislative activity from the UK parliament to the devolved legislature.

Public Opinion

The policy-opinion link can be measured in the relationship between attention of the public to issues – issue priorities – and legislative attention of government to those same issues. Since 1977, Ipsos-MORI has asked the public “What would you say is the most important issue facing Britain today?” As a follow-up, it asks “What do you see as the other important issues facing Britain today?” The most important issue (MII) or most important problem (MIP) question is often used as an indicator of public policy preferences or attention (e.g. Jennings and John 2009). The MIP question does not measure the public’s preference for specific policies (see Wlezien 2005). Nonetheless, the MIP and MII questions both provide an indication of the topics that are on people’s minds (see Jennings and Wlezien n.d.) and, therefore, the degree to which the public prioritizes certain issues above others. Our measure of issue priorities of the UK and Scottish public is the sum of most important issue (MII) and other/main important issues (OII) responses for Ipsos-MORI issue categories

recorded to be consistent with the Policy Agendas Project major topic codes. The measure of issue priorities that aggregates both initial (MII) and follow-up (OII) responses is used for this analysis. This has the advantage of capturing a greater degree of variation in issue priorities of the public, since the follow-up question about other important issues means that a large number of responses on a single topic does not necessarily mean there will be fewer responses on every other topic (i.e. it reduces the degree of interdependence of the measure). As such, inclusion of ‘other important issues’ provides a more comprehensive measure of issue priorities of the public and allows, in theory, for greater variation.⁶ From 1998 onwards, the location of survey respondents was recorded by Ipsos-MORI. As a result, we are able to use the Scottish respondents to distinguish between national UK opinion, Scottish opinion and non-Scottish UK opinion.⁷ This dataset provides a unique insight on the issues that concerned the Scottish public between January 1999 and December 2008.⁸

Analysis

Pearson correlations between public opinion and laws measure the responsiveness of legislative outputs to issue priorities of the public. By testing the contemporaneous correlations we identify the degree of correspondence between legislative outputs and public opinion in a given year, but not the dynamic effects.⁹ These correlations are presented in four columns in Table 1 varying both the domain and the time period. The first column is the correlations according to policy domain covering the whole period for the UK. The second column is again for the UK, but for the pre-devolution period, 1977-1998. The third column is for the UK (excluding Scottish public opinion) in the post-devolution period, 1999-2008. The final column reports the correlations for Scotland.

[Table 1 here]

The results are mostly statistically insignificant, but comparisons between the values from columns 2 and 3 show that the correlation between public issue priorities and legislative outputs declines over time for the UK just as H₂ predicts. Devolution is therefore associated with a decrease in the policy-opinion link for the UK. For macroeconomic issues, it declines from .41 († $p \leq 0.10$) to -.23. Acts of Parliament relating to law and crime reduces from .50 (* $p \leq .05$), to -.24. Legislative outputs related to education become less responsive from .45 (* $p \leq .05$) to -.82 (** $p \leq .01$). Overall, however, there is not a great deal of responsiveness for both periods, which suggests limited support for H₂ as far as the strength of the policy-opinion link at the individual topic level is concerned.

The results for Scotland indicate no significant relationship between issue priorities of the public and legislative outputs. There is no significant responsiveness, in the right direction (there is a negative correlation for the environment, -0.63), for any of the eleven issues. On the basis of these results, the promise of the advocates of devolution – namely more responsiveness that delivered under Westminster – has not been delivered, at least for the very early years of the institution. This evidence is counter to H₁.

Error-Correction Models of Legislative Opinion-Responsiveness for the UK, 1977-2008

In order to test the dynamic relationship between public issue priorities and legislative outputs, we estimate error-correction models according to issue area. The use of an error-correction model (ECM) enables us to consider both short- and long-run effects

of issue priorities of the public on legislative outputs of the UK and Scottish Parliaments, at the same time as controlling for effects of interaction of the post-devolution time period with public opinion and for the effects of devolution itself and the governing party. The error-correction framework is selected in light of past studies that demonstrate agenda-opinion dynamics “... coexist in a long-run equilibrium state that is subject to short-run corrections” (Jennings and John 2009, p. 838). In other words, responsiveness can arise from long-term trends in issue priorities of the public and from short-run shocks, such as the global financial crisis or the swine flu pandemic. Choice of the ECM framework is appropriate when testing for both contemporaneous and lagged effects. The model can be represented in the form:

$$\Delta ACTS_t = \alpha_0^* + \alpha_1^* ACTS_{t-1} + \beta_0^* \Delta OPINION_t + \beta_1^* OPINION_{t-1} + \beta_2^* (\Delta OPINION_t * DEVOLUTION_t) + \beta_3^* (OPINION_{t-1} * DEVOLUTION_t) + \beta_4^* DEVOLUTION_t + \beta_5^* PARTY_t + \varepsilon_t$$

That is where short-run changes in legislative outputs relating to a particular issue ($\Delta ACTS_t$) are a function of short-run changes in the public’s prioritization of that same issue ($\Delta OPINION_t$), the long run changes ($OPINION_{t-1}$), these changes post devolution through interactions ($\Delta OPINION_t * DEVOLUTION_t$; $OPINION_{t-1} * DEVOLUTION_t$) and where the lagged value of the dependent variable ($ACTS_{t-1}$) measures the speed of re-equilibration (α_1^*) in response to shocks to the long-run legislative-opinion equilibrium. We also include a variable ($DEVOLUTION_t$) to capture the effect of devolution on legislative outputs itself and as a constitutive term. Although this coincides with a period of Labour government, there is sufficient unique information on devolution and party control of government that both coefficients can be reliably estimated (i.e. party changes in government occur in 1979 and 1997, while devolution takes full effect in 1999).¹⁰ To further this distinction and like other models of dynamic representation, this model includes a variable ($PARTY_t$)

to capture contemporaneous effects of indirect representation through partisan control of government.

Within the ECM framework, changes in legislative outputs are estimated as a function of contemporaneous changes in public opinion and the degree to which these are outside their long-run equilibrium. This suggests that if legislatures deviate from that historical equilibrium, as parliament commits either “too much” or “too little” attention to a particular issue, responsiveness is equal to the degree of error-correction that restores congruence between legislative outputs and public opinion (i.e. issue representation) to its previous status quo. By construction, the coefficient for $ACTS_{t-1}$ should be negative and equal to between 0 and -1, so that equilibrium shocks are corrected at a gradual rate. The closer the parameter is to -1, the faster the rate of re-equilibration. However, if the value lies between -1 and -2, then the correction of errors oscillates between positive and negative values but dissipates over time, tending towards zero. This generates an iterative process where, for example, legislative outputs under-correct and then over-react in response to disturbance of public concern about a particular issue or in response to shocks to the legislative system, eventually returning to its long-run equilibrium.

[Table 2 here]

The results for the error-correction models of responsiveness of UK Acts to public opinion from 1977 to 2008 are reported in Table 2. The marginal effects of public opinion in the short and long-run for the pre-devolution period are presented in the regression output itself and are marked below the variable name with (pre Dev). The marginal effects of public during the post-devolution period are calculated by combining the pre-devolution effects with the public opinion and devolution interactions and calculating the standard error following the formula laid out by

Brambor et al (2006). The short-run parameters of the models indicate that the transmission mechanism of the effect of public opinion upon legislative outputs is not immediate in either the pre- or post-devolution period, with the exception of a negative effect in education in the post devolution period. However, we do find long-run effects of public opinion for the economy, education, environment, law and order and public lands in the pre-devolution period. There are however no positive effects for long-run public opinion in the post devolution period, with again a negative effect in education, indicating that policy has led, rather than followed public opinion in education in the post-devolution period. These findings are generally consistent with the findings from the contemporaneous correlations reported in Table 1. The long-term trend in public opinion in the pre-devolution period had significant effects on legislative outputs of the UK Parliament on several issues, but since devolution in 1998 the UK Parliament has ceased to be responsive to long-run public opinion. However, lawmaking of UK Parliament has not been responsive to short-run changes in the issue priorities of the public in either time period. Acts of Parliament appear to be insulated from short-term shocks or fluctuations. Institutional change therefore does appear to have affected the policy-opinion link of UK lawmaking (H_2).

The error-correction coefficient is found to be significant for every issue at the 99 per cent confidence level.¹¹ We find that the value for the lagged acts coefficient is less than -1 in the majority of cases and the number of error-correction coefficients less than -1 is greater for acts than for the Queen's Speech following our previous work (authors). The coefficients of less than -1 indicate a process of under- and then over-reaction in the dynamic relationship between public opinion and legislative outputs. This finding is of particular interest, since it suggests that lawmaking in the UK is more volatile in terms of the observed process of error-correction. This makes

theoretical sense since legislative outputs are a discrete indicator of attention and policy-making, and as such are subject to cyclical processes.

Conclusion

This paper claims that institutional change matters for policy-opinion responsiveness, using the case of the devolution in the UK as a test case. There are several elements to this finding. The first is that devolution is an efficient mechanism for transferring law production away from the UK parliament to the Scottish one (see Figure 1). It may well be that the allocation of responsibilities in federal systems is, as Keating et al (2003: p. 131) suggest, more analogous to a marble cake than a layer cake, with the inter-mixing of responsibilities between Scotland and the UK rather than a separation of functions.

We offer evidence counter to H_1 : there is weaker responsiveness of legislative outputs of the Scottish Parliament than for the UK, overall and when compared to the pre-devolution period, although both are quite weak in the post-devolution period. As it stands, our analyses do not support the idea that devolving power does in fact move government closer to the people. That is at least as far as correspondence between issue priorities of the public and legislative agendas are concerned. We cannot however consider the responsiveness of Scotland prior to devolution, as public opinion data does not exist and the Scottish Parliament was not recalled until devolution occurred. So whether or not opinion responsiveness changed with devolution or did not in Scotland is a question left unanswered, but that may be approached in the future with different kinds of data. Further, we do not know whether responses of the Scottish public about the ‘most important issue’ distinguish between level of government and whether their issue priorities might be different if

asked about the most important issue facing the Scottish Parliament or Westminster separately.

The estimation of error-correction models provides further evidence of the opinion-responsiveness of legislative outputs. The short-run parameters of the models indicate that the effect of public opinion upon lawmaking activity in the UK is not immediate in either the pre- or post-devolution period. While legislative outputs are responsive in the long run to issue priorities of the public on several issues prior to devolution in 1998, there is no significant evidence of responsiveness for any policy area in the post-devolution period. This provides support for H₂ as the change in significance of the marginal effects between pre-devolution (1977-1998) and post-devolution (1999-2008) periods suggests that quasi-federal arrangements – at least in the legislative devolution form that occurred in the UK – reduce responsiveness of the national government.

Of course, there might be reasons for this relative absence of a policy-opinion link in Scotland other than transfer of power to a government closer to the public. The devolution reforms were also associated with other institutional changes, such as the move to a more proportional electoral system, which might be associated with more inclusion of preferences or a loss of clarity of responsibility. But this is complicated because there has never been a single-party majority in the Scottish Parliament: during the first two parliaments (1999-2003, 2003-2007) the Scottish Executive was formed by a majority coalition of Labour and the Liberal Democrat parties, while the third (2007-present) was formed by the minority SNP administration. The effect of this variation in the institutional setting remains unclear. Party competition affected the legislative agenda in Scotland and the degree of its correspondence with public opinion. But this competition may have pushed the policy outputs left of centre

making them out of kilter with more mainstream Scottish public opinion (Jeffery 2006). At the same time, it is conceivable that the recently established Scottish government had an incentive to shape the agenda: defining, legitimating and institutionalizing its jurisdiction in relation to the UK government when it develops its policy-making apparatus. This might have caused the lack of correspondence between legislative outputs and issue priorities of the public. These political-institutional conditions are specific to creation of a new representative institution, however.

These aspects of Scottish politics post-devolution do not detract from its value as a test of the impact of institutional change on the policy-opinion link. Despite the extensive literature on the relationship between public opinion and public policy in democratic systems, less is known about the effect of political institutions on responsiveness. The introduction of devolved powers is an example of change in institutional design that can affect the policy-opinion link due to dilution of the clarity of the responsibility of government. While the results presented here do not offer definitive evidence of the effect of political institutions on policy-opinion responsiveness, the analyses were able to test the idea that a devolved system of power decreases the clarity of responsibility and therefore responsiveness. In particular, the findings reveal a contrast between the relative lack of responsiveness of the Scottish parliament with the responsiveness of the UK parliament. These results are consistent with traditional theories of clarity of responsibility and criticisms of federal methods of allocating powers in modern democracies. Overall the findings point to the general importance of the effect of public opinion on law production, which vary according to political institutions.

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NOTES

¹. The Scotland Act 1998 defined matters that are reserved to Westminster, with the remainder deemed to be 'Devolved' matters. According to the Scottish Government devolved matters include policies in the areas of, Health and social work; Education and training; Local Government and housing; Justice and police; Agriculture, forestry and fisheries; Environment; Tourism, sport and heritage; Economic development and internal transport. But, as McGarvey and Cairney (2008: p. 159) point out, despite this apparent clarity in relation to the relative policy responsibilities of Westminster and Holyrood, in actuality there is considerable blurring of competences.

². See for example, the Scottish Constitutional Convention (1995).

³. This test of this hypothesis (H₂) should not be affected by factors, such as delegation of powers to the EU, which have parallel effects in both jurisdictions.

⁴. See www.scottish.parliament.uk/business/bills/index.htm.

⁵. UK Acts on Scotland included Acts of the UK Parliament that included '(Scotland)' in the short title. We recognise that the UK parliament does still legislate on Scottish matters, via Sewel motions. Crudely put, this process enables Scottish elements to be tagged onto UK bills (that may stray into devolved areas) therefore removing the need for dedicated Scottish legislation (see discussion in Keating *et al.* 20003, 117-120). However, for the purposes of our analysis, we treat these UK bills subject to Sewel motions as non-Scottish Bills.

⁶. The use of MII rather than this aggregation of MII and OII lead to the same inferences. However, the

combined measure did indicate a slightly more responsive UK Parliament in the pre-devolution period.

⁷. There is evidence that differences in question wording of opinion polls about the ‘most important issue facing Britain’ and the ‘most urgent problem facing the country’ has little effect on variation in responses (see authors). Such questions ultimately capture what is on the public’s mind, and the OII question in Scotland is capturing just that.

⁸ For this and all other analyses, the data on UK public opinion for 1999 to 2008 excludes the Scottish OII responses. This is consistent with our hypotheses. Note that the use of UK public opinion including Scotland does not affect the direction, strength or significance of our findings.

⁹. The same inferences are drawn from correlation of legislative outputs to lagged public opinion.

¹⁰. In testing the appropriateness of inclusion of both devolution and party variables, we find that the best fitting model for the majority of issues is the model that includes just devolution. In just one case a model that includes just party control is of superior fit to that including devolution.

¹¹. Note that we find high serial correlation for the environment, but with this exception there is no evidence of serious threats to inference for any of the other issues.

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Figures and Tables

Figure 1: Total UK Acts, UK Acts on Scotland, and Scottish Acts 1977-2008

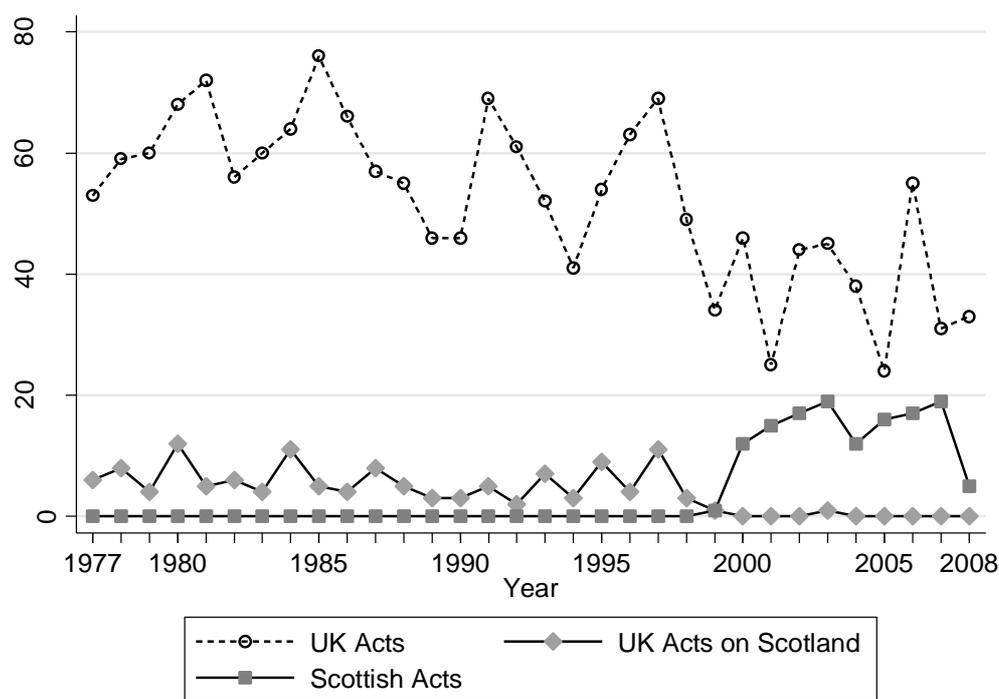


Table 1: Correlations between policy agenda in laws with public opinion

Major Topic	UK 1977-2008	UK 1977-1998	UK 1999-2008	Scotland 1999-2008
Economics	0.43* (0.02)	0.41† (0.06)	-0.23 (0.53)	-0.37 (0.29)
Health	0.09 (0.62)	0.33 (0.14)	0.12 (0.75)	-0.32 (0.36)
Agriculture	-0.33† (0.06)	-0.22 (0.33)	-0.26 (0.47)	-0.35 (0.32)
Education	-0.06 (0.73)	0.45* (0.04)	-0.82** (0.00)	0.24 (0.51)
Environment	0.19 (0.30)	0.28 (0.20)	-0.29 (0.42)	-0.63† (0.05)
Transportation	-0.54** (0.00)	-0.32 (0.15)	-0.56† (0.09)	-0.32 (0.36)
Law and Crime	-0.01 (0.97)	0.50* (0.02)	-0.24 (0.50)	-0.00‡ (0.99)
Social Welfare	-0.26 (0.16)	-0.24 (0.29)	-0.05 (0.88)	-0.04 (0.91)
Housing	-0.09 (0.92)	-0.19 (0.40)	0.54 (0.11)	-0.36 (0.30)
Government Operations	-0.05 (0.80)	-0.03 (0.90)	-0.18 (0.62)	-0.43 (0.21)
Public Lands	0.53** (0.00)	0.41† (0.06)	0.32 (0.37)	-0.02 (0.96)

Note: P-values are presented below each correlation in parentheses.

* p = .05, ** p = .01, *** p = .001, † p = 0.10; N=31; ‡ Correlation < 0.005

Table 2: Time Series Regression on UK Acts, 1977-2008

	Δ Acts Economy	Δ Acts Health	Δ Acts Agriculture	Δ Acts Education	Δ Acts Environ	Δ Acts Transport	Δ Acts Law	Δ Acts Social	Δ Acts Housing	Δ Acts Gov't	Δ Acts Lands
L.Acts	-1.246*** (0.202)	-1.291*** (0.205)	-0.729*** (0.196)	-1.488*** (0.172)	-1.226*** (0.166)	-0.662*** (0.188)	-1.229*** (0.227)	-1.180*** (0.206)	-0.919*** (0.187)	-1.290*** (0.193)	-1.136*** (0.174)
Δ PO (pre dev)	0.078 (0.047)	0.037 (0.033)	-0.304 (0.326)	0.020 (0.036)	-0.070 (0.078)	0.257 (0.813)	0.141 (0.124)	-0.099 (0.084)	-0.098 (0.196)	-0.028 (0.063)	-0.114 (0.173)
L.PO (pre Dev)	0.073* (0.030)	0.032 (0.021)	0.380 (0.458)	0.082** (0.026)	0.203** (0.067)	0.256 (0.805)	0.336** (0.119)	-0.063 (0.076)	-0.212 (0.160)	0.015 (0.054)	0.514*** (0.128)
Δ PO*Dev	-0.092 (0.069)	0.001 (0.052)	0.253 (0.350)	-0.183** (0.051)	-0.019 (0.235)	-0.465 (0.805)	-0.262 (0.242)	0.048 (0.155)	0.418 (0.359)	-0.181 (0.417)	-0.729 (0.649)
L.PO*Dev	-0.077 (0.112)	-0.009 (0.052)	-0.388 (0.484)	-0.195** (0.057)	-0.316 (0.203)	-0.313 (0.802)	-0.360† (0.176)	0.039 (0.184)	0.480 (0.393)	-0.173 (0.270)	-0.535 (0.732)
Dev	6.088 (4.227)	-0.424 (2.553)	0.370 (1.551)	3.101† (1.579)	0.709 (1.519)	1.436 (2.540)	0.721 (5.707)	-0.880 (3.018)	-5.642 (3.731)	-2.771† (1.461)	-0.252 (1.251)
Party	-1.361 (1.555)	-0.756 (0.857)	-2.211 (1.433)	0.016 (0.625)	-0.453 (0.964)	-2.991 (1.923)	2.571 (2.438)	0.257 (0.904)	-0.339 (1.301)	3.895*** (1.041)	-0.614 (1.022)
Constant	2.964 (2.831)	3.072*** (0.782)	2.233** (0.711)	1.051* (0.460)	1.573** (0.505)	3.238** (1.006)	4.948† (2.534)	2.849*** (0.783)	4.820** (1.613)	5.738*** (1.028)	1.566* (0.660)
Adj. R2	0.513	0.551	0.269	0.744	0.641	0.242	0.472	0.488	0.457	0.659	0.572
bgodfrey	7.199**	2.667	0.795	0.081	20.835***	0.170	0.070	2.130	0.857	0.013	2.740†
Δ PO (post Dev)	-0.014 (0.054)	0.038 (0.047)	-0.052 (0.125)	-0.163** (0.055)	-0.090 (0.228)	-0.208 (0.246)	-0.121 (0.223)	-0.051 (0.150)	0.320 (0.335)	-0.208 (0.406)	-0.843 (0.690)
L.PO (post Dev)	-0.004 (0.112)	0.023 (0.051)	-0.008 (0.178)	-0.113* (0.052)	-0.114 (0.193)	-0.057 (0.224)	-0.024 (0.135)	-0.024 (0.178)	0.268 (0.369)	-0.157 (0.265)	-0.021 (0.711)

Note * $p \leq .05$, ** $p \leq .01$, *** $p \leq .001$, † $p \leq 0.10$, N=3

Word count=8029