Chapter Eleven: Wales and the English

The last chapter suggested that paradoxically it is in Northern Ireland, the one part of the United Kingdom to have received some sort of devolution from a very early time and the one area where it seemed to provoke the most conflict, that the most progressive institutional arrangements have been developed, arrangements that might well be applied elsewhere in the United Kingdom. The next two chapters will look at some serious proposals for constitutional reform that have emerged within the UK, most notably from Wales. Before looking specifically at the Welsh proposals for constitutional reform, it is worth considering some of the historical background in a little more detail. This is not a book by someone who can claim detailed knowledge of the history of Wales, but it is useful to attempt some historical background to the current situation.

The chapter on invasion and expansion in the Isles has already mentioned the process whereby the creation of the 'marches,' the border areas between England and Wales, sought to isolate rather than to subjugate Wales. However, subjugation was to come, as mentioned earlier, in the form of an invasion force led by Edward I in 1277. One important effect of Edward's invasion was the loss of the Law of Hywel (Welsh Law) and its replacement by English Law (something that didn't happen in the case of Scotland). The difference in legal systems was particularly important in the context of land tenure. Welsh law contained *Cyfran*, the custom of dividing land among all male heirs; English law made the eldest son the sole heir. The English system, in a way that anticipated the arguments in later centuries for enclosures, essentially the 'enclosing' of common land so that it was in the possession of one owner, was defended on the grounds that a host of scattered scraps in various hands was not economically viable. But 'economically viable' needs careful defining. The Welsh system meant promoting communities of fairly poor small landowners, but communities where everyone had employment and their own patch of land. Under En-

glish law these became communities with a few wealthy estate owners and a large landless proletariat looking for work.[1]

One advantage of large numbers desperate for work is that they have to take any job on offer. Many Welshmen were recruited into English armies during the following century. The Romans had been quite prepared to hire 'barbarians' for their armies – many had considerable military prowess – and the English had a similar view of the Welsh. The outcome of many famous battles in English history depended on the Welsh, just as Wellington's victory at Waterloo in 1815 was to be dependent on the presence of the Prussians. 5,000 Welshmen fought at the Battle of Crécy in 1346 in distinctive green and white uniforms, while another 5,000 fought in Edward II's army at Bannockburn in 1314. A cynic might say that from the English point of view it was a perfect outcome. First you defeat your foes, then you impoverish them and finally you hire them when they have no alternative but to help you defeat other foes. The process did not only apply to Wales. Keating quotes Kumar's account of 43% of Crown forces in 1830 being Irish (an alternative to starving in the potato famine) and 13.5% were Scots.[2]

As the earlier chapter pointed out, it was in 1901 that people first began to talk of a statute passed during the reign of Henry VIII as an act of 'Union' between England and Wales, but this was not an accurate description. The Act was passed in 1536 at the time of the break with Rome that partly inspired it, since the break increased fears of civil disorder and French or Spanish invasion.[3] 1536 was also the year in which the 'pilgrimage of grace' broke out in Yorkshire before spreading to other parts of the North. Many areas of Wales also rejected the break with Rome and held fast to the Catholic faith.

In this context a desire to pacify Wales was understandable. But 'Union' was hardly the right word for what was happening. Earlier invasions and the reforms passed in their wake had effectively removed anything for the English to unite with. As Chapter Eight explained, what happened in 1536 was an act of

1 John Davies makes this point in his *A History of Wales*, p. 183.

2 See Keating, *State and Nation*, p. 27, quoting Kumar's *The Making of English National Identity*.

3 'By breaking with Rome, Henry VIII was challenging the Roman Catholic states of Europe, and the Tudors had particular reason to be aware that the condition of Wales was such that its coasts were open to invasion.' Davies, *A History of Wales*, p. 219. It was the usual story of the 'back door' to England, the image used for union with Scotland and Ireland by Simms in his *Britain's Europe* (p. 112 in the case of Ireland, p. 32 in the case of Scotland and Ireland together).

annexation rather than union. Some new counties were created and the border between Wales and England which has survived to this day was brought into being. But since no one thought in terms of what was an appropriate border for a country, they did not concern themselves with the fact that some Welsh-speaking districts were put outside Wales or that some diocesan boundaries were not respected by the border. As said earlier, the act made no use of Offa's Dyke, the eighth-century earth embankment designed to mark off the border with Mercia, much of which is still visible today. That was a way of marking off two kingdoms, whereas what happened during the reign of Henry VIII was a way of reorganising one kingdom. Having been penned in by the marcher lords after the Norman invasion, Wales ended up under Henry VIII being transformed into an extension of England. The legal forms used in Wales would be those of English law and Wales would have representatives in the English parliament just like any part of England.

Survival through language and religion

In the long run, the events of 1536 strengthened the importance of the Welsh language. The Scots could define themselves in terms of having a particular legal and educational system. They could talk about historic boundaries of the Kingdom of Scotland. The Welsh, with their unclear border and the absorption of their legal and educational systems into that of England, would find it more difficult to define themselves in these terms, and therefore the Welsh language became central to their sense of identity.[4]

It helped that in matters spiritual Welsh remained alongside English. It was important for preserving the language – and it has to be borne in mind that this was not the secular society of today but one in which everyone was required to go to Church. Welsh versions of the Bible and prayer book were made available in Welsh parishes alongside English versions after the break with Rome. By way of comparison, there was no Irish Bible until 1690 and no Gaelic Bible until 1801.[5]

4 Tom Nairn in *The Break-up of Britain* quotes John Cowper Powys' remark that '…the Welsh National spirit has had to bank itself up in the Welsh language for want of being able to express itself politically' (p. 201).

5 See John Davies, *A History of Wales*, p. 238.

Despite its increasing association with the 'lower orders,' the Welsh language survived. As late as the early nineteenth century it is fair to say that over half, perhaps two-thirds, of the inhabitants of Wales were Welsh-speaking. In most cases Welsh was the only language they knew.[6] Could it develop so that Welsh became the national language? This certainly happened in some parts of Europe where the second half of the nineteenth century saw the development of nationalist movements with a distinct emphasis upon language that paved the way for independence later.

The Czech National Revival in the nineteenth century, led by Joseph Dobrovský, Josef Jungmann and František Palacký, is a case in point. This was very much focused on language. German was the official language of the Austro-Hungarian administration and Germanisation of the Czech lands had proceeded apace in the two centuries following the Battle of the White Mountain in 1620. Czech, though an ancient language like Welsh, was soon spoken mainly by the lower classes and in rural areas. It was not seen in schools or universities, in literary and academic publications or in the state administration. Yet a national renewal movement associated with these three individuals managed to reinvigorate the language. Dobrovský published a Czech grammar while Jungmann produced a Czech-German dictionary which included borrowings from other Slavic languages and neologisms designed to ensure that Czech had the terminological resources for the latest scientific research to be produced in that language. Jungmann also provided several translations of the classics – such as the works of England's John Milton and Germany's Goethe – to ensure that the world's literary classics would be available in Czech. He was perfectly clear that 'should a social emancipation of the Czech people occur, it must happen through their language's equalization in the Czech lands.'[7][2] Palacký (who currently features on the Czechs' one-thousand-crown note, since they have managed to steer clear of the eurozone) ensured that an academic journal was available for publishing in Czech through the 'Journal of the Bohemian Museum,' linked to the National Museum in Prague. The Czech National Revival ensured that when Czechoslovakia became an independent nation-state in 1918 (the

6 Davies, *A History of Wales*, p. 388. He suggests that 2 out of 3 inhabitants of Wales were Welsh speakers in 1850 and most knew no other language. By 1914 there were more Welsh speakers but they now represented less than half the population – because there had been substantial immigration from England, particularly to the coalfields.

7 See 'The Birth of the Modern Czech Nation' Chapter XI of Pánek, Jaroslav et al, *A History of the Czech Lands* pp. 281–309. The quotation is on p. 298.

Czech Republic and Slovakia were formed out of Czechoslovakia in 1993), Czech could function as the official language and the business of state and the latest scientific research, as well as the education system, could be managed in that language.

This is not what happened in Wales. It is interesting to consider why, given the obvious determination of the Welsh to preserve their language and the fact that the process of industrialisation was common to both the Welsh and (for instance) Czech experience of the nineteenth century, besides which, as John Davies points out, '…in the mid nineteenth century, English speakers were hardly a higher percentage of the population of Wales than were German speakers of the population of Bohemia.'[8]

The answer lies partly in the way the economy of Wales developed.

Despite the impact of the loss of the Law of Hywel (Welsh Law) after Edward I's invasion upon employment on the land, there had been other job opportunities apart from joining the ranks of those employed to fight battles for the English. The late mediaeval economy was very much based on wool. Because of its many rivers, Wales filled up with water mills for processing cloth (known as fulling mills). From its farms a lot of Welsh beef made its way to England. With its coastline Wales was an important location for trade, not least with Ireland at a time when a high proportion of 'international trade' took place across the Irish Sea. There was also fishing and on a small scale the extraction of iron, copper, lead and coal, and it was this last that anticipated the industrial revolution to come. Welsh coal went to Ireland and South-West England well before the industrial revolution, but there was an enormous expansion of the coalfields at the end of the nineteenth century.[9]

If the emphasis at the time of the loss of the Law of Hywel was upon the Welsh seeking employment fighting for England against Scotland at Bannockburn or the French at Crécy, the emphasis with the growth in importance of the coalfields was upon the English seeking employment in Wales. Wales was a beneficiary of the economic expansion that came with the industrial revolution and its aftermath, but on terms dictated by England. The mass migration into what became the South Wales coalfields had huge cultural implications. John

8 Davies, John *A History of Wales,* p.407; Morgan, K. *Wales: Rebirth of a Nation.*

9 See Davies, *A History of Wales,* p. 186. He writes that the development of the fulling-mill 'gave rise to an Industrial Revolution in the Later Middle Ages'. The coastal trade with Ireland, as well as the south-west and north-west of England, was also important in the 15th century (pp. 206–207).

Davies records how for half a century between 1880 and 1930 between a quarter and one third of the male labour force worked in the coal industry, while the figure can be pushed to about half by including quarrying. Morgan claims that Welsh mines at this time accounted for one-third of all world coal exports.[10] In the first decade of the twentieth century, Davies records, Wales was unique among the countries of Europe in having more people moving in than out. 'In that decade,' he writes, 'only the United States excelled Wales in the ability to attract immigration'. Facilities were stretched and riots broke out. 'With such a flood of incomers, some districts became grossly overcrowded'. Davies quotes *The Times* in 1904 reporting that in the Rhondda there was 'the same oppressive atmosphere that one experienced in the streets of Odessa and Sebastopol during the unrest in Russia in the winter of 1904.'[11]

There were cultural consequences, including consequences for the language. The mines were organised at the British rather than Welsh level, and this was reflected in the concerns of their leaders, including union leaders. At the same time, the influx produced 'anglicisation' and despite efforts by the coalfields to promote the learning of Welsh there was a huge increase in the number of monoglot English speakers. In this context it is hardly surprising that the main threat to Welsh identity and to the Welsh language would be seen as coming from England.

It is true that, as Tom Nairn points out from a Scottish perspective, 'the industrial revolution which so threatened Welsh language and life also gave it a chance of life'.[12] It established the language in the industrial valley communities, whatever their need to speak English, and they often used Welsh in order to maintain links with other industrial sectors through their unions and other associations. It also prevented Welsh being associated with 'primitive' rural communities, 'noble savages' who communicated with one another in a strange tongue. Arguably, Welsh was both buoyed up and overwhelmed by rapid industrialisation at the start of the twentieth century.

By 1914, though the number of Welsh speakers had risen to one million, that represented less than half the population and most of them knew English as well. To reach the majority of the Welsh population it wasn't any longer necessary to know Welsh. By the time of the outbreak of the First World War, five-sixths of Welsh speakers were bilingual. They could be reached by using English

10 Davies, John *A History of Wales*, p. 475.

11 Davies, John *A History of Wales*, p. 478.

12 Nairn, Tom. *The Break-up of Britain*, p. 200.

and material in Welsh no longer had to exist in every subject. In this respect one of the ways in which Welsh speakers contributed to the decline of Welsh was by learning English.[13]

A second difference from the situation in the Czech lands was associated with religion. There was a strong tradition of Nonconformity (Protestantism outside the Anglican Church) in Wales, and its leaders were unwilling to use the Welsh language. They saw their evangelising mission as best conducted in English, especially as this was the language of English incomers. Had not St Paul in the first century spread the gospel by speaking and writing in Greek, not in Hebrew or in Aramaic, the language spoken by Jesus of Nazareth? The demands of the gospel must come before those of the Welsh nation. In the case of the Czechs, it is true that their history was steeped in their own form of nonconformity in the form of the tradition associated with Jan Hus, the fifteenth-century reformer who was burnt at the stake in 1415 at the Council of Constance, and whose fate Martin Luther was keen to avoid when he was 'captured' by friendly knights a century later. Yet the passion for national revival in the nineteenth century was less tied to religious roots in the Czech lands. In Wales, on the other hand, Welshness had been partly hijacked by nonconformity, which not only put an emphasis upon the use of English but forced those who wanted to see the development of a secular Welsh culture to look elsewhere. Inevitably they were drawn more to the secular traditions of the wider world, including those of England.[14]

This led – and continues to lead – to problems in the key sphere of education. By the end of the nineteenth century, the Welsh language had little more than a foothold. Schools did not have to teach Welsh, and if they did so it was added to an English curriculum. Some of them opted to ban Welsh from their schools altogether. After all, it is not so long since speaking Welsh in a Welsh school was a punishable offence, with the so-called Welsh Not, a stick or ruler or something similar that could be used as a cane. The last recorded use of the Welsh Not as a form of corporal punishment to enforce the use of

13 Davies makes this point in *A History of Wales*, pp. 482–483.

14 Davies suggests that 'in the second half of the nineteenth century, Nonconformity succeeded in 'hijacking' Welshness and a secular Welsh-language culture did not therefore emerge. As a result, the interconnection between chapel-going and Welshness was confirmed, for those who did not sympathise with the values of Nonconformity could turn their backs upon both.' *A History of Wales*, p. 486.

English comes from the 1940s. Even when such barbarism ceased, the problem was that rather than being the medium through which the whole world of learning was opened up across the full spectrum of subjects, Welsh was becoming another language subject tacked on to the rest of the curriculum, where it obviously seemed less appealing and relevant than learning German or French. The most that this foothold in the education system could do was to save Welsh from virtually dying out in the way Breton did.[15]

Industrial development and English overspill

Since the battles in the nineteenth century to make sure that Wales was a Welsh-speaking nation in its entirety have been lost, it has become difficult to avoid division between a Welsh-speaking Wales and an English-speaking Wales, one which to some extent reproduces the old division between *pura Wallia* and *marchia Wallia*, between 'Wales proper' and the Wales of the Marches. The former, concentrated in the West and North, would clearly support a powerful Welsh *Senedd* and even an independent Wales. The Welsh National Party, *Plaid Cymru*, remains known by its Welsh name rather than any English equivalent, though it is technically the Party of Wales. By way of comparison, few know the Scottish National Party as *Pàrtaidh Nàiseanta na h-Alba*, its name in Scottish Gaelic. But *Plaid Cymru* has its heartlands in Welsh-speaking Wales. In Wales overall it can rarely secure more than 20% of the vote (this was its score in the 2021 *Senedd* elections).[16]

English-speaking Wales, on the other hand, might not consider itself Welsh at all. A far larger part of the Welsh than the Scottish population is made up of people who would consider themselves English even though they have settled in Wales. More than half of the Welsh population lives within 25 miles of the border (the figure for Scotland is 3%). Many of them are more English overspill than Welsh, like the bulging bottom that spreads itself onto the next seat in the train. It is unsurprising that half a century or more ago when there

15 See Davies, *A History of Wales*, pp. 443–444.

16 Keating makes the point well: 'Welsh identity has historically been more linked than its Scottish counterpart to cultural markers, including the language and Nonconformist religion. Yet the language has also been divisive, as it is spoken by a minority, too small to demand comprehensive linguistic transformation but large enough to be a political force.' Keating, *State and Nation in the United Kingdom*, p. 180.

were several arson attacks linked with Welsh nationalism, the attacks were particularly on this overspill in the form of second homes bought up by the English and unoccupied outside the tourist season.[17]

This means that people with homes in Wales are not always aware of themselves as living in another country within which they must become assimilated. Some of them might be happy to reflect that England and Wales have a single legal system or that their football teams play in the same league, despite their having different national teams (as became more than clear during the world cup at the end of 2022, when both teams played against each other). Others note that there are county cricket teams based in Wales. They may even take the view that since they don't speak Welsh the language barrier rules out assimilation and they prefer to have nothing to do with it. Thus, where a hundred years ago Welsh children resented being forced to learn English under the rod of the Welsh Not, now English settlers resent their children being forced to attend classes in Welsh. Where the nineteenth-century nonconformists saw Welsh as a barrier to hearing the word of God, English settlers see Welsh as a barrier to hearing the word of science and technology. Even in schools where Welsh is the medium of instruction, only 70% of secondary school subjects are taught in Welsh. A BBC report entitled *About Wales,* aiming to provide a straightforward and unbiased introduction to the country's education system in October 2014, reported that 'some Welsh medium secondary schools prefer to teach science and maths in English, because this is seen as the international language of science.'[18] It is true that the majority of scientific research papers and conferences are in English, but as a reason for teaching maths or science in English this is highly questionable. It feeds the prejudice that there has been no attempt to 'update' the language in the manner of the neologisms introduced through Jungmann to ensure that Czech had the terminological resources for the latest scientific research to be produced in Czech. The assumption seems to be that were children to learn Welsh they would be forced to have endless discussions about how to harness oxen to the plough or the impact of a harvest moon on maidens' hearts. As the Czechs were only too well aware as members of a Habsburg Empire whose officials spoke German, a sense of social and cultural

17 See a report of 2018 on the Welsh tax base from the Welsh Centre for Public Policy by Guto Ifann and Dr Ed Gareth Poole. The figure given on p. 12 is a little under 48%, but it has grown slightly since then, https://www.wcpp.org.uk/wp-content/uploads/2018/07/The-Welsh-Tax-Base-_WCPP-Final-180627.pdf

18 https://www.bbc.co.uk/wales/livinginwales/sites/aboutwales/pages/education.shtml

superiority can manifest itself in a view that some languages lack the resources to act as vehicles for sophisticated ideas. Given the way the English language is currently used, one might be tempted to view this as a bizarre reversal of the truth!

It is often pointed out that the existence of uncontrolled levels of immigration from other parts of the European Union was one of the prime factors behind the success of the Brexiteers in the 2016 referendum vote on whether to remain inside the EU. Few of the Brexiteers, including many of those English speakers who were voting in Wales, thought of how uncontrolled levels of immigration from England to other parts of the UK had proved problematic in earlier times. On the other hand, such an association would certainly have occurred to people who feel strongly about their Welsh identity and its close association with their language. It is very unlikely that they would feel that identity threatened by the European Union. They are far more likely to think that it will be crushed by the English.

It is hardly surprising that Wales made full use of the opportunities to promote Welsh provided by membership of the European Union. The language had been supported within the European Economic Community (forerunner of the EU) since the Mercator Project which first became a European project through a resolution passed by the European Parliament in 1988. Wales received support from the 1992 European Charter for Regional and Minority Languages, which entered into force in 1998, and from the European Charter of Human Rights, which emphasises linguistic diversity in Article 22 and in Article 21 prohibits discrimination on the basis of language. After Brexit the European Charter of Human Rights no longer applies (a problem, as we have already seen, for Irish citizens living in Northern Ireland) and various forms of funding support used to bolster the Welsh language have been lost.[19] It is this loss of participation in a wider community of twenty-eight nations with over twenty national languages, and the disappearance of measures to protect minority

19 It is difficult to assess the loss of funding after Brexit. The UK government claims that it has stepped in to make up for any losses, the Welsh government denies that this is so, and neutral observers point out that it can be difficult to count the figures anyway. The Welsh *Senedd* produced a report in 2018 entitled 'Brexit, The Arts Sector, Creative Industries, Heritage and the Welsh language' outlining some of the difficulties. See https://senedd.wales/media/ghdec0xo/cr-ld11940-e.pdf. The UK government insisted that it had made up for any loss of funding after Brexit – this, for instance, is a BBC report reporting the government position in February 2022. https://www.bbc.com/news/uk-wales-politics-60332682

languages, that is bound to influence a large body of opinion in the country. This is a perspective that must be borne in mind when considering the history of devolution in Wales and the measures proposed by the Welsh *Senedd* itself for constitutional reform in the UK, measures which will be considered in the next chapter.

The history of devolution in Wales

Before the introduction of legislative devolution, Wales received a degree of executive devolution when a Secretary of State for Wales was created by Harold Wilson's Labour government in 1964. On the whole Welsh secretaries of state were sensitive to national differences, and in particular to the strong support in Wales for the Labour Party, whoever was in power at Westminster. This may have influenced the overwhelming rejection of devolution by the Welsh in a referendum in the 1970s, as did the fact that for much of this time the same party (the Labour Party) was in power in Wales and Westminster (1964–1970 and 1974–1979).

However, this was to change after Mrs Thatcher's victory in 1979 ushered in eighteen years of Conservative government at Westminster. In 1993, after the Conservative Party had been in power in London for fourteen years, John Redwood became the Secretary of State for Wales in the government led by John Major. He was later to challenge (unsuccessfully) John Major for the Conservative leadership and later still became a prominent Brexiteer. This was unsurprising. He was one of those whose attitude to power was that it should exist at only one level, that of London. John Davies describes him as 'an oddity among Welsh secretaries',[20] essentially 'London's viceroy in Wales', his mission 'specifically to carry out his own vision – unfettered competition, low taxes, small government and total resistance to any advance in the powers of the European Union'. Other Welsh secretaries (in the 1980s) had toned down the Thatcherite vision out of respect for the different ideological perspective of many in Wales.

Such toning down was often the case in the parts of the UK outside England, especially when a Conservative government was in power in Westminster, but other parties dominated in Wales, Scotland and Northern Ireland. One thinks of Jim Prior's famous remark when he was Secretary of State for Northern Ireland under Mrs Thatcher, telling visitors from Britain that 'we're

20 Davies, John *A History of Wales*, p. 666.

all Keynesians here.'[21] Redwood's vision was different. He was not accommodating himself to the different views of another part of the United Kingdom. He preferred to think of himself as imposing his vision upon the recalcitrant 'natives', from whom he clearly felt he had nothing to learn. During his period as secretary of state, he did not sleep a single night in Wales and an attempt he made to pretend that he knew the Welsh national anthem by mouthing the words during a public meeting was the cause of much derision.

There were other important influences upon Welsh attitudes to devolution in the 1990s. One was local government reorganisation in 1996, which reduced the two tiers of Welsh local government to one (eight county and thirty-seven district councils were replaced by 22 unitary country councils, thereby ending the squabbles over demarcation of powers between districts and counties). This allowed a Welsh assembly to be introduced without introducing a third tier of government.[22] The 'why introduce another layer of bureaucracy?' argument against introducing devolution was therefore less strongly felt.

Another influence was the existence of so-called Quangos (Quasi-Autonomous Non-Governmental Organisations), something that grew up right across the UK in the 1980s and 1990s. These were frequently attacked for taking powers away from elected representatives (in local and regional councils) and giving it to appointees of the government. In Wales this meant groups of people appointed by the Secretary of State for Wales, spending billions of pounds and employing tens of thousands of people. It was understandable that people might prefer that this money be managed by a Welsh Assembly elected by the Welsh people.

As a result, the Welsh, who in the 1970s had rejected the idea of a devolved assembly decisively, voted by a whisker in its favour twenty years later. This was the closest of all referenda – its majority of 50.1 to 49.9 closer even than that of the referendum on leaving the EU. Yet despite the narrowness of the result, it represented a huge shift of opinion in Wales itself when compared to twenty years earlier.

Since the narrow vote in favour of devolution, the 'assembly' (as it was originally called) has steadily increased its powers. In 2006 the Government of Wales Act gave the Welsh government and assembly powers much closer to those of the Scottish government and parliament. A referendum in 2011 on whether to

21 Quoted in Philip Whitehead, *The Writing on the Wall* pp. 388–389.

22 This was The Local Government (Wales) Act 1994, which came into effect in 1996.

extend the legislative powers of the Assembly further was passed by 2 to 1, suggesting that the body had grown on Welsh citizens. In 2017 it received 'reserved' as opposed to 'defined' powers, meaning essentially that rather than exercising all powers specifically given to it, it could exercise all powers not specifically denied to it. To recognise its increased authority, it was finally renamed to recognise its increased powers. It became known as the *Senedd Cymru* in 2020.[23] The word might suggest 'Senate' but is essentially chosen as a Welsh word to describe what is called in English the Welsh Parliament, much as the Irish word *Dáil* is used to describe the Irish Parliament.

The problems of sharing power

An earlier chapter mentioned some of the problems raised by devolution in discussing EVEL, the so-called principle of English Votes for English Laws. It argued that the principle of English Votes for English Laws can be difficult to apply when it isn't clear exactly which laws apply to England alone. Decisions that apparently apply only to England have consequences outside England, since under the Barnett formula Scottish and Welsh funding is a percentage of that given to England. Hence a decision that might seem on the face of it to concern England alone may have knock-on effects elsewhere.

The issue obviously crops up in the context of devolution, since there will be arguments over what is properly within the competence of the devolved governments. This is not the place to examine all the different issues over which problems have arisen, but one example will serve to illustrate the difficulties and raises an issue very similar to the one mentioned in the last paragraph concerning EVEL – rail transport.

Towards the end of the nineteenth century people didn't only go in large numbers to Wales from England for work. The coming of the railways brought English tourists to Wales and especially to the coastal resorts. This was another reason for encouraging the learning of English. Knowing English was obviously an advantage in developing the tourist industry, especially in an age when beach holidays were taken in the Isles rather than abroad (which was

23 As Bogdanor puts it, devolution in Wales has 'proved to be a process rather than an event'. See *Beyond Brexit*, pp. 192–193 where he summarises the process.

overwhelmingly the case before the Second World War and the expansion of commercial flights through the jet engine).[24]

The shape of the Welsh railways in the 2020s still reflects the nineteenth-century English dash to the coast. The fact that there was no Welsh government to take part in planning the railway network, while all the UK government did was to approve schemes by private contractors, meant that the railway system that emerged was one of connecting populous areas of England with the Welsh conurbations and resorts they wanted to travel to. Lines appeared running West from the Bristol area to the industrial heartlands of the south and then on to the coast. Another set of lines ran Westwards from the Liverpool area to the North Wales coast. But no lines (until after 1860) ran across Wales itself connecting the North with the South. In its own way the rail network reflected the treatment of Wales as an extension of England rather than as a country in its own right, an approach that can be traced back to the annexation of 1536 and beyond.[25]

Because it was not a Welsh network but an extension of the English network, to get to the north of Wales from the South by train you had to go into England and then back into Wales. The system was taking the English to the seaside and back rather than taking the Welsh to other parts of their country. Despite some tweaking of lines, it still looks that way in the twenty-first century. Someone travelling from Cardiff to Bangor, for instance, has to go through England twice. A person frequently making this journey in the autumn of 2021, at a time when COVID-19 policies were to require masks to be worn in Wales but not in England, remarked to me that his journey, where the mask was concerned, was a case of On-Off-On-Off-On.[26] The demand for devolution to the Welsh *Senedd* of all responsibility for public transport has to be seen in this context.

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24 See Davies, *A History of Wales*, pp. 395–396. In effect the seaside holiday took off with the railways in the mid-nineteenth century and ended a century later with the application of the jet engine to commercial flights.

25 See the maps in Davies, *A History of Wales*, pp. 398–399. More lines had appeared by 1914 (see p. 399), though not all of them are still in existence a century later. But the most noticeable feature is the difficulty of getting across Wales, particularly from North to South.

26 If you try to get from the Welsh capital, Cardiff, to Llandudno on the North coast, the journey takes five hours and goes through Hereford, Shrewsbury and Crewe – i.e. it snakes in and out of England before eventually returning to Wales. It takes rather longer than going from London to Edinburgh.

Twenty years on from devolution, the Welsh government runs the day-to-day operations of the railways in Wales through its operator Transport for Wales, but railway infrastructure remains the responsibility of the UK Government. Many in Wales would like management of the infrastructure to be devolved too, partly in order to develop the *One Wales* policy, which aims to reduce travel time between the North and South of Wales, and partly for financial reasons.

Research from Cardiff University's Wales Governance Centre found that Wales could have received an extra £514 million investment between 2011–12 and 2019–20, had rail infrastructure been devolved. The problem is the UK government's controversial £100 billion (and rising) High Speed 2 (HS2) rail project, which is designated an England and Wales project, despite none of the infrastructure applying to Wales.[27] According to the Barnett formula, funding levels for Scotland and Northern Ireland are based upon the level of funding for England. As mentioned earlier, this was precisely the problem highlighted when discussing EVEL, in that a vote in the House of Commons on some aspect of education or health policy in England alone might nevertheless have ramifications outside England. It might be assumed that policies concerning England alone have 'nothing to do with the devolved nations', but the Barnett formula ensures that they do, because their cost implications will have a knock-on effect on funding levels in devolved nations. The issue of HS2 illustrates the point nicely. Because HS2 is very costly, this means that Scotland and Northern Ireland will get substantial extra funding (because their spending has to be proportionate to that in England). But not Wales, which is excluded from receiving additional funding because the rail infrastructure (unlike in Scotland) is not devolved, and so this is seen as spending in England and Wales combined. Hence the calculation that if the rail infrastructure had been devolved, Wales would have received an extra half a billion over the lifetime of the project, enough to finance some substantial projects within Wales itself (for instance a line from Camarthen to Aberystwyth, or the electrification of the main line from London, which stops at Cardiff because of funding problems rather than being continued as far as Swansea). The response from Westminster that passengers using the HS2 would be able to change at Crewe and enter North Wales

27 https://www.cardiff.ac.uk/__data/assets/pdf_file/0009/2508372/ WFA_evidence_rail 2.pdf The report was taken up by Westminster's Welsh Affairs Committee in an attempt to have the HS2 project re-classified as an England-only project.

more quickly using other trains was hardly very convincing.[28] In May 2022 the leader of the Tories in the Welsh *Senedd* declared that he agreed with the argument that Wales should receive such money, but the visiting Prime Minister, Boris Johnson, refused to commit himself.[29] In any case, whatever the final shape of the Welsh railway system and its management, it seems clear that a network put in place above all to serve the interests of England needs to be controlled by Wales in order to ensure that it is gradually transformed into a network primarily designed to serve the people of Wales.

Rail transport may not be the most important item in devolution, but it does illustrate how from a Welsh perspective the country might be seen as threatened more by its forced participation in the British Union than by membership of the European Union. Many aspects of its economy have been determined by how far they have served the needs of England, and over the decades this has limited the capacity of Wales to determine its own welfare. Sometimes it has been overwhelmed by English immigration; at other times its infrastructure has been built up to serve English needs; its culture and identity have been threatened by the English language and to some extent confined to a particular part of the country. It has been pushed back into a corner which has served as 'Wales proper', and then incorporated within a greater whole that has smothered it. It has taken part in the industrial expansion that Britain enjoyed in earlier centuries, but without being able to determine its own part in that expansion.

Compared with this, for many people in Wales the EU has been far more of an opportunity than a threat. For one thing, it has been a source of funding. Indeed, there are fears that the end of the EU Structural Funds programme following Brexit will further limit the ability of the Welsh Government to provide top-up funding for railway infrastructure. The EU's regional spending budget gave support to regions where GDP per head was 75% or less of the EU average, and when the UK was a member of the EU this included two regions of the UK, of which one was the West of Wales. It is not clear that the UK government will be prepared to make up the shortfall, particularly as Brexit rode on the back of government claims that money was being poured into the EU and it does

28 See the BBC report in December 2021 https://www.bbc.com/news/uk-wales-59596529

29 See this report from the BBC in May 2022. https://www.bbc.com/news/uk-wales-politics-61495454

not like to admit that substantial sums were travelling in the other direction.[30] In addition, the EU was an opportunity to strengthen Welsh identity, particularly through the support given to its language. Such support can come from a British Union too – there are obvious examples of backing given to Welsh at a UK level too, such as the BBC's support for *Creative Wales*. But in the case of the European Union, it is part of a wider process supporting minority languages right across Europe. More generally, it is important to appreciate how, while the UK was part of the EU, devolved governments were drawn into European policy networks and various pan-European networks of sub-state governments such as RLEG, a joint initiative of European regions with legislative powers.[31] They ceased to be always engaged in bilateral negotiations with the UK. Now that experience of 'multilevel governance' has been severely curtailed.

Conclusion

The chapter looked briefly at the way Wales was first penned in by the Marcher lords after the Norman invasion and then effectively invaded under Edward I, ending up under Henry VIII being transformed into an extension of England. It pointed out that because its legal and education systems were effectively those of England, Welsh identity had above all to be preserved through its language. However, it never managed to make Welsh the language of its people in the way that, for instance, Czech was established as the language of the Czechs. Some of the explanation for this lies in an unprecedented number of migrants from England, particularly in the first decade of the twentieth century. It may also have been affected by the strength of nonconformity in Wales.

The chapter then briefly considered the history of devolution in Wales. It suggested that local government reorganisation, the creation of quangos that handled large amounts of money without local accountability and some rather domineering and insensitive secretaries of state for Wales managed to create

30 It can be difficult to know whether the UK has made up the shortfall because it is never a simple question of comparing like with like. It is noteworthy, however, that in April 2023 MPs called for a public inquiry into the economic effects of Brexit. See the BBC report https://www.bbc.com/news/uk-politics-65384431. It is interesting that the government response to the MPs' call was to say that Brexit was the choice of voters, not that it was an economically advantageous decision.

31 See https://rleg.eu

support for an Assembly which was overwhelmingly rejected in an earlier referendum in the 1970s. Though the devolution vote was only passed by a whisker in the 1999 referendum, devolution grew more popular in the new century and the assembly (now parliament/*Senedd*) has been able to increase its powers.

For much of its history, Wales has been able to benefit economically from its association with England, but only on terms dictated by the latter. The problem of railway transport illustrates how Wales lacked control of its own railway infrastructure, which was made to serve English needs. The railway lines conveyed English tourists to the coast, just as the coalfields magnetised huge waves of English immigration. Wales was in control of neither.

The UK turned against the EU partly because it was perceived to be unable to 'keep out' foreigners from the EU. The Welsh had been completely unable to keep out foreigners from England. In 2020 and 2021 there were echoes of this under COVID-19, in the inability to keep out English trippers desperate for a bit of beach life or rural relief after their confinement.

Partly because of the effects of English overspill, for many people living in Wales it is clear why the European Union has been seen more as a means of preserving their identity than as a threat to it. Support came from the EU for the Welsh language and for Welsh rural development, while the expansion of the EU in 2004, when new members included many that were roughly the same size as Wales, demonstrated how small and large countries can co-exist within an EU format. It demonstrated that a nation-state of three million would be perfectly viable. If the Baltic states can manage it, so can Wales.

The points outlined in this chapter provide background to proposals for a reformed UK constitution made by the Welsh *Senedd* which are considered in the next chapter.