# Sustainable Development Thinking:

# disrupting business as usual

Ishani Erasmus

for the Degree of Doctor of Philosophy

University of Stirling

September 2021

# Abstract

The concept of sustainable development (SD) was a response to the detrimental impacts of economic growth on the ecosphere and on human society. There is now a wealth of evidence which shows that these impacts could lead to social-ecological collapse if the trajectory of societal development is not soon shifted.

Bodies tasked with governing societies, including parliaments, could play an important role in such a transition. The Scottish Parliament's role includes scrutiny of the Scottish Government and of proposed legislation. Shortly after it was first opened in 1999, it committed to integrating SD into scrutiny, but since then, progress has been limited, due to the lack of expert staff resource.

My action research project was set up to build on initial work carried out to mainstream SD into scrutiny processes. This thesis is an account of my research, including historical research and practical interventions designed to integrate an SD perspective into various scrutiny processes. Three major themes are explored here. The first is the processes of change-making that can help to mainstream SD; the second, the concept of sustainable development thinking, which emerged through that change-making; and the third, the ways in which SD thinking can help to mitigate some of the weaknesses of parliamentary scrutiny. Interventions in these areas are analyzed through the lens of cultural-historical activity theory, to elucidate the processes of learning and change that occurred.

A potentially confounding issue is also considered - the pervasive and much-deliberated problem of the definition and conceptualization of SD, which can frustrate efforts to realize it, and which is manifested in parliamentary discourse, and the resulting legislation. Perhaps the most important finding of this work is that SD thinking could help to mitigate or even resolve this problem, including in other settings.

# Ethical Approval

**UNIVERSITY** *of* **STIRLING**

**General University Ethics Panel (GUEP)**
**C/O Faculty of Social Sciences**
University of Stirling
Colin Bell Building
Stirling
FK9 4LA
Scotland UK

**E:** GUEP@stir.ac.uk

Ishani Erasmus
Stirling Management School
University of Stirling
Stirling FK9 4LA

15/02/2017

Dear Ishani

**Re: Ethics Application:**   **Sustainable Development Scrutiny in the Scottish Parliament (GUEP58)**

Thank you for making the requested revisions to your submission of the above to the General University Ethics Panel.

I am pleased to confirm that GUEP has approved your application, and you can now proceed with your research.

Please note that should any of your proposal change, a further submission (amendment) to GUEP will be necessary.

If you have any further concerns or queries, please do not hesitate to contact the Committee by email to guep@stir.ac.uk.

Yours sincerely,
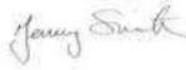
Pp

On behalf of GUEP
Professor Margaret Maxwell
**Deputy Chair of GUEP**

THE QUEEN'S
ANNIVERSARY PRIZES
FOR HIGHER AND FURTHER EDUCATION
2013

www.stir.ac.uk

# Acknowledgements

# Contents

## List of figures

## List of tables

# Chapter 1:  Introduction

The concept of sustainable development (SD) emerged from scientist-activist critiques of economic policies and activities which have a detrimental effect on the ecosphere and on human societies (Purvis *et al.*, 2019).  Its primary concern is the widespread pursuit of continuing economic growth based largely on the exploitation of a finite planet, whereby 'Burgeoning resource consumption and rising environmental costs are compounding profound disparities in social wellbeing' (Jackson, 2017, p.83).  Thus the normative goal of SD is the transition of human societies to a developmental trajectory which supports social equity without undermining ecological integrity.

The achievement of SD would require institutions tasked with societal governance to play a key role in making policy decisions which can foster such a transition.  Most national governments have been engaged in discussions about sustainable development since at least 1972, when the United Nations (UN) Conference on the Human Environment was held (Sohn, 1973).  Parliaments, many of which are supposed to hold governments to account, appear to have been far less involved.  However, their engagement seems to be increasing since the importance of their role was explicitly recognized in the UN's *Transforming our World: the 2030 agenda for sustainable development* (United Nations, 2015)*.*

## Genesis of this project

My project has been based in the Scottish Parliament, whose main functions are to make legislation and hold the Scottish Government to account.  Sustainable development has been part of discussions about the Scottish Parliament's role and functions since at least the 1990s, when devolution was being campaigned for, as outlined in Chapter 4.  Very soon after its inception in 1999, parliamentarians committed to mainstreaming sustainable development into parliamentary scrutiny.  However, almost no practical progress was made until a dedicated SD expert – my predecessor - was seconded to the Parliament.

My action research PhD was set up to take forward SD mainstreaming.  In 2014, I was seconded to the Parliament to work on integrating SD principles into parliamentary scrutiny, building on the ground laid by my predecessor.  I spent just over a year devising and trialling ways in which this could be done.  During this time, I gained an insider perspective into the workings of the Parliament, including some of the weaknesses of its committee scrutiny processes, discussed in Chapter 4.  By working to apply an SD lens to legislation and policy matters under committee

scrutiny, I also discovered that using SD as a scrutiny lens served to reduce some of the weaknesses of scrutiny, especially by mitigating committee 'silos' through its holistic and systemic perspective (Ch.6).

As part of my secondment, I was asked also to consider how SD mainstreaming could be continued after I returned to my substantive post. My line manager and I had found that it would be not possible to do this without some dedicated expert (staff) resource, but the relevant decision-maker in the Scottish Parliamentary Service rejected our attempts to make a case for this. We explored various potential avenues of funding, including through academia, and it was then that the idea of an action research PhD began to take shape. Knowing very little about action research, or PhDs for that matter, I saw its advantages primarily as being that the researcher could be in the Parliament for three years, working on implementation to some extent, and also creating a shareable record of what Cook (2006) had found to be an innovative, possibly unique, approach to how parliaments contribute to sustainable development.[1] Eventually, in 2016, a partnership agreement between the University of Stirling and the Parliament was put in place.

## Action Research

Action research is a methodological approach that is well-suited to practice-based research. Its emphasis is on developing and implementing initiatives or interventions, and on reflecting on the processes and outcomes of this action to inform subsequent actions. This is often depicted as an action-reflection cycle or spiral. For me, recording and reflecting on my actions to mainstream SD gave me wider and deeper insights into the situation and processes of change-making. Compared

---

[1] Indeed, at the start of my secondment I was given to understand this to remain the case, although following the passage of the Well-being of Future Generations (Wales) Act 2015, there was some indication that Welsh Assembly researchers were beginning to work on including SD questions in scrutiny work. However, through the Scottish Parliament's international outreach programme, we have, over the years, encountered researchers from a wide range of other legislatures, including during the international climate change negotiations held in Glasgow in 2021, and a 2022 seminar held by the Canadian Study of Parliaments Group. (Meeting notes 25.02.2022) Apart from the Welsh Sennedd, we have not so far come across any other parliament that is taking a similar approach to using SD as a scrutiny lens as we are doing in the Scottish Parliament.

to the often rushed work carried out on a professional basis, this approach allowed me the time and space for more thoughtful design of interventions.

Action researchers also describe their work as 'emancipatory practice' (Bradbury, 2015b), where the practitioner-researcher seeks to make change based on their commitment and values. As McNiff points out, ' Research is always political… what we believe in and value influences how we think; how we think influences what we believe in; and values and logics influence and are influenced by our practices' (McNiff, 2014, P.34). Brydon-Miller *et al* (2003, p.15) emphasize that commitment to a particular ethos, and to 'bring[ing] about change as part of the research act' is central to action research. The more I learned of the theory and science underpinning the concept of SD, the more its value system resonated with me. It is based on the idea that *Homo sapiens* is just one species, whose wellbeing is intertwined with that of countless others, and with the physical environment, in an incomprehensibly vast and complex web (Gunderson and Holling, 2002). SD seeks to foster human societies based on mutual wellbeing, and a mutualistic relationship between of humans and the rest of the ecosphere – this is its emancipatory aim.

A third aspect of action research that fit with my role as a change agent, is that there is a recognition of the fact that I, the person, am separate neither from I, the researcher, nor from the research itself. Swantz (in Reason and Bradbury, 2001, np) says:

> 'I do not separate my scientific inquiry from my life. For me it is really a quest for life, to understand life and to create what I call living knowledge—knowledge which is valid for the people with whom I work and for myself.'

This recognizes the centrality of the action researcher and those they collaborate with to the research process, and avoids false objectivity.

As Swantz wrote, it is not possible to separate one's work from one's life, and for me the values of SD mesh with the values of my other life practice – yoga. Its moral precepts, as set out, for example in the *yoga sūtra* (Iyengar, 1993), are to be cultivated and lived, in order to achieve internal harmony, and harmony with the external world. Like sustainable development, they are practices for minimizing harm to oneself and other entities, and maximizing wellbeing. Most relevant to my action research are the principles of *maitrī-karuṇā* (*sūtra* 1.33), meaning 'friendship-compassion'. Applied to change-making, they require one to understand where one's collaborators are, and to focus one's efforts towards benefitting them in order to achieve collective goals. They mean working with others, rather than pushing them into places that are uncomfortable for them, and require mutuality, gentleness, kindness and being trustworthy.

This thesis is about the work I carried out with colleagues in the Scottish Parliament on mainstreaming SD into the Scottish Parliament's scrutiny processes.

## Research questions

Action research begins with a practical concern, and research questions are usually formulated as 'how do I improve…?' (McNiff, 2014). My *a priori* question was:

**In what ways might SD thinking improve parliamentary scrutiny?**

This is somewhat problematic, as 'improvement' is very subjective, so I will explain what I mean and intend by it. Improving scrutiny would entail mitigating some of the problems of scrutiny in the Scottish Parliament. For example, prior to the inception of the Parliament, the issue of cross-cutting scrutiny was discussed by a group set up to think about how the new institution should be structured and how it should function (McLeish *et al.*, 1998). Such scrutiny could entail holding the Government to account across departments, in order to eliminate or reduce policy conflicts. Yet the way committees remits are set does not lend itself to cross-cutting scrutiny. The aim is not just processual: cross-cutting scrutiny could improve policy coherence, which would mean that what could be described as 'policy schizophrenia'[2] in the public sector would be reduced. Of course, this could present a risk to sustainable development, for instance, if the public sector decided to single-mindedly follow a policy of nuclear annihilation. On the other hand, development is unlikely to be shifted onto a sustainable trajectory as we try to address climate change while continuing to subsidize fossil fuel production (Daly and Morgan, 2019).

In working to set up this PhD, my aim had been to allow a researcher time to demonstrate more fully how analyzing policy using an SD lens could mitigate some of the weaknesses of the Parliament's scrutiny. I hoped this would provide the required justification for the Parliament to allocate some staff resource to continue work on mainstreaming SD. As Chapters 6-9 show, there is clear evidence that this is the case. However, as my practical work, reflecting and writing progressed, I began to realize that using an SD lens had helped me to change the way I thought about problems or situations, and it seemed to be helping others to do so as well. The potential importance of fostering 'SD thinking' (Ch.3) emerged as a key theme of this thesis.

As this project progressed, my initial question evolved into the following three:

---

[2] The term 'schizophrenia' comes from the Greek *skizein* – to split, and *phrein* – mind.

1. **How can change be co-created in the parliament system to bring sustainable development thinking to bear upon its scrutiny activities?**

2. **How does SD thinking help to mitigate weaknesses in parliamentary scrutiny?**

3. **How can I, my colleagues, and members of the wider Scottish Parliament community learn to think differently through our collective activity?**

## A personal note

During my secondment, I came to appreciate that parliaments might play an important role in shifting our development to a more sustainable trajectory, and that some at the Scottish Parliament were keen to carry out pioneering work to develop ways in which this could be done. When I left, the whole endeavour was at risk due to a lack of staff resource and expertise, so this PhD has been a passion project for me.  As Klocker (2012) found, it may not be possible to limit action research to the conventional boundaries of a PhD.  Based on my own experience, I would add that because an action research project born out of a deep personal commitment is not separate from the researcher, but part of their life-project (Wicks *et al.*, 2008), it is not possible to do just enough for a dissertation.  The PhD is not an end in itself, nor, in my case, has it been the primary goal of my action research.  This thesis is a representation of my PhD journey, but the work of all of those who have been labouring towards mainstreaming sustainable development into scrutiny processes[3] extends far beyond what is covered herein.

## Synopsis

In the following chapter, I have set out my research philosophy, and methodological framework (Ch.2).  The theoretical underpinnings of both action research and cultural-historical activity theory (CHAT), which I have used as an analytical framework, are explored, as well as their shared root and theoretical nexus in Marx's (1969) *Theses on Feuerbach.*  Chapter 2 details the specific methods used for carrying out action, reflection and analysis.

Chapter 3 looks at the concept of sustainable development, and how it was subverted to serve the very problem that gave rise to it - the project of perpetual economic growth - leading to two

---

[3] And now back-office decision-making processes too, e.g. in Procurement, Facilities Management and other areas.

main discourses: one that rejects growth beyond a certain extent, and another which seeks to address ecological and societal ills through growth.  Conceptual ambiguity could be problematic in relation to supporting sustainable development through the Parliament's scrutiny processes.  I have tried to begin to address this through my work on integrating the use of an SD lens into some of these processes, which are outlined in Chapter 4.  Chapter 4 also provides a brief overview of parliaments in general, and the Scottish Parliament in particular.   It traces how, though the Scottish Parliament's role in making development sustainable has been discussed since the Scottish Constitutional Convention began to campaign for a new parliament in the 1990s (Kellas, 1992), in the end, this project has been necessary to begin the operationalization of SD mainstreaming.  Further cultural-historical context is provided in Chapter 5 by a brief consideration of sustainable development clauses in Acts of the Scottish Parliament, and how these are treated by Scottish courts.

Chapters 6 - 8 contain three case studies, which show:

1.  how my approach to integrating SD into committee scrutiny emerged;
2.  how I have attempted to embody that approach in an impact assessment tool;
3.  why such a tool cannot be considered a sufficient substitute for a human practitioner.

Chapter 9 is a detailed analysis of the case studies in light of the research questions set out above, and Chapter 10 sets out some conclusions and recommendations that emerged from analysis of the historical, legal and case study data.

In the final chapter (11), I have sketched my thoughts on the future development of CHAT.  I initially viewed CHAT as providing a useful analytical lens.  However, in 2019, I attended a CHAT conference, and learned that some of its main proponents are keen to use the theory to address the same global societal problems that SD is grappling with.  I think that in order to do this, CHAT practitioners would have to incorporate some SD thinking into their framework, and indeed that it might even improve and further its development.

# Chapter 2: Research Philosophy, Methodology and Methods

## Introduction

As noted in Chapter 1, by the end of my secondment to the Scottish Parliament, I had not managed to find a way in which work on mainstreaming sustainable development could continue beyond my brief posting.  Like my predecessor, I came to the conclusion that the processual and cultural change necessary for mainstreaming would require dedicated expert staff resource for a sustained period of time.  My line manager and I tried every avenue we could think of to secure such a resource,[4] without success.  Towards the end of secondment, the idea of an action research PhD began to take shape.  Compared to the typical mode of implementation by a member of staff, there are several benefits to using formal action research.  It can be more rigorous due to the formal reflection, data collection and analysis.

In addition, any resulting products can provide information that could be shared and would support institutional knowledge/memory.  I also found that treating a project as research rather than implementation brought me insights that I would otherwise not have had.  Most importantly, action research being based on trialling initiatives and interventions, it would mean that a successor would be able to build on previous work, and continue to devise and test ways of integrating SD thinking into scrutiny processes.  If these methods proved to be successful, and helped to improve scrutiny, then perhaps it would increase the likelihood of the Parliament finding a way to maintain and take forward SD scrutiny in the future.

Early in my PhD journey, reflecting on my point of departure, and how I was going to approach this project, I wrote that:

> 'I believe that every person is an agent of change or of active maintenance of the status quo.  However, each individual is constrained by the pressures that the systems within which they exist exert – for example pressures of urgent need, biological nature, cultural normativity, etc.  An empathetic and empowering approach is necessary to foster change for sustainable development by encouraging and supporting people to use their agency in a more deliberate way [to create change]...  There is a great deal of emerging evidence on

---

[4] These included requesting permission to recruit such resource for the Scottish Parliamentary Service, seeking permission to apply to the Parliament's innovation fund, seeking funding from a charity, and exploring whether the Parliament could access funds from academia, or international organizations.

the empowering, lasting and self-motivated nature of such change (Crompton *et al.*, 2014, Fish and Saratsi, 2015), precisely because it awakens consciousness of agency.

What I mean by 'consciousness of agency' is the conscious awareness that one has agency and the potential to use it, so that one's decision-making can become more purposive, even within the constraining normative, deterministic confines of the systems in which we exist… the individual exercises choice or will which is constrained to a greater or lesser extent within a system… Each exerts an influence over the other, but neither's influence is absolute, and this dynamic interplay is the basis for social evolution and adaptation. However, when one is not conscious of one's agency, the influence of the system is greater; conversely when consciousness of agency is awakened, by, for example, being allowed space to interrogate one's values [or assumptions], the balance shifts, as decision-making becomes more deliberate and conscious, and less subject to deterministic influences.

This is particularly important for sustainable development, which unlike political or religious ideologies does not specify particular ways of operating in the world, but rather… requires individual agency and purposive choices. A fundamental tenet of my work in the Scottish Parliament is that I am not seeking to tell anyone what to do – merely to facilitate a different way of thinking, so that solutions can emerge' (Point of Departure, July 2016).

Later, as I began to read about cultural-historical activity theory (CHAT), I found that it provided a theoretical framework that allowed me to explore these ideas in much greater depth, especially the interplay between an individual and the systems within which they operate. I used it to analyze the data I collected. To a limited extent this included documentary data on the history of SD mainstreaming in the Parliament, but was mainly the data from the practical work I carried out with Scottish Parliamentary Service colleagues, to answer my research questions, and unpack:

- how the processes of change-making worked to foster SD thinking;
- the effects of SD thinking on the quality of scrutiny;
- the nature of the learning that I and others gained as a result.

This chapter discusses action research, CHAT and the data collection and analysis methods used in more detail. It begins with a brief discussion of my research philosophy, and goes on to discuss in more detail action research, my approach to action and reflection, and the participatory and reflexive aspects of this project. Cultural-historical activity is introduced, and Engeström's 'three generations' of activity theory are outlined. Finally, the theoretical nexus and shared roots of action research and CHAT are discussed, and some of their differences of perspective. Last, the methods used in my desk-based research and interventions, as well as for reflection and analysis are outlined.

## Research philosophy

The word 'world' comes from the Old English 'wer' and 'eld', meaning 'man' and 'age' – 'The state or realm of human existence' (Proffitt, 2016, np).

As biological beings, we know the world through sensory perception – by interacting with its components, including other people. Perception includes filtering and processing, i.e. interpretation. For example, light entering our eyes is first filtered through our lenses, and then initially sorted by our retinas before being transmitted to our brains (Gollisch and Meister, 2010), where interpretation – sense-making occurs. So in one sense, because we are each subtly physically unique, and carry in our minds unique sets of information from our individual experiences which shape our interpretations, perception is individual.

However, as a highly-co-operative social species, our experiences are tightly knit with the experiences of others, past and present. Indeed, Bowles & Gintis (2013, p.2) define co-operation as 'engaging with others in a mutually beneficial activity.' It follows then, that in order to co-operate – to work together – our view of the world must be, to some extent, a shared one. Much of the information we hold in our minds, and which shapes our interpretations, is culturally-historically transmitted to us by other people, directly or through mediating artifacts, including words (Daniels, 1996a). So, as what we know about the realm of human existence is shaped and re-shaped through individual perception and social – intersubjective – construction, our worlds are as we perceive and understand them to be, rather than a single 'objective' reality: they are multifarious, yet shared (Coleman, 2015).

Thus knowledge and reality cannot be considered to be absolute or objective, but perhaps dialectical – formed through constant ongoing dialogue between the individual, material reality and society. This resonates with the Marxian idea of dialectical materialism: 'an epistemology interested in understanding and modelling the apparently ever-changing world' (Roth, 2012, p.8).

Alongside this appreciation of the constructed nature of the world and of knowledge, both action research and CHAT, with their shared root in Marx's (1969) *Theses on Feuerbach,* which emphasize 'practical-critical activity' to change the self and the world, call for a practice-based approach. Coleman (2015, p.392) writes that:

> 'Action research has been described as "a form of *science* in the realm of practical knowing" (Coghlan, 2011, p. 55 emphasis added): it is not just a way of carrying out collaborative or facilitated action, but a practice that makes claims about knowing , a form of research that seeks to make a contribution to the academy as well as the participants who are engaged with it.'

Relevant to my change-making work, Coleman (2015) explains that the focus of pragmatist inquiry is about building consensus regarding ends, means and what needs to be done.  Relevant to my analysis, Miettinen (2006, p.398) writes that activity theory, like pragmatism, is an epistemology 'of transformative material activity', and that 'the concept of activity, the prototype of which is work, constitutes a basis for understanding the nature of knowledge and reality.'

Arguably, research whose motivation is to foster change not just by interpreting the world, but by changing it (Marx, 1969, §11) is unlikely to be conventional precisely because it seeks to challenge conventions, so the researcher must act in unconventional ways.  To ensure rigor in doing this, however, requires as holistic and deep an understanding of the relevant conventions as possible, so that change is not just well-intentioned, but well-informed.  As Patton (Patton, 2002, p.2) advises:

> 'Innovators are told: "Think outside the box."
> Qualitative scholars tell their students: "Study the box.  Observe it.  Inside.  Outside.  From inside to outside, and outside to inside. Where is it?  How did it get there?  What's around it?  Who says it's a 'box'?  What do they mean?  Why does it matter?  Or does it?  What is *not* a box?  What's the perspective from inside?  From outside?  Study diagrams of the box.  Find documents related to the box.  What does *thinking* have to do with the box anyway?  Understand *this* box.  Study another box.  And another.  Understand *box*.  Understand.  Then you can think inside *and* outside the box.  Perhaps.' (Underline added.)

He explains that researchers from individual disciplines ask specific questions, which 'flow from the basic concerns and traditions of that discipline' (*ibid.,* p.215).  However, the real world is much more complex, and while 'universities have departments… society has problems' (*ibid.* p.217).  So, in order to both understand and address those problems, multi-, inter- and transdisciplinary approaches are needed.  Thus I have used the various approaches and methods described below – action research which was ethnographic in nature and placed me inside the 'box' with others, and a CHAT lens which enabled me to look at my data from outside it.  Historical and legal document research added further perspectives, informing my understanding, practical work, and analysis, to produce as gestalt a thesis as possible within the constraints of a PhD, which does not follow the conventional structure deriving from traditional linear research processes.

I have attempted to contribute to questions about my 'box' relating to the concerns of a number of different disciplines as set out by Patton (2002, p.216), including:

- Anthropology - what is the nature of culture?
- Psychology – why do individuals behave as they do?
- Sociology – what are the structures and processes of human social organizations?

- Political science – how is power organized, created, distributed, and used?

In addition, I have considered the history 'that may have produced the problem' (Repko *et al.*, 2017, p.517) of failure to mainstream SD, and the legislative and legal history which shows some of the problematic outcomes of this. Biological and sociobiological perspectives have shed further light on individual and social behaviour. And a dip into the waters of philology/etymology in relation to the 'origins and evolution of the meanings of words' (Reber, 1995, p.565) is unavoidable when using theory based on the seminal work of Vygotsky on concepts and speech as a manifestation of thought, and a major component of the intersubjective constitution of mind and culture.

I have endeavoured to gain as whole an understanding of the Parliament, of how change can be co-created, and how it could support more rigorous scrutiny, as well as what was learned as a result. Rather that writing a dissertation about a thesis, this work as a whole could be considered a thesis. Although I have made a number of 'original' findings, in the sense that I have discovered things which appear not to have been published in academic literature, perhaps the truly original element has been my personal bringing together of my findings using several disciplinary perspectives without necessarily being bounded by disciplinary conventions. Max-Neef (in Pyrch, 2015, p.706) wrote that:

> 'Trans-disciplinarity is an approach that, in an attempt to gain greater understanding, reaches beyond the fields outlined by strict disciplines. While the language on (*sic*.) one discipline may suffice to *describe* something… an interdisciplinary effort may be necessary to *explain* something… By the same token, to *understand* something… requires a personal involvement that surpasses disciplinary frontiers, thus making it a trans-disciplinary experience.'

The various methodological approaches and methods used are brought together through my intersubjective interactions with those who inhabit my research 'box' - the world of the Parliament. Together we have shaped each other's perceptions and interpretations of this world, and each other's activity within it, and this thesis is a manifestation of our collaboration, and our multiple disciplinary perspectives and involvements have contributed to its transformative transdisciplinarity. Its main significance is perhaps to us whose minds it has helped to shape, and to the work we are continuing to advocate for and to do as I write this in April 2022.

## Action research

Bradbury (2015, p.1) describes how action research 'brings together action and reflection, theory and practice, in the pursuit of practical solutions to issues of pressing concern'  According to Dick (2015, p.432), it has five key features:

1. A broad spectrum of methods, which are all underpinned by 'values and intentions and processes';
2. Participativity (usually);
3. Action-oriented;
4. Critical reflection;
5. Action and reflection are integrated in a 'cyclic or spiral process'.

In addition, Bradbury (2015, p.2) compares the benefits of action research with 'conventional research'.  She describes the former thus: 'The work belongs to those involved.  Builds problem-solving and learning competencies in groups, organizations, communities,' and the latter as 'Serves an academic community.  May exploit the participants as objects of research.'

Based on my professional experience, I have found that real world research and problem solving methods must be fitted to the question or problem (Thomas, 2011).  Attempting to shoe-horn the subject of inquiry, or the problem being addressed, into a favoured or habitual methodology can often result in some degree of failure, leading to partial understanding or solutions, unintended or even perverse consequences, or superficial analysis and 'sticking plaster' solutions.  Thus my approach included allowing appropriate methodologies to emerge in the field, based on my emerging understanding.  As Fetterman (2015, p.85) notes 'Many action researchers subscribe to an emergent design and process'.


## An integrated approach

As a practitioner with direct experience of, and strong commitment to working to implement the integration of sustainable development into scrutiny processes, the 'action' part of 'action research' (AR) felt prime.

Traditionally, action research is built around the action-reflection cycle, which entails planning an action/intervention, reflecting on it to learn from what happened, and considering why, to better plan and design the next action.  However, the conceptualization of AR as a cycle, or a spiral, which portrays more impetus (Dick, 2015), did not feel like an accurate description of the responsive way one must work in a situation like the Parliament.  Here, Interventions cannot often be planned, but must respond to and take advantage of the opportunities afforded by the

constantly-shifting landscape of politics and parliamentary business. Tidy cyclical action and reflection is not possible. There is not always a clear line of action, and seemingly disparate activities can coalesce into workstreams. As relationships are built and trust gained, I am able to further my work, but only along with the flow of the work of others with whom I collaborate.

I also felt the cyclical/spiral model didn't reflect how theory and practice can be interwoven in research. Dick & Greenwood (2015) write that 'Academics are imprisoned by… dichotomies… Among the most loved is the apparent dichotomy between theory and method. It is a dichotomy that obscures as much as it reveals.' I began to think of my particular AR in terms of being braided.

However, this still did not feel an adequate description of the flow of action, and how one action emanates from another. I eventually came to idea of a braided river. In this metaphor, the river itself starts off as action, with the other elements - theory, reflection, data and analysis being tributaries, each of which contributes to the nature and colour of the river. Most importantly, the river flows around obstacles, which describes how I try to work – some obstacles such as timing, institutional turgidity, risk aversion, use of power, etc. are not always immediately surmountable. Pushing against people creates further barriers as some may become more entrenched in their positions, sometimes through feeling threatened or afraid, so in making change one has to flow as the landscape permits.

For me, this reflects the use of empathy and compassion in implementing change – being with people in their own space, working with their natures, cultures and perspectives and gently taking people with you at a pace they find comfortable, rather than pushing or pulling. Thus the river becomes an integral part of the landscape.

This metaphor does not appear to be used elsewhere in relation to action and reflection. Somekh (2011, p. 45) does use it to describe how 'the metaphor of the 'braided river' was used for the inter-twining flows of different research streams within New Zealand'. This was in the context of related but distinguishable AR-type approaches.

**Figure 1: The Waimakariri River with the Southern Alps in the background, Canterbury, New Zealand** (O'Beirne, 2017)**.**

A practical example of an integrated approach is my use of conversations. The same conversation can be used to test ideas to initiate or reinforce a relationship, test ideas and refine them, gather data (e.g. to build up a picture of culture and norms), reflect and seek criticism. Plus, conversers have an influence on each other, in terms of both values and opinions. Later reflection on the conversation can generate further insights or deepen early ones, and contribute to the understanding emerging from previously gathered data, to inform future actions.

There are a few inter-related methodological elements of this integrated approach, which are outlined below.

**Ethnomethodology**

As action research tends to be situated in a specific real-world context, ethnographic methods appear to be widely used. For example, in the '60s and '70s, Swantz used ethnographic methods in Tanzania, where she was 'immersed in village life' (Reason and Bradbury, 2008, p.3). The students working within the project kept field notes, and reflection was a key element. Swantz clearly developed her approach from an anthropological basis, although she is careful to point out that theoretical 'Knowledge which is not integrated into the cultural context is not holistic, not related to the community and its capabilities' (*ibid.,* p.12). She rejected 'the conventional

participant observation as alienating', observing that in action research there is 'no mere observer position'. She appeared to prefer the mode of 'sympathetic participation', whereby 'The researcher had to enter into the process which he/she studies as a full partner, getting an insider's view' (*ibid.,* p. 17).

So, an important element of action research is its groundedness in the situation of study, rather than in theoretical preconceptions. Thus, as per the braided river model, I began to collect observations about the culture in the Parliament, while reading, reflecting in my journal, and contributing an SD perspective to scrutiny work without separating these into discrete phases of action and reflection or of a PhD.

**Participation**

There are two main participatory aspects to my work. First, I have worked hard to weave myself into the fabric of life at the Parliament by actively participating in it beyond the necessities of my PhD. This supports the implementation of initiatives, perhaps because they are not seen as being imposed by an outsider or perhaps because there is trust and in many cases friendship between my colleagues and myself. Second, in many cases, while I have done things like conceptualize and design a tool for sustainable development impact assessment (Ch.7), concepts, tools, etc. are co-owned, critiqued, built on, refined and put into use with and by others. In other cases, such as working on including more alternative economics perspectives into SPICe briefings and papers, I have worked on an equal basis with colleagues, participating in communal effort to share ideas and implement them, albeit by bringing my own sustainable development perspective and agenda to the table.

**Reflexivity**

According to Helyer (2015), there is currently an emphasis on continuous improvement in many workplaces. In my professional experience, mostly spent developing and working on emerging initiatives and change-making, this has certainly been the case, and reflection about the context, and about oneself is naturally at the core of such work. However, Helyer (2015) also recommends that reflection consider theory and practice to produce synergies of thought, and this is perhaps where formal AR can differ from professional change-making – such practical-theoretical reflection is likely to be more rigorous, and as part of a research method, time can be allocated to it, which is not always the case in a workplace. Helyer (2015, p.24) adds that 'Being reflective

enables practitioners to change in action, in the present moment, fully utilising observations, articulations and theorisation to strategically transform and re-conceptualize practice'.

**Reflections**

All humans – and indeed other species – learn by doing and reflecting on the outcomes of their doings to inform future actions.  Of course formal action research can be a more rigorous process, with more deliberate recording, reflecting and planning, but like more natural ways of learning, the learner, their feelings (Heen, 2015) and intuitions (Sera, 2015) are part of the process.  I feel that acknowledging this is more honest than purely observational positivist methods, which attempt to separate researcher from research.

The roots of action research tend to be traced back to the Aristotelian notion of praxis (Eikeland, 2015).  I feel, however, that this is symptomatic of the Eurocentric quality of academia, which tends to draw far less on other cultures (Joseph *et al.*, 1990) as the idea of praxis occurs in ancient Indic thought too (e.g. Arapura, 1986), although it is harder to date.  Just as Eikeland describes praxis as a method whereby the knower and known are united in activity, the *bhagavadgīta* (authorship and date disputed) speaks of the seer and the seen becoming one.

## A case study approach to illustrate the practices of mainstreaming

Many of actions I took to contribute to mainstreaming SD in the Parliament have been small and piecemeal.  For the purposes of this thesis, therefore, focussing on a few larger and more coherent areas of work seemed appropriate.  The qualitative and reflexive data gathered lent themselves to a narrative method.  For these reasons, I opted take a case study approach, which Simons (2009, p.20-21) explains:

> 'is a commitment to studying a situation or phenomenon in its 'real life' context, to understanding complexity, and to defining case study other than by methods', and that its 'primary purpose is to generate in-depth understanding of a specific topic, programme, policy, institution or system to generate knowledge and/or inform policy development, professional practice and civil or community action.'

Two advantages of case studies are that the cases '*emerge* as the inquiry progresses' and provide 'A rich picture' (Thomas, 2016, p.21).  This fits well with the emergent nature of action research, and the descriptive data from participant observation.  Case studies can also provide a more holistic picture, situating observed phenomena in a broader context, which helps to create an

understanding of them 'not as so many disconnected parts, but, rather, as interconnected elements' (*ibid.*, p.46).

This may be useful for other similar organizations seeking to play a stronger role in making development sustainable. While what is learned from the case studies presented cannot be generalizable (*ibid.,* p.17), not least because organizations, especially parliaments, are so variable, it may still be useful because they illustrate how SD thinking can be put into practice, and the <u>type</u> of processual changes that could support SD scrutiny.

## Cultural-historical activity theory

Cultural-historical activity theory (CHAT), which I have used as an analytical lens, is based on the idea that mind can only be perceived via its manifestation as activity, and that it is through activity that mind and culture are mutually constituted, and continually evolving (Heine, 2010, p.1423). These ideas are in large part, based on the ideas of the Russian cultural psychologists, Vygotsky, Leontiev and Luria. Bringing these ideas to the English-speaking world, Michael Cole (1998b, p.105) advocated a cultural-historical approach to developmental psychology,[5] 'which I have taken to calling cultural-historical activity theory' (CHAT). Yrjö Engeström is credited with the further development of CHAT. He elaborated 3 'generations' of CHAT, each building on the last, as outlined below (Engeström, 1987).

**The first generation: mediated activity**

This centres around the work of LS Vygotsky, who, drawing on Marx's ideas on dialectical and historical materialism, sought to reframe psychology in terms of the '*organism and the environment as a single unit of analysis'* (Yamagata-Lynch, 2010, p.15)*.* His research into the development of consciousness, including speech, concept formation, and thinking, led him to conclude that activity is mediated by artifacts. This is the basis of first generation CHAT:

---

[5] Defined as *'the field of psychology concerned with the lifelong process of change'* (Reber, 1995)*.*
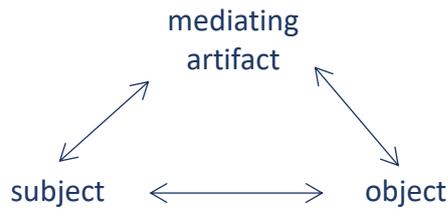
**Figure 2: First generation CHAT (from Cole, 1998b).**

In this model, a subject – the individual carrying out the activity – who has an object, i.e. a purpose - utilizes artifacts, which function as signs and/or tools to carry out activity to try to achieve their object. Cole (1998b, p.117) points out that *'artifacts are simultaneously* ideal *(conceptual) and* material.' They are ideal in that they embody meaning, and material in that they exist in the real world. In seeking to achieve their object, the subject may change the artifacts or tools, or create new ones. They may also alter the context of the activity.

A simplistic example would be that I am using a various artifacts, including my theoretical knowledge about SD, to try to improve the outcomes of parliamentary scrutiny, which is my object. Through my activity, I am creating new artifacts, e.g. an SD impact assessment tool, and changing the context e.g. by providing encouragement and technical support to the Non-Government Bills Unit in their development of new SD impact assessment processes. Finally, I am transforming myself by what I am learning through my work.

Artifacts and tools are manifestations of culture, so understanding their mediating role can lead to insights into the sociocultural shaping of activity. Cole (1998b, p.119) found that objects have a dual nature in that they have both a subjective nature, relating to how people perceive them, what they associate with them, etc., as well as an objective or material one. He observed that *'through active attempts to appropriate their surroundings to their own goals, people incorporate auxiliary means (including very significantly, other people) into their actions.'* This in itself is not remarkable - every living organism uses its surroundings to its advantage. But by looking at which artifacts people choose to use, which they don't, and the ways in which they are used to pursue their purposes, we could gain understanding of how their choices are shaped by, and shape, sociocultural forces. From this it might be possible to draw some conclusions about the nature of society itself.

**The second generation: the activity system**

The second generation draws on the work of Leontiev, who built on Vygotsky's work, postulating

that activity was not only artifact-mediated, but socially-mediated too (Engestrom and Miettinen, 1999). He further developed the concept of activity as *'a system of actions in pursuit of some socially determined object'* (Blunden, 2010). This conception of activity as mediated and communal shifts the analytical focus from the individual to the relational aspects of activity.

Engeström draws on the idea of collective activity in his conceptual model of the activity system.
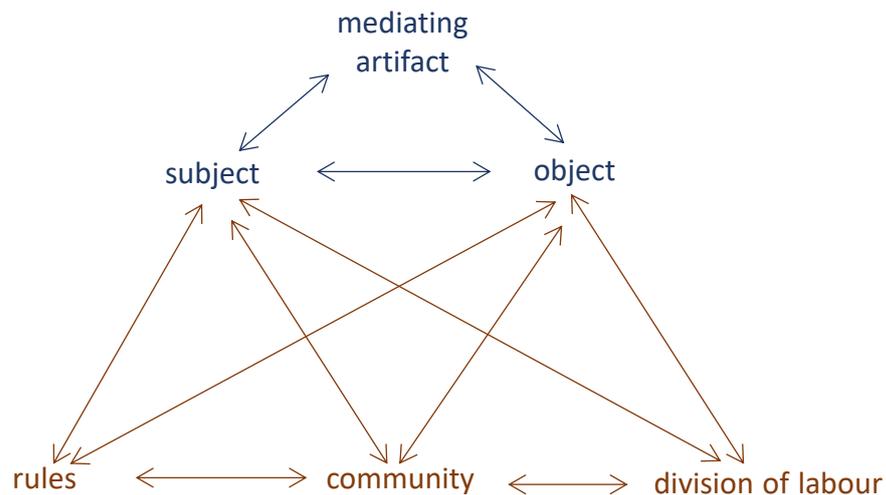


**Figure 3: The activity system (Engestrom, 1987 in Cole, 1998b, p.140).**

Leontiev also differentiated between the concepts of 'activity', 'actions' and 'operations'. In CHAT, operations are defined as processes carried out with little conscious thought, for example, I am currently typing. As I can touch-type, I have no need to think about it much, and can do it fairly automatically. Multiple operations can constitute an action – a task that has a clear aim and contributes to a bigger goal. So, by typing, I am writing about CHAT, which is my aim, and part of my individual activity towards the bigger goal of writing up my research. Activity sits at the higher level, and has a, usually social, purpose (object) - in this case, shifting to a sustainable form of development (Hasan and Kazlauskas, 2014).

An important critique of Leontiev's conception of the object as a societal goal arising from a social need is that it doesn't allow for the fact that individuals may not actually be carrying out activity in order to meet that need, but simply to meet needs of their own. Blunden (2010) provides the example of yarn production, where the object of the spinner is wages and the object of the employer is profit. Not only does neither of them especially care whether they are making yarn or some other product that will provide them with wages/profit, it isn't strictly possible to conclude from studying the activity system that there is in fact a wider societal need for yarn.

Another possible problem with this model is that it doesn't allow for different interpretations of the object, which could happen in complex cases.  For example, my interpretation of SD might be the development of a fair society which can survive in the long term, which will thus also be my motivation.  Someone else might conceive of it as 'saving the planet', and their motive might be to protect other species for their 'intrinsic value' rather than for human wellbeing.

**The third generation: multiple activity systems**

Engeström's third generation is said to have resolved the problems of the second generation, noted above (Blunden, 2010).  It was conceptualized  'to understand dialogue, multiple perspectives and voices, and networks of interacting activity systems' (Engeström 1987, p.6)  His theory views the object not as the ultimate societal purpose, but as the material being worked on. He also adds to the model of the activity system an outcome – the result of artifact-mediated collective activity on the object.  The model is also predicated on more than one activity system being at work in the same arena.

This allows for the analysis of different motivations, needs and goals, as well as differing interpretations of artifacts, including words and other signs/symbols.  Although the unit of analysis remains the activity system, it cannot be properly understood outside the context of other activity systems.  This permits the researcher to take analysis to the level of the social formation as the various activity systems interact with each other.
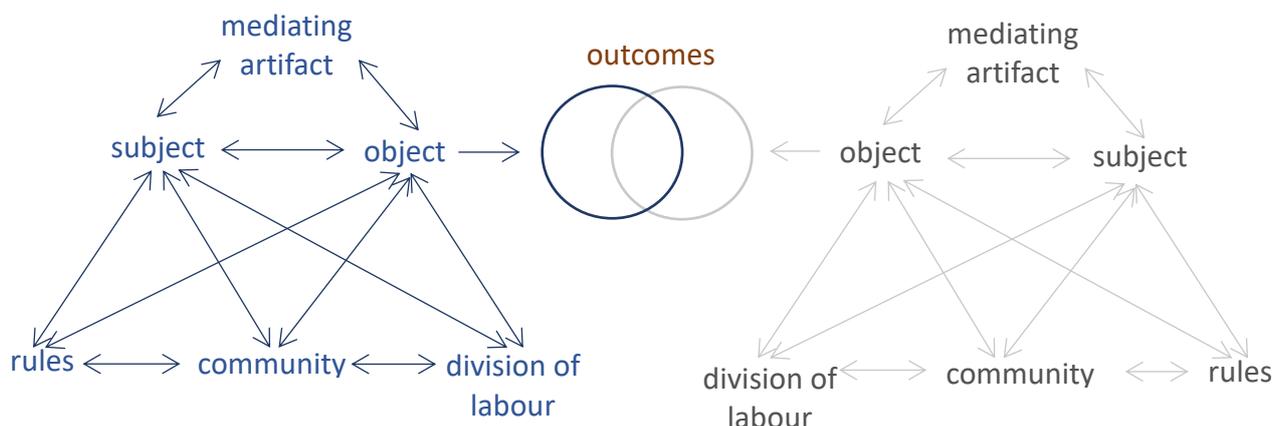


**Figure 4: Multiple activity systems interact to produce overlapping outcomes.**

An important analytical component of the third generation is that of contradiction.  Yamagata-Lynch (2010, p.23) explains that *'tensions arise when the conditions of an activity put the subject in contradictory situations that can preclude achieving the object or the nature of the subject's participation in the activity.'*  These tensions are the main driver of change as something eventually has to give, and at least one of the elements of the activity system, e.g. rules, has to

change in order for activity to move forward.  This analysis can highlight how change happens, but also where unresolved contradictions might be preventing one or more activity systems from achieving appropriate outcomes (Philpott, 2014).  This lends itself to an interventionist approach, as advocated by Engeström (1987).

## The theoretical nexus of action research and CHAT

An important difference between action research and cultural-historical activity theory is that the former does not require the researcher to adopt a particular analytical lens or a prescribed set of methods.  This may be the reason why Engeström (1999, p.35) has criticised AR as being 'naïve', and 'not a (coherent) method' (Somekh and Nissen, 2011, p.93).  Somekh & Nissen (2011, p.94) found evidence which suggests 'that CHAT is governed by a more coherent "method," whereas AR engages with theory more flexibly and more eclectically.'  They point out that within the AR literature itself, there has been debate about whether AR is a methodology, and that 'those who claim it is not… unlike Engeström, see this as one of its strengths.'

These differences of opinion may stem from a difference of approach: Somekh & Nissen (2011, p.94) noted the tendency of the editors of CHAT journal, *Mind, Culture, and Activity,* to use 'the term "method," whereas AR authors use the term "methodology"' in reference to their respective research approaches.  Some users of CHAT, such as Yamagata-Lynch (2003, 2007) take a very procedural approach, seeking to model and diagram collective activity based on the triangle system outlined above, although there is a recognition this can reduce the nuance, complexity and interdependence of the real world to a 'two-dimensional triangle model' (Yamagata-Lynch, 2007, p.477).   The more fluid approach of action research, on the other hand, where 'theory is embodied in the practice' and 'emerge(s) from the action' (McNiff and Whitehead, 2009, p.10, 28) can free the researcher from methodological rigidity.

Despite these differences, there is significant commonality between CHAT and AR, not least because they are both rooted in currents of thought about the interconnectedness of theory and practice.  Collier (1945, p.275, 300), credited with being the first person to use the term 'action research' in an academic publication, wrote that:

> 'research can be made a tool of action essential to all other tools… But we had in mind a particular kind of action research…. Research impelled from central areas of needed action… research should be evoked by needs of action… We have learned that the action-evoked, action-serving, integrative and layman-participating way of research is incomparably more productive of social results than the specialized and isolated way.'

Vygotsky (1997, in Sannino and Sutter, 2011, p.558) appears to have arrived at a similar conclusion - that previously:

> 'Practice was the conclusion, the application, an excursion beyond the boundaries of science, an operation which lay outside science and came after science, which began after the scientific operation was considered completed. Success or failure had practically no effect on the fate of the theory. Now the situation is the opposite. Practice pervades the deepest foundations of the scientific operation and reforms it from beginning to end. Practice sets the tasks and serves as the supreme judge of theory, as its truth criterion. It dictates how to construct the concepts and how to formulate the laws.'

It is worth remarking that even in the early stages in the development of both AR and activity theory, a small but significant difference in perspective can be observed. Collier writes about research serving the needs for action, and Vygotsky of practice dictating the construction of theory. This difference is manifested in another area of commonality: the aim of emancipation. Action research might be more likely to define itself in terms of 'emancipatory practice' (e.g. Lykes and Scheib, 2015), and CHAT as 'emancipatory science' (Blunden, 2010).

This ethos of emancipation harks back to one theoretical nexus of AR and CHAT: Marx's *Theses on Feuerbach* (Marx, 1969,§1), in which he puts forward the idea of 'practical-critical activity.' According to Schmied-Kowarzik (1998, np), 'Marx´s philosophy is committed to the goal of human emancipation.' This is reflected in the closing *Thesis*: 'Philosophers have only underlined the world in various ways: the point is to change it' (§11). The third *Thesis* shows that Marx believed that activity to change oneself is emancipatory, or at least motivated by emancipatory aims: 'The coincidence of the changing of circumstances and of human activity of self-change can be conceived and rationally understood only as revolutionary practice'. In other words, the activity of self-change manifests in the world and must therefore change it, so acting to change oneself constitutes revolutionary practice. The term 'revolution' can be understood to mean transformation (Suchting, 1983) for 'relations which are more in accord with social needs' (Aarons, 1972). In Marx's thinking, human emancipation could only occur through such revolutionization and revolution (Schmied-Kowarzik, 1998). Action research emanates from a 'question, such as 'How can we improve this situation'?' (Bradbury, 2015, p.1.) CHAT's interventionist approach stems from the experiments of Vygotsky and Luria in which the researcher 'intervenes in some way so as to help the subject complete the task, these efforts then becoming part of the subject matter of the experiment' (Blunden, 2010, p.80). Both these approaches are revolutionary in that they are transformative, but also in that they manifestly

deny the positivist falsehood that a researcher can be completely objective, separate from, and have no influence on their subjects.

Finally, Yasnitsky's historical research shows the significant extent to which the Vygotsky Circle and 'German-American Gestalt psychologists' (Yasnitsky, 2012, p.98), including Kurt Lewin, 'who had a profound impact on the development of action research' (Neilsen, 2006, p.390) influenced each other.

These (and the other) shared roots and development of the two approaches render them highly compatible. For me, action research has provided an approach that can accommodate change-making in a complex and unpredictable 'live' environment. It also necessitates using the concepts of cultural-historical activity theory in a more fluid way, to gain insights into a world that cannot be modelled in any restrictive, dogmatic way without over-abstraction. In its turn, CHAT as an analytical tool supports real world research through its holistic perspective, which does not underplay or ignore the dynamic interplay of deterministic influences and individuals' choices and responses to them. I feel the fluidity of AR and the holism and rigour of CHAT are complementary and provide a balanced approach to real world research, and they are drawn together by their emancipatory aim, which makes both change-making and analysis a practical-critical activity.

Below, the methods which comprised my practical-critical activity are outlined, and related ethical issues discussed.

## Methods

This section sets out how documentary and practical research was carried out. There were three strands: historical, legal and practical. These strands were not actually discrete, but each informed the others as they developed. Historical research was carried out to shed light on the cultural-historical reasons why progress towards SD mainstreaming had been so limited. A survey of Acts passed by the Scottish Parliament showed that a significant proportion of them included explicit SD clauses, and my legal research looked at cases that hinged on these, in order to understand the outcomes of being tested in court. In relation to practical change-making, I implemented a range of interventions. Of these, three sets of activities were selected for case studies and analyzed using CHAT. They were selected to demonstrate the progress of my and my colleagues' work and learning, and how SD thinking can be incorporated into scrutiny.

## Historical research

In order to understand more clearly how the SD mainstreaming activity system (see fig.3) developed, or was prevented from developing, I constructed as detailed a history of relevant activity in and around the Parliament as possible. A shorter version containing the relevant details can be found in Chapter 3. It is based on:

- historic documents such as *Scotland's Parliament. Scotland's Right.,* published by the Scottish Constitutional Convention in 1995;
- the Parliament's own archives and records, e.g. its Official Report;
- informal records and documents kept by staff;
- academic literature regarding the history of the Parliament.

Wherever possible, I used primary sources.

Foot (2001, p.5) emphasizes the importance of the 'historically-grounded account of activity', particularly in understanding the contradictions that have shaped an activity system, and which may still exist. I also found that setting out the history helped in 'constructing a picture of its inner systemic relations' (*ibid,* p.15). In addition to informing other aspects of this project, this helped me to draw conclusions and make recommendations.


## Legal research

Because the concept of SD is so often subverted or co-opted, as will be discussed in Ch.5, I considered it important to understand the real-world outcomes of legislation containing explicit SD clauses. This includes in court cases, which test legal concepts, and propagate particular interpretations of them through case law. This helped me to understand what the Parliament might need to do in order to ensure that SD clauses actually lead to pro-social and pro-ecological outcomes.

For this strand of work, I consulted official case write-ups, such as can be found in *Scots Law Times*, and other documentation, such as academic literature and newspaper articles.


## Participant observation

I used participant observation to develop and implement my mainstreaming initiatives. Kawulich (2005, s.2) describes this as a 'process enabling researchers to learn about the activities of the people under study in the natural setting through observing and participating in those activities'

by 'establishing rapport within a community and learning to act in such a way as to blend into the community so that its members will act naturally'. She adds that in addition to simple observation, the method includes 'natural conversations, interviews of various sorts, checklists, questionnaires, and unobtrusive methods.'

As I had previously worked in the Scottish Parliamentary Service (SPS), blending in was not difficult – I knew many of the Scottish Parliament Information Centre (SPICe) and clerking staff, and was familiar with the relevant processes and routines. However, I was initially nervous that my previous relationships, especially within SPICe, would not have withstood the period over which I had been absent.[6] But I threw myself into the life of the Parliament, and was soon made to feel at home. I carried out many of the tasks that SPICe researchers routinely do, such as answering enquiries from MSPs and contributing to committee papers. I made an effort to 'pull my weight', e.g. by covering for others who weren't in the office, and take part in everyday activities like team meetings, going to the canteen for meals, etc. I also volunteered for my share of 'corporate' duties, like giving talks to delegations from other countries, helping out with corporate strategy development, and so on. However, I made an effort to remind colleagues that I was there as a PhD student, and was recording my observations.

I chatted to anyone and everyone, using natural conversations to fill gaps in my knowledge and understanding of the Parliament, test and exchange ideas, and build up a more comprehensive picture of scrutiny and the streams of culture and thought within the SPS. All this resulting in many new relationships, and in strengthening pre-existing ones. I had many interesting chats in places like the coffee queue, the ladies' loo, and the 'tea point', where people use the hot water urns and microwaves, and exchange news.

Perhaps most importantly, many colleagues knew I had been, and was again, based in the research section of SPICe, and that my role was in sustainable development. I was open about being a PhD student, and overtly wrote down observations, and discussed them with colleagues. Careful thinking, often through deliberation with others, about why and how things are as they are – systems, outcomes, behaviours, and so on – and how they can be changed to achieve the desired ends is a deeply reflective practice.

---

[6] Due to my return to my substantive employer, the Scottish Environment Protection Agency, for around 15 months.

**Interventions**

Initially, many of my interventions were relatively small, for example, I wrote a short guide, based on SD thinking, for initial interrogation of public bodies by committees. Some of these small interventions were pro-active, others were based on opportunities afforded by parliamentary business, and some were requested by colleagues.

Three larger sets of interventions are presented as case studies (Ch.6-8). They pick up more-or-less where my historical research stops – with my very first intervention in relation to the Housing (Scotland) Bill in 2014. For this I have relied on the comprehensive records I had kept at the time, as well the Official Report and other parliamentary records. Next, I discuss the development and early deployment of an SD impact assessment tool I created. This takes us from the last few days of my secondment almost to the present day, and my account is based on workshop and journal notes and my own testimony. Finally, I set out how I worked with others to shape what became a major scrutiny exercise. This last case study is based heavily on my journal.

**Critical reflection**

I also began keeping notes of my observations and reflections from the outset in a journal, as recommended by McNiff & Whitehead (2009), who emphasize the importance of a reflexive approach. These field notes are reflective rather than purely observational, even when they are taken during work activities, as I tried to capture my thoughts and responses as particular situation unfolded, including the negative ones. It has been useful to note my own actions and reactions as well, as a way to improve my own practice. Heen (2015, p.219) points out that 'First person action research embraces the whole person; the body, feelings, thinking, and acting'. When possible, I later typed up and fleshed out my observations and reflections, looking at what had occurred in a critical way. This process felt dialectical in nature, and Shumack (2010) describes it as 'internal conversations' and 'reflective talkback'.

**Analysis**

I also found working on my analyses and discussions to be a profoundly reflective process of critically unpacking my own and others' work. As noted above, where possible, I have used CHAT as a an analytical lens, to gain insight into the development of what may be considered as the parliamentary SD mainstreaming activity system, and then into my case studies.

Rather than trying to force my thinking into Engeström's triangles model, I have instead used some of the concepts underlying them to look at how change happens, how SD thinking can improve scrutiny, and to unpack how I, some of my colleagues, and members of the wider parliamentary system gained new learnings.

## Ethical considerations

The concern raised by the University's Ethics Panel was around whether my observations were covert. However, its members were reassured by an email from my line manager,[7] stating that:

> 'Relevant Parliament staff members are aware that Ishani is carrying out action research and may record observations relating to her work, including during workshops, meetings and conversations. It is not expected that explicit written consent will be garnered for every interaction, but myself and her parliamentary supervisor, Dr. Suzi Macpherson are maintaining an overview of the project. We expect Ishani to keep us informed of progress, and to discuss any sensitive issues with one of us' (06.01.2017).

As the email stated was expected, I have taken care to ensure that any individuals mentioned here are anonymized, and that they will not be recognized. Where direct quotes include names, they are shown as "_____".

The Panel was particularly concerned to know specifically who I would be engaging with, but appeared to be satisfied that interactions would take place 'during the course of normal routines and practices in the Parliament' (Ethical Approval Form, 01.02.17), and that as according to the Association of Social Anthropologists of the UK and the Commonwealth's *Ethical guidelines for good research practice* (2011):

> 'Given the methods used during fieldwork... the researcher may be able to provide only rough approximations in advance of some of the likely participants an anthropologist will observe or converse with during fieldwork and some of the likely scenarios in which consent will be sought… Given the open-ended and often long-term nature of fieldwork, ethical decision-making has to be undertaken repeatedly throughout the research and in response to specific circumstances.'

The issue which I was felt was more contentious was that of the possibility of manipulation. Barnhill (2014, np) provides a definition of manipulation based on the subversion of self-interest:

---

[7] Although not an employee at the time, I was required to have a manager for administrative reasons.

'directly influencing someone's beliefs, desires, or emotions such that she falls short of ideals for belief, desire, or emotion in ways typically not in her self-interest or likely not in her self-interest'. Working closely with others on procedural change can involve, for example, making persuasive arguments. Although Barnhill makes a clear distinction between rational persuasion and manipulation, it is important to be able to be confident that, as a change agent, I do not seek to persuade other to do something they may not want to, or act in ways that mislead or pressurize them.

Brydon-Miller *et al* (in Bradbury, 2015b, p. 596) write that 'ethics can be defined as 'a practical science focused on how we put our values into action', in McNiff's (2014, p.60) view, 'it is important to ensure well-being in all parts of the eco-system [of practice] to ensure the well-being of the whole.' The values of sustainable development regarding social equity and participation, and the moral practices that I have striven to cultivate as part of my yoga practice, especially *maitrikaruṇā* – friendliness and compassion, and *satya* (truth) have been helpful in this regard, as has the practice of deliberate and dialectical reflection. In truth, I have found that, as per the example on p.160, trying to push people into doing something they don't want to is not fruitful, and more subtly manipulating them is a short-term strategy which undermines trust-based relationships, and is therefore detrimental to ongoing change initiatives. Thus even from a non-moral perspective, manipulation is not beneficial to change-making, and so to be avoided.

# Chapter 3: Sustainable Development

The rejection of particular modes of societal development is an ancient phenomenon, manifested in antiquity as increased asceticism (e.g. Doniger, 2009; Ramelli, 2019), involving varying degrees of personal or group restraint and renunciation - a reaction against perceived profligacy and its detrimental effects.  In some ways, sustainable development (SD) is similar.  The contemporary concept emerged out of what Purvis *et al* (2019) refer to as the 'twin critiques' – social and economic - of the profligate and detrimental nature of the policy of perpetual economic growth.  It too advocates restraint – in this case of the increasing consumption of Earth's resources and its pernicious inequity (Jackson, 2006).

What is conventionally understood as 'economic growth' is based on the conversion of natural capital into man-made capital – turning a tree into timber 'adds value', and turning that timber into furniture adds further value (e.g. Klop and Lubbers, 2009).  The total amount of value added is measured by indices such as gross domestic product (GDP).  Economic growth is the increase in the <u>rate</u> of value addition.  In other words, much economic growth is essentially the increasing rate and/or scale of conversion of natural capital into man-made capital.  And to continue to grow, we must go on adding value faster and faster.

The root of the problem lies in the fact that the 'value' referred to is the market value – how much money people would pay for something, rather than its worth to the user.  In conventional terms, 'Value added is equal to output… less purchases' (Coyle, 2014, p.39).  In other words, it is a measure of how much greater the market value of an item is than that of the raw materials from which it was made.  Some of the problems with this are immediately obvious.  The value of a living tree in terms of stabilizing the water table, providing fruit for local people, and several other ecosystem services[8], is unlikely to have been taken properly into account in the market value of timber, as these benefits are traditionally treated as being free (Tallis and Kareiva, 2005) because they are not generally directly exchanged in markets.  Similarly, unpaid labour, such as domestic or voluntary work, are not considered to have a market value, no matter how important these activities may be to our wellbeing, and so they are not counted as part of 'the economy'.  However, 'What we measure affects what we do; and if our measurements are flawed, decisions may be distorted' (Stiglitz *et al.*, 2009), thus we continue to pursue conventional economic growth as measured by GDP, regardless of what it costs us.

---

[8] Generally defined as the benefits that humans derive from ecological processes and natural resources.

Indeed, there is a growing evidence base which shows that GDP growth is at least partially subject to the law of diminishing marginal returns, whereby each additional unit of growth provides us with a lower increase in wellbeing than the previous one. For example, initially, converting wetland to farmland could lead to better nutrition as more crops may be grown, but after a certain point, the loss of wetland could lead to increased flooding as it becomes too small to hold as much floodwater as before. Aggregate indicators of human wellbeing such as the Index of Sustainable Economic Welfare, the Genuine Progress Index, and the Measure of Domestic Progress, show that compared to GDP, wellbeing increases up to what Max-Neef (1995) has dubbed the 'threshold point', beyond which the costs of further growth start to outweigh the benefits, and wellbeing begins to flatline or decline.

## GDP and the primary contradiction of unsustainable development

Coyle (2014) relates how GDP was formulated between the economic recession of the 1930s and the 1940s, to guide fiscal policy during the Depression, and later to support the mobilization of resources for war. The issue of what should or shouldn't be included in national accounts appears to have been the subject of much debate. On the one hand, Simon Kuznets, working on national accounting in the USA, believed that it should provide a measure of economic welfare, rather than simply counting as positive any and all economic output:

> 'It would be of great value to have national income estimates that would remove from the total the elements which, from the stand-point of a more enlightened social philosophy than that of an acquisitive society represent dis-service rather than service. Such estimates would subtract from the present national income totals all expenses on armament, most of the outlays on advertising, a great many of the expenses involved in financial and speculative activities, and perhaps most important, the outlays that have been made necessary in order to overcome difficulties that are, properly speaking, costs implicit in our economic civilization' (Kuznets, in Coyle, 2014, p.13-14).

However, Coyle (*ibid.,* p.14) writes that 'Welfare was a peacetime luxury' and the USA's President Roosevelt wanted 'a way of measuring the economy that did indicate its total capacity of produce but did *not* show additional government expenditure on armaments as reducing the nation's output.' So the costs to society outlined by Kuznets – armaments, expenditure to overcome problems caused by such output, such as waste disposal, or medical costs relating to pollution, etc. – are to this day counted as positives. In the '50s, the United Nations (UN) adopted GDP as part of its System of National Accounts (SNA), which 'all countries are supposed to follow' (*ibid.*

p.25).  Since then, it has been used as an international comparator, and appears to have become a headline indicator for most states. This explains, at least in part, why, for most states, it is the over-arching policy aim.

GDP can be said to embody the contradiction between use value and exchange value identified by Marx (Engestrom, 1987).  Our societies are geared towards the increasing commodification of what is valuable to our wellbeing, such as our forests and our caring, so as to 'add value', so that it can be exchanged on the market and counted towards growth.  Perversely, in the end, if it results in social-ecological collapse, as now seems inevitable (Turner, 2014), this could leave us destitute. The contradiction between use value and exchange value, which Marx saw as being embodied in the commodity seems to me to be the fundamental contradiction of growth-based unsustainable development.

## Towards a wellbeing economy

One way in which we could move away from GDP growth and towards sustainable development could be to discard the understanding of 'economy' as something that is synonymous with GDP, and reconceptualize it as the collective activities we carry out in order to meet our needs – for which we need a well-functioning ecosphere and, as a social species, each other.  GDP growth is the policy of governments.  Where parliaments are empowered to hold governments to account, the application of an SD lens to the scrutiny of economic policy could support such a transition. But, this must include overcoming a key conceptual and policy contradiction, stemming from the 1987 World Commission on Environment and Development, outlined below.

## Sustainable development narratives

There appear to be two major veins of discourse regarding sustainable development (SD).  The first, arising from social and ecological science and activism (Purvis *et al.*, 2019), is based on observations that the excessive expansion of humanity and some of our economic activities can be detrimental to the social, ecological and social-ecological systems that our survival and wellbeing depend on (e.g. Gunderson and Holling, 2002).  The second developed out of efforts to engage powerful decision-makers – initially governments – in this discourse at an international level, leading to many international discussions, still ongoing.  While this (political) vein popularized the term 'sustainable development' within the policy community, it also co-opted the concept into the scheme of most of the world's political economies, which are based on the

ideology of ongoing economic growth, as conventionally defined and measured by gross domestic product (GDP) (Manns, 2010).

This could explain why half a century since the contemporary concept of sustainable development came into being (Satterthwaite, 2006), the risk of social-ecological collapse is greater than ever (Steffen *et al.*, 2015).  As noted above, reactions against profligacy seem to have occurred throughout history, and doubtless have informed the more contemporary concept of SD.  For example, Malthus' 1798 essay on the limits to population growth has a social-ecological aspect: a key point it makes is that the ability to produce food constitutes a limit to human expansion (Malthus, 1798).

Du Pisani (2006) suggests that the contemporary term 'sustainable development' was coined by the economist Barbara Ward in 1972, and published in the book she co-authored in that year - *Only One Earth: the care and maintenance of a small planet*, based on the proceedings of the Stockholm Conference on the Environment and Development, held that year (Ward and Dubois, 1972).  As one review outlines, it advocates a holistic world-view as the basis of societal development,

> demonstrating unequivocally… that to look at the world as a single, vulnerable life-support system for all mankind is not just an attractive moral stance.  It is reaffirmed by each advance in scientific knowledge… Showing how "there exists a single unified system from one end of the cosmos to the other"' (Vittachi, 1980, np).

In the same year, the Club of Rome published its seminal *The Limits to Growth* (Meadows *et al.*, 1972)*.*  It is an account of the computer modelling of continued exponential population and economic growth, based on which the authors make predictions about when human expansion will hit the limits of Earth's finite ecosphere – leading to a precipitate decline in wellbeing (Herrington, 2021).

It had a significant impact beyond the SD community, presenting a serious challenge to 'conventional economic thinking', as Coyle notes.  She outlines how, due to its influence, 'The concept of sustainability entered the wider economic policy debate' (Coyle, 2014, p.59-60).

However, 'widespread acceptance' (Smythe, 2014, p.914) of SD as a goal of public policy did not occur until a decade and a half later, when the UN's World Commission on Environment and Development, chaired by Gro Harlem Brundtland,  published its report, *Our Common Future.* Brundtland, in her own words, was asked by the UN Secretary General to 'establish and chair a special, independent commission' to 'propose long-term environmental strategies for achieving

sustainable development by the year 2000 and beyond' (World Commission on Environment & Development, 1987, np).

With the publication of *Our Common Future,* sustainable development split into two opposing narratives.  One, still prevalent in the policy world, and propagated by the UN, is that SD can and should be achieved through conventional economic growth.  The other, true to its origin, and held to by its scientist-activist community of origin, advocates a shift of policy focus away from growth, towards social-ecological wellbeing.   These are discussed below.


**The Brundtland contradiction**

The Commission agreed its mandate at its inaugural meeting, in which it stated that it was 'confident that it is possible to build a future that is more prosperous, more just, and more secure because it rests on policies and practices that serve to expand and sustain the ecological basis of development' (*ibid*.).  The 'expand' in this rather bizarre statement could be read to mean that the ecosphere itself could be expanded, presumably through the reduction of human appropriation of natural resources, or indeed that the basis of development could be expanded, i.e. that we could expand the extent of our appropriation.

The conclusions of the Commission, which Brundtland wrote were 'unanimous' do not rule out the latter.  Sixty percent of the Commissioners were career politicians, and the others were mostly in prominent positions in academia.  For example the first academic on the list, Saleh Abdulrahman Al-Athel, an engineer by training, was then 'President of King Abdulaziz City for Science and Technology' (*ibid*.), which describes its purpose as coordinating 'the activities of government institutions and scientific research centers in accordance with the requirements of the development of the Kingdom' of Saudi Arabia (King Abdulaziz City for Science and Technology, no date).  It seems unlikely that he was completely impartial towards the political establishment.

Brundtland acknowledged, in the Foreword to the Commission's report:

> 'the interrelationships between people, resources, environment, and development', that 'the "environment" is where we all live; and "development" is what we all do in attempting to improve our lot within that abode', and that 'Many of the development paths of the industrialized nations are clearly unsustainable. And the development decisions of these countries, because of their great economic and political power, will have a profound effect upon the ability of all peoples to sustain human progress for generations to come' (World Commission on Environment & Development, 1987, np).

Nevertheless, the Commission's policy prescription was that 'What is needed now is a new era of economic growth - growth that is forceful and at the same time socially and environmentally sustainable' (*ibid*.).  This was its response to scientist-activist outcry against what Jackson (2017, pxxii) describes as 'the most pernicious myth on which modern society rests: that it's possible for human activity on planet Earth to go on expanding indefinitely.'

Mitcham (1995, p.317) notes that the World Commission had come up against the conflicting representations of environmentalists, who advocated *'*the limits to growth or no-more-growth', and economists who argued that growth was necessary to alleviate poverty, particularly in low-income countries.  Unfortunately, rather than resolving the matter, the Brundtland report, which popularized the term 'sustainable development' and brought it into mainstream political discourse, embedded the root cause of <u>un</u>sustainable development – the ideology of growth – at the heart of its proposed solution, effectively 'greenwashing' it, and supporting its increasing entrenchment.  The Commission report states that:

> 'The concept of sustainable development does imply limits - not absolute limits but limitations imposed by the present state of technology and social organization on environmental resources and by the ability of the biosphere to absorb the effects of human activities. But technology and social organization can be both managed and improved to make way for a new era of economic growth'  (World Commission on Environment & Development, 1987, p.8).

This could imply that the Commission concluded that ecospheric limits are not absolute, or that they can be overcome or maintained intact by social reorganization and technology.

In any case, since the Brundtland report, economic growth has remained at the centre of the international SD policy process.  Comparison of the UN SD Declarations illustrates how the institution of economic growth has in a sense co-opted the notion of SD.  The 1972 Stockholm Conference declaration does not refer to ' economic growth' specifically, only to 'development'.[9] By the Rio Conference in 1992 - five years after the Brundtland report (World Commission on Environment & Development, 1987), the phrase 'economic growth' began to appear in the SD conference outcome documents.  The Rio Declaration lists it as part of its twelfth principle, which begins: 'States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation' (United Nations General Assembly,

---

[9] However, it is ambiguous enough to allow as many member states as possible to interpret it in ways that suited them - and so to sign up to it.

1992). 'Economic development' reappears in the Johannesburg Declaration (United Nations, 2002), but by Rio+20 (United Nations, 2012), 'economic growth' is included in each of the six chapters – a total of twenty times - often in the form of 'sustained' rather than even 'sustainable' economic growth.

Most recently - the UN Sustainable Development Goals outcome document (2015) lists as the 8th Goal: '*Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all'.* The Goals were agreed after a long and relatively inclusive process, and here the policy fudge[10] to try to satisfy all major parties is very apparent. 'Sustained economic growth' speaks to those who wish economic growth to continue, while 'sustainable economic growth' may speak to those who would see the economy serve social and ecological aims (Gupta and Vegelin, 2016).

It should be noted that despite the contradiction in embodied the policy prescription of the Brundtland Report, and perpetuated over the last three decades by the UN and other institutions such as governments which have adopted it, the Brundtland definition of SD is in fact consistent with the conceptual test proposed in Ch.9. It states that 'Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.' Ecological integrity and social equity are essential In order for current and future generations to adequately meet their fundamental human needs (Jackson and Marks, 1999), so there is no contradiction between the Brundtland definition and these key tenets of SD.

However, the definition is qualified by the following text:

'It contains within it two key concepts:

- the concept of 'needs', in particular the essential needs of the world's poor, to which overriding priority should be given; and

- the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs.'

Here again, the idea that ecological limits are not absolute appears – rather they are posed as a result of human technology and social organization.

Despite the Brundtland report and policy prescription, many scientist-activist conceptions have remained true to the origins of SD, as outlined below.

---

[10] *'to patch up, to fake, to distort, to obscure or cover up'* (Chambers, 1998, p. 644)

## A return to the twin critiques

As the vast majority of countries have signed up to these declarations, they are likely to have had an influence on domestic policy and politics. However, the original concerns of SD remain, and scientific-activist conceptualizations have returned to the twin critiques. Of particular relevance to this project is the UK Shared Framework for Sustainable Development (fig.5). Developed by the UK Sustainable Development Commission, and accepted as the overarching set of SD principles which UK administrations would follow in developing their SD strategies, it clearly shows two essential principles or conditions for SD: environmental limits and a just society. The economy is not privileged over these – rather a sustainable economy is depicted as being a necessary supporting principle/condition, along with evidence-based and participatory decision-making.

**Living within environmental limits**
Respecting the limits of the planet's environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.

**Ensuring a strong, healthy and just society**
Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity.

**Achieving a sustainable economy**
Building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays), and efficient resource use is incentivised.

**Using sound science responsibly**
Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.

**Promoting good governance**
Actively promoting effective, participative systems of governance in all levels of society – engaging people's creativity, energy and diversity.

**Figure 5: The UK Shared Framework for Sustainable Development** (Sustainable Development Commission, 2005)

This sections above show how the scientific-activist and political discourses around SD have influenced each other, starting with SD advocates bringing it into the political sphere (Satterthwaite, 2006), followed by its subversion through political compromise. This was followed by its reclamation in the UK by the mainly scientist-activist SD Commissioners, who were

appointed by politicians, and so this back-and-forth has continued.[11] As at June 2021, the UK
Shared Framework remains the official policy definition of SD, and from the first, I used it to help
me to explain what SD is about.

Possibly due to the two narratives discussed above, people can have very different ideas of about
SD. In relation to applying an SD lens during scrutiny, conceptual ambiguity or confusion could be
problematic. In addition, as my work in the Parliament progressed, I came to realize that
assumptions regarding the necessity and beneficial nature of conventional economic growth were
widespread and largely unquestioned. Furthermore, members of the parliamentary community,
many of whom are highly expert in their individual disciplines, did not always view matters under
scrutiny in a holistic way, but could be supported to do so through an SD lens. The application of
such a lens appeared to generate different-than-usual understandings of policy (including
legislation), and I began to describe my work as being about helping people to think differently.
Eventually, to help explain my work to others, I began to refer this different way of thinking as
'sustainability thinking', then 'sustainable development thinking'. To find out whether SD
practitioners in other contexts had arrived at this idea, I searched academic databases, and found
that indeed they had. Many of the authors of papers on SD thinking describe it specifically as it
applies to their work. To establish whether there is a consensus about what constitutes SD
thinking, the main strands of thought are summarized below.


## Sustainable development thinking

For me, the idea of sustainable development (SD) thinking emerged through working to
incorporate an SD perspective into the research and analysis that is offered to MSPs, and
observing how it affected the scrutiny process. A number of papers have now been published
which refer to sustainable, sustainability or sustainable development thinking. It seems to be an
incipient idea which has not yet coalesced into a unified concept, and authors focus on four
different, but interconnected areas: knowledge, cognition, ontology and practice, as outlined
below.

Most authors have written about SD thinking in relation to its application in their own area of
work, and it is an idea central to this thesis. Through my interventions to implement changes so

---

[11] Most recently, this has been via the (scientific) publications *A Safe Operating Space for Humanity*
(Rockström *et al.*, 2009)*,* and its 2015 update (Steffen *et al.*, 2015), then the (political) UN Sustainable
Development Goals (United Nations, 2015), then the (scientific) doughnut model of development (Raworth,
2017).

that scrutiny processes would consider SD, my focus was on supporting others to think in different ways.  For example, incorporating SD questions in committee papers can lead to some of them being asked by Members.  This is likely to elicit different responses from witnesses, compared to more technical questions.  The dialogue between the committee and the witness can thus move into a new space.

At a much broader level, it does not seem possible that societal development can become sustainable without wholesale change in human systems, or without critical consideration of the often deep-rooted assumptions on which they based.  It follows then, that a way of thinking, different to what is now 'business as usual', is necessary in order to foster such radical change.

This section provides a brief summary of how that thinking is elaborated in the available literature.

Early in my PhD, I search the academic database Scopus for sustainable development thinking and similar terms.  This was cross-checked against the same search carried out using the Web of Science database.  Around 70 papers were found, and when the Scopus search was repeated in 2021, a further 80 results were returned.  Although the vast majority of papers advocated the integration of SD thinking into organizational practices, a relatively small number of clear elaborations of the concept were included.  The summary below is based on those that were.

**Knowledge**

Pröpper (2017) associates sustainability thinking with sustainability science, elucidated by Kates *et al* (2001, p.641) as a field 'that seeks to understand the fundamental character of interactions between nature and society… across the full range of scales from local to global… Combining different ways of knowing and learning.'  Their focus is on research questions such as 'How are long-term trends… reshaping nature-society interactions?', but they note the importance of 'the social learning that will be necessary to navigate the transition to sustainability' (*ibid.,* p.642).

Both papers note that 'the responsibility for application of this academic "knowledge about the system" remains with political and local actors' (Pröpper, 2017, np), which implies that actors other than scientists must engage in sustainability thinking.  Similarly, Steiner & Penlington (2010, np) argue that 'to ensure a sustainable future world, [requires] moving beyond sustainability awareness towards informed application of sustainability thinking.'  A few authors have attempted to characterize the cognitive attributes of SD thinking, as summarized below.

**Cognition**

Zoller (2015, p.4474) emphasizes a need for a shift from lower-order cognitive skills (knowing) to higher-order cognitive skills (thinking).  He observes that students are taught 'disciplinary "knowing", and not inter/cross/trans-disciplinary "thinking"', and that 'a revolutionized change in the guiding philosophy, rationale, and models of our contemporary thinking, behavior, and action' is needed' (*ibid.,* p.4475).  He offers a model of research-based sustainability thinking, in which evaluative thinking, critical thinking, systems thinking, question-asking, decision-making, and problem-solving are amalgamated.  It also includes the ability to transfer this combination of higher-order cognitive skills to various situations.  Finally, he suggests that moral thinking and creative thinking should inform the cognitive process of sustainability thinking.

From a more neuroscientific perspective, in a special edition of *Ecology & Society* on *Reconciling Art and Science for Sustainability,* Scheffer *et al* (2015, np) outline how dual thinking – loosely the co-deployment of intuition and reasoning - could help to create 'conditions for catalyzing scientific breakthrough.'  They explain that rather than being discrete cognitive processes, the two are 'intimately linked yet distinct modes of thinking, fulfilling complementary roles in cognition', with one relying on associations, and the other on reasoning. Providing examples of people who have had well-known profound insights, such as Charles Darwin, they illustrate the importance of system-I thinking (intuition), but remind the reader that:

> 'good science obviously needs a heavy contribution from the reasoning system-II, because the intuitions from system-I are all too often wrong in the hindsight.  Recalling the definition of creativity as the generation of novel useful ideas, [they conclude that] the best results are obtained by an intimate tango between the two systems.'

**Ontology**

Linking sustainability thinking with futures thinking, Floyd & Zubevich (2010, p.60) suggest that worldviews, which are 'human psychological and cultural constructs… always occur in the context of human cognition.'  They point out 'that most of the sustainability challenges that we presently face have their origins in earlier failures either to recognise or respect some of these [biophysical] limits' that we are breaching, but now that we can see the world in terms of those limits, 'they interact strongly with humanity's desires and intentions for the future.'  Thus they propose that 'sustainability thinking involves negotiating the boundaries around what is both possible *and* preferable.'

Scoones (2016) in his paper on *The Politics of Sustainability and Development*, includes *A Brief History of Sustainability Thinking,* where he outlines how different, sometimes shifting, worldviews that determine policy responses to ecological and social degradation.  Clearly, theoretical knowledge informs these worldviews, as Scoones notes the different approaches advocated by, for example, neoclassical compared to ecological economists.  Holling *et al* (in Gunderson and Holling, 2002, p.10) provide examples of how various ontologies of 'nature' result in different approaches to its use*.*  They list four 'Caricatures of Nature', the first being 'Nature Flat', where the conception of the ecosphere is as a stable entity.  Here it is assumed that there are 'no feedbacks or consequences from… human actions… It is a nature that is infinitely malleable and amenable to human control and domination… of cornucopian nature where human ingenuity and knowledge surmount all obstacles to produce exponential growth' (*ibid.,* p.11).  This worldview is now understood to be incomplete at best, at least partly because we are living with the ecological consequences of human actions, but it sheds light on how and why we have arrived at this point

A number of authors stress the importance of as holistic and interdisciplinary as possible an understanding of the world to informing how we should exist and operate within in it, e.g. Gunderson & Holling (in Gunderson and Holling, 2002)*.*

**Practice**

The majority of references to SD thinking appear to arise from practice, where practitioner-researchers like myself are working to integrate it into the culture of their organizations.  Many of these relate to engineering disciplines, and their focus seems to be on reducing impact.  For example, Favara & Gamlin (2017) write about how sustainability thinking can be used to reduce the ecological impact of technologies for remediating environmental contaminants.  They explain that typically, the approach is to design a technology, and then consider how best to apply it.  They advocate instead a 'bottom-up approach' whereby the problem is considered first, in order to design appropriate solutions, including minimizing their impacts, for example through life cycle assessment of the solutions themselves.  The integration of such sustainable development thinking into education is also commonly written about in relation to engineering disciplines (e.g. Iyer-Raniga and Andamon, 2016), although usually with little clear articulation of what it might entail.

**Can ideas about SD thinking be synthesized?**

There is as yet no clear consensus about what it is – rather it is mostly described in terms specific to a particular application, or as the required skills, knowledge or worldview.  These are interlinked, and would appear to be mutually informative, as shown in Figure 6.  Although none of the publications which mention SD thinking discuss it in terms of all of these components, looking at them as a whole suggests that they are all integral to it.  However, this still does not constitute a definition as such.
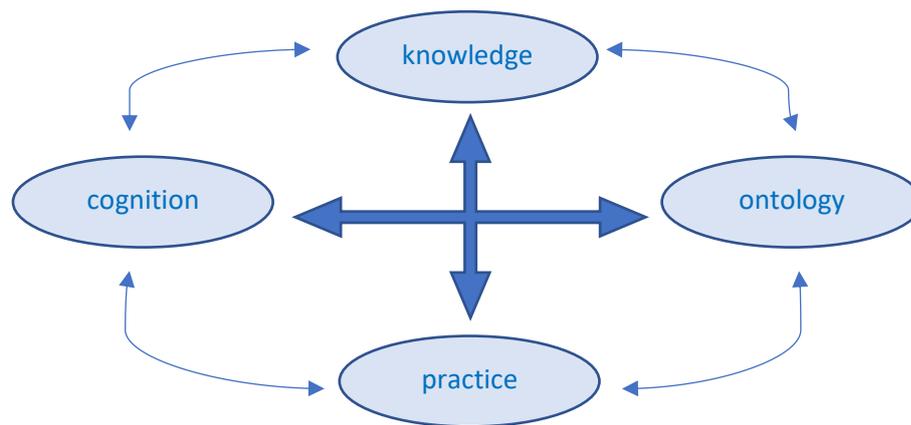


Figure 6: Components of SD thinking as discussed in the literature

One further problem is that authors' conceptions of sustainable development vary significantly, ranging from societal development that supports social-ecological wellbeing to that which supports economic growth while seeking to minimize ecological damage and/or social inequity. For example De Almeida & De Melo (2015, np) write that in the context of 'Increased environmental and social responsibility awareness… really integrating sustainability thinking into business processes is crucial. This paper aims at discussing the importance of sustainable growth thinking in business.'  These differing conceptions of SD, many of which are based on the Brundtland definition, serve to undermine the idea of SD thinking, as it, like SD itself, appears to have been co-opted to various ends.  The task of fostering SD thinking then, may be partly to support an understanding of the problem that originally gave rise to the concept – the social-ecological damage caused by inappropriate economic growth.  It does not seem appropriate to apply the term SD thinking, or other related terms, to ways of thinking which do not have ecological integrity and social equity at their core.

**Complementary ideas from education for sustainable development**

Some related approaches which could support SD thinking include:

- key competencies for education for sustainable development (ESD) championed by the UN Education, Scientific & Cultural Organization (UNESCO);
- key (SD) concepts;
- the idea of ontological shifting.

These are briefly outlined below:

**Key competencies for education for sustainable development:** A recent review of *Issues and Trends in Education for Sustainable Development*, commissioned by UNESCO includes a summary of the literature on key competencies (Leicht *et al.*, 2018).  While the chapter on key competencies does define ESD as relating to lifelong learning, it appears to be mainly concerned with the learning provided by educational institutions.  Nevertheless, the competencies listed could pertain to anyone operating in any sphere of life.

The author explains that:

> 'ESD aims to develop competencies that enable individuals to participate in socio-political processes and, hence, to move their societies towards sustainable development… The competence approach is based on establishing which approaches work best in the real world and then identifying how to foster the necessary learning' (Rieckmann, M. in *ibid.,* p.41).

He lists competencies from six frameworks developed by the Organization for Economic Co-operation & Development and ESD researchers, concluding that 'There is general agreement within the international ESD discourse… [that eight of these] are of particular importance for thinking and acting in favour of sustainable development' (*ibid.,* p.44), namely:

- systems thinking competency;
- anticipatory competency – appreciation of multiple potential outcomes, consequences, risks and change;
- normative competency – ability to understand and reflect on one's own norms and values as well as those of SD;
- strategic competency – 'the ability to collectively develop and implement innovative actions that further sustainability at the local level and further afield' (*ibid.*)
- collaboration competency;

- critical thinking competency;
- self-awareness competency;
- integrated problem-solving competency.

These competencies are congruent with my initial attempt at characterizing SD thinking (see p.190), although from personal experience I would describe the strategic competency as the ability to apply a holistic, long-term, multidisciplinary perspective to developing radical, integrated solutions, rather than being about innovation.  Based on debate 'at the conferences of the International Sustainable Development Research Society', Baumgartner & Korhonen (2010, p.71) characterize strategic thinking for sustainable development as a counter to conventional reductionist thinking, whereby 'System-wide cause-and-effect chains are not considered', leading to 'situations where existing problems are handled within a certain system while new problems are created elsewhere in this system or in its subsystems or in the future in the same system' (*ibid,* p.72).   They list three key components of strategic thinking for SD as:

- A clear understanding of the value of an initiative in light of SD;
- Awareness of the expected outcome of a project, and of the interlinked system and subsystems at play;
- Awareness of the wider socio-economic context – cultural, political, etc.

Their article suggests that their conception of strategic thinking requires holism for integrated solutions, rather than mere innovation.

The key ESD competencies listed by Rieckmann relate mostly to cognitive skills.  They also seem to pre-suppose an understanding of SD, whereas, based on the SD thinking literature, knowledge and ontology and practice are as important as cognitive skills, and all four are mutually informative.  Combining them with the ideas of key concepts and ontological shifting may be useful, and perhaps necessary.

One  concern, not with the competencies *per se*, but with uncritical wholesale adoption of UN-prescriptions, is that, as noted earlier in this chapter, the UN continues to propagate the idea that the problem of unsustainable development should be solved through (conventional) economic growth.  Indeed, in a UN University published book on *Defining and Measuring Sustainable Development,* Munasinghe & McNeeley (1995, p.19) inaccurately asserted that 'The expression sustainable development was coined to demonstrate that economic growth and environmental protection can be compatible'.  Article 9 of the UN's Aichi-Nagoya Declaration on Education for Sustainable Development (2014, p.2) 'STRESS[es] that ESD is an opportunity and a responsibility

that should engage both developed and developing countries in intensifying efforts for poverty eradication, reduction of inequalities, environmental protection and economic growth'. Thus, undiscerning pursuit of the UNESCO approach could perversely end up perpetuating a pseudoconcept of SD (discussed in Ch.9).

**Key concepts for sustainable development:** There appear to be two separate ideas about key concepts for SD in the academic literature. The first relates to the concept of SD itself, and its major sub-concepts (e.g. Munasinghe and McNeely, 1995), some of which are outlined earlier in this chapter. The second relates to specific professional-technical concepts that are important in operationalizing SD in specific professional areas. For example, in a paper on *A Fair and Progressive Carbon Price for a Sustainable Economy* (Boroumand *et al.*, 2022)*,* the notion of 'common by differentiated responsibilities' is cited as a key concept. This is about ensuring equitable, rather than equal responsibilities for countries with vastly differing power, wealth and needs. Another example is the key concept of 'soil-mass nitrogen balance', cited in a paper on nitrogen recovery (Kumari and Maiti, 2022).

The concept and major sub-concepts of SD, such as ecological integrity and social equity, are of course essential to the 'knowledge' component of SD thinking, while technical/professional concepts are vital to practice and implementation.

**Ontological shifting:** ESD literature on pro-SD ontological shifting emphasizes changes from linear or compartmentalized worldviews to those which are more holistic and embrace complexity. For example van Rheenen and Melo (2021, p.8732) propose 'a critical ecopedagogy focused on an ontological shift towards genuine sustainability, a communion among people and with nature.' Similarly, Tillmanns *et al* (2014, p.5) advocate the reconceptualization of ESD in order to 'foster an ontological shift towards perceiving the nature of reality as complex interconnected multiplicities.' Both discuss ontological shifting through practice and practical learning.

**Reflections on education for sustainable development:** Many of the ideas outlined above were incorporated into my change-making work. However, ESD appears to be largely concerned with formal educational settings, whereas my action research was carried out in a live, and very complex, rapidly-moving, professional context, where it had to fit into the flow of business. Thus my approach was to offer new perspectives that could, and in some cases did, lead to different ways of thinking which were not taught, but arrived at by colleagues.

This chapter sets out some ideas about SD, with an emphasis on ideas about economy and economics that are at the heart of <u>un</u>sustainable development.  Literatures on what sort of thinking might be needed to change these and help to shift practices towards societal development that can sustain and be sustained by humanity in the very long term are also summarised here, as my change-making work has been on fostering different ways of thinking about the world.

# Introduction to Findings

Chapters 4 - 8 set out three strands of research carried out:

- Document research to construct a history of activity around mainstreaming sustainable development (SD) into parliamentary processes.  This was carried out in order to establish how the historical development of the Parliament's SD mainstreaming activity system had led to the situation where mainstreaming, although much discussed, had not been operationalized.  It is preceded by some background on parliaments in general and the Scottish Parliament in particular.

- A brief synopsis of a review of court cases in which sustainable development clauses of Acts of the Scottish Parliament were a key part.  This was conducted to understand the real--world outcomes of legislative scrutiny relating to SD.

- Three case studies of interventions to foster SD thinking.  These were selected to illustrate:

    - First, my own learning and the development of my approach to mainstreaming, through the scrutiny of a housing bill;

    - Second, the learning of colleagues, through the development of a discursive tool for SD impact assessment;

    - Third, the learning of members of the wider Parliament community, through an almost Parliament-wide scrutiny exercise.

Each of these was fairly extensive, particularly the interventions, which were messy and very varied.  They ranged from tiny, discrete pieces of work - such as adding SD questions to committee papers - to long term projects, which as at May 2022, are still ongoing.  The three strands were not discrete, or carried out in the order in which they are presented here.  In fact, they were temporally overlapping and mutually informative.  As both McNiff and Thomas point out, neither action research nor case study research is linear, in the sense that '*findings* precede the *analysis,* which precedes the *discussion.'*  This makes it difficult to 'separate out sections' (Thomas, 2016, p.174).  McNiff writes that action research:

> 'adopts an emergent cyclical form and is presented as ongoing narrative inquiry… An action research story is one of discovery and creation… each piece links with others – a Gestalt – where the whole becomes more than its parts through dynamic interaction' (McNiff, 2014, p.174).

This is true of my own work.  In order to make my findings readable, while conveying a sense of the gestalt, some keeping together and some separating out has been necessary.  Thus, in this

section, each of the three accounts of my findings – historical, legal and intervention-based - is followed by an analytical discussion.  Conclusions and recommendations are then brought together in Chapter 10.  As a whole, this section addresses the research questions set out in the Introduction, on how change is made, whether an SD lens can improve scrutiny, and on the processes of learning through collective activity.

I have included here distilled versions of the historical and legal studies, and the case studies.  Full versions of these have been deposited in the Parliament's files, as part of the dissemination that is an essential component of action research. (McNiff and Whitehead, 2009).[12]

---

[12] The case studies have already been used in the Parliament to demonstrate the value of an SD thinking to scrutiny and operational decision-making, contributing to SD becoming a corporate priority for the SPS. There has also been local and international interest in the SDIA tool I developed with colleagues.

# Chapter 4: Sustainable Development in the Scottish Parliament

This chapter provides a brief overview of the Scottish Parliament, and of relevant parliamentary procedure.  It details key elements of Scottish Parliament scrutiny, and some of its potential weaknesses.  This is followed by a historical analysis of efforts to mainstream SD into scrutiny processes.

More details about scrutiny processes are given are given in subsequent chapters, with the aim of bringing them to life for the reader in the context of my research.

## What is a parliament?

'Parliament', originally an Anglo-Norman word meaning 'conversation, meeting, negotiation' (Proffitt, 2016, np), is one of the three principal institutions of government of most contemporary states (Derbyshire and Derbyshire, 1999).  As there is often confusion between the Scottish Government and Scottish Parliament (The Scottish Parliament, 2014), I use the term 'government' in reference to executive organizations like the Scottish Government, and 'governance' to refer to processes or systems of governing.

The word 'govern' comes from an Ancient Greek word, '*kubernan*', meaning 'to steer, to guide, direct' (Proffitt, 2016, np).  The processes of governing play a crucial role in shaping the nature and direction of a society's development, and so are of great relevance to whether it is sustainable or not (e.g. Costanza, Graumlich and Steffen, 2006).  Parliaments play a central role in the governance of a country or region (Derbyshire and Derbyshire, 1999).

The structure and function of parliaments, and how they refer to themselves varies considerably.  It is therefore difficult to devise a blanket definition, but Norton (1990, p.1) writes that: 'what such bodies have in common is that they are constitutionally designated institutions for giving assent to binding measures of public policy… on behalf of a political community that extends beyond the government elite responsible for formulating them.'[13]

---

[13] However, even this broad description may not cover all bodies that can be considered to be parliaments. For example, the Saudi *Majlis-al-Shura*[13] can propose laws or amendments, but these can only be passed by the king (Orvedahl, 1998).

## Representation

Many parliaments are representative – that is to say, their members are supposed to represent groups of people, often on a geographical basis.  However, as Copeland & Patterson (1998, p.xxiii) highlight, parliaments generally 'tend to share traits in common with the elite in a society rather than reflecting the variety of race and ethnicity, gender, social status, economic class, and occupational station found in' their constituency.  They stress that women in particular are 'seriously underrepresented.'  Our system of representative democracy is further complicated by the fact that parliamentarians who belong to a political party are also expected to behave, to a greater or lesser extent, in accordance with party policy and ideology.

## Separation of powers

In order to avoid the concentration of power in a single institution, political power is distributed among institutions, commonly legislature, executive and judiciary.  In simple terms, the first enacts laws, the second administers the polity, and the third solves disputes - 'law-making, law-applying, and law-interpreting' (Tushnet, 2018).  This distribution is designed so each has a distinct set of powers, and can prevent the others from arrogating or encroaching on it, thereby maintaining a balance.  Montesquieu (1995, p.112), who set out this ideal in 1758, urged that '*Pour qu'on ne puisse abuser du pouvoir, il faut que… le pouvoir arrête le pouvoir*'[14].  He explains that if legislative and executive powers rest in the same person, they could make tyrannical laws and execute them in a tyrannical way.  Similarly, if judiciary and legislature were combined, or judiciary and executive, a citizen's life could be 'exposed to arbitrary control'  or oppression (Norton, 1990, p.25).  Political powers are separated to differing extents in different states.

In practice, governance is influenced by a much more complicated set of social transactions between people, government, parliament and other organizations, with the picture perhaps being blurred by hidden power, influence, loyalty, vested interests and favour systems.  Thus the governance system:

> 'has no primary locus and no single demos; the national state shares power with increasingly salient sub-national governments, with proliferating forms of network and partnership governance, with a variety of quasi-public and private organizations, with NGOs, and with international agencies and other forms of supra-national governance' (Hirst, 2000, p.24).

---

[14] So that one cannot abuse power, it must be… that power checks power.

As this complex dance plays out, there can be impacts on the direction of societal development.

## The Scottish Parliament

A hundred and twenty-nine Members of the Scottish Parliament (MSPs) are elected by those who have the right to vote in Scottish elections.  Members are directly accountable to their constituents (The Scottish Parliament, 2016b) and are supposed to represent them in Parliament. The Scottish electoral system was planned to mitigate the problem of a single party having sufficient votes to carry through its will in the Chamber.  The enfranchised can vote for a constituency MSP, and also for a regional one.  Seventy-three constituency Members are elected by simple majority.  In addition, Scotland is divided into eight regions from which a further 56 Members are elected by a system of proportional representation which takes into account the number of seats already won by a party, as well as the number of votes garnered.  The aim of this 'additional member system' is to better reflect the number of votes cast for each party in a region (McGrath, 2011), and reduce the likelihood of an all-out majority, in support of the aspiration that 'the Parliament's ethos should be open and consensual, avoiding the Westminster style of confrontational and point-scoring politics' (McLeish *et al.*, 1998, para.8.1).

In the Scottish Parliament, the party or coalition which has won the most seats in the Parliament can form a government.  A First Minister is elected, and some Members of the winning party/coalition are appointed to be Ministers of the Scottish Government. (Cairney, 2011).  They remain Members of the Scottish Parliament.  This means there is no true separation of powers as the executive is a subset of the legislature.  One implication of this is that when the executive is formed by a coalition/party which has won even a small majority of the seats in the Parliament, it can far more easily realize its will because it has the most votes.

After a Scottish general election, a Presiding Officer (PO) and two Deputy Presiding Officers are elected.  One of the PO's main roles is to chair meetings of the Parliament (The Scottish Parliament, 2018b).  The Standing Orders require the PO to 'act impartially, taking account of the interests of all members equally' (The Scottish Parliament, 2018, 3.1.3).  While this has no statutory basis, it is a convention, following that at Westminster (Rush, 2005), which dates back to the 18th century, and 'in practice means that the Speaker [or PO] resigns from his party' (Rogers and Walters, 2006, p.46).  S/he is said to have 'no party affiliation'.  Deputy POs are only required to be non-partisan when actually deputizing for the PO (Lazarowicz and McFadden, 2010).

Apart from Ministers and the PO, all other Members, including those from the party of government, are supposed to hold the Government to account.  That is to say the Parliament can

scrutinize the Government, its policies and their implementation.  The Parliament also scrutinizes legislation, and has the power to amend, pass or fail bills (The Scottish Parliament, 2016a).

The Scottish Parliament can only legislate on matters that are not listed in the Scotland Act (1998) as being reserved to the UK Government (The Scottish Parliament, 2017a).  These matters are termed 'devolved', and include some fiscal matters, as well as much of wider public policy.


**A single chamber**

The Scottish Parliament is unicameral and can lack some of the checks and balances of a bicameral system.  For example, the House of Lords is often referred to as a 'revising chamber' because one of its main functions is to amend draft legislation.  A UK Government formed from a parliamentary majority could easily pass whatever legislation it wanted, but for the House of Lords (Rieche, 2011).

The ambition of those who worked to bring about the Scottish Parliament (see Ch.3) was seemingly 'to be a vastly more democratic, representative, and arguably, more deliberative body' (Parker and Richter, 2016, p.26).  As well as a more proportional system of representation, 'a new powerful committee structure' was instituted, that would 'be able to scrutinise the activities of the Executive in a number of ways' (McLeish *et al.*, 1998) (outlined below).  It is worth noting that for all the idealistic rhetoric that preceded the setting up of the Scottish Parliament, it is somewhat undermined by the party system, and particularly by the predominance of one party – first Labour and now the SNP – as the Electoral Reform Society (2016, p.11-13) found.  Its research highlights 'the emergence of a party system that is far from the plural, multi-party competition and cooperation that many Scots yearned for.  Instead, it seems 'one party [or coalition] consistently wins a majority of the vote.'


**The Scottish Parliamentary Service**

Members and parties have their own (political) staff, but the Scottish Parliamentary Service (SPS) provides politically neutral and impartial support to all Members.  This ranges from behind-the-scenes services, such as maintaining the building, to services provided at the scrutiny front line, including research and clerking.  The SPS, and parliamentary services in general, are almost entirely neglected in the literature on parliamentary studies, very rarely getting even a cursory mention.  For example Lazarowicz & McFadden (2010), in their reference text on the workings of the Scottish Parliament, allude only very briefly to the Scottish Parliament Information Centre

(SPICe) noting that it provides research.  However, the SPS can and does have a significant influence on scrutiny, as subsequent chapters will show.

## Committee scrutiny

Scrutiny is defined as 'the action of looking searchingly at something', and also as 'investigation' or 'critical inquiry' (Proffitt, 2016, np), and this is indeed the role of committees in the Scottish Parliament.

The majority are 'subject committees', set up each parliamentary session (the period for which Members are elected), by convention, to mirror ministerial portfolios, and focus on holding the relevant Minister, and the civil service departments and public bodies which fall under their remit, to account.  There are also 'mandatory committees' which are required by the Standing Orders.  Some of these have a cross-cutting remit, such as the Equalities Committee, or a very specific function such as the Public Petitions Committee (The Scottish Parliament, 2018, Ch.6).  Occasionally, special committees are set up to consider a specific piece of legislation or other matter, e.g. the Committee on the Scottish Government Handling of Harassment Complaints, set up in 2019 to look at whether the conduct of the First Minister and others complied with the Ministerial Code of Conduct in relation to complaints of sexual harassment made about former First Minister, Alex Salmond (The Scottish Parliament, 2021).

The bulk of the work of subject committees relates to the scrutiny of legislation or policy.  Policy is scrutinized through committee inquiries.  SPICe researchers provide briefings and other papers and support to committee inquiries, and committees can also issue a call for written evidence, which is generally open to all.  Oral evidence is also heard, often from Ministers as well as academics, policy experts, members of the public, and interest groups.  On the basis of this evidence, recommendations can be made to Ministers.  Such inquiries can also serve to highlight problematic issues (White, 2015), which raises awareness of them and can stimulate activity in civil society or elsewhere.

**Scrutiny of bills**

The vast majority of legislation is introduced to the Parliament by the Scottish Government, although individual Members, committees, and certain other groups can also do this.  Draft primary legislation is known as a bill, which if passed, becomes an Act of the Scottish Parliament.  It can grant powers to other branches of the governance system, such as the Scottish Ministers, to make secondary legislation such as regulations.

There are three formal stages of bill scrutiny (The Scottish Parliament, 2018b). At Stage 1, one or more committees will consider the general principles of a bill – it is possible for a bill to fall at this stage. Stage 1 operates in a similar way to a committee inquiry, with written and oral evidence being considered on any or all aspects of the bill. It is at this stage that SPS staff have the most influence – among other things, they provide research briefings, propose a scrutiny approach and witnesses, and provide papers for each evidence session. At Stage 2, a bill is considered line by line, and committee members can propose amendments. The final stage involves the whole Parliament, and any Member, including Ministers, can propose amendments. Stage 3 closes with a vote on the bill. If the bill is passed, only the formality of Royal Assent is required for it to become an Act. This brief outline does not do justice to the often significant effort on the part of several groups and individuals that can be involved in the development and passage of a bill. Figure 7 lists some of the steps that are commonly involved in the process, showing some of the activities carried out by the Scottish Government, the key steps in the passage of a bill through the Parliament, and the main inputs of those SPS staff who directly support scrutiny. In addition, activities that can be carried out by other individuals and organizations, such as stakeholders and lobbyists are listed.

Rush (2001, np) found that at Westminster, the scrutiny role of backbench Members – those not holding ministerial posts or their equivalent in the opposition party – 'is widely seen as the poor relation' to their partisan and constituency roles, which have come to dominate, presumably because fulfilling these is necessary to their careers and re-election.

With the exception of Ministers, all Members sit on one or more committees. Committees can look at a wide range of issues, and most Members are not experts in policy when first elected. Thus they are reliant on the SPS and their own researchers to provide them with much of the information they need in order to carry out scrutiny. This is illustrated in Chapter 6, in which the passage of a Housing Bill is discussed.

| SCOTTISH GOVERNMENT | SCOTTISH PARLIAMENT | PARLIAMENT STAFF | INDIVIDUALS / ORGANIZATIONS |
|---|---|---|---|

policy decision (e.g. programme for gov)

Consultation phase

drafting

Liaison with bill team

Bill briefing

Consultation responses

Expert advisers / groups / -roadshows

Introduction

Admissibility check

Timetabling and assignment to committees

oral evidence

Stage 1: committee scrutiny

Approach paper / witness list

Call for evidence

Committee briefings

Summary of evidence

Issues / themes / questions papers

Expert advisors

Written evidence

oral evidence

Stage 1 report / letter to Minister

response

Stage 1 debate

drafting of amendments

Stage 2 briefing

Stage 2: committee amendments

Amendments lists

Stage 2 debate

drafting of amendments

Stage 3 briefing

Stage 3 debate

Bill passes / fails

Royal Assent

Implementation

Secondary legislation

Repeal

amendment

Negative / Affirmative procedure

Post-legislative scrutiny

briefing

lobbying / advocacy / influencing

**Figure 7: Main stages of bill development and post-legislative scrutiny.**

## Using an SD lens to help improve scrutiny

The Housing Bill was the first bill whose scrutiny I was involved in, working to add an SD perspective to the briefings and papers other SPICe researchers provided for the scrutinizing committee. As I watched the witness sessions and the committee's deliberations, I began to realize that applying an SD lens could help both SPS staff and Members to think about the matters before them in a different way, and perhaps mitigate some of the weaknesses of Scottish Parliament scrutiny, as will be shown by my case studies (Ch.6-8). According to Cairney (2013, np) these include that the Parliament:

> 'does not scrutinise government legislation sufficiently; it does not have a sufficiently large professionally trained staff dedicated to their activities; its independent scrutiny is undermined by the party whip; it is particularly peripheral to the policy process when opposition parties do not engage with Scottish Government legislation; and, it would benefit from an upper chamber. In most cases, the concern is that the executive is not sufficiently challenged by a Parliament able to scrutinise'.

## Mainstreaming Sustainable Development in the Scottish Parliament: a brief history

As mentioned in the Introduction, this project emerged from the contradiction between political resolutions to mainstream sustainable development (SD) into parliamentary scrutiny, and the Scottish Parliamentary Service's refusal to put in place any staff resource to carry out this work. In order to contribute to resolving the contradiction, I considered it necessary to understand as far as possible why it existed, and how it had arisen. From the perspective of cultural-historical activity theory (CHAT): 'our interpretations of the problems, or objects of activity, that we are working on and trying to transform are shaped by the historical practices of the systems in which we are operating' (Edwards, 2009, p.198-199). Thus, understanding the cultural-historical genesis of a situation can shed light on where we are, and why. It can also help to shape what we do next (Foot, 2015). As I uncovered the history, insights emerged, so the following is a historical analysis (Bricknell, 2008) rather than a simple account of events.

### Envisioning a parliament (1995 – 1997)

Explicit mention of sustainable development occurs in some of the earliest documents that led up to devolution and the institution of the Scottish Parliament. The first of these is *Scotland's Parliament.*

*Scotland's Right.*, which was published by the Scottish Constitutional Convention,[15] whose aim was 'to draw up a scheme for a Scottish Assembly or Parliament' (Scottish Constitutional Convention, 1995, np).  The document is a detailed envisioning of a Scottish Parliament.  It states that a Scottish Parliament 'will be able to develop, in partnership with Scottish society and with other levels of government, an integrated strategy for sustainable development in Scotland.'  It believed its proposals would lead a to a shift away from a 'society in which the wealth of some goes hand in hand with the degradation and desperation of so many and towards a future that is fair, and sustainable.'

However, despite this vision of a parliament with a pro-active role in SD, in the appendix listing its proposed functions, SD is relegated to a single bullet point - 'Environment and sustainability including pollution control, regulation of emissions and of dumping, coastal protection, flood prevention and mitigation, countryside development and conservation.'  It seems the Constitutional Convention did not recognize SD as a set of principles for societal development, but understood it to be about environmental protection.  Nevertheless the contradiction between social and ecological limits (Asara *et al.*, 2015) and economic growth that is embodied in the Brundtland Report (Ch.3) appears to have been carefully avoided in *Scotland's Future.  Scotland's Right*.  It refers to 'economic prosperity' and 'economic responsibility' rather than to growth.  It also makes the rather cryptic statement that the powers and obligations set out in *Scotland's Parliament, Scotland's Right* 'would be used to stimulate a Scottish economic renaissance'.  All these terms are ambiguous and could be interpreted either, or even both, as the pursuit of growth and/or a volition to harness the economy to serve society – the latter especially when the other societal aspirations voiced in the document are taken into account.  As Fligstein (1997) points out, there is advantage in ambiguity.  It could create room for various parties to each make an interpretation favourable to their purpose, allowing them all to support the same cause (Bell and Cavanaugh, 1998).

It should be noted that the Scottish National Party (SNP) and the Conservatives were not a part of the Convention.[16]  In fact, it was strongly Labour-dominated - at least 63% of politician members

---

[15] After the 1979 referendum, a Campaign for a Scottish Assembly was set up.  This organization created a Constitutional Steering Committee, which produced a report on *A Claim of Right for Scotland*  (Edwards, 1989).  It  recommended 'a larger body than ourselves to set out in full  the constitutional rights Scotland expects within the United Kingdom' (Edwards, 1989 p.10), viz. a constitutional convention.

[16] The Conservative Party was not in favour of devolution, and the SNP withdrew because the other participants were not in favour of complete secession, and, according to Kellas (1992), '*The Greens 'suspended' their participation during the final week of deliberations'* (p.50).

were from the Labour Party.[17]  This significance of this will become apparent as we consider SD mainstreaming under a Labour-led devolution process, and under different administrations.

## Devolution (1997 – 1999)

After Labour won the UK general election in 1997, work on devolution progressed rapidly, with elections to the Scottish Parliament set for 1999.  Following is an outline of the key publications relevant to SD mainstreaming:

**The Scotland Act (1998):** Labour's Scotland Act (1998) does not list SD as a reserved matter.  In practice, though, the Scottish Parliament can legislate for sustainable development only in those policy areas that are devolved, such as planning policy, but not defence policy.  Thus Scotland cannot achieve SD alone, as all policy areas would have to be working coherently towards it.[18]

The Scotland Act also included an interim set of Standing Orders, prescribing parliamentary procedure until the new Scottish Parliament could establish its own.  They contained a requirement for Executive Bills to be accompanied by a Policy Memorandum (PM), which must include an assessment of the effects of the bill on sustainable development (Rule 9.3(iv)).  Rule 9.6 required committees to report on PMs.  It is clear from these rules that the intention at the outset was to ensure that the consideration of SD was built into both the development and scrutiny of bills (Clark, 2001).  These rules have been retained to date.

**Shaping Scotland's Future (1998):** Prior to the introduction of the Scotland Bill in the UK Parliament, a Consultative Steering Group (CSG) was set up by the then Secretary of State, Donald Dewar, to 'bring together views on and consider the operational needs and working methods of the Scottish Parliament' (McLeish et al., 1998).  It was chaired by Henry McLeish, Scottish Office Minister of State, later to become Scotland's second First Minister.

---

[17] I write 'at least' because 1/3 of Convention members who were Councillors could not be identified, so the total number could be as high as 74%.  Other participants were: Liberal Democrats – 16%; Co-operative – 3%; Democratic Left, Social Democrat, Green, Independent Labour, SNP and Orkney & Shetland Parties - each less than 1%; independents< 1%; unidentified – 11%.

[18] The 2005 UK Shared Framework for Sustainable Development (Sustainable Development Commission) could be considered an attempt to resolve this.

In 1998, the CSG presented its report *Shaping Scotland's Parliament,* which set out principles and detailed proposals for how the Parliament should operate. It:

> 'envisage[d] an open, accessible Parliament; a Parliament where power is shared with the people; where people are encouraged to participate in the policy making process which affects all our lives; an accountable, visible Parliament; and a Parliament which promotes equal opportunities for all.'

This vision speaks to the 'participatory democracy turn', whereby citizens can influence 'otherwise political and bureaucratic decision-making' (Bherer *et al.*, 2016, p.225). SD and participatory democracy are, as Westall (2016, p.1) puts it, 'overlapping and interdependent.' The equity principle of SD is based on meeting fundamental human needs, which include participation (Max-Neef, 1992). The UK Shared Framework for SD (Sustainable Development Commission, 2005) describes the good governance principle of SD as 'actively supporting effective, participative systems of governance in all levels of society.'

In addition, the CSG report emphasizes that the Scottish Parliament should ensure that environmental sustainability and other cross-cutting issues and matters that straddle government department boundaries are 'properly handled' (McLeish *et al.*, 1998, para. 14). The Group recommended that this be done through *ad hoc* committees and joint meetings and inquiries.

The narrative around participatory democracy and mainstreaming sustainable development also occurs in the other key think-piece of this period - *Scotland the Sustainable?* (Secretary of State for Scotland's Advisory Group on Sustainable Development, 1999)*.*

Scotland the Sustainable? (1999): Minister for Agriculture, Environment & Fisheries, Lord Sewell had instructed the Secretary of State's Advisory Group on SD that 'Sustainable development must be kept to the fore in the preparations for a Scottish Parliament' (Secretary of State for Scotland's Advisory Group on Sustainable Development, 1999, p.4). The Group duly published a report, *Scotland the Sustainable?*, in March 1999. It was aimed at Members of the (soon to be opened) Scottish Parliament, and sets out what the Advisory Group felt the new Parliament and Executive needed to do to create a sustainable Scotland. The first of its ten action points is:

> 'The Parliament and Scottish Executive should demonstrate committed leadership.
>
> Priority should be given by the Parliament to put sustainable development at the heart of its policy making, to ensure the social inclusion of all Scots, to ensure economic vitality and environmental responsibility' (*ibid.*, p.3).

The Advisory Group urges that:

'The principles of sustainable development have to be adopted as the basis of policy. We need to change attitudes, and we need to look to government to create the right environment and the necessary structures that allow those changes to take place. The new Parliament is an opportunity that must not be missed… This gives the Parliament a considerable responsibility and challenge. Hard decisions will have to be taken if the current trends are to be addressed. Yet if these matters are not tackled the consequences for the Scottish economy, environment and quality of life could be devastating' (*ibid.,* p.7-11).

This is the first indication that thinking about SD might be broader than the environment, indeed it shows an understanding of the requirement for a holistic policy approach. Although *Scotland the Sustainable* was produced by civil servants and external advisors, it is likely that it was signed off for publication by a Minister, possibly Donald Dewar himself, who would have had to have been willing to endorse the more whole-system approach advocated by the Advisory Group. Table 1 below sets out the recommendations specific to the Parliament.

| Recommendation | Implementation to date |
|---|---|
| Set up a cross-sectoral committee on sustainable development in line with para. 14 of the CSG report. | It was decided that all committees should integrate sustainable development principles into their scrutiny processes (Duffy, 2012). As at September 2021, this has not yet been achieved. |
| The committee should establish an expert panel on SD from time to time, in line with para. 39 of the CSG report. | No implementation. |
| Development of a scheme to promote SD in all the Parliament's activities, equivalent to s.121 of the Government of Wales Act [1998, which required that '*The Assembly shall make a scheme setting out how it proposes, in the exercise of its functions, to promote sustainable development*' (s. 121)]. | No formal scheme developed. |
| Require public bodies to produce SD strategies. | Under the Climate Change (Scotland) Act 2009, all Scottish public bodies have a statutory duty to act in the way they consider most sustainable, but this does not include developing an SD strategy. In practice, the Session 5 Scottish Government's interpretation of SD was largely restricted to climate change, and public bodies are driven to focus on this aspect (Ross, 2015).

The matter is further obfuscated by Government's Single Purpose of sustainable economic growth (Zovanyi, 2008) (see Ch.8). |

**Table 1: Recommendations for the Scottish Parliament from the Secretary of State's Advisory Group on Sustainable Development** (Secretary of State for Scotland's Advisory Group on Sustainable Development, 1999)**.**

**Reflections:** It appears that the SD narrative was a part of the devolution process, possibly due to the involvement of SD advocates. A spectrum of conceptualizations of SD is evident, ranging from it

being synonymous with environmental protection, to it being about shifting the trajectory of societal development so that it is within social and ecological limits.

The Advisory Group provided some detailed thinking on how to mainstream SD and pointed out some of the steps it felt should be taken to achieve this. Specific recommendations were made for the Parliament, none of which has as yet been implemented, but the first parliamentary Session did see significant activity on SD in both Parliament and Executive, some of which is discussed in the following section.

## Session 1 (1999 – 2003)

The new Scottish Parliament first sat in May 1999, to represent the people of a devolved Scotland. In the first Session, Labour formed a coalition Executive with the Liberal Democrats. An SD debate was held each in each of the first three parliamentary years. The first, an Executive debate, was on the motion 'That the Parliament places sustainable development at the core of its work and commends the Scottish Executive for its commitment to integrate the principles of sustainable development into all Government policies' (Boyack, 2000).

**The first SD debate (2000):** The text of the first debate sheds light on the varying perspectives on SD, and how they reveal a conceptual spectrum.

The then Minister for Transport and the Environment, Sarah Boyack, commenced by stating that 'Environmental and sustainable policies are at the heart of everything that our Executive stands for.' She then quoted the Brundtland definition of SD (see Ch.3) and set out the Executive's interpretation of it as 'the three arms of sustainable development— economic growth, social justice and the environment' (Scottish Parliamentary Corporate Body, 2000, col.781) - almost exactly the World Commission's compromise(d) conception.

Nevertheless, she did say that the Executive's view was that policy should be holistic and long-term. She referred to the report of the Secretary of State's Advisory Group on SD, and its recommendation for the Executive and Parliament to show leadership on the matter. She reminded the Parliament that a Ministerial SD group had been set up and would 'include people from a range of sectors', starting with the then head of environmental non-governmental organization (NGO) Friends of the Earth. Its role would be to 'embed sustainable development in all their policies and programmes' – a public commitment to mainstreaming within the Executive (*ibid.,* col.782).

Boyack's announcements that the Executive had invited tenders for the development of SD indicators, that she was working with the UK Government on setting up a new Sustainable Development Commission (SDC), and that the Ministerial group planned to commission SD guidance for the wider public sector,  suggest her commitment was genuine.  The first two suggest the Executive was open to being held to account for its role in making development more sustainable: indicators could show whether or not policy is successful in shifting development to a more sustainable trajectory, and the SDC was indeed set up to scrutinize the UK and devolved administrations (Sustainable Development Commission, 2009).  The third – guidance for the public sector - speaks to mainstreaming across public policy as a whole, rather than just within the Executive.  Together, these suggest commitment beyond rhetoric without intent.

Boyack closed by urging the Parliament to 'take sustainable development on board. It is important that each committee also does that… each committee must make it a theme of the scrutiny process.' Finally, she noted that 'A commitment to sustainable development will place us among the more advanced Parliaments of the world'[19] (Scottish Parliamentary Corporate Body, 2000, col.785).

The next speaker was Kenny MacAskill (SNP), who considered SD to be an 'underpinning philosophy', which he elaborated as being 'about more than environmental protection; it is about planning the interaction of our economy, our environment and our society to their mutual advantage.  Those three elements cannot be examined in isolation. Their interaction needs to be in harmony.'  While this appears to accord better with the integrated approach laid out in e.g. the UK Shared Framework for SD (p.44), it was undermined immediately afterwards by MacAskill advocating implementation through 'a sensible balance'.  This suggests that overall, while his conception of SD is more holistic, he is still unable to quite reach the idea of policy coherence, or integrated policy, rather than a 'balance' involving trade-offs (*ibid.,* col.787).

MacAskill was followed by a Conservative speaker, who, while agreeing that 'We can all share a belief in the concept of sustainability', re-cited the Bruntland Report opining that 'We do not think that there is any conflict between economic development and sustainability' (*ibid.,* col.789).  He used his speech to press for the release of greenfield and green belt land for development.  This could be interpreted as showing that while it might have been politically inexpendient to position oneself against sustainable development, at least in Brundtland's terms of meeting people's needs, it may have been more useful, from this speaker's perspective, to align it with his own ideology.  The ambiguity of the Brundtland definition allows for this to be done.

---

[19] Few parliaments had at that time made much commitment to SD (Cook, 2006)

Representing the Green Party, Robin Harper took issue with the definition of 'sustainability as economic growth, social development and environmental protection' The Greens' 1999 manifesto (Scottish Green Party, 1999) is pro-social and pro-environmental, which explains Harper's more informed view of SD, which he supported by citing various works. He also touched on the main manifestation of the fundamental contradiction (Ch.3) – (over)'consumption of the world's resources' (Scottish Parliamentary Corporate Body, 2000, col.797) .

Boyack's motion was carried unamended and without the need for a division (vote). This, and the fact that not one MSP spoke or voted against the notion of SD, supports the notion that it was not felt to be politically expedient to do so. As Linda Fabiani (SNP) noted, 'There is obviously a broad consensus on the need for sustainable development', adding 'so I will not recycle all the platitudes' (Scottish Parliamentary Corporate Body, 2000, col.808). The use of the word 'platitudes' suggests that she may have felt that some people had been paying lip service to the idea of SD. An alternative interpretation of the broad consensus is that it demonstrates the manifestation of what Bell & Cavanaugh (1998) term 'constructive ambiguity'. This is defined in Berridge's *A Dictionary of Diplomacy* as 'the deliberate use of ambiguous language on a sensitive issue in order to advance some political purpose' (Mitchell, 2009). It allows each party to make an interpretation of the same term that is favourable to them, creating an apparent consensus. This could help to prevent or resolve an impasse by avoiding the requirement for someone to agree to an untenable position.

However, looking at the varying interpretations of SD together, ranging from the Conservative view of economic growth being perfectly compatible with sustainable development, through various 'balancing' positions, to the Green understanding that increasing economic growth is increasing overconsumption of finite resources, the consensus is not so clear. While constructive ambiguity can be initially useful in unifying several activity systems around a particular object, it seems here, there are multiple objects hidden behind the same term. For example, the Conservatives, mainly espousing a free market ideology, could not seek to curtail economic growth so that environmental limits are not breached. Labour members, having at that time shifted towards the 'third way' (Giddens, 1998), were trying to reconcile capitalist and socialist ideas, which accounts for their balancing stance vis-a-vis economic, social and environmental objectives. It is possible that such differences could make the actual achievement of the shared object difficult.

Alternatively, it is possible that some politicians simply didn't feel able to speak against SD, given widespread global support for it, and the significant number of international SD agreements that had been signed in the preceding decade or so. There is some evidence that doing so could have been perceived negatively. For example in the 2002 SD debate discussed below, a Minister was called on to condemn the USA for refusing to sign up to the Kyoto Protocol (United Nations, 1998). Failure to

appear to agree with SD measures could lead similar disapprobation from the electorate – something that politicians may not be willing to risk.

Unfortunately, as a result of bloc voting in this first debate, a Green motion calling on the Executive to recognize the contradiction between economic growth and SD was amended to one that congratulated it instead.

**The second SD debate (2001):** The motion for the second debate was proposed by Sam Galbraith. He was then Minister for Environment, Sport & Culture, environment and planning having been removed from Boyack's portfolio.  Until Session 6, SD has always sat within the environment portfolio, perhaps reinforcing understanding of it as an environmental matter.

Galbraith's motion was 'That the Parliament affirms its commitment to sustainable development; recognises the importance of sustainable development to achieving social justice for all peoples, and commends the Scottish Executive for continuing to place the issue central to its policies and programmes' (Scottish Parliamentary Corporate Body, 2001, col.20)*.*

The debate again reveals Members' conceptions of SD, with Bruce Crawford (SNP) this time demonstrating an understanding of it that is consistent with its essence:

> 'human activity threatens our ability to meet the needs of the present without compromising the ability of future generations to meet their own needs… unprecedented growth is altering the face of the earth and the composition of the atmosphere. The air and water are being polluted, waste is accumulating, forests are being destroyed, soil is being eroded, fisheries are being depleted and the ozone layer is being damaged. That threatens the survival of humans and thousands of other living species… The current ideology of growth has captured humanity's imagination to the degree that we continue to believe that more of the same resource-intensive and pollution-creating economic growth is the best way of serving the common good' (Scottish Parliamentary Corporate Body, 2001, co.21).

This is significant, as in some cases, individual Members can play a key role in furthering something like SD, regardless of Party positions.  As will be shown, Crawford was one of them.

Generally, the debate was critical of the Executive's progress in embedding SD principles into various policy areas, its lack of progress on the development of an SD strategy, targets, and the lack of transparency of the Ministerial Working Group and environmental assessment of legislation, and especially of the self-congratulatory tone of the motion.  All three of the proposed amendments - SNP, Conservative and Green - sought to remove the commendation from the motion and replace it with more rigorous commitments to address these issues.

None of the amendments were agreed to, and the motion was carried, with all present Members of the ruling coalition voting for it, all present SNP and Conservative Members voting against it and Green and Socialist Members abstaining.  This is an example of the 'tyranny of the majority' (Mill, 1859 in Macqueen, 2015, p.433), that can result from unicamerality.

**The third SD debate (2002):** In the third debate the Minister for Environment & Rural Affairs reminded the Parliament of its commitment 'to make sustainable development central to all its work' (Scottish Parliamentary Corporate Body, 2002, col.8633).  He asked the Parliament to pass a motion to welcome and laud the Executive's new SD action plan (Scottish Executive Environment Group, 2002), but also to reiterate 'that sustainable development must be a central principle in governing Scotland' (Scottish Parliamentary Corporate Body, 2002, col.8638).

The two proposed amendments and debates duly criticize the action plan as being inadequate. Neither amendment was agreed to and voting was in Party blocs, and the motion agreed to.  This shows that a majority/majority coalition seems to lead (at least in the Chamber) to adversarial politics, rather than the originally-intended consensus politics (Cairney, 2011).  This could have implications for SD, which seeks the resolution of developmental contradictions and conflicts, to create win-win solutions (Campbell, 1996), whereas adversarialism could tend towards win-lose outcomes, as it is a competitive, rather than a co-operative strategy.

During each of the Session 1 debates on SD, the Parliament stated its commitment to mainstreaming SD.  However, there is little evidence that this was in fact carried out.

**SD in committees:** At the first meeting of the Transport & Environment Committee, it was agreed that SD would be included in its remit (Scottish Parliamentary Corporate Body, 1999, col.4).  A look at lists of the reports (not including those on subordinate legislation) of selected committees from this session shows that although many issues concerning societal development were considered, sustainable development was not explicitly discussed, even by the Transport & Environment Committee.

**Scottish Parliament Information Centre (SPICe) briefings:** During Session 1, one briefing on SD was produced in 2001 (Richards and Cook, 2001).  It appears to be a 'proactive' briefing – that is, not produced to support specific committee business, but written on a SPICe researcher's own initiative. Proactive briefings are generally on topics that are of concern or interest to researchers, or which they feel Members should be informed about.

**The influence of lobbyists:** In 2001, research commissioned by Scottish Environment LINK (SE LINK), an organization which represents environmental NGOs, looked at the quality of the SD assessments of Executive bills (discussed in Ch.3). One of the researcher's recommendations was that Members' bills should be similarly assessed (Clark, 2001). Her report was published in April, and a new rule appears in the May 2001 revision of the Standing Orders. It is likely that the research was used to support lobbying for the addition of this new rule.

**Reflections:** In its first Session, the Parliament made several high level commitments to SD. The debates show that although no party spoke against it, a conceptual consensus did not exist across the Chamber. The Official Reports also show the shifting perspective under each of the three First Ministers. Under Dewar, Boyack calls for both Parliament and Executive to mainstream SD. Under McLeish, SD is placed in the same portfolio as culture and sport, which could be seen as something of a downgrade. Under Jack McConnell, it is under the purview of a Lib-Dem Minister, Ross Finnie, which could indicate diminished importance to Labour. Indeed during a prior debate on the same day as Finnie's SD debate, McConnell had talked about 'the way in which we will secure higher growth' (Scottish Parliamentary Corporate Body, 2002, col.8620).

As to committees and the SPS, there does not appear to be any evidence of their engagement with SD mainstreaming.

## Session 2 (2003 -2007)

The Session 2 Parliament was more politically diverse, but Labour kept its majority and formed a second coalition Executive with the Lib-Dems.[20] The previous administration's Sustainable Development (SD) Team (Scottish Executive, 2003) morphed into an SD Directorate (Scottish Executive, 2006), which is the highest level organizational grouping of the Scottish civil service. This could suggest more emphasis being placed being on SD.

---

[20] Labour's majority was reduced from 56 to 50 seats and the SNP lost 8 seats (Leeke and Cracknell, 2003). These were picked up by the Scottish Green, Socialist and Senior Citizens' Unity Parties and independents, who totalled 7, 6, 1 and 3 respectively (Burnside et al., 2003). The Liberal Democrats retained 17 seats.

**Sustainable Scotland Debate (2003):** The only SD debate of Session 2 was a Member's debate, unlike those of Session 1, which were Executive debates. It was on a motion proposed by Green MSP, Robin Harper, which focussed on the 'policy contradictions' whereby 'one good policy is undermined by another policy' which would be likely to hamper SD (Scottish Parliamentary Corporate Body, 2003, col.2955). He moved:

> 'That the Parliament welcomes the Scottish Executive's intention of placing the environment and sustainable development at the heart of all of its policy making; notes, however, the policy contradictions, including those in A Partnership for a Better Scotland[21], which indicate that this goal is not likely to be achieved, and therefore calls on the Executive to integrate sustainable development within all of its policy making and organise government to achieve this end' (*ibid.*, col.2957).

Harper provided examples of policy contradictions, such as the Executive's commitment to meet greenhouse gas emissions reduction targets without any concomitant target to reduce transport emissions. He pointed out that the Executive was 'saddled with commitments to build more roads, expand airports and encourage air travel, all of which cause climate change' (*ibid.,* col.2955), arguing that:

> 'At the root of the Executive's contradictory approach to sustainability is an obsession with economic growth as a sort of miracle driver for societal well-being. However, to judge progress on gross domestic product [GDP] alone is to live in a fool's paradise'[22] (*ibid.*, col.2956).

Indeed, the response of Ross Finnie, Minister for Environment & Rural Development, seemed to support Harper's accusation – he ignored the issue of policy contradiction, and gave a vehement defence of the Executive's growth policy (*ibid.*, col.2958).

Ted Brocklebank (Con) used his speech to argue for the application of the ideology of individualism and a free market. He opened with 'Conservatives have always supported a sustainable development policy that is aimed at empowering the individual and increasing choice, while reducing the power of the bureaucracies.' He also used his speech to argue against fishing quotas and for withdrawal from the EU Common Fisheries Policy and its rules and quotas, 'to ensure that fishing communities will have a sustainable future' (*ibid.,* col.2963), even though Jamie Stone (Lib) pointed out that the decline of fish stocks were threatening the industry.

---

[21] The coalition partnership agreement between Labour and the Liberal Democrats.

[22] 'Fools paradise' is defined as 'a state of happiness based on fictitious hopes or expectations' (Anderson et al., 1998).

These examples show how the parties, which can be seen as activity systems or sub-systems, try to co-opt or subvert the object of the wider activity system towards their own objects. Initially, SD is the object of the Parliament activity system's debate. However, it can be seen that Brocklebank, using the concept as a mediating artifact, attempts to subvert this object. Figure 8 models the mechanism of such subversion/co-opting, using the top triangles of the Parliament's and Brocklebank's activity systems, which include subjects, objects and mediating artifacts:
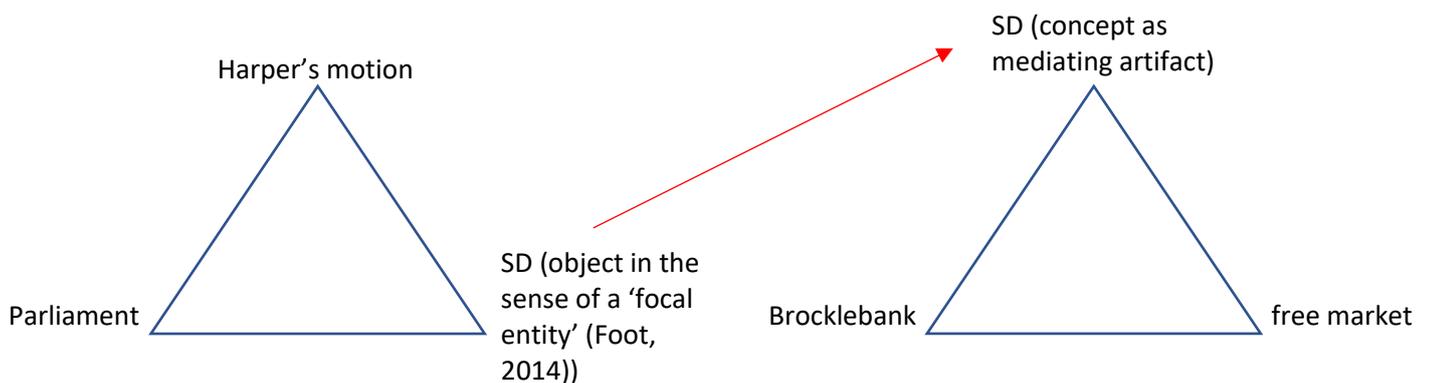
**Figure 8: A mechanism by which the term 'sustainable development' can be co-opted or subverted.**

This elucidates one of the problems of an ambiguously-defined term – a challenge for SD mainstreaming, in that there is a risk that what Ross (2008) refers to as a 'symbolic' term, could be deployed to signal the virtue of policies that may not be pro-social or pro-ecological.[23]

Nevertheless, Sarah Boyack continued to call for mainstreaming, arguing that 'The key issue is how we mainstream sustainable development.' She reminded the Parliament that 'every bill is meant to address sustainable development principles', but that only two had done so thus far. She urged the Parliament 'to exert leadership… audit our policies and look at the budget process and our own structures so that sustainable development is not just something that we demand from the Executive, but something that we take ownership of and put into practice' (*ibid.*, col.2966). A Green Member expressed support for the idea of a parliamentary committee on sustainable development to scrutinize other committees and public bodies, as proposed by the Commission on a Sustainable Scotland, outlined below.

**Working together for a sustainable Scotland (2004):** In his debate, Harper had referred to 'an independent Commission of the Centre for Scottish Public Policy', which had agreed with the need

---

[23] The following chapter shows how this has been done in court cases in which SD clauses of Acts of the Scottish Parliament are at issue.

for 'a fundamental shift in approach and policy away from the inadequate pursuit of growth at any cost towards the goal of sustainability' (*ibid.*, col.2957). This Commission aimed to 'bring forward radical proposals for a Sustainable Scotland' (Commission on a Sustainable Scotland, 2004, np).[24] Its summary report, *Working Together for a Sustainable Scotland* contains much commentary on, and recommendations for, the Parliament. Although the report does not explicitly criticize the pursuit of growth, it does state that over-consumption is the cause of environmental degradation and social inequity, and questions the link between consumption and wellbeing. It calls for ''prosperity' to be redefined to recognise the negative aspects of excessive levels of consumption' (*ibid*.). Despite the fact that the Executive had abandoned the previous Session's ambiguity around growth, and argued strongly in its favour in the 2003 debate, Boyack, who had chaired the Commission, had felt able to put her name to the report. This shows that even within the ruling Party, there are likely to be different activity systems at play, with different objects.

In terms of recommendations relating to the Parliament, the Commission's report points out the lack of a means of holding the Executive to account. It argues that while the Environment & Rural Development Committee (ERDC) is able to hold the Minister for the Environment & Rural Development to account, neither it, nor he, are able to do the same to other Ministers. So, the report calls for a sustainable development committee to scrutinize legislation, other committees, and the budget, as well as the Executive. As at June 2021, there has never been an SD committee.


**The Environment & Rural Development Committee (2003 – 2007):** Despite being a member of one of the ruling parties, Sarah Boyack, now Convener of the Environment Committee, continued to look into how SD mainstreaming could be implemented, as well as seeking to hold the Executive to account on it.

The Committee decided to commission external research on SD. The Convener must have written to the First Minister, Jack McConnell, to inform him of the planned research and request the co-operation of civil servants and Ministers, as I discovered a copy of his reply, saying that the Executive is 'happy that your Committee will be looking at the processes and structures in the Executive and Parliament to see whether they are delivering. We will be happy to cooperate' (McConnell, 2004). However, with regard to her request to interview various Ministers, he replied 'I think it would be better if the researchers concentrate on interviews with staff in the first instance' (McConnell, 2004). While his not-quite-refusal is very polite, it belies a reluctance for Ministers to be exposed to interviews. One could speculate that he may have been concerned that interviews with Ministers

---

[24] The Commission had presented its findings two days prior to the debate.

would reveal what environmental NGO WWF had found: that 'the Executive's claims (since 1999) to have sustainable development 'at the heart of all policies' were well short of fulfilment' (Birley, 2002), and 'Rhetoric [was] exceeding delivery of Sustainable Development actions and policies' (Crofts and Thomson, 2003). McConnell's letter had, however, conceded that interviews with Ross Finnie or his deputy would be useful and could be arranged, but the research report states that 'Interviews were also requested with the First Minister, the Environment and Rural Development Minister and the Deputy Environment and Rural Development Minister but these requests were declined' (CAG Consultants, 2004, para.21).

The report, *Is the Scottish Executive Structured and Positioned to Deliver Sustainable Development?* focusses mainly on the Executive, but the Parliament is also considered. It recommends that the Parliament train its staff on sustainable development, develop an SD checklist to support the appraisal of legislation and improve its scrutiny of the Executive. The report stresses the importance of the roles played by MSPs, SPICe researchers, committee clerks and party researchers in the scrutiny process, and the fact that none of them are supported by training on SD. It also suggests that the Parliament improve its consideration of whether Executive policy is 'being converted into practice' (*ibid.*, para.8). In relation to legislation, the researchers observe that 'There is no systematic mechanism for integrating sustainable development into legislation' and that 'The quality of the impact section of the Policy Memorandum was very variable, with a tendency to focus purely on environmental impacts' (*ibid.*, para.103-104) (see Chapter 3). Again the importance of the roles that Members and parliamentary staff could play in 'ensuring that the sustainable development impacts of legislation are properly considered' is emphasized (*ibid.*, para.109). The report concludes that 'Overall monitoring and reporting on sustainable development is weak' (*ibid.*, para.123).

The Executive's response to the report does not suggest wholehearted acceptance of its conclusions and recommendations, and is mostly non-committal (Brough, 2004), apart from agreeing to put in place an SD strategy.[25]

In 2005, a strategy, *Choosing our Future* (Scottish Executive, 2005)*,* was published*.* The following year, the Environment Committee invited the SDC to 'provide its perspective on the role of the Scottish Parliament in delivering sustainable development' (Brough, 2006, np) at a meeting dedicated to SD scrutiny. It requested a SPICe briefing 'to consider how different legislatures, and in particular committees, scrutinise legislation for impacts on the three strands of sustainable development – environment, economy and social' (Cook, 2006, p.1).

---

[25] Although it is worth noting that this had in fact been promised two years previously by McConnell (Grayling Strategy, 2003).

The briefing points outs that 'Parliamentary scrutiny of Executive action on sustainable development has been characterised [as] insufficient' (Cook, 2006, p.5). It appears to suggest that this may be due to a lack of any specific requirement for the Parliament to scrutinize SD. The briefing also reviews SD governance, finding that at all levels – international, national and sub-national, the role of scrutiny is barely considered. Where it is, it is in terms of 'general policy development rather than legislative scrutiny' (Cook, 2006, p.8).

The ERDC members spent the first part of their SD meeting quizzing witnesses from the SDC about how best the Scottish Parliament might implement SD scrutiny. The Convener insisted that 'Sustainable development is not the responsibility of one part of the Scottish Parliament; the matter must be integrated into its work' (Scottish Parliamentary Corporate Body, 2006, col.3792). She also suggested that the Committee's discussion could inform the legacy report that it would leave for its successor committee, and form the basis of some recommendations to the Conveners' Group. One of the members, Maureen McMillan (Lab), observed that SD was 'marginalised' *(ibid.,* col.3793), and the Committee and witnesses discussed options including a permanent SD committee, or a short-life committee or working group to implement mainstreaming. The SDC warned that the risk of having an SD committee, rather than having all committees integrating SD into their work, was that SD would be seen as a discrete issue, rather than a universal one. Checklists and other tools and training were also discussed. Maf Smith from the SDC advised that 'tick-box' exercises were not as helpful as 'bringing together different teams… and getting them to ask questions of one another' (*ibid.,* col.3800), as this more discursive approach appeared to be working within the Executive's training programme. But his colleague, Helen Smith, warned that the success of tools depended on the knowledge and capacity of the people using them. Other issues discussed were whether a more formal duty to scrutinize the sustainability of development would be helpful, and whether the Presiding Officer should have a role.

The Convener closed the first part of the meeting by concluding that:

> 'We must try to get a system that will work for the next four years. It may not be the system
> that Parliament will use for ever, but we must move from a situation in which this tends to be
> the committee that pursues sustainable development to a situation in which other committees
> buy into it' (*ibid.*, col.3802).

Later, MacMillan (Lab) provided the Conveners' Group (CG) with a précis of the research the committee had commissioned, and the discussions it had had vis-à-vis mainstreaming SD. She invited CG to consider whether it wished to include the issue in its legacy report for its successor Group. CG agreed 'that scrutiny of sustainable development was not simply an issue for the Environment and Rural Development Committee and that a method was required which would allow

this to be scrutinised across all areas' (The Scottish Parliament, 2007, np). However, it refused to mention the matter in its legacy report, as it felt that the subsequent Group could consider the matters based on the ERDC's legacy report instead. As CG minutes are very brief, it is not possible to know the details of the discussion.

In its own legacy report, the ERDC noted that there was 'a desire to mainstream the issue across all committees' (Macmillan *et al.*, 2007, np) and that in its opinion, it was a matter for all committees.

**Reflections:** The second Lib-Lab coalition's approach to SD is manifested in its sustainable development strategy, which unapologetically states that 'Economic growth is our top priority' (Scottish Executive, 2005, p.14). This differs from the rhetoric of the previous administration, which was more circumspect about using the term 'economic growth'.

Against this background, no significant practical progress on mainstreaming SD was made, although the discussion on mainstreaming shifted to the committee level, and was more concerned with practical details.

During this session lobbyists such as Scottish Environment LINK, and WWF produced several reports. As much lobbying takes place through personal interaction and correspondence, it is not possible to understand the full extent of such activity, but their reports, the report of the Commission on a Sustainable Scotland, and the criticisms and recommendations of the SDC and ERDC in relation to the Parliament and Executive are congruent.

## Session 3 (2007 – 2011)

In the Scottish election of 2007, the Scottish National Party (SNP) won the most seats – 47 (37%) – beating Labour by just one seat (Herbert *et al.*, 2007). Had the Liberal Democrats (Lib Dems) and the Greens agreed to enter into a coalition with the Nationalists, they would have held 65 seats – just enough to constitute a majority. However, the Lib Dems could not agree to the SNP's planned referendum on seceding from the UK, and the Greens couldn't support some of its commitments on issues such as dualling the A9, most likely due to environmental impacts[26] (Carrell, 2007). Accordingly, the first minority executive was formed.

---

[26] As at November 2019, the dualling of the A9, and road building in general, remains a contentious matter, especially in light of the SNP's recent acknowledgement that we are in the midst of a 'climate emergency' (The Scottish Parliament, 2019).

**Conveners Group and the Minister for Parliamentary Business:** Early in the Session CG, prompted by Green MSP, Patrick Harvie, 'agreed to consider at a future meeting mainstreaming scrutiny of sustainable development in the work of the committees' (Conveners' Group, 2007, n.p.). This was an effort to take forward the work begun by the previous Session's Environment & Rural Development Committee. The Clerks to the Rural Affairs & Environment, and Transport, Infrastructure & Climate Change Committees were tasked with working 'up a few ideas for a paper for CG over the next month or so, and it will then appear on a CG agenda in the new year' (Cook, G. 2008: Sustainable Development Timeline 2003 - 2008 - internal document).

Meanwhile, the new Minister for Parliamentary Business, Bruce Crawford, who had previously spoken in favour of sustainable development (SD) in the Chamber (see p.65 above), wrote to Trish Godman, Chair of the Conveners' Group. He stated that he had been 'approached by individuals inside and outside the Parliament regarding a possible role for Parliamentary Committees in the scrutiny of sustainable development'. He had been advised by clerks that 'rather than incorporating such scrutiny into the formal remits of all committees a preferable approach would be to mainstream scrutiny into all their work – comparable with the approach taken to equal opportunities.' He added that the view of the Cabinet Secretary for Rural Affairs & the Environment, Richard Lochhead, was also that SD scrutiny 'was a key role for all Parliamentary Committees'. They were in agreement with the previous Session's Environment & Rural Development Committee, that SD scrutiny should be mainstreamed into the work of all committees, rather than being allocated to a 'specialist or [over]arching sustainable development committee'. He added that Lochhead had suggested that the Parliament work with the Sustainable Development Commission, and with his officials, who could use their experience of working on mainstreaming SD in the Executive 'to develop guidance and training… to aid the scrutiny of sustainable development.' Crawford asked that CG consider mainstreaming sustainability audits into the work of all committees, and take up 'the offer from the Scottish Government to assist the Parliament in taking this forward' (Crawford, 2007, n.p.).

In January 2008, CG received a brief paper presented by the SD Commission. It outlined key annual review findings relating to the Parliament's procedures. Chief among these was that the Parliament 'needed to do more to scrutinise delivery of sustainable development by the Scottish Government.' It felt that the Parliament 'has a central role to play in the scrutiny of Executive policy against sustainable development.' It reiterated that SD should be 'integrated fully into all relevant committees, but that a cross-cutting scrutiny role, taken forward through a mandatory committee, would add a strategic perspective to the evaluation of progress' (Bebbington and Smith, 2008, n.p.). The official CG decision note simply states that 'The Group agreed to discuss mainstreaming of

sustainable development in the work of the committees further at its next meeting' (Conveners' Group, 2008, n.p.). An informal note sheds a bit more light on the outcome of the meeting:

'CG seem to have agreed that mainstreaming is a good thing, and next stage is clerks meeting with Scottish Government, SDC and contacting welsh assembly with a view to thinking about capacity building for clerks, SPICe and committee members' (Cook, G. 2008: Sustainable Development Timeline 2003 - 2008 - internal document).

In March, clerks and SPICe provided a paper to Conveners' Group. It suggests some options for mainstreaming (Committee Office and SPICe, 2008, p.3). It states that effective mainstreaming would entail committees assessing whether matters before them had an impact on SD, ensuring that calls for evidence, selection and questioning of witnesses take into account any impacts identified, and assessing whether and how policies and bodies under scrutiny had themselves had considered SD.

The Conveners' Group minutes states that it:

'agreed that it supported the general principle of mainstreaming sustainable development scrutiny in the work of the committees. The Group agreed that initially this should be done through a "pure" mainstreaming approach. Committees should include a section in their annual reports setting out what they had done in relation to scrutiny of sustainable development issues. The situation should be reviewed annually by the Group.

The Group agreed that… there should be training for staff and members on scrutiny of sustainable development but such training should be proportionate and proper regard should be had to cost' (Conveners' Group, 2008a, n.p.).

In practice, this would mean that each committee would be responsible for SD scrutiny, but there would be no oversight of this. It is worth noting that that SPS had not considered the need for any additional staff resource to support what would appear to be a huge and complex task – all committees applying an SD lens to all their work.

In May, 2008, the Chair of the Conveners' Group wrote back to the Minister for Parliamentary Business, to inform him of its decisions. She added that 'The clerks have also held discussions with staff from both the Sustainable Development Commission and with Kate Perkins from the [Executive's] Greener Scotland Directorate on how best to equip members and staff to undertake this work effectively.' Perkins had made the Executive's SD checklist available to the Parliament, and she and the SD Commission would provide a training session for clerks and SPICe researchers, after which individual conveners would 'recommend to their committees that in future years the

committee annual report should contain a section on scrutiny of sustainable development' (Godman, 2008, n.p.).

**The Climate Change (Scotland) Act 2009:** In 2009, the Parliament passed a piece of legislation that had a small but very significant SD clause.  The Climate Change (Scotland) Act 2009, whose main purpose was to effect the reduction of Scotland's greenhouse gas emissions[27], included a set of duties for Scottish public bodies (s.44).[28]  The third of these states that 'A public body must, in exercising its functions, act… in a way that it considers is most sustainable.'

The Bill as originally introduced by the Executive contained no SD clauses.  The public bodies duties section simply granted the Scottish Ministers powers to impose duties relating to climate change.  During Stage 1 scrutiny (on the general principles of the Bill), 'A number of witnesses [to the Transport, Infrastructure & Climate Change Committee] suggested that the Bill should be amended to provide for mandatory duties to be imposed on public sector bodies in relation to climate change' (Transport Infrastructure & Climate Change Committee, 2009, para.276).

At Stage 2, Labour's Cathy Peattie proposed this amendment (amendment 198):

'A public body must, in exercising its functions, act—

(a) in the way best calculated to contribute to the delivery of the [emissions reduction] targets set in or under Part 1 of this Act;

(b)  in the way best calculated to help deliver any [adaptation] programme laid before the Scottish Parliament under section 45;

(c)  in a way that it considers is most sustainable' (The Scottish Parliament, 2009).

The committee passed the amendment, but at Stage 3, the Minister for Transport, Stewart Stevenson attempted to amend Peattie's amendments, including so that the SD duty would apply only to their 'action to reduce their emissions' (The Scottish Parliamentary Corporate Body, 2009a, col.18730).  He seeks to clarify his reasoning, stating that:

'A significant issue with section 36 as it stands is that it would require public bodies to comply with the new duties when exercising any functions and to do so in the most sustainable

---

[27] This relates to production rather than consumption emissions – that is the emissions produced in Scotland e.g. by coal-burning power plants, rather than all the emissions generated by the production, transport, etc. of the goods that are produced elsewhere, but consumed in Scotland.

[28] Defined as 'a Scottish public authority within the meaning of section 3(1)(a) of the Freedom of Information (Scotland) Act 2002' (s.44(2)).

manner.  That duty would not be restricted to duties under the bill but would apply to those bodies when they carry out any function, even those functions that have no obvious connection to climate change' (*ibid*. col.18731).

Given the advice of the SD Commission, and the ongoing discussion with the Executive and Parliament about mainstreaming, seeking to carry out any functions in the most sustainable manner would appear to be exactly what the two institutions were attempting to bring about, and yet, here a member of both seems to be directly opposed to that.  Cathy Peattie asked the Minister:

'Why lodge amendment 38? It will weaken the public body duty that was agreed to at stage 2… and links sustainable development only to weak greenhouse gas emissions cuts and not to overall functions… why diminish the perfectly good provisions that have been agreed to?' (*ibid*. col.18733).

Stevenson's changes were not agreed to.

Crucially for mainstreaming SD in the Parliament, the Parliament itself falls under the definition of 'public body' for the purposes of the Act, and what is now section 44, applies to it, as much as to any other public body.  This means it must, in exercising its functions - chiefly scrutiny – act in a way that it considers most sustainable.  Although 'most sustainable' can be interpreted in different ways, given the debate around the inclusion of the duties in the Act, I would argue that the intention was to incorporate SD into public functions.


**Session 4 (2011 – 2016):** Soon after the Conservative-Lib Dem coalition came to power in the UK in 2010, it abolished or merged 186 'quasi non-governmental organizations'[29] (Institute for Government, 2012), including the SD Commission (SDC).  The SDC Scotland was funded for one further year by the Scottish Executive, which then approached the Parliament and Audit Scotland to see if they could take on some of the Commission's SD scrutiny functions.  The Parliament agreed to carry out SD scrutiny via its normal scrutiny functions relating to legislation and policy.

The Executive agreed to temporarily support this through a secondee to the Parliament, who would be its first SD Scrutiny Officer.  During their time, they:

- Carried out research on SD scrutiny approaches in other parliaments.
- Sought to ensure Assistant Clerks were responsible for incorporating SD into their committees' work planning.

---

[29] More formally known as non-departmental public bodies.

- Sought to ensure SPICe researchers' role included supporting committees on SD 'with bespoke support from the Sustainable Development Scrutiny Officer.'
- Organized staff training sessions with SD academics.

Towards the end of this secondment, in a letter to the Scottish Government's Deputy Director of Climate Change and Water Industry, the Clerk to the Parliament[30] noted that 'One unexpected development is recognition outwith the Parliament that the approach we are taking is innovative, and unique in a Parliamentary context' (Grice, P. 17.05.2013) . The Government agreed to jointly fund a further secondment, and in 2013, I took over the role.

My predecessor had worked on laying the ground. They wrote that 'a mainstreaming approach should form the bedrock of this work. It is the minimum option', but that 'Research and analysis done to date indicate that a mainstreaming approach would only work with a dedicated resource behind it, mirroring [the expert support available for] equal opportunities and Europe, e.g. Grade 5 Senior Researchers providing specialist knowledge on Europe and Equal Opportunities issues' (Fenney, 2012, para.38, 73).[31] It appears Conveners' Group did not agree, and again opted for 'pure mainstreaming', i.e. mainstreaming with no dedicated support. This action research PhD is one of the stop-gap measures put in place to enable work on SD mainstreaming to continue.

---

[30] Also the Chief Executive Officer of the SPS.

[31] As at May 2020, those of us who are working on mainstreaming SD are still trying to persuade the organization to grant us this resource.

**Discussion on the historical development of the Scottish Parliament's sustainable development activity system**

Following is a brief discussion of how party politics and different groups in the Parliament worked to shape the object of SD mainstreaming.

**Party politics:** This chapter shows that from the Labour-dominated period of campaigning for devolution, through the preparation for a new parliament, the first two Sessions, and a little way into the SNP's rule, there was clear political volition for the Parliament to take up and play a strong role in sustainable development. The Constitutional Convention became active around the time of the United Nations Conference on the Environment and Development, popularly known as the 'Earth Summit' (1992). It seems the Labour Party had been strongly influenced by the conference, due to which 'a powerful idea [sustainable development] came to global prominence for the first time' (Netherwood and Flynn, 2012, p.3). This could explain the inclusion of SD in many of the key documents relating to devolution, the setting up of the Parliament, and the various debates and committee work carried out to mainstream it while Labour dominated Scottish politics. However, these documents do illustrate varied conceptions of SD. For example, *Scotland's Parliament. Scotland's Right.* (Scottish Constitutional Convention, 1995, p.57)*,* suggests a general policy approach that is not necessarily pro-growth, but does conflate 'sustainability' with environmental protection.

After the SNP came to power, the prominence of SD rapidly declined, almost fading altogether. The reasons for this are perhaps two-fold. First, the SNP set out its overarching Single Purpose as 'sustainable economic growth', which before long supplanted the notion of sustainable development (discussed in Ch.8). The Government Economic Strategy of the time shows that sustainable economic growth largely means economic growth which can continue indefinitely (The Scottish Government, 2007b), and is a phrase likely to have been selected to support the SNP's case for secession from the UK, which has always been predicated on a 'strong' and growing economy, as conventionally defined (e.g. Sustainable Growth Commission, 2018). Second, the financial crisis of 2008 shifted the focus of EU and UK policy, (Jackson, 2017) and the new political mantra became 'jobs and growth'. The Labour-created Sustainable Development Commission (SDC) was abolished by the new Conservative-Liberal Democrat UK Government.[32]

---

[32] Which Frank Gallagher, the protagonist of the popular television series, *Shameless,* prefers to refer to as the 'Con-Dem Nation'.

This section illustrates how broader cultural history can shape an activity system, but Individuals can have a powerful influence too.

**Individual Members:** Donald Dewar 'played a key role' in the campaign for, thinking about, and establishment of, the Scottish Parliament (Hassan, 2020, np). As Secretary of State for Scotland, he set up an Advisory Group on SD, which produced a number of policy papers, including *Scotland the Sustainable?* (Secretary of State for Scotland's Advisory Group on Sustainable Development, 1999)*,* which set out recommendations for the devolved Parliament and Executive (see p.68). 'Dewar worked tirelessly on creating the Scotland Act 1998' (The Open University, no date) – a manifestation of pre-devolution thinking about what a new Scottish Parliament should be - and it was this that gave the SD mainstreaming activity system a formal and official basis through its requirement for the impact of Executive bills on SD to be assessed.

Sarah Boyack, as Minister for Transport & Environment got the Parliament to commit to mainstreaming (p.69). Outwith the Parliament, Boyack worked with others, such as Scottish Environment LINK, to produce a report that recommends cross-cutting scrutiny, and outlines various mechanisms by which SD mainstreaming might be implemented in both Parliament and Executive. In Session 2, she chaired the Environment & Rural Development Committee, and, probably as a result of her influence, it sought to hold the Government to account over its incorporation of SD into its practices and policy-making, as well as pursuing mainstreaming in both institutions.

In Session 3, the baton was taken up by the SNP's Bruce Crawford, as outlined on p.81.

Nardi explores *Power and Passion in Collaborative Activity* based on Leontiev's work on motivation. She quotes him thus: "Behind the object, there always stands a need or a desire, to which [activity] always answers" (Nardi, 2005, p.37). The words and actions of the three Members who used their positions and power towards bringing about SD mainstreaming demonstrate their passionate commitment to SD. They chose to use their agency to focus the activity systems in which they participated on this cause. Without their agentic action, the framework of political decisions and activity which make up the cultural history of the SD mainstreaming activity system would not exist, and nor would the locus for my own work, in which I have deployed all the power and passion at my disposal to build on theirs. Indeed it is perhaps power and passion that create transformative agency, as discussed in Ch.9.

**Stakeholders and lobbyists:** Although it is difficult to assess the influence of lobbyists, there are clear indications of an active pro-SD lobby working to encourage the Parliament to adopt SD thinking

(although not in those terms).  Scottish Environment LINK and others regularly submit written evidence urging the Parliament to do this, e.g. during the Environment, Climate Change & Land Reform Committee's 2020 scrutiny of the UK Withdrawal from the European Union (Continuity) (Scotland) Bill.

Particularly relevant to mainstreaming was LINK's submission to the Standards, Procedures & Public Appointments Committee's 2014-15 'major inquiry into whether the Parliament's legislation procedures are working effectively' (Scottish Parliamentary Corporate Body, 2015, p.3).  LINK emphasized that the current committee system cannot 'help to solve the problem of "departmentalisation" in both their own work and the work of the Government' (Scottish Environment Link, 2014, p.3).

During this inquiry, 'Several people [also] mentioned a lack of detail in the policy memorandum on sustainable development', including Prof. Colin Reid,[33] who pointed out that 'a glaring weakness is the quality of the Sustainable Development memoranda' (Scottish Parliamentary Corporate Body, 2015, p.11).

The SDC Scotland, which Boyack helped to set up, also played a key role.  As a public body, it was able to work with the Parliament, rather than lobby from the outside.  Over the years, it repeatedly made recommendations for mainstreaming, including that:

- SD would not be seen as integral to the work of all committees if there was a stand-alone SD committee;
- in considering how policy might affect SD, a discursive questioning approach would be more effective than a checklist (p.72).

As at February 2021, none of the SDC's recommendations have been fully implemented, although my work with Scottish Parliamentary Service (SPS) colleagues has contributed towards doing this.  Some of it is discussed in Ch.6-8.


**Scottish Parliamentary Service staff:** As Ch.6-9 will show, the (SPS) provides many of the inputs necessary to scrutiny processes, and can have a significant influence on its shape, for example through briefings from the Scottish Parliament Information Centre (SPICe).  These are not just produced to inform Members about matters under scrutiny, but also to raise awareness of issues

---

[33] Professor of Environmental Law at the University of Dundee as at February, 2021.

that SPICe researchers deem important.  These are publicly available, and could therefore have an influence on stakeholders and lobbyists, as well as Members and their staff.

Early on in the Parliament's history, SPS activity on SD appears to have been largely limited to publishing briefings.  However, it is impossible to know what unrecorded conversations took place between SPS and Members' staff, stakeholders, and MSPs themselves.  For example, in Session 3, the Minister for Parliamentary Business, Bruce Crawford, asked Conveners' Group to consider mainstreaming SD into the work of all committees.  He mentioned that he had been 'approached' about this by 'individuals inside and outside the Parliament' (Crawford, 2007).  It seems likely that the insider was a member of the SPS, as Crawford was careful not to name them.

On a more official basis, the SPS is also largely responsible for putting in place the systems and processes for scrutiny.  My research has shown that in a few instances, a member of SPICe has used their initiative towards operationalizing SD mainstreaming.  For example, when the Scottish Government approached the Parliament to see whether it could take on some of the scrutiny functions of the soon-to-be defunct SDC (p.84), it was a member of SPICe who 'initiated conversation about joint post if budget available' (PhD notes, 07.01.20).  This led to my predecessor, and later myself, being seconded to the Parliament, which in turn led to the setting up of this PhD project.  The secondees and this project have been the only dedicated SD resource the Parliament has had in the two decades since it first passed a motion to mainstream sustainable development into the work of all committees.

There is also evidence of clerks taking actions towards SD mainstreaming, but this appears to be mainly in response to committee business, and does not seem to be sustained in the long term.  For example, when a clerk was seconded to the Government to help it to improve SD impact statements, but was not successful in their efforts, no further official effort was made by the SPS, although I and my line managers did make a few attempts to engage with the relevant civil servants.[34]

**Conceptions of sustainable development:** This chapter shows that there is a conceptual spectrum in relation to SD (Pillai, 2010).  It also elucidates one mechanism by which the original concept can be subverted to validate potentially unsustainable ends.  The example, given on p.76, also shows how a concept can be used as a mediating artifact to support policy aims which may not be conducive to SD, in this case, a free market.  It would seem therefore that, in addition to what others have written constitutes SD thinking (Ch.3), our conception of SD may also be an integral component.  While a

---

[34] We were unable to pursue this work due to a lack of staff resource for SD.

focus of this project has been on fostering SD thinking in order to improve scrutiny, that is an intermediate goal to supporting sustainable development itself.  And, increasing the rigour of scrutiny is only beneficial in the real world if its eventual outcomes benefit society, as is expressed in the Parliament's vision, 'Making a positive difference to the lives of the people of Scotland' (The Scottish Parliament, 2017b).

One place where a specific type of outcome of parliamentary scrutiny – legislation - can be traced, is in the courts, where the clauses and concepts embodied in law are tested.  The following chapter considers the implications of the outcomes of those legal disputes in Scotland in which sustainable development clauses have been tested.

# Chapter 5:  Sustainable Development in Legislation and Law

Although work on mainstreaming sustainable development into the Parliament's scrutiny processes until 2012, SD clauses were included in legislation from early in Session 1, when the National Parks (Scotland) Act was passed, making SD their statutory aim.  By April 2019, the Parliament had passed 32 Acts containing explicit SD clauses - roughly 11% of Acts of the Scottish Parliament.  Yet, as at August 2021, there is still no legal definition.[35]  This chapter shows that this might be problematic in terms of governance for sustainable development, and perhaps connected to the wider problems surrounding the definition/concept of SD, as discussed in preceding Chapters 3 and 5.

It seems unlikely that development can be shifted to a trajectory that will bring human activity to within environmental limits, and foster inter- and intra-generational equity, if it is impeded by legislation and/or law, which are outcomes of scrutiny.  Thus, in relation to integrating SD thinking into processes that influence the shape of legislation, it is useful to consider how sustainable development is currently treated in law.

Following is a synopsis of research on the outcomes of legal cases in Scotland which hinged at least partly on sustainable development clauses.  It shows that there have been very few tests of SD as a legal concept, and that the judgements have been inconsistent, and even contradictory.  It suggests that though so many SD clauses were passed by the Parliament, there was no consensus about its definition, as noted in the previous chapter (p.82).  This is problematic, as SD clauses can be interpreted and implemented in many different ways, not all of which will be pro-social and pro-ecological.  This renders the legislation ineffective, making it difficult for implementers to be held to account, or SD clauses to be enforced or upheld, as this chapter will show.

In addition, it seems that the concept of SD is not well understood in the other two main branches of the governance system – the executive and the judiciary – compounding the problems of implementation and accountability/enforcement.  This is an important finding for mainstreaming, as it seems likely that the Parliament will continue to pass legislation containing SD clauses, and for them to be effective, effort will be required to build an understanding of the concept, including within the civil service and perhaps the legal profession, so that these can be easily interpreted by implementers and the judiciary.  SD mainstreaming may be a futile exercise if the outcomes of the scrutiny process do not actually support sustainable development.

---

[35] Including in UK law.

One example which demonstrates just how problematic the lack of definition can be in legal and policy terms is the case of Holmehill vs. The Scottish Ministers & Stakis Limited & Stirling Council.

## The Case of Holmehill

According to Pillai (2010, p.899), 'Following devolution, progress on land reform was workmanlike', resulting in the Land Reform (Scotland) Act 2003, the Community Empowerment (Scotland) Act 2014 and the Land Reform (Scotland) Act 2016. In her opinion, the provisions of the 2003 Act 'are amongst the strongest SD obligations in any UK statute' (2010, p.898). They are expanded upon in the two subsequent Acts. She also stresses that the 'spectrum of approaches to the [SD] principle is so broad as to accommodate vastly differing and even… opposing interests' and that 'It was arguably this ambiguous quality that commended the principle to the Scottish government as the underlying objective behind land reform' as 'it enabled different standpoints to be united behind a common goal' (*ibid.*).

Ross (2019) points out that the Land Reform Policy Group, on the basis of whose findings the 2003 Act had been drafted, had in fact included a definition of SD in its report, including that an integrated approach would be necessary for SD, different from a balancing approach based on trade-offs. Accordingly, the Land Reform (Scotland) Bill had originally included a definition of the sustainable development of a community, as being development which increased social and economic advantage and protected the environment. At Stage 2 of the scrutiny of the Bill (see Ch.4), Ross Finnie, then Minister for Environment & Rural Development, proposed an amendment that would completely excise the definition. His deputy, Allan Wilson argued, on behalf of the Scottish Executive, that the definition was 'too inflexible', and there was no alternative that solved the 'problem' of 'defining the balance between economic, social and environmental benefits.' He continues:

> 'Any definition in the bill would restrict the courts' interpretation of the meaning of sustainable development. As we all know, sustainable development can mean different things to different people and I am concerned that opponents of the right to buy could use a restrictive definition of an objective to frustrate communities' attempts to buy land' (The Scottish Parliament, 2001, p.432).

Wilson goes on to say that defining and assessing sustainable development would instead be in the gift of the Executive, in 'line with current thinking on sustainable development' and that this should not 'be seen as weakening our overall commitment to the achievement of sustainable development' (*ibid*., p.433). It is deeply ironic that in the case of Holmehill, it was in fact this very discretion which frustrated the community's efforts to acquire and protect land, as described below. As Ross argues,

a lack of definition simply allows the Executive to continue to pursue its (political) aims, whereby 'the balancing can occur outside the interpretation of sustainable development where sustainable development is expressly balanced against other factors' (2019, np).

The 2003 Act created pre-emptive rights to buy land for certain communities, on the condition that their representative body's purpose and plans for that land supported sustainable development. However, the lack of legal and policy clarity on SD, among other things, contributed to the loss one of the first legal appeals (2006) by a community body, Holmehill Ltd., against the Scottish Ministers' decision to refuse it a right to buy. In order for a community body to acquire an eligible piece of land under the Act, it must have first been given 'written confirmation [by the Scottish Ministers] that they are satisfied that the main purpose of the body is consistent with furthering the achievement of sustainable development' (s.37(4)), and Minsters that 'acquisition by the community body is compatible with furthering the achievement of sustainable development' (s.38(1)(b)(ii)). In practice, this would have meant that the community body would have to had to demonstrate that they had plans for the land that supported SD.

Based on the Sherriff's report (McSherry, 2006b), the Holmehill land was, at the time, owned by a company called Stakis, Ltd., and 'shown in the Adopted Stirling Local Plan[36] as a safeguarded area and is within a conservation area' (*ibid.*, p.2/61). Furthermore, it was subject to an agreement under the Town & Country Planning (Scotland) Act 1997 'whereby part of the land is reserved *inter alia* as open space' (*ibid.*).

Dunblane Development Trust, described by an expert witness as 'run by people living in a community to achieve long term sustainable improvement in the quality of life of that community' (*ibid.*, p.33/61). It had been interested in the conservation of Holmehill for its ecological significance, including 200-year-old trees, and concerned about its ongoing degradation.

Holmehill, Ltd. planned to develop the land for environmental, social and economic[37] benefits, as outlined in its application (Holmehill, 2005). The guidance issued by Ministers relating to the community right to buy required that development should be for these SD purposes. In its application, Holmehill outlined its plans to, create accessible woodland, areas that would support outdoor play and education, establish a community orchard, safeguard part of the area's cultural heritage by marking the historic route between St. Blane's Church and Holme Hill, and ensuring that the woodland would be a working one. It felt its proposal was in the public interest, as also required

---

[36] Refers to the Local Development Plan, which local authorities are required to produce and which 'set out the long term vision for where development should and shouldn't happen' (Scottish Government, no date)

[37] The 'three pillars' of SD set out in the Brundtland report (World Commission on Environment & Development, 1987).

by the Act, and explained how it would support public health and leisure, ecology, the local economy, landscape, heritage and spirituality, and community environmental awareness. (Holmehill, 2005). Soon afterwards, 'the Scottish Ministers received representations from the Second Respondents' (McSherry, 2006a, p.4/61) - Stakis, Ltd.[38]  Holmehill's application was then rejected by the Ministers, partly because they considered it not to be in the public interest (Rankeillor, 2005).

The 2003 Act granted a right of appeal to the local sheriff against such a decision, and Holmehill lodged its case at Stirling Sheriff Court.  It is important to understand that right to buy applications were, and are, dealt with by civil servants rather than Ministers themselves.  During the appeal, Richard Frew ('Head of the Land Reform Branch of the Scottish Executive' (McSherry, 2006, p.37/61)) appeared as the only witness for the Scottish Ministers, and was accepted as their embodiment by Sheriff McSherry.  The appeal was denied, and the respondents were even awarded expenses. Under the Act, the sheriff's decision is final, which means that no further appeal could be made.

Among the points argued were three that were key:

- whether 'good reasons' had been provided for the lateness of the application, as required by s.39 of the Act;
- whether the application was in the public interest;
- whether the application was compatible with sustainable development.

Pillai (2010, p.901) found that 10 of the 17 right to buy applications declined between 2004 and 2008 (roughly 60%), were rejected on basis of these three requirements, none of which is defined in the Act, or other relevant legislation, and so are 'highly discretional'.  This implies that In practice, there may be no clear basis for decision-making or accountability, and no firm legal grounds on which such decisions can be challenged.

In the Holmehill case, Campbell QC, counsel for the pursuers, argued that because the Act did not set out any criteria to be applied in such a case, 'the Sheriff's discretion in determining an appeal is not confined to procedural matters and was a merits review' (McSherry, 2006, p.46/61).  In other words, Campbell was asking the Sheriff to 'look at the whole circumstances of the case' (*ibid.,* p.47/61), rather than make a decision about whether the Ministers had failed to follow the correct procedure. McSherry, however, referring to various case law, decided that 'This discretion is best left to elected representatives such as the Scottish Ministers, who [he assumed] are in possession of relevant information and who are charged [by their own legislation!] with exercising such discretion' (*ibid.,*

---

[38] Stakis' representation does not appear to have ever been made public.

p49/61).  Although he noted[39] that there was an 'absence of recent authority on this question' of ministerial discretion' (*ibid.,* p.49/61), this did not alter his decision to base his judgement on the Wednesbury test of unreasonableness,[40] whereby a decision is found to be unreasonable if the decision-maker has taken into account matters that it should not have, or failed to take into account matters that it should, or 'come to a conclusion that is so unreasonable that no reasonable authority could come to it' (Greene (1948) in Clyde and Edwards, 2000).  That is to say, because McSherry felt that 'There would need to be a very strong case for me to interfere and substitute my judgement for that of the Scottish Ministers' (McSherry, 2006a, np), he would only be looking at whether their decision was procedurally illegal or completely absurd.


## Public interest and sustainable development

As can be seen from the summary of Holmehill's plans for the site it hoped to purchase, public interest and SD concerns seem to be very much overlapping.  S.39(3)(c) of the Land Reform Act requires 'that the factors bearing on whether it is or is not in the public interest that the community interest be registered are strongly indicative that it is.'  Scottish Ministers held that the public interest requirements of this section had not been met in the Holmehill case, because 'While the aspirations of the community body, if successful, would appear to contribute positively to the local community… in this case the Community Right to Buy process could be used to thwart the planning process' (McSherry, 2006b, p.81).  Frew explained to the court that it is civil servants who assess these applications, and then make a recommendation to Scottish Ministers: 'if not satisfied, Mr. Frew and his team recommend rejection' (McSherry, 2006a, p.39/61).

In a subsequent Scottish land reform case, it was argued that the question of such 'complex issues [being]… left to the determination of civil servants' was a problematic factor that should be considered by the court (Lord President, Lord Eassie and Lord Malcolm, 2012, p.15/42).  In relation to the Holmehill case, this lack of accountability and openness is reflected in the Sheriff's note that 'The document containing Mr. Frew's recommendation was not before the court because there was no requirement in the Act to place such document on the register and also because there should be frank discussion between the Ministers and their civil servants' (McSherry, 2006a, p.43/61).  The use of the word 'frank' here seems to imply confidentiality.  The refusal to make public the main document showing how a decision was arrived at could prevent the Wednesbury test from being

---

[39] Based on Macphail's Sheriff Court Practice (1998)

[40] The Wednesbury test is based on the 1948 case of Associated Provincial Picture Houses, Ltd. v. Wednesbury Corporation.

meaningful, as it renders it impossible to ascertain whether the factors considered or not considered in making the decision were what they should have been.

Frew appears to have suspected that Holmehill wished to 'subvert the planning process' (McSherry, 2006a, p.43/61) based on some handwritten notes on the back of some of the letters of support the community body had received indicating that the authors wished to preserve the site as green space by preventing construction. Even though this appears to be the crux of the case, 'He agreed that there was no other evidence before the court [that] Holmehill Limited's ambition was to prevent building development on the land' (*ibid.*, p.44/61). It is possible that he himself may not have been confident in his decision: the letter notifying the community body of the decision was drafted by Frew and his team, but contained 'no mention… of the prevention of real estate development being a reason to refuse' the application (*ibid.*, p.43/61). This again demonstrates the lack of transparency around 'ministerial' decision-making.

However, McSherry agreed with Frew that granting Holmehill, Ltd. a right to buy the land would subvert the planning process, even though 'Frew confirmed that the Act does not expressly say that an application must be refused if the community body's ambition is to stop housing development' (McSherry, 2006a, p.55/61), and nor does the accompanying guidance.

This judgement makes more sense in light of McSherry's misapprehension of the meaning of 'sustainable development': S.39(3) of the 2003 Act requires that acquisition of the land by the community body be consistent with sustainable development. Frew, in his testimony, agreed that Holmehill's plans for the land were in keeping with sustainable development. The Sheriff's own account of the judgement states this at least twice. Nevertheless, he opined that, the purpose of land reform being the sustainable development of rural communities, 'Applications, which are opposed to [property] development, are not in keeping with this underlying objective' (McSherry, 2006b, p.99). McSherry appears to view sustainable development as either the same as, or predicated on, property development, specifically construction, evidenced by his earlier observation that Holmehill's aim was to prevent 'building development'.[41]

---

[41] Even the community right to buy guidance of the time makes it clear that sustainable use of the land does not have to include building on it: under the section on SD, it requires 'sustainable use or development of the land' (Scottish Executive, 2004, p.9).

## Discussion: implications of lack of legal definition of sustainable development

The Holmehill case illustrates several problems in relation to sustainable development, all stemming from the issue of a lack of legal definition, discussed below.

### Accountability, enforcement and politics

The removal of the definition of SD from the Land Reform (Scotland) Bill was based on the Minister's desire not to be tied to even as loose a conception of SD as improving social and economic circumstances while not harming the environment (Pillai, 2010). A statutory definition, if clear enough, could allow a rule to be enforced. In order to implement SD, whether it is defined in terms of balancing/trading off various concerns, or finding integrated solutions, a government would have to make some politically difficult decisions. These may be unpalatable to vested interests, e.g. landowners, or require long term strategies and plans to be put in motion which may yield little or no electoral pay-off – perhaps even the opposite. On the other hand, a perverse definition, such as one which effectively privileges economic growth over ecological limits and social equity, could be deeply detrimental to SD[42].

Ross (2008, 2019) describes SD in statute as being 'symbolic expressing the political authorities' awareness of an issue and that something needs to be done about it'. A more cynical interpretation, given the actual actions of the Scottish Government, would be that it is political window-dressing, giving the appearance that a government is pursuing SD, but without any real requirements against which it can be held accountable, or which can be enforced: politically, all gain and no pain.

### Ministerial discretion

As discussed above, a lack of definition allows ministers significant discretion in making decisions that are supposed to support SD. In practice, it has resulted in Scottish administrations pursuing growth-focussed, and other political aims (Pillai, 2010) under the banner of SD.

This doesn't just confer legitimacy on such decisions, it also permits seemingly contradictory decisions to be made. Combe (2008) compares the Holmehill case with the slightly earlier one of The Right Honourable Patrick Boyle, The Earl of Glasgow v. Fairlie Land Acquisition Company Ltd. and The Scottish Ministers, in which one of the key arguments was also about whether the planning process

---

[42] It is probable that pro-SD lobbyists would strongly oppose it, as they have done 'sustainable economic growth', which would be a factor in whether such a definition would be passed by the Parliament.

was being subverted.  In the latter, the pursuer – a landowner who wished to sell a piece of land to a housing developer, rather than to the community body - argued that the community body, Fairlie, was trying to acquire the land as a way of objecting to the draft local development plan.  The land had been earmarked for housing, and, according to the Scotsman newspaper, 'Lord Glasgow will take a percentage of the takings from each house sold, potentially netting the estate hundreds of thousands of pounds' (2005).

In the Holmehill case, the Executive's position was that 'even before [planning permission has been granted], the [property] development is viewed as being in the public interest, and resistance by way of a community buyout is no longer permitted' (Combe, 2008, p.114).  In Fairlie, the Executive took opposite position: that the community body <u>was</u> acting in the public interest by seeking to acquire the land to prevent the housing development.

**Civil service decision-making**

As discussed above, in relation to the right to buy and other matters, it can be civil servants who effectively make ministerial decisions (Civil Service Learning, no date).  In relation to SD in the context of the right to buy,[43] there is a question around competence.  Combe quotes Andy Wightman, activist and expert on land reform, and Session 5 MSP for the Lothian region, as regarding:

> 'the role of civil servants, combined with the narrow approach adopted by the court, as "potentially worrying since this group has no professional expertise in the areas of land tenure, community development, planning or sustainable development and Ministers in practice follow their recommendations... This leaves the land reform process vulnerable to the inadequacies of a decision making process that lacks any kind of structured and analytical decision making and to the political whims of Ministers who can write their own guidance and determine their own policy intentions" (Combe, 2008, p.112).

It seems that those civil servants who are tasked with making decisions on right to buy applications, are not fully competent because they do not have a clear understanding of the concept of SD. Perhaps they have not been offered an opportunity to gain one, or sought one.  To gain some insight into how it assesses whether the constitution and plans of community bodies are compatible with SD, I emailed some questions to the Community Land Team.  The response I received was rather opaque and non-committal:

---

[43] Which has been extended to additional types of land and community by subsequent Acts (2015 and 2016).

**Me (IE)**: Just to clarify, then, the main consideration is that some 'development' in the sense of land use development take place?

**Community Land Team (CLT)**: It is not necessarily the 'main' consideration when considering the information in an application to register a community interest in land. There are many requirements that have to be met in order that Scottish Ministers can be satisfied that the application be approved or not…

Public interest, as it is not defined, could include information in relation to sustainable development as in Q8 of the application form. We look at sustainable development, for the land, as 'what is the added value' the proposals will bring. This could be, in some cases, in relation to maintaining the land, improving the soil/drainage, through to, of course, things like wholesale development of the land for, say housing, forestry…

For the second stage of the process, the seeking of consent to proceed with acquisition, we do have an internal checklist, in relation to looking at sustainable development in a wide form,[44] that we use to determine the various strengths and weaknesses in the application. Though each question is scored, the final score is irrelevant as it is the individual scores that determine if any issues need to be addressed by the community body…

**IE**: … is there any difference between 'sustainable development of the land' and sustainable development? How is 'sustainable development of the land' defined?

**CLT**: As noted above, sustainable development in the legislation is not defined. It is defined in the community body's constitution. Sustainable development, rather than just in reference to the land, could include the effects the proposals will have on the sustainable development of the community.

The response is not suggestive of much expertise in SD – fundamental principles, such as safeguarding environmental limits, equity, human needs, etc. are not mentioned.  SD seems to be conceived of as something which 'adds value', rather than an integral approach to decision-making or societal development.  In the absence of a legal definition, the official has written that SD 'is defined in the community body's constitution.'  This could be taken to mean that community bodies can define SD in any way they see fit, but if so, how does the CLT decide which community bodies' constitutions are compatible with SD as required by the Act?  At least one application has been rejected on the basis that it isn't (Pillai, 2010), so they can't all be deemed compatible on the basis of their own definitions of SD.

---

[44] This seems most likely to be the checklist discussed in Ch.7.

**Expertise of the legal profession: the case of Pairc Crofters**

The Holmehill case shows that lawyers and judges may not be sufficiently conversant with the concept of SD to handle cases in which it is an important consideration. Sheriff McSherry clearly thought SD had to include building on land, and Counsel for the pursuer did not appear to have presented any definition to the court, or to have thought to point out that SD is, by definition, in the wider public interest, in that its overarching aims are intra- and inter-generational equity and the safeguarding of ecological limits. This suggests that awareness and understanding of the term, were, at least at the time, perhaps not widespread in the legal profession.

Pairc Crofters v. the Scottish Ministers was referred by the local sheriff to the Court of Session, the highest civil court in Scotland. The landowners, Pairc were appealing against the Scottish Ministers' decision that a portion of their land be sold to a crofting community body against their will. The issues were considered by the Lord President (the head of the judiciary) and two other judges. Their opinions covered SD and the public interest.

Section 77 of the Act, which provides a right for landowners to respond to applications to register the right to buy certain land without the owner's consent (s.77), was argued to be unfair by Pairc, as landowners would have 'no prior notice of the approach that the Scottish Ministers will take to questions of sustainable development and public interest' (*ibid.*, para.41).

Public interest was argued to be a question 'of policy and not of fact; and… therefore uniquely a matter for the Ministers' (*ibid.*, para.62), as the Sheriff in Holmehill believed it to be. This argument was rejected by the judges. It implies that only Ministers can know what is in the public interest. Applying this argument to SD, it is not untrue that it is a matter of policy, as unsustainable development is a wicked problem, and there is no prescribed solution. However, there is a clear scientific basis underpinning understanding of which policies are likely to exacerbate the problem, e.g. by increasing pollution, or increasing inequalities, so there are pertinent facts to consider.

A further significant argument was 'that the terms sustainable development and public interest are too vague to have legal force and are therefore… "not law"' (*ibid.*, para. 55). Lord Gill declared that 'the expression sustainable development is in common parlance in matters relating to the use and development of land. Lord Malcolm added that:

> 'At its broadest, sustainable development has been defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (Brundtland Commission, *Our Common Future* (1987)). In the planning sphere the

concept of sustainable development is well established and, among others, covers the following factors:

- Protection and enhancement of the natural environment and the cultural heritage.

- Promotion of rural development, regeneration and recreational opportunities…

- The efficient use of land, buildings and infrastructure' (Gill, Eassie & Malcolm, para.112).

Finally, Pairc argued that 'An appeal to the sheriff… was an inadequate remedy [because] the power of the court to interfere with a discretionary [ministerial] judgement was exercisable only on narrow judicial review grounds' (*ibid.*, para.48).  Clearly, the Sheriff in this case had taken the same approach as McSherry in the Holmehill case, considering only whether the ministerial decision had been lawful and not absurdly unreasonable.  The Court of Session rejected the judicial review approach to decisions on SD and the public interest.  Malcolm states that 'The sheriff can hear and decide an appeal in relation to matters of fact and… has a jurisdiction to decide whether the proposals are compatible with "furthering achievement of sustainable development" and whether the purchase of the land "is in the public interest"… This is not a classic exercise of administrative discretion of the kind which permits a limited involvement of the courts' (*ibid.,* para.84-98).

McSherry's position is that a judge should not substitute their opinion for that of elected officials, who he believes can be presumed to have the 'capacity' to make such decisions, as this would be contrary to the separation and balance of the powers of governance (see Ch.4).  However, the senior judges do not agree with this.  Malcolm, in his opinion quotes the Deputy Minister speaking during the passage of the 2003 Act: '"the courts will be in a better position than we are to determine whether a development in a certain locality and circumstances contravenes the principles of sustainable development" (Mr Wilson, Col 1964)'[45] (*ibid.,* para.75).

It seems that the Sheriff hearing the Holmehill case did not have sufficient expertise on sustainable development, and was not supported by a legal definition.  The outcome of the case was detrimental to the community body, and it is possible this was partly because its advocate failed to present a definition of SD and use it to demonstrate how Holmehill purpose would have supported SD.  This may also have been due to a lack of expertise.  In the Pairc appeal, although the Court of Session judges were able to point to the Brundtland definition of SD, and seemed to have some expertise in the matter, the advocate himself argued that the concept was too vague and could not therefore be enforced.

---

[45] Citation of the Parliament's Official Report.

In the more recent case of Coastal Regeneration Alliance Limited v Scottish Ministers v Scottish Power Generation Limited, the sheriff in this case, citing Holmehill, elected to take a narrow judicial review approach despite the opinion of the Court of Session judges. Under the principle of *stare decisis*, 'a court must follow and apply the law as set out in decisions of higher courts in previous cases' (McFadzean, 2007, p.19). This suggests that sheriffs may be less comfortable than senior judges in applying their own judgement, perhaps due to a lack of expertise, and also a lack of legal definition against which to make a judgement. This may render rights of appeal such as those contained in the Land Reform (Scotland) Act 2003 (as passed) somewhat redundant. This is contrary to the equity principle of SD, as it could serve to reduce the fairness of such an appeal.

## Reflections

The preceding look at the legal outcomes of sustainable development clauses enacted by the Parliament shows that the lack of definition seems to have left the other two branches of the governance system ill-equipped to implement those clauses. Perhaps worse, it has placed the Scottish Government in a position of power, whereby it can use SD clauses to support its interests, as shown by the two opposite positions it took with regards to communities seeking to buy land where housing developments have been planned – in the Holmehill case deciding that a community buy-out would be in antithetical to SD, and in the Fairlie case that it would support SD. Thus SD clauses, even when central to legislation are subject to vagaries of the political persuasions, knowledge and understanding of the ruling party, individual ministers and civil servants.

For the institution which is tasked with ensuring accountability and passing legislation – the Parliament - there are some possible remedies. First, to seek to incorporate a legal definition of SD into an appropriate Act. In relation to this, the Scottish Parliamentary Service (SPS) does not appear to have made Members aware of the problem, and has not sought to elicit relevant information from witnesses until I recently included a few questions in a paper for the committee scrutinizing the Right to Buy Land to Further Sustainable Development (Eligible Land, Specified Types of Area and Restrictions on Transfers, Assignations and Dealing) (Scotland) Regulations 2020 (see p.199). This may be due to the lack of dedicated staff expertise.

Second, it may be more effective at this stage to seek to foster SD thinking, and the use of SD as a scrutiny lens, rather than to continue to insert 'symbolic' SD clauses into legislation. More scrutiny for policy coherence and explicit and pro-ecological and pro-social legislation may achieve the intended aims of SD clauses. However, lobbyists are like to continue to press for the inclusion of SD clauses, as they have done in the past.

Third, having made some progress towards SD mainstreaming, the SPS could work on an official-to-official basis to support some capacity building on SD thinking and definition within the civil service – perhaps this could even lead to continued mutual increase in knowledge and understanding. This may be timely as the SNP, in power for the fourth time in 2021, has made a manifesto commitment to bring forward a Wellbeing & Sustainable Development (Scotland) Bill.

If no action is taken, however, it seems likely that SD clauses will continue to be passed without definition, possibly awarding the Scottish Government more discretionary powers. If, as in the cases discussed above, the judiciary does not provide sufficient checks on the executive, then the balance of power will shift even further in its favour.

In conclusion, the ball does seem to be in the Parliament's court, as it could take action to redress the balance of power, by any or all of three means suggested above. It is possible that the Parliament may be in a better position to do so, as through my colleagues' and my work on mainstreaming, it may have greater capacity at present (August 2021).

Some of the mainstreaming work I refer to is described in the case studies set out in the following Chapters (6 - 8).

# Chapter 6:  Case Study I - the Housing (Scotland) Bill.

The subject of this case study is the first piece of committee work that I was involved in as a Parliament insider - the 2013 Housing (Scotland) Bill.  During its passage, the basis of my approach to using sustainable development (SD) as a lens through which legislation/policy can be scrutinized emerged.  This chapter is based on data from the period, including records of my work which I retained, as well as publications, such as the Official Report.  It includes a look at how much of my input to Stage 1 of the scrutiny process tracked through its 3 Stages: SPICe researchers generally have the strongest influence at Stage 1, during which they provide briefings, papers, suggestions for witnesses, etc., as described in Ch.4.

This example of bill scrutiny provides a richer picture of how this procedure plays out in reality.  It may be of particular interest as insider research in parliaments is extremely rare.  As Norton (2018, np) points out, 'Studies of legislatures focus on what happens in formal space, principally the chamber and committee rooms.  Such studies are necessary, but not sufficient, for explaining behaviour within legislatures and its consequences.'

The literature on parliaments seems to focus almost exclusively on Members, who are in the spotlight in the 'formal space' of parliamentary business.  For example, McFadden's & Lazarowicz's (2010) *The Scottish Parliament: an introduction* explains the various roles that Members play, and how they carry out the business of parliament.  But, even in the section outlining scrutiny and bill processes, the Scottish Parliamentary Service (SPS) is barely mentioned.  The significant influence the SPS staff can have on the scrutiny process is generally ignored, as they are 'away from public observation' and therefore 'largely hidden' (Norton, 2018, np).  In my experience, parliamentary business is like an iceberg.  The part that might be reported in the news media or seen in the Chamber and committee rooms, in which the MSPs and witnesses are the protagonists is publicly visible, while the majority of the work of scrutiny is carried out under the surface, a significant proportion by the SPS, as described below.  The metaphor seems to resonate with others in the Scottish Parliamentary Service (SPS): one Scottish Parliament Information Centre (SPICe) researcher even used it during a presentation to the Non-Departmental Public Bodies Directors of Finance Forum (Meeting Notes 20.06.18).

## Background to my involvement in scrutiny of the Housing Bill:

When I arrived in SPICe, I had only an outsider's knowledge of the Parliament, and almost no understanding of the Scottish Parliamentary Service (SPS) or its work.  I had, however, been

collaborating with my predecessor, trying to find a way in which other public bodies could support the Parliament's incipient efforts to fill the scrutiny gap left by the dissolution of the Sustainable Development Commission (Ch.4).  As outlined on p.82, the Conveners' Group had decided that SD should be incorporated into scrutiny processes through 'pure mainstreaming', i.e. without any dedicated resource or oversight.  I understood my task as trying to put its decision into practice.  I had been seconded into SPICe for just one year to implement the 'changes in roles, processes and systems' that my predecessor had foreseen would be necessary (Fenney, 2012, para.50), so I decided that the best course of action would be to begin immediately to work out how I could practically integrate SD into the committee scrutiny process while learning what that process actually entailed, and what role the SPS played in it.

Based on our experiential understanding that SD was widely (mis-)understood to be about the environment, the Heads of SPICe and I agreed that I should work on bills/committee inquiries that were not explicitly to do with the environment, in order to demonstrate that SD was about societal development as a whole, and therefore relevant to almost all legislation.  Four pieces of committee work were initially agreed upon.  I began with the Housing Bill.  I chose to adopt a heuristic[46] approach, offering to work alongside the SPICe researchers who were supporting its scrutiny, so I could figure out how to integrate SD considerations into their work as I went along.


## Identifying SD issues

By the time I got involved with it, the Housing Bill had already been introduced in Parliament, i.e. it had been sent by the Government to the Parliament for consideration, and was publicly available. The SPICe briefing on the bill had been drafted (Berry *et al.*, 2014).  It provided a good starting point in terms of understanding of the Bill, which comprised eight parts, dealing with:

1.  The right to buy social housing;
2.  The allocation and tenure of social housing;
3.  The jurisdiction for civil cases relating to private rented housing, and landlord registration and the repairing standard;
4.  Letting agent registration;
5.  The regulation of mobile home sites with permanent residents;
6.  Private housing conditions;
7.  Various minor amendments to existing legislation;

---

[46] From the Greek, *euriskein*, meaning 'to find' (Proffitt, 2016), related to *eurisko* – 'find, come across, discover, think… guess' (Sidheri, 1997).

8. General provisions, e.g. what the short title of the Act would be if the Bill were to pass.

The other SPICe researchers who were working on the Bill instantly began to treat me as a member of the temporary team of researchers and clerks that had coalesced around this piece of committee work. With their help I learned what the bill process outlined on p.62 actually entails. The following account will help the reader to understand this process, as well as how an SD lens can be brought to bear on it.

The aim of bill briefings is to provide Members with information to enable their scrutiny of the bill. Producing them affords the author/s a chance to study the bill and surrounding issues in sufficient detail for them to become well versed enough in these to provide technical support to clerks, Members and committees in preparation for, and through, the passage of a bill. They also serve as reference documents, so the draft briefing seemed to me the obvious place to start. I had almost no background knowledge of housing policy, and I read the briefing carefully, in order to understand the bill and its context and aims, and to find out what its implications for SD might be. Some of these related to matters that are very broad, such as the general principle of decent housing in relation to Part 3 (Private Rented Housing). Others were very specific, such as how the potential loss of receipts from the sale of social housing would compare to the permanent loss of these assets to the state.

The next stage was to carefully go through the policy memorandum (PM) which accompanied the bill. PMs provide a plain English statement of what the sponsor of a bill aims to achieve, as well as why and how. They are required for Government and Members' bills, to set out their policy objectives, to explain their policy approach, and to provide a summary of any consultation carried out. Importantly, assessments of the likely effects on sustainable development and certain other matters must also be included. The Standing Orders require committees to 'consider and report on' the PM and other accompanying documents. (The Scottish Parliament, 2018, Rules 9.3 and 9.6).

PMs facilitate scrutiny by providing information in a more accessible form than the bills themselves.[47] This is useful for anyone who might wish to engage with the bill process – Members, clerks, SPICe

---

[47] Bills themselves are written in legal English, which could be considered to be a sublanguage that can be 'obscure and complex' (Stanojević, 2011). They can include legal terms inherited from various periods when the official language of law was Latin / Anglo-Saxon / Anglo-Norman / French (Haigh, 2018), and also archaic Scots. They tend to make reference to other statutes in a way that is difficult to interpret. For example, the very first section of the Housing Bill simply states:

'(1)     Sections 61 to 81, 84 and 84A of the 1987 Act (right to buy provisions) are repealed.

Section 52 of the 2001 Act (reports on the right to buy) is repealed.

Sections 145 to 147 of the 2010 Act (duties to collect information in relation to right to buy) are repealed.' (Scottish Government, 2013.)

researchers, and stakeholders such as academics, the policy community, lobbyists, those who may be affected by the legislation, etc.  Participation in decision-making, including the legislative process, is a key element of the good governance principle of SD (Sustainable Development Commission, 2005).  It is also considered to be a fundamental human need (Max-Neef, 1992).  It generally follows that the participation of a broader range of people in the scrutiny process is likely to lead to a broader range of evidence being provided, and taken into consideration during the scrutiny process.  According to the Commission on Parliamentary Reform, 'bringing different perspectives, knowledge and skills to the scrutiny process' can improve policy-making (2017, para. 268).  From an SD point of view, SD experts and witnesses who can give evidence on the relevant sections of a bill are particularly important.

In addition, the PM is a document against which a bill's sponsor can be held to account.  For example, committees can consider whether the stated policy intentions are desirable, and whether the provisions of a bill are likely to actually achieve them.  It could be the case that the political motives for a piece of legislation may not correspond to the policy objectives stated in the PM.  It may be possible to draw this out by comparing the stated objectives to what the provisions are likely to lead to in reality.  Finally, the SD, and other impact assessments summarized in PMs can be scrutinized.

In the case of the Housing Bill PM, SD impact statements are provided for each of Parts 1–7, and for the Bill as a whole.  These, I examined carefully.  Overall, according to the Government, 'the provisions do not have any adverse effect on sustainable development' (Housing (Scotland) Bill Policy Memorandum, 2013, para.32).  To my mind, this was not the case.  For example, the PM explained that Part 2 of the Bill would allow landlords to withhold, for a period of time, offers of social housing from applicants who have a history of antisocial behaviour[48], or who live with a person who has such a history.  According to the PM, this was in order 'to make antisocial tenants and applicants aware of the consequences of their behaviour' (*ibid*., para.68).  The provisions would also allow for security of tenure to be reduced where tenants or their cohabitants exhibited, or had a history of, antisocial behaviour.  The eviction of 'tenants [who] do not respond to the help and support they are given' (*ibid*., para.69) would be made easier.

The tone of the PM suggested to me that these provisions were drafted on the basis of a punitive approach to people exhibiting antisocial behaviour, which at the time, I believed was more likely to be symptomatic of underlying problems.  It seemed to me that the provisions, rather than addressing the cause of the disruptive behaviour, could mean that people who may already have been suffering

---

[48] Defined in the Antisocial Behaviour etc. (Scotland) Act 2004 as acting in a manner or a pursuing course of conduct 'that has caused or is likely to cause alarm or distress'. (s.19(1)(a)).

in some way, could be damaged further by being moved from one area of social housing to another, perhaps exacerbating their difficulties.  The stated aim of these measures was 'to provide better outcomes for communities' (Housing (Scotland) Bill Policy Memorandum, 2013, para.13), but it appeared to disclude people behaving antisocially, as well as the members of their households, from the Scottish Government's notion of 'community'.  I viewed this as inequitable to people exhibiting antisocial behaviour, and perhaps even more so to the people they happened to live with, and therefore contrary to the social equity principle of SD (Sustainable Development Commission, 2005).

The proposed provisions also seemed rather short-sighted.  Simply transferring people who are causing their neighbours distress into another community, without dealing with the cause, could lead to disruption in their new neighbourhood, affecting a different set of 'individuals, landlords, the police and other agencies' (Housing (Scotland) Bill Policy Memorandum, 2013, para.102).  Failure to resolve or mitigate the root cause, or the conflict at the heart of a problem seems more likely to maintain the *status quo* rather than permit societal development at all, let alone sustainable development.

In addition to certain provisions of the Bill being problematic in terms of SD, there were also areas in which the Bill could have, within its ambit, included provisions to improve its coherence with other policy.  For example, provisions to reduce the consumption of energy and material resources could conceivably have been included within the sections on landlord registration, the repairing standard, letting agent registration, mobile home licensing and private housing conditions (Parts 3-6).  This would have led to a closer integration of policy on energy, environment and housing, perhaps reducing the ecological impact of some housing, as well as fuel poverty, and thereby contributing to a reduction in the risk of socio-ecological collapse (Turner, 2014).

As I was working my way through the PM, Stage 1 of the parliamentary scrutiny of the Bill was beginning, with the Infrastructure & Capital Investment (ICI) Committee leading scrutiny.  I discussed my ideas with the lead researcher and they agreed that I could suggest questions for inclusion in the papers that SPICe produced for each meeting at which the Committee would hear evidence about the Housing Bill.


## Stage 1 scrutiny

During the first stage of bill scrutiny, committees consider the general principles of a bill and make a 'decision on whether to agree to them' (The Scottish Parliament, 2018b).  It is a critical stage, as it is when, typically, written and oral evidence from various interested parties, including civil servants and the relevant Minister/s, is considered.  Based on this, a committee report is written, and informs a

debate of the whole Parliament, at which the bill can either fall, or progress to Stage 2. As McFadden & Lazarowicz (2010, p.76) point out, 'The evidence taken at the Stage 1 inquiry can lead to quite significant amendments to Bills at Stage 2'. It is unusual for Government bills to fall at Stage 1, but there are examples where this has been case, such as the Creative Scotland Bill, introduced by Alex Salmond in Session 3.

In keeping with common practice, the meetings at which the ICI Committee was due to consider the general principles of the Housing Bill were organized so that particular aspects could be discussed at each. SPICe researchers produce papers for these meetings, which vary in style, based on the preference of each particular committee. For the ICI Committee, papers provided short explanatory paragraphs and suggested questions that Members could ask witnesses in order to elicit relevant information. For example, Stage 1 scrutiny of the Housing Bill started with a session with the Government bill team, aiming, it seemed, to give Members a chance to develop a good overview of the bill as a whole. It was also a chance to begin to hold the Government to account by seeking explanations for the provisions, especially those that might be problematic in some way. The next meeting was with two panels. The first was made up of housing experts from a housing charity, an association of housing professionals, and representatives of housing associations. They were asked a broad range of questions about the Bill. The second comprised witnesses from two law centres - non-profit legal practices - and from a professional association of solicitors. These legal experts had been invited to give evidence specifically on the proposed provisions relating to the transfer of jurisdiction over certain tenure cases from sheriff courts to a tribunal. In total, eight evidence sessions were held, the final one being with the Minister for Housing & Welfare, Margaret Burgess.

Table 2 below provides a few examples of matters I suggested Members consider questioning witnesses about. They were based on those of the potential SD issues I had identified that were relevant to those witnesses who would be giving oral evidence. The table lists my suggestions for questioning, whether they were included by the lead researcher in the questions papers for the Committee, whether Members actually asked the questions, and whether they asked any follow-up questions.

As can be seen from the Table 2, the Housing Bill touched on all five of the key principles/conditions necessary for SD, as per the UK Shared Framework for SD (Sustainable Development Commission, 2005). The range of SD issues listed in the table illustrates how a bill purporting to be mainly about housing provision and conditions overlaps and interlinks with many other policy areas, and how the holistic perspective of SD can help to highlight these. This approach could help to increase policy coherence: if Members are made aware of the impacts of legislation or policy in one area on those in other areas, it may support them to prevent policy contradictions from being enacted.

In total, I suggested 29 questions, of which 24 were included in committee papers by the lead researcher. This indicated that the lead researcher found them to be a useful contribution. Thus in a practical sense, SD can be helpful to SPICe researchers and clerks, rather than an additional burden. In some cases, a question I had suggested for a particular evidence session was spontaneously included by the lead researcher in papers for additional sessions, as noted in the table. In fact, the last example in the table (p.112) is a question that I did not write, but which appeared in the committee paper for the final evidence session, with the Housing Minister. It explores a similar issue as the preceding example – the possible inclusion of SD principles in the proposed code of practice for letting agents. This suggests that the lead researcher thought that my original question, asked of the Royal Institution of Chartered Surveyors (RICS) was important and should be asked of the Government too. Finally, the fact that Members did not often ask follow-up questions suggests that this may be an area of weakness in the scrutiny process. According to advice published by the Institute for Government for Members:

> 'the most impressive members were those who actually listened to the answers that witnesses gave and then used follow-up questions to probe and drill down into those answers. Absorb as much information as possible prior to an evidence session so that you can hold your own in questioning your witness' (no date, np).

It is impossible to determine whether Members rarely asked follow-up questions because they were fully satisfied by witnesses' responses, lacked confidence, didn't fully understand the question, were not particularly interested in the subject matter, or for some other reason. Of the 38 times my questions were included in the papers, they were asked 34 times by Members, but only followed up 14 times – that is, only around 2/5 of the questions asked were followed up.

By participating in the scrutiny process, and being able to observe how SPICe and Committee Office colleagues worked, as well as how Members and witnesses behaved during evidence sessions and private sessions,[49] I learned much about the business of scrutiny, and the processes involved. As regards sustainable development, and how I could incorporate SD thinking into the scrutiny process, and what effects that might have, a few of the lessons were quite surprising. My perspective had initially been that integrating SD into law-making and policy scrutiny could help to shift our developmental trajectory, but I came to realize that incorporating an SD perspective could help to improve scrutiny. One might think that this should have been obvious, but until I had seen at first hand, and from the inside, the flaws and weaknesses of the scrutiny process, the notion of improving

---

[49] These are closed discussions, at which only committee members and relevant officials are present. They are not officially recorded.

them had not occurred to me. Some specific learnings from this, and subsequent pieces of committee work, are noted below (p.118-120).

| I suggested that Members question: | SD principle and topic: | Panels asked: | Included in committee paper? | Asked by Committee? | Follow-up questions? |
|---|---|---|---|---|---|
| How far the provisions would meet the aims of the Government's Sustainable Housing Strategy (Scottish Government, 2013) and its housing strategy, *Homes Fit for the 21$^{st}$ Century* (Scottish Government, 2011)? | Good governance - policy coherence. | Scottish Government bill team | No | No | |
| | | Minister for Housing & Welfare | No | No | |
| How the provisions would contribute to achieving the Government's vision, set out in the PM, 'that all people in Scotland live in high quality, sustainable homes that they can afford and that meet their needs' (Housing (Scotland) Bill Policy Memorandum, 2013). | Good governance - policy coherence; government accountability. Equity -peoples' capability to meet their housing needs. | Bill team | Yes | Yes | No |
| | | Shelter (housing charity), Chartered Inst. of Housing (CIH), housing associations. | Spontaneously included. | Yes | No |
| | | Law centres, The Law Society | Spontaneously included. | Yes | No |
| | | Private landlords' representatives | Spontaneously included. | Yes | No |
| | | Letting agents' representatives, RICS | Spontaneously included. | Yes | No |

| I suggested that Members question: | SD principle and topic: | Panels asked: | Included in committee paper? | Asked by Committee? | Follow-up questions? |
|---|---|---|---|---|---|
| | | Mobile home residents' groups | Spontaneously included. | Yes | No |
| | | British Homes & Holiday Parks Association (BH&HPA) | Spontaneously included. | Yes | No |
| | | Social housing tenants' groups. | Spontaneously included. | Yes | Yes |
| | | Local authorities | Spontaneously included. | Yes | No |
| | | Minister | No | No | |
| How the provisions would meet the relevant National Outcomes (Campbell, 2012) listed in the PM – well-designed, sustainable places, public services responsive to local people's housing needs. | Good governance - policy coherence. | Minster | Yes | | No |
| | | Bill team | Yes | Yes | No |

| I suggested that Members question: | SD principle and topic: | Panels asked: | Included in committee paper? | Asked by Committee? | Follow-up questions? |
|---|---|---|---|---|---|
| How it was determined that the Bill would have no adverse effect on SD, as stated in the PM. | Good governance – impact assessment. | Bill team | No | No | |
| Whether the draft provisions would meet the Scottish Government's stated expectation that the Bill would lead to sustainable communities. | Sound science – evidence-based policy. | Law centres, The Law Society. | Yes | Yes | Yes |
| | | Bill team | No | No | |
| Whether the Bill would help to tackle antisocial behaviour, and whether there was a risk that it might be simply be displaced. | Equity – social and psychological wellbeing. | Shelter, CIH, housing associations. | Yes | Yes | |
| How it would be ensured that the eviction of a tenant convicted of serious antisocial behaviour, or criminal behaviour, would not result in them continuing to display the same behaviour in another community. | Equity – discrimination; housing needs; social and psychological wellbeing. | Local authorities | Spontaneous | Yes | No |
| | | Minister for Housing & Welfare | Amended and amalgamated with the following questions | Yes | Yes |
| | | Local authorities | Yes | Yes | No |

| I suggested that Members question: | SD principle and topic: | Panels asked: | Included in committee paper? | Asked by Committee? | Follow-up questions? |
|---|---|---|---|---|---|
| The PM states the Government does not anticipate any 'negative impact on any equality group' (Housing (Scotland) Bill Policy Memorandum, 2013, para.93).  Is the Legal Services Agency (LSA) justified in its concern that 'those who behave in an anti-social manner do so because of either highly stressed circumstances, mental disorder, learning difficulties or other difficulties' (Legal Services Agency, 2014, p.1), and that undermining their security  would exacerbate their problems? | Equity – psychosocial wellbeing. | Minister for Housing & Welfare | Amended and amalgamated with the previous question | Yes | Yes |
| | | Local authorities | Yes | Yes | No |

| I suggested that Members question: | SD principle and topic: | Panels asked: | Included in committee paper? | Asked by Committee? | Follow-up questions? |
|---|---|---|---|---|---|
| Section 15 of the Bill sought to simplify the eviction of tenants where they have already been convicted of using the property for immoral or illegal purposes, or an offense punishable by imprisonment.  What sort of behaviours would be considered 'immoral' and could the use of this subjective term lead to the eviction of tenants it would otherwise be unreasonable to evict? | Equity | Minister for Housing & Welfare | Yes | No | |
| What evidence there is to support the Government's claim that 'the  simplification of evictions for serious antisocial behaviour is expected to have beneficial social effects on communities' (Housing (Scotland) Bill Policy Memorandum, 2013, para.102). | Sound science – evidence-based policy. | Minister for Housing & Welfare | Amended | Yes | Yes |

| I suggested that Members question: | SD principle and topic: | Panels asked: | Included in committee paper? | Asked by Committee? | Follow-up questions? |
|---|---|---|---|---|---|
| Which SD principles would RICS, as a signatory to the UN Global Compact [an SD initiative] recommend be included in the proposed Code of Practice for letting agents. | Sustainable economy – sustainable business | Letting agents' representatives, RICS | Yes | Yes | Yes. RICS was unable to fully answer, and agreed to write to the Committee with more information. |
| What environmental provisions could be included in the code of practice for letting agents. Whether the Minister has any views on how the code could support the Government aspirations for sustainable homes that help to meet Scotland's climate change targets. | Environmental limits. | Minister for Housing & Welfare | Yes (not suggested by me). | Yes | No |

**Table 2: Examples of suggested areas of questioning for Stage 1 committee papers to support scrutiny of the Housing (Scotland) Bill 2013.**

# How a sustainable development lens can help to improve scrutiny

**Policy coherence**

As noted in Ch.1, public policy can be rather fractured and even self-contradictory. The holistic perspective of SD can help to identify and draw out such contradictions so that they are considered during committee scrutiny. Even if the committee itself does not address them in its report, highlighting them in a public forum can stimulate action by other stakeholders (Russell and Benton, 2011). For example, at Stage 1 of the Housing Bill, my questions about the proposed provisions to reduce the security of tenure of people with a history of antisocial behaviour highlighted that the measures could turn out to be perverse. They allowed witnesses to point out that it may be more beneficial to help people exhibiting antisocial behaviour 'to maintain a secure and stable home', rather than pushing them 'into a homeless underclass' (Scottish Parliamentary Corporate Body, 2014, col.2442-3).

More broadly, the general questions that I put forward for the committee to consider were designed to signal to Ministers and their officials that they might be answerable for the joined-up-ness (or otherwise) of the policy they developed. They were around how the Bill fit with the Government's National Performance Framework, its housing and sustainable housing strategies, and the vision set out in the PM 'that all people in Scotland live in high quality, sustainable homes that they can afford and that meet their needs' (Housing (Scotland) Bill Policy Memorandum, 2013).

I hoped that integrating an SD perspective into committee scrutiny in this way might increase the extent to which it fostered more coherent policy. An example from the scrutiny of the Housing Bill, which showed where the development of the Bill may not have even taken account of other housing policy is when the Minister was asked about how the proposed code of practice for letting agents could 'support the Scottish Government's aspiration for sustainable homes that help to meet Scotland's climate change targets', she replied that the code 'will not be about climate change or sustainable housing. That would be covered by our sustainable housing strategy' (Scottish Parliamentary Corporate Body, 2014b, col.2808).


**Mitigating committee silos**

Related to the issue of policy coherence is the fact that committees tend to mirror ministerial portfolios, as discussed in Ch.4. Unless there is a deliberate effort made by SPS staff or Members to highlight where specific policy areas cut across multiple portfolios and to support committees to consider them jointly, they can end up being considered in isolation by single subject committees. However, clerks tend to be very mindful of the boundaries of committee remits (Turnpenny *et al.,*

2013).  For example, I attended an outreach session where staff members were giving talks to a community group.  A clerk, who had just given a presentation based on the Environment, Climate Change & Land Reform Committee, was asked something about the health effects of air pollution.  This would normally be considered to be within the remit of the Health & Sport Committee.  I observed that the clerk 'kept repeating about committees not stepping on each other's toes' (Journal 10.10.16).  While this cautious approach to committee domains does mean that friction between conveners is avoided, it could also mean that the impact of policy/legislation in one area on others may not be considered.

Where multiple committees do participate in the same inquiry, it seems that the topic is divided along the lines of their remits, so areas of overlap may not be given sufficient consideration.  For example, in contributing to the Scottish Environment Protection Agency's written evidence for the scrutiny of *The Draft Second Report on Proposals and Policies* in 2013, which set out how the Government intended to meet its greenhouse gas emission reductions targets, my line manager and I found that behaviour and behaviour change were relevant to each of the four committees that were considering it.[50]  However, it was impossible to write about the issue in a holistic way as the rigid manner in which scrutiny had been divided between the committees meant that we had to segment our evidence to fit with each of the four committees' remits.

However, there is some evidence that this is changing.  For example, at the outreach session mentioned above, as the clerk was telling the community group that committees do not cross the boundaries into other committees' territories, the SPICe researcher I was with, with whom I had previously worked on the Housing Bill, 'was muttering about sustainable development and joining things up! So amazing!' (Journal, 10.10.16).  Needless to say, I was excited that they had internalized some SD thinking from something we had worked on around two years previous.

In applying SD thinking to the Housing Bill, it was easier to transgress committee boundaries because it was possible to look at issues that could be regarded as being in the territory of other committees without offending any sensibilities.  An SD lens led to the broader impacts of what the ICI Committee was scrutinizing to be considered.  Carrying out this consideration under the rubric of SD also conferred legitimacy on the committee's more cross-cutting scrutiny.  For example, the committee was able to ask questions about whether environmental provisions could be included in the proposed code of practice for letting agents, even though environmental matters were strictly in the remit of the Rural Affairs, Climate Change & Environment Committee.

---

[50] Rural Affairs, Climate Change & Environment, Energy, Economy & Tourism, Infrastructure & Capital Investment, Local Government & Regeneration (The Scottish Parliament, 2013).

**Encouraging witnesses to think more broadly**: Asking questions of witnesses beyond what might have been in their responses to the Government's pre-legislative consultation, or in any written evidence submitted to the committee, could encourage them to think about how their work connects to other policy areas.  For example, in response to a question about how the proposed letting agents' code of practice could 'help to develop more sustainable business practices, in line with the [UN Global] Compact's 10 principles' (Scottish Parliamentary Corporate Body, 2014a, col.2591), the witness from RICS had to admit that they were unable to answer, and the organization would have to provide details in a later written submission, which it duly did.  It is possible that not having known much about the Compact, the witness might have gone away and researched it.  It seems likely that the more people that are engaged in SD and discussion about it, the greater its influence may be, as politicians would be more likely to hear about it.  Creating the conditions where witnesses have to engage with SD, because committees are asking questions about it, should increase their knowledge and understanding.  Committees still tend to hear from the same 'usual suspects' (Halpin *et al.*, 2012), so their familiarity with SD and how it relates to their field could be important in creating awareness among MSPs, members of staff and others.  Signalling committee interest in SD to them, and requiring them to answer questions on it could thus help to increase Members' understanding of, and engagement with it in a virtuous cycle.

**Highlighting potential impacts:** The systemic perspective of SD can help to highlight potential impacts or consequences of policy that could be socially or environmentally detrimental, or perverse in some way.  For example, the draft provisions in s.5 of the Bill, would allow landlords to take age into account in the allocation of social housing, creating a conflict with the requirements of the Equalities Act 2010, although in this case, the witness from the Tenants Participation Advisory Service in fact raised her concerns about this before the Committee could even ask the question.

**Further learnings:** Having attempted to put into practice the Conveners' Group's decision that 'pure mainstreaming' was the approach that should be taken for SD (see Ch.4), I had found that working with other researchers was an effective way to integrate SD thinking into committee scrutiny without creating any additional bureaucratic burden.  In addition, it had the potential to be helpful, especially in terms of highlighting issues that highly-specialized subject researchers might not spot.  As I worked with other researchers and committees, further learnings emerged.  The most important was that getting involved from the earliest stages, such as during the development of the scrutiny approach, was most effective, as it could lead to a more SD-focussed call for evidence, and thus a wider range of written and oral evidence.

## Tracking my influence through the Stages of the Bill

Through my work with colleagues on the Housing Bill, I discovered that there were a series of specific points in the bill scrutiny process (see fig.7) when SPS staff, particularly SPICe researchers, can input information.  Perhaps most importantly, I learned that Stage 1, and preparation for it are critical.  Prior to Stage 1, Members and/or their political staff may engage with the topic, e.g. hearing what stakeholders have to say, requesting information from SPICe, reading the bill briefing, etc.  Scrutiny support staff, meanwhile are likely to be pulling together the briefing, developing recommendations for a scrutiny approach, witness lists, and preparing a summary of evidence.  These activities determine, to a significant extent, the shape of the ensuing scrutiny exercise.  Stage 1 itself is when a committee can put out a call for written evidence and invite (or even compel) witnesses to give oral evidence on the bill.

During the following Stages, the committee and the Parliament as a whole will only meet to consider amendments.  Stakeholders can only access Members privately, and SPICe briefings focus largely on proposed amendments, rather than on broader policy matters.

To gain and provide a clearer picture of this, based on the available documents, such as Official Reports of proceedings, I have tracked my possible influence through the three stages of the scrutiny of the Housing Bill below.

## Stage 1 report

Following evidence-taking, committees produce reports, usually drafted initially by the clerks, with input from SPICe.  These are substantial accounts of the written and oral evidence.  At this point SPICe researchers have less influence.  Stage 1 reports can include recommendations.  For example, in the case of the Housing Bill, the majority of the ICI Committee recommended that the proposed three-year notice period before the abolition of the right to buy be reduced to one year, based on what witnesses had told it.

In relation to the questions I had suggested, and that had been included in committee papers, eight issues were covered in the recommendations (Scottish Parliamentary Corporate Body, 2014c), e.g.

- On the reduction of length of tenancy for antisocial behaviour – the Committee noted the support of some witnesses for the proposed measures, but called on the Government to commit to producing guidance (*ibid*.,para.97-98).
- On the eviction of tenants convicted of antisocial behaviour – the Committee felt the provisions would provide a 'helpful tool' to tackle antisocial behaviour, but the rights of tenants and landlords should be balanced.  Guidance was recommended (para.113).

- On the proposed code of practice for letting agents – the Committee recommended that the Government consider how such a code could support climate change targets (ibid., para.184).

The clerks also added a short section on the sustainability of private housing, which I edited, and the Committee agreed to include at para.269 (ibid.):

> 'The Committee recognises the importance of improving domestic energy efficiency in order to meet Scotland's ambitious climate change targets. The Committee notes that this Bill does not directly address energy efficiency of private housing and recalls its previous recommendation that the Scottish Government considers the introduction of minimum standards across the private sector earlier than 2018.'

The final part of Stage 1 is a debate in the Chamber, in which any Member can participate. At the end, the Parliament votes on the general principles of the bill. These were agreed to, with 97 for, and 13 abstaining (all Conservative) (The Scottish Parliamentary Corporate Body, 2014). Nine of the SD issues that I identified were raised during the debate. Judging by the frequent mentions of lobby groups and constituents, many of these issues were also being raised by external parties, so it is not possible to ascertain whether Members became aware of, or concerned about, them because of lobbyists or because of the SPS. Examples included:

- The requirement for clarity from the Government on how reducing the security of tenure of those exhibiting antisocial behaviour would 'add to local authorities' ability to deal with antisocial behaviour instead of simply moving the problem around different communities' (*ibid*., col.30146).
- Concern that the provisions would not in fact have a significant effect on antisocial behaviour.
- The lack of proposals for energy efficiency requirements in the private rented sector (*ibid*.)(The Scottish Parliamentary Corporate Body, 2014).


**Stage 2**

At Stage 2, the Committee went through the Bill line-by-line, making amendments. Various amendments were proposed in relation to seven of the issues that I had highlighted in Stage 1 questions papers, e.g. on sustainable communities, the proposed provisions on antisocial behaviour, social and environmental elements of the proposed letting agents' code of practice, and energy efficiency standards for private rented housing.

The Bill's anti-social behaviour and letting agents' code of practice attracted the most amendments – eight and thirteen, respectively. Due to block voting, those proposed by the Minister or other SNP Members passed.

**Stage 3**

At Stage 3, in the Chamber, many of the amendments that had been disagreed by the Committee were proposed again. In relation to those that I had highlighted at Stage 1, amendments were proposed regarding:

- Potential age discrimination in social housing allocation;
- Access to justice at the new housing tribunal;
- Sustainable communities;
- Social and environmental elements of the proposed letting agents' code of practice;
- Energy efficiency standards as part of the repairing standard.

Again, it should be emphasized that it is not possible to definitely attribute any of amendments to my influence. Indeed, it seems almost impossible that I was the only person who had noticed these specific problems/opportunities. Again, due to block voting, and a majority, SNP amendments passed.

## Summary

This case study demonstrates how I first applied SD thinking, learned through study and practice, to a piece of committee work. To summarize, I used, as a lens, my theoretical and experiential understanding of sustainable development.

The case study shows that though SPS staff members have the strongest influence before, and at, Stage 1, the issues they help to shine a light on through the information and papers they provide to committee members could contribute to ensuring these matters are considered through Stages 2 and 3 as well. Through Stage 1, the expertise of researchers and clerks is brought to bear on the process. This case study demonstrates that including an SD researcher among them can help to improve scrutiny, through SD's holistic, systemic and multi-disciplinary perspective. In particular, it could help to increase the coherence of policy decisions made by a committee. However, as noted above, the extent of anyone's individual impact is difficult to separate out from that of others. Nevertheless, I feel that helping to ensure that social and environmental issues are discussed by committees, in relation to whatever they are scrutinizing, at least ensures that evidence about them is heard, and that some Members, witnesses, and observers are likely to be influenced to some degree.

 At Stages 2 and 3, researchers have almost no influence, and process and politics take their course. Thus, in terms of SD (and other) mainstreaming, Stage 1 is critical. Simply contributing to papers and briefings from an SD perspective could help staff and committee members to begin to think beyond

the tacitly-accepted boundaries of their work, and contribute to improving the scrutiny process, and perhaps its outcomes.

However, I found that supporting people to apply SD thinking themselves can be more effective.  This is illustrated in the following case study, on an SD impact assessment tool that I developed with SPS colleagues.

# Chapter 7:  Case Study II - Sustainable Development Impact Assessment

As mentioned in Ch.4, the Parliament's Standing Orders (Rule 9.3.3(d)) require Government and Members' bills to be accompanied by a policy memorandum (PM), which includes 'an assessment of the effects, if any, of the Bill on… [*inter alia*] sustainable development.'  Further, 'If the Bill is a Government Bill, the lead committee shall also consider and report on its Policy Memorandum' (*ibid.*, Rule 9.6.3).

Soon after I began my secondment to the Parliament, I found out that Government SD impact statements were generally held to be inadequate.  Indeed, the Session 4 Standards, Procedures and Public Appointments Committee heard that while stakeholders found the PM to be 'a very useful document which helps to clarify the policy intention of a bill… a glaring weakness is the quality of the Sustainable Development memoranda' (2015, para.67,70).  By clarifying policy intentions, a PM can support stakeholders' engagement with the scrutiny process, but where there is insufficient or inadequate information, presumably it would either not do this, or perhaps even hinder it.  As the Commission on Parliamentary Reform pointed out, wider engagement serves to improve scrutiny.

To ascertain whether Government SD statements served to enhance scrutiny or not, I decided to assess SD statements from the second half of Session 4 in order to gain some insight into the problem.  I chose this period because of the possibility that I had helped with, or influenced, the SD statements relating to a few of the Members' bills from 2014, which would provide for some comparison with Government statements.  I later discovered that a very similar study had been previously commissioned by Scottish Environment LINK.  Its stated aim was to assess how effective the requirement for SD impact statements to accompany Executive Bills had been.  Both are summarized in the *Background* section below.

Following that is an account of my development and testing of a discursive tool with a view to passing it on to the Government so that SD statements might better support scrutiny in the future.

## Background: Scottish Government sustainable development statements

**Assessing the assessments: 1999 – 2001**

The LINK study was carried out by Hazel Clark (2001), who looked at all bills that had been introduced by 26.01.2001.  Of the 26 Executive and Members' bills introduced, she found that 18 were accompanied by SD statements, but 12 of these were 'some form of "no effects statement"' (*ibid.,*

p.29).  For example, the statement in the PM accompanying the Parliament's first bill - the Mental Health (Public Safety and Appeals) (Scotland) Bill– reads 'It is not envisaged that the Bill will have any effect on… sustainable development or any other matter' (*ibid.,* p.21).  As discussed in Ch.3, SD is about the nature and qualities of societal development.  No matter how minor, legislation alters the rules by which society is governed, so it seems highly unlikely that it will not affect the development of a society in some way.

Of the six PMs containing more substantial SD statements, Clark found only one – the Regulation of Care (Scotland) Bill - to be 'reasonable'.  It declared that the public bodies it was establishing to regulate social care would 'take account of sustainable development practice.'  Their work would be in line with the Executive's objectives and they 'would be expected to work where possible to support the economy, protect the environment, and to make extensive use of modern information technology and systems' (*ibid.,* p.19).  However, this statement provides no clear explanation of how the new organizations would take account of SD practice, and what that 'taking account' might result in.  Nor does it consider how supporting the economy or using IT would impact development.  Her categorization of this as reasonable does make Clark's bar seem rather low, but she did go on to draw some useful conclusions, as follow.

First, Clark ascertained that the SD statements were the responsibility of Executive bill teams.  It was up to them to 'decide whether they will take guidance from the sustainable development team' (*ibid.,* p.33) or not.  She concluded that the variability of 'insight and understanding' shown by the SD statements pointed to the lack of a shared vision of SD.  She highlighted the 'generally shallow' nature of the statements (*ibid.,* p.30), which raised questions about rigour and the level of expertise within the Executive. This suggests that bill teams did not consult the SD team, or perhaps that there was some deficiency within it.

Second, in her opinion, if SD was being considered during bill development, it would not be a burden for a statement to be provided, but this did not seem to be the case.

Third, the bills for which SD statements were not provided were Members' bills and budget bills, for which statements were not then required.  In Clark's opinion, if:

> 'the purpose of the statements is to focus the thinking and consideration of the Parliament on the potential implications of the proposed Bill… If it is also an intention that they act as a clear focus for the public and citizen participation and for interest groups… then surely it is worthwhile, equally in the case of private and members bills' (*ibid.,* p.31).

It is not possible to say whether SD implications were being considered during the development of Members' bills, but Clark recommended that they should be.  For example, regarding the Protection

of the Wild Mammals (Scotland) Bill, she pointed out that there were 'many topical issues around rural economic development and environmental impact in the debate surrounding the hunting bill, but as a private members bill there is no statement' (*ibid.,* p.16).  Similarly, in relation to budget bills, Clark argued for 'a mechanism that does highlight the sustainable development implications of the fiscal policy put before parliament' (*ibid.,* p.24). As at May 2021, Members' bills do require such a statement, but budget bills still do not.

Clark's recommendations included the development of a procedure, assessment criteria and guidance for SD assessment.  She also recommended that expert advice be sought, training be provided within the Parliament and the Executive, and that committees scrutinize the statements systematically.

## Assessing the assessments: 2014 – 2016

In my own look at more recent SD impact statements, among other things, I considered whether the authors appeared to have used any tool, concept of SD, or other method to carry out an SD impact assessment (SDIA).  I looked at 40 bills, of which four did not require or have SD statements accompanying them.

**Methods and conceptions of SD on which impact assessment is based:** In general, the method used by bill teams to assess SD impact can be inferred to be based on their conception of it.  Strategic Environmental Assessment (SEA) pre-screening  was used as the basis for impact assessment  of 45% of bills assessed.  This is described as 'an assessment of the likely effects that a public plan will have on the environment' (Scottish Government, 2009, para.3.1).  It determines whether a plan could have 'significant environmental effects' (*ibid*., para.4.2).  Thus its use as a method of SDIA suggests an environment-only conception.  The use of the five principles of the UK Shared Framework for Sustainable Development as criteria against which SD impacts were assessed (28%) suggests a broader, perhaps social-ecological conception.  The use of the 'three pillars' of the Brundtland report (5%) (World Commission on Environment & Development, 1987)  – environmental, social and economic – suggests a balancing/trade-off conception, with growth the proposed solution to unsustainable development (see Ch.3).

SEA pre-screening: In very few cases where SEA pre-screening was used as an SD impact assessment method, were attempts made to consider social/economic issues as well.  One exception was for the Carers (Scotland) Bill, whose PM states that it would:

'have a positive impact on sustainable economic development by supporting those carers who

wish to continue to care, safeguarding the estimated £10 billion of savings to the economy contributed by those delivering unpaid care. It will also ensure that carers can continue to have a life alongside caring' (Scottish Government, 2015, p.30).

This statement attempts to explore the implications of the Bill in sufficient depth to allow for scrutiny: there is enough information provided to make critique from the perspective of SD possible. For example, the statement about unpaid care work saving 'the economy' £10 billion assumes that unpaid labour is external to the economy rather than a fundamental component of it, showing a poor understanding of what an economy is (see Ch.3). Rather than valuing unpaid care work as contributing the equivalent of £10 billion to the economy, it is viewed as a way of saving that amount. Thus the statement could have lead to questions around the social equity and sustainable economy principles of SD, which a committee could explore, or which witnesses might highlight.

UK Shared Framework for Sustainable Development: Ten bills were assessed with reference to the five SD principles given in the UK Shared Framework. All but one of these were Members' bills. These non-government bills tended to have undergone more comprehensive assessments, but generally focussed more heavily on the social and economic aspects. The narrow, single-issue scope of these bills, however, unlike most government bills, do tend to have impacts mainly related to one or two of the Shared Framework principles, so this is not unreasonable. One aspect that was clearly missing was the sound science principle, which relates mainly to evidence-based decision-making and policy, including monitoring/evaluation.

It should be noted that the non-government SD assessments were carried out prior to the development of SDIA tool discussed below, although I did support Non-Government Bills Unit (NGBU) colleagues with three of them, and some members of the team had attended my SD training workshop (see p.133). A further two, which were carried out after my secondment did miss some potential SD impacts, suggesting that expert support is likely to improve the process. One Member's Bill SDIA - relating to the Pentland Hills Regional Park Boundary Bill (2015) - particularly stands out as it had considered potential negative impacts in some detail, as well as how these might be mitigated.

Three pillars: For two Government bills, social, environmental and economic impacts were considered. One of these, the Private Housing (Tenancies)(Scotland) Bill was assessed in detail, including potential negative impacts. The scope for landlords to continue to charge market rent was assessed as beneficial. Although this is debateable (Lind, 2017), coverage in the SD impact statement was sufficient to allow for scrutiny.

No impact statements: For the remaining eight Government bills, there was no discernible method used. Six simply stated that there was no, or no disproportionate impact on sustainable development. It is unclear what 'no disproportionate impact' means, as no further information is

provided, but it could mean that the trade-off between gains and losses for SD is assessed as being acceptable.  Nevertheless, this type of statement does not in any way support scrutiny.

**Summary:** Altogether, there was significant variation in the coverage of SD issues in the statements. For some of the most complex government bills, where several different matters are provided for, an effort had been made to provide a statement for each Part.  For example, the Air Weapons and Licensing (Scotland) Bill contained provisions relating to air weapons, alcohol licensing, taxi and private car hire, metal dealers and sexual entertainment, and each of these is dealt with separately. In other cases, the simple 'no impact' type of statement is provided.  Most SD impact assessments are somewhere between these in extent.  In few cases are all the issues considered or the assessment properly justified.  The most thorough statements relate to non-government bills, most of which explain the basis for their conclusions.  These also tend to provide references.  For some Government bills, SD is conflated with sustainable economic growth, or just economic growth – a highly contentious notion (Figuerido *et al.*, 2010).  Many also contain statements to the effect that the Scottish Government is satisfied that there is no impact.  This shows no evidence whatsoever of any assessment having been carried out.  In addition, there is a tendency to ignore the potential SD impacts of enabling bills.  Taking the position that the bill itself will not cause any action, merely enable it, and will therefore in and of itself not have any impact is unlikely to support scrutiny of its potential outcomes.

To summarize, Government bills, which are the vast majority of bills introduced in the Parliament, have highly variable SD impact statements.  Those included in my analysis were inconsistently based on a range of methods and ideas about sustainable development, and were largely inadequate in terms of the detail they provided, and many lacked explanations of how the claims they made were arrived at.  In contrast, a much greater effort was made by Parliament staff supporting the development of non-government bills, the SD statements for which tend to be more complete in terms of coverage of the issues.  These generally provide better justification for their claims.

This could suggest that there is no clear or universal understanding of SD within the Scottish Government.  The implications for scrutiny are poor, as they do not highlight SD issues for Members or stakeholders.

## Bill teams' capacity to carry out sustainable development impact assessment

As the Local Government & Regeneration Committee was considering its approach to the Stage 1 scrutiny of the Community Empowerment (Scotland) Bill 2014, it was suggested in a private paper (LGR14/S4/14/2 0/2(P)) that the clerks should write to the Scottish Government Community

Empowerment Bill team, to request a proper explanation of the policy background to, and intended impacts of the Bill. This was because the policy memorandum (PM) was felt to be inadequate for helping those who would wish to provide evidence to the Committee on such a substantial and wide-ranging piece of legislation. It included two scant paragraphs on SD, despite the fact that the Bill included eight substantive parts, which would likely have significant implications:

'123. A pre-screening report on the environmental impact of the Bill has been completed. This confirmed that the Bill will have minimal or no impact on the environment and, as such, is exempt for the purposes of section 7 of the Environmental Assessment (Scotland) Act 2005.

124. Individual proposals brought forward under the provisions of the Bill may have an impact on the environment. Whether proposals promote or improve environmental wellbeing is an issue which relevant authorities must consider in taking decisions on asset transfer or participation requests [which are provided for in the Bill]. When the Scottish Ministers consider an application for a right to buy under Part 3A of the Land Reform (Scotland) Act 2003 they must be satisfied that that approval is necessary for the sustainable development of the land. Where public authorities bring forward plans of their own they must consider whether a Strategic Environmental Assessment is required for those plans.'

There are two key problems with this statement. The first is the use of SEA pre-screening as the only method for assessing the potential impacts of the Bill on SD. In relation to the activities that the Bill provided for, para.124 again only suggests that environmental issues be considered, except in the case of applications for the right to buy land. This implies that the bill team's understanding of SD was that it pertained only to the environment. Second, Para.124 shows that the bill team, on behalf of the Government, had abrogated its responsibility to assess the potential SD impacts of the bill. It asserted instead that this must be done by the public bodies it would enable to make decisions about requests from communities to participate in decision-making or asset management.

The Committee agreed to write to the Government, and a letter was accordingly drafted by the clerks. It contained 147 separate requests for clarification/further information (Stewart, 2014). The final request was based on text I submitted:

'**147.** The terms "sustainable development" and "sustainability" appear in the policy memorandum in the context of: Communities (paras 3 and 59); Control of assets (para 53); Access to land and land use (paras 57,65, 67, 72, 113); Place (para 101); and Economics (para 2, 36 and 104). This suggests the Bill is concerned with several social, economic and environmental aspects of Scotland's sustainable development. However, the sustainable development section of the Policy Memorandum includes only a limited consideration of the impacts of the Bill on the environment and land use. Please provide a more comprehensive

assessment of the impact on sustainable development to enable the Committee to consider this aspect' (*ibid.,* p.14).

The bill team's response to para.147 of the Committee's letter is a garbled (perhaps panicked?) couple of paragraphs, which in essence asserts that it is largely self-evident that the Bill's provisions will have positive social, economic and 'physical' impacts (Scottish Government's response to the Committee's Letter on the Policy Memorandum, 2014).  It had had just over a month to respond to the 147 questions.  It is possible that the original PM had been so sketchy due to pressure to get the Bill and accompanying documents ready within a very tight timescale.

I felt a great deal of sympathy for the Community Empowerment Bill team.  It seemed likely to me that it had not had the wherewithal to produce a more meaningful SDIA, or later, adequately respond to the Committee's request for one.  The team did not appear to have a clear notion of what SD is.  I suspected that support, advice, tools and training might therefore be lacking.  While I had not by then discovered Clark's work, I was aware that the Scottish Government had claimed to have mainstreamed SD across ministerial portfolios, and that there was 'no formal lead' officer or department (Greig, B., email, 09.10.2012).  There was, however, a spreadsheet-based 'checklist' for assessing SD impact, which asked a series of questions and automatically depicted the answers as a bar chart, a screenshots of which are shown in figures 9 and 10.

I saw three main problems with this tool.  First, it is based on the 'three pillars' approach to SD (Purvis *et al.*, 2019), popularized by the Brundtland Commission (Ch.3).  It treats economy as being equal to society and environment, even though an economy is a means by which societal and environmental wellbeing could be met, rather than an end in itself.  Second, the questions under the three headings appear to be arbitrary, and reduce each of these highly complex areas to just six factors.  Thirdly, the questions can only be answered by selecting one of five options on a scale ranging from 'very strong positive impact' to 'very strong negative impact'.  Having encountered other similar checklists, including at my previous place of work, it seemed unlikely that this tool could facilitate the user's engagement with the subject under assessment.  Rather than fostering a holistic, systemic understanding or appraisal of a policy, it seemed likely to engender a 'tick-box' approach, with a scope limited by its 18 questions.  In any case, none of the PMs I had looked at gave any indication that even this simplistic tool had been used in considering potential impacts on SD.

**Figure 9: Scottish Government SD checklist c. 2012**



**Figure 10: Output from Scottish Government SD checklist c. 2012.**

## Capturing my SD scrutiny approach

Rather than continuing to criticize the SD statements, which in the case of the Community Empowerment Bill, had yielded little of use, it seemed more effective to find a way of helping bill teams to carry out better SD impact assessments.  I hoped that, in the long term, this would allow committees and stakeholders to better engage with the SD issues relating to bills.

My predecessor at the Parliament had been using the UK Shared Framework for SD (Sustainable Development Commission, 2005) as a policy definition.  I had also been using it as a basis for explaining the concept to SPS colleagues in a simple way.  It seemed appropriate for organizing an impact assessment tool.

Having worked in the past with SDIA tools similar to the one shown in figure 9, I had observed that a tick-box tool does not tend to encourage the user to seek out the root cause of a problem, question the underlying assumptions of a proposed solution, or look for potential unintended or perverse consequences.  Seemingly, this was not just my experience: Higham & Thomson (2015, p.417), in their 'attempt to understand why construction professionals give so little credence and genuinely struggle to attain sustainable construction in practice' found that this was in part due to 'a tick box mentality enshrined in sustainability appraisal tools'.  They also found that a requirement to carry out a tick-box exercise engenders what is commonly referred to in the policy world as a 'compliance mentality.'  This refers to a mind-set that focusses on meeting the minimum standards required by legislation or other rules, without consideration of what those rules are seeking to achieve or address (George, 2013).

My thinking was also influenced by the success of a training workshop that I and others had developed and run in the Parliament.  In the workshop, participants were first given a basic and non-technical conception of SD, with a focus on equity, as one of the aims of this exercise was to shift focus away from the conception of SD as 'saving the planet'.  Rather than receiving a lecture about SD, or the equity principle, participants were allowed to form their own conception of how resources could be distributed based on needs, through a role play exercise.  It was followed by a brief presentation on SD as a whole.  In the main part of the workshop, groups of participants analyzed sections of a live bill through an SD lens.  The exercises were designed to support discussion, with only a small amount of theoretical information provided.  We, the facilitators, took the position that there were no right or wrong answers, in order to create a safe space.  We received positive feedback, and it reinforced my belief and intuition that learning through discussion can be highly effective.  In fact, one of the participants got in touch with me some months later, to ask whether I could help the Non-Government Bills Unit (NGBU) apply an SD lens to Members' bills.  I had not previously been aware of this team, and the fact that it carries out a process parallel to the

development of Government bills by bill teams, but for bills proposed by Members and committees.

Over time, my intention to try to help the Government and the NGBU to apply an SD lens to bill development coalesced into a plan to devise a tool, and test and trial it with the NGBU.  I resolved that it would be not a be a checklist, but a discursive tool that fostered deeper engagement with, and exploration of, issues relating to a bill.

I began by trying to set out what I believed to be the main considerations under each of the five principles set out in the UK Shared Framework.  These were things that I would normally look for when assessing the SD implications of policy, legislation or some other initiative.  For example, under the principles of 'Ensuring a strong, healthy and just society' I placed the inter-related issues of human needs, wellbeing, equity and social capital.  Each of these is a key concept within SD theory and practice.  Since these concepts are unlikely to be familiar to all potential users, under each, I added a small number of questions, to provide largely non-technical prompts to draw out users' thoughts and ideas.  A very early draft is provided below (Fig.11).

Alongside the questions, I added a column for users to list relevant policy aims, and one in which to list possible outcomes.  The aim of this was to encourage users to consider whether the desired and/or asserted outcomes, e.g. of draft provisions, would be likely to be met, and whether there might be any possible unintended or perverse consequences.

Despite my attempts to make the tool as easy as possible for any colleague to use, some form of guidance setting out how it should be used and providing some explanations of the SD concepts included.  A few notes remain in upper case under those SD criteria that I thought were less intuitively obvious.  For example, I thought some more information about fundamental human needs would be required, so I had left in a note for myself to include in the guidance an explanation and lists of these, taken from Maslow's (1970) and Max-Neef's (1992) work on the topic.

I was aware that many of what I had labelled 'criteria', under the five SD principles, were closely related, and that users of the tool were likely to find that their responses to some of the questions were repeated.  However, I did not try to further simplify the tool, because there are subtle differences.  For example, 'needs' and 'wellbeing' are very closely related, in that wellbeing is an outcome of needs-satisfaction (Jackson and Marks, 1999).  Nevertheless, they are not exactly the same, so each could throw a slightly different light on a matter being considered.  In addition, I suspected that different users of the tool might be more responsive to one or other term, depending on their familiarity with, or understanding of, each.  In addition, I was aware that not all SD principles or criteria would be relevant to every bill/policy.

At the first testing of the tool, outlined below, I explained these issues, and they are now included in

the accompanying explanatory notes.

**Figure 11: An early iteration of the Parliament's SDIA tool.**

**Essential conditions for sustainable development:**

1. Ensuring a strong, healthy and just society

| 1 | criterion | Questions | policy aims | Possible outcomes of provisions |
|---|-----------|-----------|-------------|--------------------------------|
| A | Human needs (ADD NEEDS LIST FOR REFERENCE - Maslow or Max-Neef) | Will this bill help to improve people's capability to meet their fundamental human needs? <br><br> Think about how it will help, whether it will help particular groups and whether the provisions are sufficient to meet the needs in question or whether something else might be needed to do this. <br><br> Consider whether it will reduce anyone's capability to meet their needs.  If so, how?  What might be needed to mitigate this? | | |
| B | wellbeing | Will this bill help to improve people's wellbeing? <br><br> Will it adversely affect anyone's wellbeing? | | |

| 1 | criterion | Questions | policy aims | Possible outcomes of provisions |
|---|---|---|---|---|
| C | equity | Will this bill be fair?<br><br>Will it address any injustices, unfairness or inequality?<br><br>Will it affect any group adversely?<br><br>Will it favour any particular group or confer any unfair advantages on them? | | |
| D | social capital | Will this bill help to improve the connections between people?<br><br>Will it affect anyone's ability to participate in society, including in decision-making?<br><br>Could the bill have any impacts on anyone's culture or heritage? | | |

2. Living within environmental limits

| 2 | criterion | questions | policy aims | Possible outcomes of provisions |
|---|---|---|---|---|
| A | ecosystem services (INSERT WHO DIAGRAM?) | Could this bill affect any of the services that the environment provides for people and if so how?<br><br>Is there anything that can be done to minimize or mitigate any negative impacts? | | |
| B | use of materials or energy | Will this bill lead a change in the level of materials or energy used by people, either in Scotland or abroad?<br><br>How will it affect resource use?<br><br>If the bill will increase resource use, is there anything that can be done to minimize this? | | |

| 2 | criterion | questions | policy aims | Possible outcomes of provisions |
|---|---|---|---|---|
| C | planetary boundaries (DIAGRAM) | Will the bill contribute to increased impact on any of the planetary systems currently marked red? | | |
| D | local environment | Will the bill lead to any changes in anyone's local environment?<br><br>Will it affect anyone's access to greenspace or local amenities?<br><br>Will there be any impacts on the built environment?<br><br>What might be done to mitigate any negative impacts, or to ensure that any positive impacts are fairly distributed? | | |

**Supporting conditions for sustainable development**

3. Achieving a sustainable economy

| 3 | criterion | questions | policy aims | Possible outcomes of provisions |
|---|-----------|-----------|-------------|--------------------------------|
| A | livelihoods | Will the bill impact on anyone's livelihood?<br><br>How can any negative impacts be mitigated? | | |
| B | resilience | Could the bill affect the ability of any household, community or country to withstand shocks and stresses? | | |
| C | society | Will the bill help make society fairer or improve people's capability to meet their needs? | | |
| D | environment | Consider whether the bill will lead to any economic activity that cannot be sustained in the long term. | | |

4. Promoting good governance

| 4 | criterion | questions | policy aims | Possible outcomes of provisions |
|---|---|---|---|---|
| A | participation in decision-making | Could the bill have any impacts on anyone's ability to have their views heard and listened to, or otherwise engage in decision-making? | | |
| B | improving institutions | Could the bill affect the way in which institution make decisions?<br><br>Could it impact on how fairly institutions treat people or support their capability to meet their needs? | | |
| C | society | Could the bill affect whether institutions contribute to a fairer society or not. | | |
| D | environment | Could the bill have any impacts on whether institutional processes lead to environmental harm or improvement? | | |

5. Using sound science responsibly

| 5 | criterion | questions | policy aims | Possible outcomes of provisions |
|---|---|---|---|---|
| A | evidence for the bill | Has enough evidence been gathered to support the bill?<br><br>Is there any evidence that suggests that the policy aims or provisions need to be revised, for example if there are likely to be any unintended consequences or if any of the provisions could fail to achieve the policy aims?  If so, how can the bill be improved? | | |
| B | improving knowledge and understanding | Could the bill improve our knowledge and understanding?<br><br>Could it have any negative impacts on the way information is gathered or shared? | | |
| C | monitoring impacts | Does the bill include any ways to measure or review its impacts? | | |

## Alpha testing[51]

The first test of the draft tool was carried out with some members of the NGBU and SPICe, and was based on the proposed Prostitution Law Reform (Scotland) Bill of Session 4. It was, at the time, a live proposal on which the NGBU was working. The Member's proposal was 'to decriminalise activities associated with the buying and selling of sexual services and to strengthen the laws against coercion in the sex industry' (Urquhart, 2015, p.4). As a test case, this was an apposite choice (not made by me), because the proposal was not an environmental one, and was somewhat controversial, as the proposer, Jean Urquhart herself admitted (*ibid.*). Although the proposal was supported by various sex-worker and related charities (Urquhart, 2015b), the opinions of those who were against it included that it was 'a regressive step for the whole of Scottish society, but especially for the weak, vulnerable and powerless' (Premier Journalist, 2015), and that prostitution should not be legalized because it is 'an inherently harmful phenomenon, rooted in misogyny and male privilege' (Kemp, 2015).

All the participants in the alpha test workshop had been asked to familiarize themselves with the proposal. They were divided into two groups and given time to consider the questions in the tool, and discuss their responses within their groups. Each group included a member of SPICe, who would be able to help if the group got stuck at any point. I then facilitated a discussion between all the participants. We went through the SD criteria under the two essential principles, as there wasn't enough time to work through the three supporting principles as well. I summarized each point made on the flip chart, so all could see it, and be able to think about and respond to it. I did not interpose my own opinions or observations, as the point of the exercise was to test whether the tool could help users to think in a different way. Notes from the workshop are reproduced in Table 3. The group did not find the proposal to be relevant to ecosystem services or planetary boundaries, both of which are ecological criteria, so these are not listed. The notes are brief encapsulations of the points made, and so do not sufficiently represent its richness, nuances or the emotions of the participants.

As can be seen from the first row, on fundamental human needs, the group was working through how the proposal would affect people's needs. The discussion progressed from first questioning whether sex is a fundamental need or not, to considering the needs of society as a whole (protection from crime), and the specific needs of sex workers, women in general and males. Each point seems to either build on, or question, the previous one in a dialectical way, as I had hoped. As anticipated, some issues came up under more than one criterion, e.g. impacts on

---

[51] Alpha test: 'an initial test of a product by its developers' (Anderson *et al.*, 1998)

neighbours/community come up under both equity and social capital.

| SD Criterion | Responses |
|---|---|
| Human Needs | Difficult – is sex a fundamental need?<br><br>Sex workers can meet their need through commerce.<br><br>Rules/law [are] to control urges and prevent crimes.<br><br>Needs of sex workers?<br><br>Needs of women in general – does prostitution undermine women generally?<br><br>Bill could be damaging for males to be enabled to purchase [sex]. |
| Wellbeing | Health – [Bill would] encourage safer sex<br><br>Security - physical and mental [may be increased]<br><br>Neighbours of brothels could be negatively affected (or positively?)<br><br>Could undermine psychological wellbeing of e.g. religious groups, etc. who object to prostitution. |
| Equity | Perceptions of injustice on both sides.<br><br>Could improve sex workers' rights.<br><br>Many don't choose but end up in this work so shouldn't they have rights e.g. employment rights?<br><br>Possible adverse effects on communities but might get sex work off the streets.<br><br>Favours clients by making it easier [to purchase sexual services]. |
| Social capital | [The proposal] allows [small owner-operated brothels] SOOBs – [could enhance] sex workers' social capital.<br><br>Could flourishing sex work undermine wider social capital?<br><br>Is social capital a good thing at all?<br><br>Sex workers would feel more socially accepted and able to e.g. use the justice system (eventually attitudes [towards them] might change).<br><br>[The Bill could] allow people to live off sex worker earnings.<br><br>[The proposal] could change wider culture (negatively or positively). |
| Materials/energy | Marginal impact – could [make is possible to] regulate waste, etc.<br><br>but overall impacts of industry could increase if industry expands. |
| Local environment – | Sex workers more likely to work indoors [as a result of the Bill] BUT solicitation and kerb-crawling [would be] decriminalized [leading to] more outdoor work > environmental quality decline? |

**Table 3: Outputs from SDIA alpha test, 2015.**

Some criteria threw up issues that may not otherwise have been considered as they were not related to the policy intentions of the proposal, e.g. the potential reduction in local environmental quality through increased street-based sex work.

Having worked through the essential SD principles with the group, I took some general feedback on the tool. Responses were mixed, with one key member of the NGBU appearing particularly averse to it. There was a mixture of general comments, both pro and anti. For example: 'Not sure if it adds value to the NGBU process' and 'Could help challenge you and help provide sustainable development statement'. There were also some more specific technical comments such as 'Needs definitions, especially concepts such as human needs and social capital and guidance'. I myself had made a few observations about some of the questions not being quite right. For example, I noted that section 3C 'should be more about economic inequality rather than society'.

On reflection, I did not feel very optimistic about the NGBU agreeing to further trial the SDIA tool, due to what I perceived as aversion to the risk of doing things in a different, perhaps unorthodox, way. However, to my delight, I was later approached by a new member of the team, who was keen to find out more about, and pursue, applying SD principles to the NGBU bill development process.


## Beta testing[52] and adoption by the NGBU

Early in Session 5, several Members' bills were proposed. Following some initial conversations with the NGBU clerk who had contacted me about their team using an SD perspective, I provided a version of the SD training outlined above to a few members of the team. This time, the now-revised SDIA tool was used to analyze a proposal selected by the participants. I emphasized the importance of thinking about the SD implications of proposals in pairs or in a group. I also stressed that the tool should not be viewed as a bureaucratic exercise. Some sections would be less relevant to particular proposals than others, and there was no need to duplicate the same points in different rows – the tool was intended to help thinking, and provide a basis for writing an SD statement for the PM.

Following the training workshop, as the NGBU clerks began to develop proposals, they began to carry out SDIAs. Initially they would ask me to facilitate their discussions, which I did, leaving the notes with them to feed into the bill development process. Eventually, they gained confidence, and I was more often just asked to check over completed SDIAs by email. Eventually, as some

---

[52] Live testing with real users.

proposals were developed into bills, I would be sent draft SD statements to check and amend as required, before they were inserted into PMs.  In this way, because a few interested clerks took action, the SDIA process has been incorporated into the NGBU's day-to-day work, and is routinely used in the development of Members' bills.  In one case that a member of the NGBU reported to me, they 'used SD lens in discussion with the proposer [which]… made Member think about complexity – think about future-proofing' and that as 'part of NGBU is a challenge role [to ensure Members have sufficiently thought their proposal through… SD questions really helpful' (Journal, 02.11.2017).

As we used the tool, both with the NGBU, and in one further test to check that the tool could be useful to SPICe researchers preparing for a committee inquiry, it was gradually refined.  I added some guidance notes before the table of questions, and wrote up a separate document of explanatory notes, which define and provide further information about the technical terms and SD concepts in the tool.


## Towards Scottish Government uptake of the SDIA tool

Early in Session 5, a member of the SPS was seconded to the Scottish Government 'to get the recommendation[s] of the Standards Committee' mentioned on p.88 'implemented, including [on] SD statements', and they were 'keen to have some help' (Journal, 28.07.16).  However, despite our combined efforts, the Government's Office of the Parliamentary Counsel, which drafts legislation, did not allow us to engage with bill teams (Journal, 09.01.17).

Finally in 2018, I was invited to speak at an impact assessment seminar, providing I did not offer to 'promote [our tool] to Bill Teams colleagues' (Makin, P., email, 01.08.2018).  I had wanted to talk about our tool, and how it could help bill teams, and to offer to help anyone who was willing to try it out, but doing this would have violated the organizer's wishes, and I did not want to jeopardize any potential relationship we might have with their Office.  However, the similarity of what the presenters of the eight impact assessments then required of bill teams (Scottish Government 2018, Seminar 4 (Impact Assessments) Agenda, unpublished internal document) had said gave my line manager an idea.  He realized that our SDIA tool could be used as a 'gateway' impact assessment.  Because it allowed for a holistic rather than issue-specific approach, it could be used initially to highlight which issues would be important and required  further research.  This could help to cut down on bureaucratic requirements.

Almost a year later, my current line manager and I were invited to attend a workshop through a civil service colleague who had heard about and was interested in using our tool.  At the

workshop, the civil servants in the room 'complained that they… couldn't cope with what they are already required to do.' One added that they 'are require[d] to do too much in too little time. They prioritize getting stuff to the Minister in question, to avoid getting shouted at,' which, I noted, 'they perceive as a greater risk than not doing the' IA. Furthermore, 'some bill teams are not aware that there are compliance requirements.' One participant added that 'they do [IAs] at end[53] and also multiple IAs lead to a silo approach.' Another felt that they 'shouldn't bother so much with IAs that aren't so relevant to the matter at hand' (Meeting Notes, 18.04.19). However, one participant later reflected that it 'strikes me that SDIA could act as a triage one for all others' (Meeting Notes 24.04.19).

We were permitted to give a brief outline of SDIA and our tool, the fact that it is discursive and holistic, and that we felt it could help bill teams. Before leaving we offered to help the organizer with their streamlining project, and they said they would be in touch. This did not happen, and due to a shortage of resource, we were not able to chase it up.

I have not (yet) achieved my original aim of improving SD impact statements in Government bill PMs. But, as at May 2020, momentum around the tool is gathering. There is unprecedented demand for facilitation of SDIA workshops within the Parliament, from those who support committee scrutiny, and also those who provide corporate services such as procurement, election planning, etc. Its uptake is also being promoted by Scotland's International Development Alliance, who are campaigning strongly for policy coherence in Scotland. I feel both excited and nervous about all this: excited because almost everyone who participates in an SDIA workshop finds it enjoyable and useful. For example, at the most recent workshop I facilitated – on Regional Marine Planning – I took some brief feedback, as this was the first online workshop, necessitated by the coronavirus lockdown. One participant said they found it 'really useful, especially not doing [it] by yourself – important.' They also added that it seemed a useful format for engaging MSPs at the approach planning stage of committee scrutiny – something I hope one day to be able to do.

But for now, I and others are working on developing a Version 3 of the tool. It will act as a gateway impact assessment for the Parliament, highlighting more explicitly four other matters that the institution has been trying to mainstream – climate change, human rights, equalities and participation.

---

[53] Which could explain why they can often come across as a post-hoc justification for a bill.

## Reflections

It is important to note that while a tool can support SD thinking, and through it, more rigorous scrutiny, it is not a substitute for an expert staff resource. Regarding the tool itself, I have found with the NGBU, that a team is likely to need substantial support initially, with some ongoing technical support afterwards – on the 10th of August, 2021, I received the first request for support with a Member's bill SDIA of Session 6. And, as with any other processes, the maxim 'garbage in, garbage out' is likely to apply. In addition, there remains much to do in terms of mainstreaming, such as attempting to meet Session 3's Environment Committee's (and stakeholders') recommendation that Scottish Government budget proposal be scrutinized on their implications for sustainable development. Finally, partly due to misconceptions about SD and its complexity, training and capacity building beyond what I could provide as a short-term secondee, student and part-time worker are needed.

A final case study is presented in the next chapter, which demonstrates how a human expert can influence the shape of scrutiny for sustainable development in a way that a tool cannot.

# Chapter 8: Case Study III - Parliamentary Consultation on National Outcomes

This case study is about my work on the 2018 parliamentary consultation on the Scottish Government's National Outcomes. I was the SPICe lead researcher for the consultation, and my primary focus was using SD thinking to structure it, so that it would be as holistic as possible and include an SD perspective.

## Introduction

The Scottish Government's National Outcomes are a component of its National Performance Framework (NPF), which was introduced in 2007 when the SNP first came to power. No version of it has included the term 'sustainable development'. Instead, it included the phrase 'sustainable economic growth' as part of the Framework's overarching Single Purpose: to create 'a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth' (The Scottish Government, 2007a). As can been seen from the Government Economic Strategy of the time, 'sustainable economic growth' chiefly meant 'economic and population growth' (The Scottish Government, 2007b).

Pillai (2010) notes that 'sustainable economic growth replaced SD, and there is clear evidence of this in a 2012 email from the civil service to the Parliament's then SD Scrutiny Officer. It states that there is no longer any 'specific responsibility' for SD due to 'the relative success of mainstreaming SD across the organisation'[54], and that 'performance on sustainable development is monitored through the performance information on the Scotland Performs web page'. Here, the conflation of the NPF with SD is justified by the fact that online NPF reporting includes 'indicators covering a range of key social, economic, environmental and wellbeing indicators' (Greig, B., email, 06.03.2012). However, unless the desired social, economic and environmental outcomes being monitored added up to SD, this conflation cannot have been correct.

The conflation of SD with the NPF, and with 'sustainable economic growth', suggests that the SNP administration either genuinely believed that growth could lead to sustainable development, or it was using one concept to subsume and supersede the other, mediated by the word they both

---

[1] Further correspondence, several months later, explicitly states that 'At official level there is currently no formal lead (again due to mainstreaming and strategic objective approach adopted by this government) but my Directorate has a particular general interest, but it is for each portfolio to consider sustainable development in the exercise of their own responsibilities' (Greig, B., email, 09.10.2012).

have in common – 'sustainable'. Nevertheless, using the NPF to hold the Government to account became part of the Parliament' SD scrutiny work.

## Background: Community Empowerment (Scotland) Bill

The first iteration of the NPF was hastily constructed by the Cabinet as part of the SNP's first comprehensive review of the Executive's expenditure (Journal 13.12.17). A long-standing criticism, prior to its re-launch in 2018, was that unlike the Virginia Performs framework on which it claimed to be based (Burnside and Dewar, 2007), there had been no public involvement or ownership (Cochrane, 2014). A 2013 study carried out by The Carnegie UK Trust found that 'Scotland Performs is alone in the international case studies we explored in not engaging with the public during the development of the dashboard' (Wallace, 2013).

In 2014, the Government introduced the Community Empowerment Bill which sought to do this. It proposed that Scottish Ministers be required to determine (desired) national outcomes. Although there had been calls from civil society organizations (CSOs) for the public to be involved in this process (Anon., 2014), the Bill as introduced only required Ministers to 'consult such persons as they consider appropriate' (s.1(5)). However, CSOs and public bodies were adamant that:

> 'meaningful consultation is undertaken on the outcomes with a broad range of stakeholders, allowing for civic society and communities to voice their opinion and help set the outcomes. This will help empower communities rather than the process being driven and set by the centre' (Voluntary Action Scotland, 2014).

At Stage 2 of the Bill's passage, Labour's Alex Rowley tabled amendments to ensure a wide-ranging public consultation, as well as Parliamentary involvement. They were passed by the Local Government & Communities Committee. At Stage 3, however, Marco Biagi, then Minister for Local Government & Community Empowerment, went on to propose amendments to remove most of Rowley's changes (Scottish Parliamentary Corporate Body, 2015), so that Ministers would only have to consult 'such persons who appear to them to represent the interests of communities' (Scottish Parliamentary Corporate Body, 2015, no.29). Rowley's amendments providing for a two-stage parliamentary consultation, totalling 100 days, were reduced to a single 40-day consultation on already-drafted outcomes. This would not allow parliamentarians, elected to represent their constituents (i.e. communities), to shape the national outcomes, but only to critique them after they were determined.

In 2018, the first parliamentary consultation on the National Outcomes was held on the basis outlined above. I was the SPICe lead. Around the time that we were starting to think about the forthcoming consultation, I reflected that:

> 'the government is accountable to the people through the parliament, which I think is the idea. But that means the people are removed from the gov, although… they could take part in nonsultations.[55] And since policy is thus removed from the people, and… is often presented as a *fait accompli* to the parliament e.g. in the form of legislation… this leaves the balance of power very much in favour of the gov' (Journal 22.08.17).
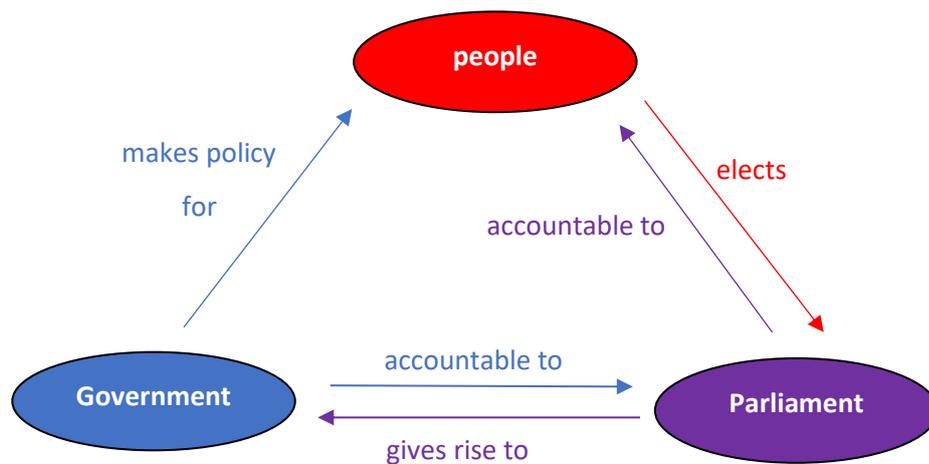


**Figure 12: Relationship between Parliament, Government and people in Scotland.**

Despite the *post hoc* consultation process, if the conditions for scrutiny created by the SPS were to support Members to seek to engage people, to raise issues rather than reacting to what is put before them, and to seek to prevent negative outcomes, then they would be more likely to do so. I hoped to create such conditions in preparation for the consultation, as discussed below.

## Preparing for the consultation

As noted in Chapter 5, the work required by parliamentary scrutiny is something like an iceberg. The publicly visible part - written evidence, committee meetings, debates, reports and correspondence with Ministers is supported by the huge amount of mostly unseen work carried out by the SPS, lobbyists and Government officials. For SPICe researchers and committee clerks, there can be a significant amount of preparatory work, starting many months in advance of a

---

[55] A portmanteau term used in policy circles, which the Telegraph newspaper defines as 'a cynical technique used by governments, local authorities and some businesses to provide spurious legitimacy or fake PR cover for a pre-determined decision' (Gilligan, 2010). Not currently in the Oxford English Dictionary.

committee sitting.  This section looks at some of the work I carried out in advance of the parliamentary consultation on the National Outcomes, and how I worked to influence the shape of the scrutiny exercise based on SD thinking.

**Thinking about the consultation**

The Scottish Government had publicly committed to 'measure and report on progress in achieving the SDGs (Sustainable Development Goals (United Nations, 2015)) in Scotland' (Scottish Government, 2015), and I had been working to influence this on behalf of my previous employer, SEPA, up until the start of my PhD, so I was very familiar with the NPF, as SPICe researchers are expected to be about matters within their areas of responsibility.  I was aware that the Scottish Government was planning to publish new National Outcomes.  As the planned date for publication (September 2017) approached, it occurred to me that I should warn researchers and clerks that the parliamentary consultation was imminent, so it could be scheduled into committee work programmes.

The National Performance Framework was originally intended to be a coherent and holistic cross-policy framework (Erasmus, 2018), which was reflected, to an extent, in the National Outcomes (NOs) of the time (Scottish Government, 2017).  I assumed the forthcoming NOs would be similarly wide-ranging, and would therefore be relevant to most committees.  I was keen to try to make the consultation as wide as possible, as it was a potential opportunity to facilitate SD thinking.  I decided to focus on the following:

1.  As the National Outcomes ostensibly represent the broad policy aims of the Scottish Government, it should be accountable to Parliament in setting them;

2.  The consultation could help to raise Members' and staff awareness of the SDGs, and the Government's commitment to integrating them into the NPF, which could be beneficial to mainstreaming SD;

3.  The 2016 version of the NPF (Scottish Government, 2016) was not internally consistent.  A holistic scrutiny exercise could highlight this, raising awareness;

4.  It might afford an opportunity to raise awareness of the problematic Single Purpose of creating flourishing through sustainable economic growth (Erasmus, 2018).

The only problem was that I had no idea how to go about trying to engineer such wide-ranging committee scrutiny.  Usually where a bill or policy is deemed to be of interest to more than one committee, the subject is chopped up to fit each committee's remit (e.g. Environment Climate Change & Land Reform Committee, 2016).  A more holistic approach, whereby committees did

not feel so constrained by their remits, could enable them to begin to appreciate how outcomes not normally considered to be within their purview were related to those that were. Colleagues advised me to start by contacting the Head of the Committee Office, under whom all the committee clerks worked, and to ask to attend the Committee Office Leaders' Group meeting – a forum for head committee clerks. The extent of the gatekeeping role of clerks began to become clearer to me, as I learned that it is they who formulate an approach to how committee business should be handled (Journal 1.08.17).

However, going to the Clerk Team Leaders' meeting seemed risky. My concern was that the Clerk Team Leaders' meeting was an unknown entity to me – I had attended it only once before, very briefly, and didn't have good grasp of its dynamics, or how best to pitch my suggestions to it. At the time, I had no allies among, or close relationships with, any of the high ranking officials that make up its membership, and mine could have been a lone voice. Should the strongest voices in that forum have disagreed with my approach, and the others agreed with them, I would have had no further scope for action.

I had already encountered some colleagues who did not immediately share my perspective on the structure that the scrutiny exercise should take, for example:

> 'Spoke to _____ yesterday about NPF. Of course ___ pointed out things like the lack of time in committee schedules, and there was some discussion about committees looking only at 'their' bits of the framework. The chat made me realize that this is a one-time opportunity to scrutinize the NPF, well – once per session, and [I] need to put [out] key msgs... I've realized that cross-cutting scrutiny is a huge problem, and I feel like even in SPICe, I'm poss. the only one that is looking at it in this way. _____ said the Economy Comm. wouldn't look at the natural capital outcome! I said that this was an economic measure but got a sort of 'whatever' reaction.' (Journal 25.07.17.)

**Finding a way in**

Nevertheless, I sought to challenge the conventions around committee silos, and thus to engage Members, and indeed staff, in more holistic (SD) thinking. Some staff members can be territorial about their remit, perhaps seeking to prevent others from encroaching on the power conferred on them by their exclusive control over certain processes, or perhaps simply seeking to prevent those who are not qualified to perform certain tasks from doing so. For example, in my journal, I have recorded a conversation with a clerk, in which I noted their:

'sharp drawing of a line that it's clerks' remit to inform [the] Bureau.[56] So, my understanding is that in almost all cases, the clerks make recommendations to the Bureau, which the Bureau signs off. This means the clerks have far more power than I had first thought – not only do they have a massive influence on the work programme, but also on how non-optional things like parliamentary consultations and bills are dealt with... Which I guess means that... their personalities and opinions, and how they view an issue, or what they know about it... have an influence over what happens.' (Journal, 01.08.17.)

The fact that committee clerks hold significant power to shape committee scrutiny means that for change-making, trusting relationships with them are essential. As Welter points out in her review of the literature on trust, it 'is based on a perception of the probability that other agents will behave in a way that is expected and benevolent' (2012, p.195). If the clerks were to trust me and my expertise in relation to the topic under scrutiny, then they would be more likely to accept my suggestions and perhaps even take some perceived or actual risks in doing something different or differently.

In practical terms, my thinking was that I should begin by raising awareness of the fact that there would only be a once-per-Session opportunity to scrutinize and influence the Government's desired outcomes, and that cross-cutting scrutiny would be beneficial to doing this. So, I started by writing a short internal paper for all SPICE researchers and Committee clerks alerting them to the forthcoming consultation and providing some background and key points of relevance. I believed this would be a non-confrontational offering, in which I wouldn't be transgressing the established division of labour, thus helping to build trust by demonstrating that I accepted it, and the associated power dynamic. I hoped it would pique the interest of some clerks, thus beginning the alignment of our activity systems.

I circulated a paper containing various ideas that I hoped might be taken up by some colleagues, or at least planted in their minds. First, that the consultation was imminent, and the opportunity to scrutinize the draft revised National Outcomes would occur only once per Session. Second, that that the NPF was designed to ensure policy coherence, what that meant as a concept, and why it would be relevant to the work of most committees and a possible theme for scrutiny. Third, the problematic nature of the Single Purpose and the economistic Purpose Targets that sat

---

[56] 'Bureau' refers to the Parliamentary Bureau, comprised of the Presiding Officer, an MSP from each party that holds five or more seats, and representatives of groups of other MSPs. Among other things, the Bureau decides on the timetabling of any parliamentary business – legislative scrutiny, debates, parliamentary consultations, etc.

directly underneath it.  I also included a few other possible themes for scrutiny, including around the SDGs  and the role of the wider public sector (Journal 01.08.2017).


**Getting informed**

I began to look into the details of the relevant procedures and processes.  First, I found out from the Government's NPF team that it was planning only to lay the draft outcomes – the minimum required by the Act.  It planned to develop the rest of the NPF after the outcomes were finalized. On the one hand, it perhaps did not make sense to develop a whole framework based on outcomes that might change as a result of the parliamentary consultation.  On the other, as various parliamentary colleagues pointed out, the outcomes themselves were 'vague' and 'high level' and did not therefore permit much detailed scrutiny, whereas the layers underneath – at that time comprising National Indicators and performance measures[57] – could reveal how the Government intended to pursue and monitor progress towards particular outcomes.

The NPF team also informed me that the parliamentary consultation would take place under rule 17.5 of the Standing Orders, whereby if the matter under consultation is of relevance to more than one committee, the Parliamentary Bureau <u>may</u> appoint a lead committee, rather than designate one committee to carry out the consultation.  Prior to this, though, the clerks and their conveners had to agree on which committee it would be.  There were two contenders: the Finance Committee and the Local Government & Communities Committee.  Both already had full work programmes and were reluctant to augment them (Journal 01.08.17, 04.08.17) – possibly because this would have entailed rearranging their schedules and having to get Members and witnesses to agree.

Meanwhile, I wrote to the NPF team to seek clarification on various issues that seemed problematic to me.  SPICe researchers often do this, as in order to support effective scrutiny, Members must be provided with relevant information.  In this case, there were:

> 'questions that I felt remained unanswered – perhaps un-thought-about within the NPF team, which to be fair was based in the Office of the Chief Statistician, so perhaps not best placed to think about policy in a very macro way.  They were issues that I especially thought were weaknesses or problems' (Journal, 04.08.17).

They included questions on the Single Purpose, policy coherence and the internal consistency of the Framework.  For example, 'Has or will the NPF undergo any internal consistency checks to

---

[57] The National Indicators were actually targets, rather than indicators *per se*.

ensure that there are no conflicts?' to which the response was 'The new draft National Outcomes which will be laid in the Scottish Parliament have been developed in consultation with the public, expert stakeholders and Scottish Government' (Conlong, A.-M., email, 24.08.2017). This (non-)response suggested that an internal consistency check (for policy coherence) had not been carried out, or perhaps that it had not found that NPF to be coherent. Either way, this would be something that could be highlighted to Members as a possible area to be scrutinized.

The above reflects the importance of expertise within SPICe – if I had not been very familiar with the NPF, it is unlikely that I would have been attuned to its flaws and weaknesses. My reflection above was about whether the NPF team may not have had sufficient focus on the policy implications of the way in which the Framework was constructed. It reported directly to the Chief Statistician, whose main concern is 'professional standards that help maintain trustworthiness in the use of data' (Scottish Government, 2017, np), which may have skewed the team's focus towards statistics and reporting. However, this is speculation on my part. It is possible that someone within Scottish Government had similar concerns, as the NPF team was later moved to sit in the Directorate-General for the Exchequer, and is listed in the Government directory under the 'Directorate for Performance & Strategic Outcomes'.


**Influencing the shape of the scrutiny process**

My next task was to begin to alert stakeholders to the forthcoming national outcomes consultation. As a key focus of my action research was on improving scrutiny (see Ch.4) through SD thinking, it seemed important to ensure that stakeholders with an interest in SD were ready to provide written or oral evidence to whichever committee(s) ended up scrutinizing the draft National Outcomes. I made sure to inform networks such as Learning for Sustainability Scotland and the CSO SDGs Network who are able to circulate such information to their members (Journal 04.08.17). More SD evidence is important because it could help to foster SD thinking in those who read it – staff and Members. It may provide a different perspective to sector-specific evidence, which tends to focus on how policy/legislation would affect that sector specifically.

Events then took an unexpected turn: 'the NPF team had taken the NOs to the Cabinet for sign-off – quite near the laying date – and it had decided that the NOs should not be laid without the rest of the NPF' (Journal 22.08.17).

This was good news in terms of scrutiny, as it meant that for any committees looking at the proposed new outcomes, there would be more detail available. This could give the Parliament a chance to make the Government more accountable in terms of the details of the NPF. From early drafts, we knew that the NOs would be fairly high level (Wakefield, S. 2017, email, 28.07.2017), so

the layers of the Framework below them would be likely to reveal more about how the Government interpreted them.  The consultation was delayed till March 2018 to allow for the rest of the NPF to be constructed.

Meanwhile the paper I had circulated bore a couple of tiny fruits: a clerk, not from either of the two potential lead committees 'has picked up about NPF'.  I noted in my journal that I was 'overjoyed' about this, and also that I'd had an enquiry from a Member on the matter (Journal 24.08.2017).  A clerk being interested in something would mean that they would most likely mention it to the convener of their committee, potentially leading to the committee carrying out scrutiny, and Members' interest can mean that they are preparing to participate actively in the scrutiny exercise.

On a less positive note, I met with the clerks who would be coordinating the consultation, one of whom:

> 'said there was no time to delve into the details or have a huge process, and was concerned with ensuring manageability within 40 days.  I remember feeling that small sense of stubborn internal objection, which I'm sure often shows on my face.  I also remember the intuition that this was not the time/opportunity to object or try to get _____ to change [their] mind' (Journal, 28.08.2017).

I didn't push them, leaving my ideas with them for the time being.  I had discovered that trying to force people into doing something they are against can set up an opposition 'causing the person to dig in their heels' as Zenger & Folkman (2015, np) found.  From my own experience of finding myself digging my own heels in, I would suggest that trying to push people to where they don't want to go – outside their 'comfort zone' (e.g. Lee, 2018), where there is potential or perceived risk – may feel threatening.  From a neuropsychological perspective, Harrison *et al* (2015) found that psychological and psycho-social threats elicited similar defensive responses to physical threats, such as predators.  They suggest that these responses occur along an approach-avoidance continuum (rather than a 'fight or flight' duality).  It is possible therefore that the phenomenon of digging in heels is somewhere between the 'attack' and 'negotiate' responses described by them – perhaps a sort of slightly hostile negotiation?  In any case, this defensive state appears to be one of heightened emotion (and therefore an altered neuroendocrine state (Fink *et al.*, 2012)), and to me it feels like the person experiencing it is less open to doing things differently, including thinking differently.  One way in which I have improved my practice of change-making during my time at the Parliament has been take great care not to appear to be trying to force anyone into doing anything, or to appear threatening in any way, including by harsh or overly-direct criticism.

The same encounter also revealed a mechanism by which the SPS's procedural conventions might result in reactive rather than proactive parliamentary scrutiny. I reflected that:

'_____ kept asking what the Gov's expectations are – surely we should be setting the agenda not doing what the SG expects? Obviously the NO Consultation was something completely new to the Parliament, and to the gov to be fair, and no-one really knew how to approach it – the gov asked me a few times what the parl's expectations were as well. So, either everyone was unsure about what was expected, or _____'s statement [about wanting to ensure the scrutiny process was 'manageable'] actually demonstrates a practical way in which the parl is reactive rather than proactive' (Journal 28.08.17).

Arguably, it is more important to structure parliamentary scrutiny in the way that best holds the Government to account, and influences policy so as support the Parliament's vision of 'Making a positive difference to the lives of the people of Scotland' (The Scottish Parliament, 2017, p.1). But, it is possible for a member of staff to lose sight of such high-level aspirations when mired in the day-to-day demands of work, and under pressure to make decisions that will be accepted by others. As one colleague put it, 'committee business churn prevents big thinking e.g. on policy coherence' (Journal 29.08.17).

Some months later, in December 2017, a SPICe colleague connected me with a civil servant working in social research, who told me about a series of NPF indicator development workshops that were being held, where expert stakeholders would be asked to 'pick apart' the draft Outcomes, and propose indicators that genuinely showed whether progress towards them was being made (Journal 11.12.17). During our brief meeting, I began to realize that the NPF team had taken advantage of the opportunity that the legal requirement to review and consult on the National Outcomes had afforded, to carry out a more rigorous exercise than I had imagined they would. They seemed to have been working to overhaul a performance framework that had hardly changed in over a decade.

My new contact was open and informed me that the problematic Single Purpose of the NPF was also being revisited, although the phrase 'sustainable economic growth' would remain in it. However, the relationship of the equally problematic indicator, gross domestic product (Stiglitz *et al.*, 2009), to the economy NO was being considered. I began to feel that our intentions were perhaps better aligned than mine was with my official contact in the NPF team (Journal 11.12.17). Eager to find out more, I agreed to attend at least one workshop.

At the workshop I was able to attend participants were told that the NPF team was 'looking at the Purpose' with a view to sending some options to the Cabinet Secretary. One participant pointed out that the 'current Purpose [was] often shortened to growth/economic growth' from

'sustainable economic growth'. The facilitator replied that they were 'very open to removing [the] means', i.e. 'sustainable economic growth' despite the fact that this SNP *mantra* seemed to have attained 'sacred cow'[58] status. I was 'struck by the openness of the process and the facilitators' (Journal 13.12.18).

After the workshop, I stayed behind for an informal discussion with the civil servants. Perhaps because of the imminent departure of the defensive member of the NPF team, our discussion was more open than I had ever previously encountered, and confidences were traded 'official-to-official'.

I began to work in earnest to bring about as wide-ranging a scrutiny exercise as possible. Things began to shift a little with the committee clerk who was my liaison – my journal reads 'I suggested [we] might need a broader approach to scrutiny. _____ agreed!' (Journal 12.12.17.) Though still concerned about issues of timetabling and work programmes, they were finally persuaded that 'A single committee might not be sufficient' to scrutinize the whole NPF, which would likely cover the gamut of policy relevant to the Parliament's subject committees. At that particular meeting I did not push further, as it seemed to me that it would be better for the clerk to internalize this idea first.

For the clerk to allow themselves to begin to adopt my perspective in this way, or even allow it to influence their thinking, I believe that they would had to have had some degree of trust in me, as well as being receptive to that perspective. It is probable that some of that trust, was related to the role they perceived me to be in, based on my situation in SPICe, whose role it is to provide expertise 'to MSPs, their staff at Holyrood and in local offices, and Parliament staff' (The Scottish Parliament, no date, np).

Two days later, my Committee Office liaison wrote in an email (14.12.2017):

> 'I had been thinking that we could have got away with one committee receiving the draft National Outcomes, writing to other committees for observations, and writing back to the Scottish Government (or publishing a short report) with a summation of comments. If we have a new National Performance Framework as well, then we may have to [have] a bit more robust scrutiny.

The phrase 'we could have got away with' is telling, indicating that the NOs consultation was not originally viewed as worthy of more extensive scrutiny. Even though the need for more robust scrutiny was linked to the fact that more than just the minimum legally required information was

---

[58] 'an institution, custom, etc, so venerated that it is above criticism ' (Anderson *et al.*, 1998).

going to be laid before the Parliament, rather than to a fundamental shift in my colleague's thinking, I still regarded it is as a 'Result!' (Journal 14.12.2017) – as perhaps something that I could build on.

A meeting was held to 'discuss where we go from here and how robust we want to make this process' (Erasmus, I. email chain, 14.12.2017). There, some of the reasons as to why the consultation had not been deemed to be significant became clearer. One attendee felt that the Members did not care about the Outcomes. I pointed out that this was likely to be because they didn't understand them, and while they agreed to some extent, the others at the meeting again expressed concern that the 'Parl [is] already busy' (Journal 16.01.18). Another consideration seemed to be that of reputation or appearances. One attendee said that we 'don't want to engineer a huge Parliament-wide exercise, but also don't want to be seen to be doing nothing' (*ibid.*).

Nevertheless, that meeting was a key turning point in the development of our scrutiny approach. I noted that 'there was a load of round-and-round about [the] logistics of scrutiny and in the end they came to [the agreement] that each committee do one session (or more if they wished)' (Journal 16.01.18). The way we had got from ''realistic'' consideration by [the] Parl' to all committees being involved, had been when I had decided to try a different approach to the negotiation that was going on in that meeting. I pointed out that although the scrutiny exercise may not 'influence the framework itself, it would be about familiarizing Members with' concepts important to policy development such as outcomes and policy coherence, and also the NPF itself, as well as the Sustainable Development Goals (SDGs). This shifted the focus away from the logistics of the scrutiny exercise to a potentially useful outcome in terms of the development of Members' knowledge and understanding of issues such as policy conflicts due to a lack of policy coherence.

The discussion moved on to the logistics of multi-committee scrutiny: 'how to split up the outcomes, given they're so cross-cutting' (Journal, 17.01.18). I took this opportunity to point out

> 'that the Parl had never taken up the possibility of non-portfolio-mirroring committees, and that since the CSG [Consultative Steering Group (McLeish *et al.*, 1998)], etc., we'd been thinking about looking across policy. _____ suddenly lit up, and said that was a Commission recommendation too' (Journal, 17.01.18).

I perceived that at that moment, all the oppositional energy of the of the meeting had dissolved. The Commission mentioned above refers to the 2017 Commission on Parliamentary Reform, which _____ had been involved with, and which had been set up to consider how the Parliament could 'deliver better scrutiny' (Commission on Parliamentary Reform, 2017).

While we had been preparing for the scrutiny exercise within the SPS, lobbyists were also playing their role. For example, the SDGs Network sent a letter, signed by over 300 individuals and organizations to 15 committees[59] demanding a demonstration of 'your commitment to the SDGs and the specific actions the… Committee is taking that contribute towards implementing the SDGs in Scotland and overseas' (The SDGs Network, 2018). Three committees responded, as did the Conveners' Group. Its Chair wrote that:

> 'all Conveners were keen to ensure that the SDGs are reflected as a key element of the scrutiny their Committees undertake. A key focus of the work of the Committees is to scrutinise Scottish Government policy and legislation… It is clear that maintaining a strong commitment to the SDGs is a key driver in achieving that outcome' (Grahame, 2018).

I continued to gently make the case for as wide a scrutiny exercise as possible. Gradually a scrutiny approach emerged that was acceptable to myself and the lead clerks. The principle that any and all relevant committees should have the opportunity to be involved in scrutinizing the draft National Performance Framework was broadly agreed. However, the clerks were still thinking in terms of segmenting the NPF and its National Outcomes, and assigning different parts to each committee. I had not managed to convey the importance of the NPF being looked at as a whole in a way that made it seem practically feasible.

Finally, It was agreed that the clerks would raise the issue at Committee Office Leaders' Group, and I would produce a list of committees 'who might want to do scrutiny'. I did this in the form of a table setting out each of the 11 National Outcomes, the SDGs to which they are aligned, and proposed relevant National Indicators. Against each Indicator, rather than each Outcome, I listed the most obvious committee. This showed that each Outcome was relevant to multiple committees. Table 4 provides an example, based on The 'economy' NO. Clearly additional committees, such as Health & Sport or Culture, Tourism, Europe & External Relations, might have an interest in the economy outcome, given that issues like health inequalities, or tourism are economic in nature.

Altogether, the table identified 12 committees, and one sub-committee:

- Culture, Tourism, Europe & External Relations;

- Economy, Jobs & Fair Work;

- Education & Skills;

---

[59] This includes all but sub-committees and bill committees.

- Equalities & Human Rights;

- Environment, Climate Change & Land Reform;

-  Finance & Constitution;

- Health & Sport;

- Justice

    - Justice Sub-Committee on Policing;

- Local Government & Communities;

- Public Audit & Post-Legislative Scrutiny

- Rural Economy & Connectivity;

- Social Security.

Only four committees were not on this list – Delegated Powers & Law Reform; Public Petitions; Standards, Procedures & Public Appointments; and the Pow[60] of Inchaffray Drainage Commission (Scotland) Bill Committee.  These had remits that were restricted to specific technical matters, so it would not have been appropriate for them to participate.

---

[60] 'a slow-running stream in flat lands' or 'a marshy place' (Warrack, 2000).

| National Outcome | National Indicators | Gov Designated SDG | Committee |
|---|---|---|---|
| We have a globally competitive, inclusive and sustainable economy | productivity | Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation | Economy, Jobs and Fair Work Committee |
| | trade | | Economy, Jobs and Fair Work Committee |
| | economic growth | | Economy, Jobs and Fair Work Committee |
| | growth in a green economy | | Environment, Climate Change and Land Reform Committee |
| | affordable high-speed broadband | | Rural Economy and Connectivity Committee |
| | traffic congestion | | Local Government and Communities Committee |

**Table 4: Committees identified as having remits relating to the 'economy' National Outcome.**

It was agreed that the Convener of the Local Government Committee, Bob Doris (SNP) would write to the other Conveners. His letter was sent to all committees, even the ones I had left off my list, except for the Pow of Inchaffray Committee. It sought 'the views of your committee on the proposed revisions to the National Outcomes that fall within your remit and on the consultation process undertaken on those outcomes' (Doris, 2018, np). While this suggests that each committee look at a certain part of the NPF, rather than the Framework as a whole, it did leave the interpretation of what each of their remits might cover up to them. With the possible exception of budget scrutiny, this was, as far as I know, the first time this had been done. The letter suggested that committees might also want to consider some broader issues, which I had been talking about and including in internal briefings for my colleagues:

- 'whether the Sustainable Development Goals have been incorporated into the NPF in such a way as to ensure that they are fully implemented;

- whether the proposed revisions to the National Performance Framework will ensure policy coherence between the different National Outcomes, National Indicators and Sustainable Development Goals; and

- the extent to which the National Outcomes are used by the Scottish Government and other public bodies to measure their performance.'

## The consultation

My next job was to provide generic products to support all participating committees – a SPICe briefing, generic approach and questions papers, which other staff could draw on, and a guest blog. Other SPICe researchers would provide detailed subject-specific support. I did end up receiving a number of requests for support from various researchers and clerks – e.g. for technical input to committee papers, and oral briefings to certain committees.

The time allowed for scrutiny was extremely limited – the 40 calendar days amounted to just five weeks for committees, which generally sit once per week, to decide on their approach, take written and oral evidence, produce their reports, and submit them to the Local Government Committee. The Local Government Committee would, in addition, have to compile all the reports and organize a debate in the Chamber. Cognizant of this, and that the parliamentary consultation was unlikely to lead to significant changes of the NPF, given that it was so far advanced in its construction, my aims were to:

- Raise awareness of the NPF and ensure that the Government was aware that the Parliament would hold it to account against it;

- Raise awareness of, and question the Government about, the problems with the Single Purpose, now slightly revised to 'focus on creating a more successful country with opportunities for all of Scotland to flourish through increased wellbeing, and sustainable and inclusive economic growth';

- To raise awareness of the SDGs, and question the Government on their incorporation into the NPF, and their implementation;

- To raise awareness of the term and concept of policy coherence, and to question the Government about the internal consistency of the NPF.

The overall committee-wide approach was a success, in that so many committees got involved (to varying extents), that I wasn't even able to keep track of all the activity. Though we had had extensive discussions with the relevant civil servants at an official-to-official level, it didn't seem as though the Government was entirely prepared to be scrutinized. For example, I noted that the 'L. Gov [Committee] has called [Minister for Local Government,] Kevin Stewart, but the Gov. said it would decide which Ministers were appropriate' (Journal, 28.03.18). This could imply that Stewart, (and perhaps other Ministers?), may not have been ready to talk about what they were all ostensibly planning to implement. In total, 11 of the 12 committees I had identified as having a potential role in scrutinizing the NPF considered the issue, the exception being the Justice Committee. Nine contributed to the final report. Contributions ranged from a couple of paragraphs to several pages, reflecting how interested staff and Members had been in the consultation (Local Government & Communities Committee, 2018).

The report had picked up all the issues I had hoped to highlight. For example:

- On the continued scrutiny of the NPF, the Equalities Committee warned that it would:

  'continue to utilise its work programme to monitor and assess the role of the NPF in delivering equalities and human rights outcomes, for example through our scrutiny of the annual budget process, the Public Sector Equality Duty or other inquiry or legislative work' (*ibid.,* p.41).

- On the Single Purpose, the Local Government Committee highlighted that:

  'Oxfam Scotland's written submission to the Committee states "economic growth (albeit sustainable and inclusive), is not the only way to improve wellbeing… there are other ways to measure the prosperity and wellbeing of the economy and the population."'

It recommended the Government consider 'revisiting the wording of its Purpose to separate out the means from the desired ends to more clearly focus on the Scottish Government's vision for the future of Scotland' (*ibid.,* p.8).

- On the integration of the SDGs into in the NPF, the Environment, Climate Change & Land Reform Committee draws attention to the fact that:

    'The Committee heard the proposed draft NPF constitutes the only explicit commitment that binds the Scottish Government to translate the UN SDGs into domestic policy. Evidence to the Committee expressed concerns that the proposed changes do not fully realise this ambition.'

    It requested 'information on how the Sustainable Development Goals are embedded across the Scottish Government and wider public sector and how the Scottish Government plans to embed them beyond the NPF' (*ibid.,* p.25).

- Finally, on policy coherence, the Economy, Jobs & Fair Work Committee contributed over four pages of commentary, under the headings of 'Single Purpose', 'Alignment' and 'SDGs'.

These issues, and others I had highlighted in my briefings and other papers, such as questions around how the revised NPF was going to be embedded across the wider public sector,[61] were also repeatedly raised at the Chamber debate, as was the inadequacy of the 40-day consultation period. During the debate, I observed 'D.M. [Derek Mackay] getting annoyed with the unified but repeated recommendations across Chamber – [from] comms and parties' (Journal, 24.05.2018). It should be noted that some Members spoke on behalf of their committees, others of their Parties, and a few of their pet causes.[62] I was particularly pleased that an issue that I, and many others in the public and civil society sectors had been trying to call attention to for several years – the conflation of means and ends within the Single Purpose, and the contradiction of 'sustainable economic growth' – was brought up several times. Bob Doris, who opened the debate on behalf of the Local Government Committee, recommended the Government 'look again at the wording of its purpose and separate those things out' (The Scottish Parliament, 2018a, col.63). Andy Wightman (Green) elaborated some of the problems of growth, particularly that it is defined on the basis of GDP. He concluded that 'our economy, however it is framed, should be sustainable' and noted 'the very real limitations of any economy based on the current crude metrics of

---

[61] As MSP Alexander Burnett, speaking on behalf of the Local Government Committee, said 'Audit Scotland has highlighted concerns about the extent to which public sector bodies contribute to the achievement of the national outcomes' (The Scottish Parliament, 2018a, col.74).

[62] For example, Michelle Ballantine used the Outcome 'We grow up loved, safe and respected so that we achieve our full potential' to speak about breast feeding.

economic growth' (*ibid.,* col.79). Claudia Beamish (Lab) added that 'Surely the time has come for a pilot to be undertaken on measures that are parallel to GDP' (*ibid,* col.93).

Mackay responded by attempting to reinterpret the above:

> 'We have made a number of points—some party political and some about process—but <u>is there a fundamental and deep-seated challenge to the purpose</u>, the values or the outcomes that the Government and Parliament are proposing? <u>I genuinely do not believe that there is real divergence between us</u>' (*ibid.,* col.100, emphasis added).

Perhaps feeling that this wasn't sufficient, he added:

> 'I have tried to balance the views of those who want economic growth with the views of those who do not, and the views of those who want inclusivity with the views of those who think that inclusivity is not as important as we believe that it is' (*ibid.,* col.102).

However, Monica Lennon (Lab), closing the debate on behalf of the Local Government Committee again noted the 'concerns being expressed about the wording of the overall purpose' in the evidence it had received (*ibid,* col. 103).


## Reflections

This case study shows how applying SD thinking, to consider how to effectively hold the Government to account, can help to inform the way scrutiny is carried out. In this case, it helped those of us who were leading on the National Outcomes consultation to break away from viewing it as no more than a piece of business to be processed, to consider instead how best to structure the exercise to raise awareness of the National Performance Framework, and to hold the Scottish Government to account as robustly as possibly, given the legal constraints placed on the exercise by the Community Empowerment Act. This last could be interpreted as an effort to prevent extensive scrutiny and retain as much power to set the policy direction for Scotland as possible

Initially, the National Outcomes consultation was viewed as an inconvenience, but when opened up to all those who wanted the take part, rather than keeping it tightly controlled, it resulted in the widest scrutiny exercise held by the Scottish Parliament, apart from budget scrutiny. I do not believe that a tool such as the one discussed in the previous case study, can provide a substitute for a human with expertise and experience, especially when dealing with an unprecedented situation, and selected this case as a demonstration.

In SD terms, the issue of economic growth was very publicly raised during the consultation, which may have made a contribution to wider discourse on the matter.  And perhaps introducing strands of SD thinking such as this to colleagues, Members, and Members' staff, will have helped them to learn something about them.  And for me personally, as always, the true measure of success was Members' questions causing two Cabinet Secretaries to lose their composure – an indicator of robust questioning, and a perhaps a demonstration of the Parliament's power to hold Government to account.

Finally, the first ever scrutiny of the National Outcomes under the Community Empowerment Act demonstrated that a wide and inclusive scrutiny exercise is logistically possible, and that some Members at least are interested in the National Performance Framework.  The exercise has set a precedent that may influence the shape of future NO consultations, which should take place at least once per Session under the 2015 Act.


The three case studies presented above show how my approach to integrating an SD perspective into different types of scrutiny processes, including scrutiny of a bill, policy impact assessment, and a parliamentary consultation, developed.  It emerged through the first, was embodied in a tool, and helped to shape a scrutiny exercise.  The case studies also depict some of the ways in which I went about doing this, as far as possible fitting into the normal flow of business, seeking to disrupt business as usual thinking and processes without causing a disruption.  Lastly, the case studies illustrate how SD thinking contributed to mitigating some of the weaknesses of scrutiny in the Scottish Parliament.  In the following chapter, cultural-historical activity theory (CHAT) is used to analyze these case studies, including to draw out the mechanisms of change-making, SD thinking and shaping scrutiny.

# Chapter 9: Analysis and Discussion of Case Studies

In this chapter, some of the concepts integral to, and underlying, cultural-historical activity theory (CHAT) are used as an analytical lens to reveal what the preceding case studies show in relation to the research questions set out in the Introduction.  I focus on what CHAT can reveal about:

- The processes of change-making – some of the ways in which I fostered and co-created changes in the parliamentary ecosystem, in order to bring sustainable development (SD) thinking to bear upon its scrutiny activities.
- How this application of SD thinking helped to mitigate some of the weaknesses of scrutiny in the Scottish Parliament (outlined in Ch.4)
- The learning that I, the colleagues I worked with, and members of the wider Parliament community acquired through our collective activity.

Below is set out what each case study shows about each of these three principal research foci.

## Loci for change

In CHAT terms, SD is a 'true concept', in that it 'is a socially fixed and transmitted solution to some problem which has arisen in social practice' (Blunden, 2012, p.231).  It is also normative, as it is a conceptualization of an outcome that its proponents wish to see (Sachs, 2015).  And, it describes the activity and processes of working on the object of societal development in order to realize that outcome.  Perhaps most important, though, is that it 'names a problem-solution relation' (Blunden, 2012, p.257), the problem being the fundamental contradiction of the sacred doctrine of perpetual growth within a finite system (Robin, 2014; Moffatt, 1996).

There is an activity system – or a network of activity systems – focussed on the object of sustainable development.  Its other components include rules in the form of SD principles, a very definite, if fluid and dispersed, community; a clear division of labour, with each subject working towards SD in their own sphere, whether it be academia, the policy world, a particular profession, a community, etc.  I am one of these subjects, and for the purpose of this analysis, it is expedient to view my work as a smaller, localized activity system wthin the wider network.  Although the ultimate object was (and still is) SD, in a holistic, global sense, the proximal object was embedding SD thinking into scrutiny processes – in a sense, a subsidiary object of global SD.  As Foot  (2002, p.132) points out, an object is 'simultaneously material and ideal'.  One aspect of this dual nature

is that it is both the thing the subject is working on - SD thinking, scrutiny processes - and the aim - embedding the one into the other.

My localized SD activity system (AS) was just one among numerous other activity systems operating within the Parliament.  I have generally been the principal subject of this AS, in that it has been my responsibility, and my primary object, to devise and implement intitiatives to embed SD into scrutiny processes.  However, as CHAT recognizes, the activity of a social species is a collective, object-oriented endeavour (Sannino and Engeström, 2018), and it is not therefore possible to engage in activity alone.  Since scrutiny processes are produced and reproduced collectively by the actors involved in them, the only way for me to work on/towards my object was to find ways to foster the coalescence of my object with those of others.  The cases presented in Chapters 6-8 are examples of where I managed to do this successfully.

## Committee scrutiny as a nexus of activity systems

In the first case study, which is about how I developed my approach to SD mainstreaming, colleagues in the Scottish Parliament Information Centre (SPICe) involved me as an additional subject specialist in the activity system that had coalesced around the object of scrutinizing a Housing Bill (p.104).  Here, certain members of the Scottish Parliamentary Service (SPS), MSPs, Scottish Government, lobbyists and stakeholders were temporarily brought together to participate in this collective activity, and therefore constituted a temporary activity system.

However, various subjects, including myself, appear to have been simultaneously working on/towards other objects, and so were subjects of other activity systems (AS) as well.  I, for example, was also a subject of the global SD activity system, and was seeking to bring my object into the Housing Bill scrutiny AS.  In some cases, participants' objects, as revealed by their policy positions, were conflicting.  For example, the Scottish Government's approach to tackling anti-social behaviour, as manifested in the Bill, was a punitive one, whereas some witnesses advocated remedial solutions.  The espousal of differing positions on the matters under discussion reveals, to some extent, subjects' motivations:  written evidence from the Legal Services Agency expresses concern that the proposed provisions on anti-social behaviour could push some people 'into a homeless underclass', but a witness from the Chartered Institute of Housing welcomed the measures, arguing that it was necessary to reduce the security of tenure of those who behaved in an antisocial way, because other tenants 'had, over a long period, been affected and had their lives blighted by serious and intimidatory antisocial behaviour (Scottish Parliamentary Corporate Body, 2014, col.2442-3).

Each appears to have been concerned with the wellbeing of two seemingly clashing groups. Their conflict highlighted a contradiction that had been brought into the AS by the Bill. This was the main mediating artifact of the activity, which, as Foot's 2002 study shows, includes simultaneously working to shape and to attain the object. Although I refer to this temporary AS in terms of scrutiny of the Housing Bill, it is possible that the two organizations from the example above viewed the object more in terms of an opportunity to advocate for whatever need they were motivated to seek to address (Foot, 2002). For my part, given that my motivation was to ensure issues of equity and ecology were considered, and that I was required to provide factually accurate, impartial and politically neutral products to support the committee, I viewed the object more in terms of providing suggested questions that enabled discussion around these issues. I worked to shape the object by highlighting policy contradictions. For example, the questions I suggested the committee ask on antisocial behaviour highlighted the conflict referred to above, which otherwise may not have been looked at (Table 2). The multi-subject activity to shape the object accords with Engeström's (1999b, p.381) view of the (ideal) object as ever-evolving - 'never fully reached or conquered.'

However, Foot points out that multiple objects may be present in an AS, i.e. that 'two or more objects are "temporarily merged"' (2002, p.138). In my view, a temporary AS that coalesces around the object of a scrutiny exercise could be viewed as a nexus of activity systems. Each is seeking to influence public policy in some way, and because the AS creates a locus specifically for multiple interested parties to deliberate, it allows contradictions that may be preventing the evolution of public policy to be examined, and, in some cases, resolved. Here, the objects are not so much merged as overlapping in the same space: they cannot be considered to be merged because they can in fact be diametrically opposed as outlined above. But, they are overlapping, in that they will all have contributed to shaping the outcomes of the exercise – the Stage 1 report and debate. Mukute *et al* (2018, p.231) describe activity systems as 'multivoiced and… a nexus of many points of view, traditions, and interests'. Most subjects are there to represent other activity systems – civil society organizations, trade associations, and so on. Thus they are living embodiments of them, as they are likely to be inculcated with their cultural-historical ideas, beliefs and values. So, scrutiny activity systems can be viewed not just as nexuses of ideas, but as the nexuses of other activity systems.

This example also illustrates the importance of the role of SPICe researchers in informing and shaping scrutiny, and thus the composition and activity of this nexus. Their role in the AS is to provide policy expertise, and the information and analysis that they feed in to the process can influence its shape. It could have a bearing on the committee's call for evidence, and thus on which issues are prioritized by the committee and who it hears from. It can also influence what

Members and others know, what questions are asked during evidence sessions, and to some extent the committee's report and recommendations. This influence could therefore contribute to the outcomes of the scrutiny exercise, e.g. what ends up in an Act, which could then have real-world repercussions. However, my Housing Bill case study suggests that SPICe researchers' influence diminishes with each subsequent stage of bill scrutiny, as they have less input, while others such as lobbyists can continue to influence the process, for example, by making (very specific) suggestions for amendments to Members who might take them forward at Stages 2 and 3.

Nevertheless, committee scrutiny can be a powerful locus for change-making from the inside, which includes mainstreaming. This is especially the case because it is a dialectical locus – discussion and dissension occur at every level, including between the SPS staff who support scrutiny, and between the SPS and civil servants, Members and stakeholders.

During a scrutiny exercise such as the one described in my first case study, generally the subjects of the temporary AS that forms around a bill or policy issue that is to be scrutinized, seek to influence those who have the most overt control of the outcome: Members. It was Vygotsky's contention that the formation of mind – learning – is social, and the mechanism for social learning, or as Zinchenko & Davydov (1985, p.ix) put it - 'cultural development of behaviour' - is 'the transition from interindividual to intraindividual activity'. So it is possible that when Members hear or read the words of, or converse with, those who seek to influence them, they may to some extent internalize them, making these ideas their own. This means that integrating SD perspectives into the products that SPICe, as a trusted and relied upon source, produces for Members, could help them to internalize such perspectives, as well as the concepts and meanings with which the words used to convey them are imbued. It is also possible that other subjects – colleagues, stakeholders, civil servants, etc. - of temporary scrutiny activity systems may take in some of these perspectives, as a result of their participation and engagement.

As a change agent, I interacted most with the lead researcher. Two years later I observed that our collaboration on the Housing Bill had helped to influence their thinking. In my journal (10.10.16), I have noted an occasion where the two of us were at an event at which another member of the SPS was giving a presentation to a visiting group of social housing tenants, and 'kept repeating about committees not stepping on each other's toes'. This was in reference to the protection of committee remits, so that other committees did not stray into their policy areas. This unfortunately tends to lead to a siloed approach, whereby scrutiny can fail to hold Government to account for a lack of policy coherence (see p.118). In response, the researcher I was with 'was muttering about sustainable development and joining things up!' It seems they had internalized

the idea of policy coherence, and applied it in recognition of the weakness of the Parliament's committee system in this regard.

The Housing Bill case study shows that including SD in the temporary nexus of activity systems created by scrutiny exercises could help to shape their object and activity towards more pro-social and/or pro-ecological outcomes. And, as the example above shows, collaborating with SPS colleagues who are working to support the same scrutiny exercise, could, through the interpersonal dialogue that takes place, lead to some SD thinking being internalized by them. This makes is an invaluable locus for mainstreaming.


**A discursive tool to support sustainable development thinking**

The basis of activity theory is Vygotsky's elaboration of activity as being artifact-mediated (Blunden, 2015), but perhaps his most profound insights were on the relationship between thinking and speech. These two ideas are connected by his understanding of words and speech as special kinds of artifacts – tools - involved in the social formation of the human mind. Blunden explains that Vygotsky viewed tool development as a primal, perhaps definitional, feature of humanity:

> 'In the end, Vygotsky discovered what was before his eyes in the first place: speech, which originated at the same time as labour [meaning activity], and in close connection with it. It was the production of artefacts in combination with speech which created mankind' (2016, p.18 of 27).

Reynolds' much later 'theory of complementation asserts that language and heterotechnic cooperation [division of labour] are co-evolutionary phenomena, [and] that human tool use is an intrinsically social process'. He argues that complex co-operative activities require co-ordination through communication, which as Vygotsky elucidated, gave rise to complex vocal language - a series of sounds which symbolize particular meaning. Reynolds goes on to demonstrate how 'participants in a conversation, through reciprocal and mutual actions… jointly construct a culturally meaningful [ideal] product, analogous to the cooperative [material] constructions produced by task groups' (Reynolds, 1993, np).[63] Vygotsky too apprehended the interconnectedness of the development of the nature of activity, pysche, and social structure. However, he viewed words/language not as analogous to tools, but as tools. He distinguished

---

[63] Both Reynolds and Vygotsky were influenced the work of Wolfgang Köhler 'on tool-mediated practical activity in chimpanzees and gorillas' (Wertsch, 1985, p.27), although Reynolds does not appear to have been aware of Vygotsky's work.

between 'technical tools', used to shape the material world, and 'psychological tools', used to shape the ideal world of the mind (Blunden, 2015). Both are human-made artifacts, and therefore can mediate and influence mental activity, but the latter are symbols or signs that embody concepts.

My second case study is about a discursive tool that I created in an attempt to embody my own sustainable development (SD) thinking, so that it could be applied by others in collective activity. My tool consists of words, mainly in the form of questions. It is imbued with the cultural-history of SD thinking that I acquired through the collective activities of study and practice, and of my wider experience. Its design was heavily influenced by the inadequacy of previous tick-box tools that I had encountered, and also by observations of how participants in my SD training workshops were able to assimilate a very intuitive and practical, 'everyday' understanding (Blunden, 2012) of SD, through applying the principles of the UK Shared Framework for Sustainable Development (Sustainable Development Commission, 2005 - see fig.5) to a bill in a supported forum. I had observed how the five principles mediated participants' thinking – the way it altered how they viewed the sections of the bill they were looking at, at once influencing their own minds, and also their object – the bill/their analysis of it. This is because the questions asked by the tool are signs that direct the activity – they work on subjects' minds rather than on the material world. In the policy sphere, which is predominantly an ideal one, being able to channel thinking can help to shape policy, and thus its impacts and outcomes. According to Vygotsky (in Wertsch, 1985, p.79), a:

> 'major feature of psychological tools is that "by being included in the process of behavior, the psychological tool alters the entire flow and structure of mental functions"… In his approach psychological tools are not viewed as auxiliary means that simply facilitate an existing mental function while leaving it qualitatively unaltered. Rather, the emphasis is on their capacity to transform mental functioning.'

If this is indeed the case, then it is possible that engaging with SD thinking, e.g. through my SD impact assessment (SDIA) tool, could have an effect that lasts beyond just the subject's initial encounter with it.

The tool I developed requires users to answer questions out loud in the company of others, which results in discussion, where they affirm, build upon, or refute one another's ideas. Thus analysis of a bill or policy becomes dialectical, and because the SDIA tool is the mediating artifact, it is also a part of this dialectic. It brings a group of people together into a discursive space, binding them into an activity system that may or may not last beyond the period of the workshop. Sometimes,

such as in the SDIA workshop I facilitated on Regional Marine Planning, many of the participants will not contribute further to that piece of work  (Meeting Notes, 06.05.20).

This case study also shows how my SD scrutiny activity system (AS) coalesces with these others, and influences the nature of their objects.  However, compared to the first case study, in which I contributed to a committee scrutiny exercise, my AS's influence is usually stronger because I also provide the mediating artifact, which gives strong direction to the discussion by directing subjects' thoughts through an SD lens.  Here, rather than each participant being merely one among a great many, vying for influence, the SDIA tool structures the space so that is more collaborative, as the participants' deliberations work to form each other's minds.

Vygotsky viewed psychological tools as fundamentally social, in terms of the '"localized" social phenomena of face-to-face communication and social interaction' (Wertsch, 1985, p.80).  According to Wertsch, this means that the mediating artifact (the SDIA tool) is created on the basis of the communicational need (to cultivate SD thinking).  If it is used in social interaction to shape the mental processes of others, then the dynamics of the interaction are also important to that shaping.  Thus a positive experience, leading to positive associations with use of the SDIA tool, SD thinking, or even with the facilitator, are likely to be important in ensuring that the shaping is successful.   Personally, I have found that an approach based on *maitrīkaruṇa* – friendship and compassion – supports a collaborative atmosphere and effective facilitation.  As the colleague who was leading on Regional Marine Planning found, having to think about complex issues in a high-pressured environment, with tight deadlines, can be less difficult when a space is provided for a more dialectical collaborative consideration (Meeting Notes, 06.05.20).  This too contributes to a positive experience.

Most importantly for SD thinking, because each subject brings their individual cultural-historical perspective, formed out their life experience and learning, SDIA workshops have at least some of the interdisciplinarity that is required (Kates *et al.*, 2001), and the outcome is generally more thorough and more holistic than when a sole person analyzes a bill or policy.  This is demonstrated by the higher quality SD assessments of Members' bills, than those of Government bills – the Parliament's Non-Government Bills Unit uses the SDIA tool to produce the former, whereas the Government still does not appear to have any clear or consistent methodology for doing this (Ch.7).  Two recent examples in a similar area are Elaine Smith's (Lab) proposed Right to Food (Scotland) Bill, and the Government's United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Bill.  Both are overlapping in scope.  SD is threaded through the consultation document for the proposed Right to Food Bill, and a 910 word summary of the SDIA is included.  On the incorporation of the rights of the child, two cursory paragraphs  (146 words)

are provided, which state that implementing human rights 'is at the heart of the UN Sustainable Development Goals' which are reflected in the Government's National Performance Framework (Scottish Government, 2020).

Although the words symbolizing SD concepts in the tool shapes how subjects analyze the object – the bill or policy they are analyzing – the outcome is determined by the participants' own knowledge and experience, and their collective activity during their SDIA workshop. The only time I add to the discussion is if the group misses some crucial SD issue. At the end, those who are working on the topic under discussion are given the workshop notes – largely their own thinking work - which they can then use to decide on an approach to a committee inquiry, write an SD statement, etc. Because my interventions are minimal, and the participants own the products of workshops, it is possible they feel more like co-creators than recipients of the ideas generated. This could help them to feel more comfortable about SD thinking. Rather than it being some abstruse theory handed down to them, it is practically helpful, and, broken down by the tool into (mostly) straightforward concepts.

Vygotsky's concept of a 'zone of proximal development' (ZPD) applies here. Wertsch defines it as 'the dynamic region of sensitivity in which the transition from interpsychological to intrapsychological functioning can be made' (1985, p.67). That is to say, the zone in which participants can acquire and internalize concepts through communicative activity, which is mediated by psychological tools – signs - such as words. Although Vygotsky used the concept in relation to child development (Blunden, 2011), the ZPD can apply equally to adults, as we too learn from each other by the same process of acquisition and internalization – we hear words and speak them, and they, and the concepts they symbolize, become our own. Perhaps our conception of what a word symbolizes is not identical to that of others, as it melds with our own cultural-historical psyche. I do little more than facilitate SDIA workshops, the tool shapes the discussion, and the participants direct their efforts towards SD thinking, and learn it from each other. And so through their mutual endeavour, it becomes their own.

However, a tool like the SDIA tool is an insensate passive artifact. Although imbued with cultural-historical meaning, it cannot respond to a situation or evolve of its own accord. Therefore I would argue that it is no substitute for a human carrier of a particular cultural history, who interacts with the ongoing unfolding of cultural history in a mutually constitutive way. As noted above, I am currently working with others to develop a Version 3 of the tool – to meet new needs (p.140). My third case study demonstrates that a human versed in SD thinking (me) can apply SD thinking in situations and ways that a tool cannot, because it is made for a specific purpose, and cannot adapt or be adapted for a scenario that is significantly different.

## A tool is not enough

In taking part in a scrutiny exercise as an additional member of the research team, facilitating SDIA workshops, or through the tool embodying SD thinking being used by others, I sought to merge my activity system with existing ones, or at least with new temporary ones created by existing processes. However, in the case of the National Outcomes consultation, I had to take a more proactive approach in shaping the activity system.

As described in Ch.8, I began working to alert SPICe researchers and committee clerks to the forthcoming consultation, and its significance. This automatically made me part of the as-yet-unformed AS. The Parliament's Standing Orders require a lead committee to be appointed to consider a parliamentary consultation (The Scottish Parliament, 2018, rule 17.5). At a minimum, this would require one committee to spend part of one session on it. However, given the pan-policy nature of the National Outcomes, I envisaged a much wider, pan-committee, approach – an opportunity to engage MSPs and SPS and political staff members in SD thinking, with a focus on policy coherence. Initially, senior clerks intended to keep the exercise minimal. In CHAT terms, the division of labour in the Parliament activity system accords a great deal of power to Committee Office clerks, as, in their gatekeeping role, it is they who decide how committee business should be allocated and handled (Journal 01.08.17), although allocation has to be formally agreed by the relevant political forum, such as a committee or the Parliamentary Bureau.

At this stage, the object of our incipient AS was also unformed. Foot (2002, p.135) observes that the 'construction of any object… entails a dialogical interaction between aspects of the participant's personal experience and his or her relationship to the community of significant others with whom the object is pursued.' So, to create a new shared object, I had to find a way to better align the objects of the SD activity system with the objects of the Clerk Team Leaders, who are the gatekeepers to the committees. This was done gradually through a series of conversations in which I tried to influence key clerks – my community of significant others.

As I continued to make the case for a broader approach to the consultation, gradually my Committee Office liaisons' position began to shift. I noted the first breakthrough in my journal (12.12.17). Until that moment, each of us had construed the nature of the shared object of our activity systems - the consultation - in different ways. I saw it as an opportunity to foster SD thinking, and to effectively hold the Government to account, whereas the clerks, I inferred, viewed it as a piece of work that had to be processed with minimal disruption to committee business. In my influencing activity, 'subject-subject relations' are the locus where 'shared object action' can emerge. This shared object action stems from the 'original unity of labor actions and social intercourse' (Engeström, 1999, p.24). That is to say, in a social species such as ours, work

(in the broadest sense), and interaction, are intertwined because social species are essentially co-operative (Bowles and Gintis, 2013).  In this case, with a small agreement, our activity, which had up until then been quite separate, in that we were working towards different ends, began to be shared.

My influencing activity had been mediated by speech, which Daniels (1996, p.10) writes 'functions as a psychological tool in the construction of individual consciousness.'  So, through my speech – or our speaking together – during our meeting, the clerk's perspective began to change, but as Daniels goes on to explain, 'Inner speech is the result of a constructive process whereby speech from and with others has become speech for the self' – a sort of transfer of thinking.  It is this process of internalization that would take some time.  I intuited that that would be more likely to happen if I didn't press the matter, or try to take it further, for example by bringing up my opinion that almost all committees had a role to play in the consultation, which might have been too overwhelming.  I recognized that it would be more effective instead to give the clerk some space for the notion to fully become a part of their inner speech, rather than mine.  It is my hope that in this way, by helping people to change their inner speech, even a small amount, it can change their way of thinking, or, in Vygotskian terms, the way in which their consciousness is constituted, and thus how it is expressed in their activity.  As White (1998) writes, this is supported by the results of Cole's (1998, p.xv) fieldwork on 'the Vygotskian principle that in human development the interpsychological (transactions between people) precedes and sets the stage for intrapsychological (complex mental processes within one child's [or, presumably, one adult's?] mind).'

So, changing how people think – e.g. how they develop a view of a problem such as how to structure scrutiny – is a socio-historical process.  Clearly, the consciousness, fashioned by the subject's cultural-historical context, plays a role in the construction of object and desired outcome, especially when these are ideal rather than material, as arguably are scrutiny and sustainable development.  In addition, the community of individuals working on an object, and their relationships with it, also have an influence on both each other and object (Foot, 2014), as shown in Engeström's (1987) model (see Ch.2).  So, as my colleague and I were now part of a community needing to collaborate, we had begun to develop a co-operative relationship in order to co-construct and work on our object.

I interpreted the clerk's slight shift in perspective and position as the beginning of our transition from being two individuals, towards becoming a community - etymologically 'together-functioning'.[64]

I recorded other key moments when shifts occurred that brought our separate objects more and more into the same space, so that they eventually coalesced.  In one instance, elucidating how what I was proposing would support the improvements in scrutiny recommended by the Commission on Parliamentary Reform (no date), served to connect our now shared but contested object to something the clerks recognized (perhaps as more legitimate than my opinion) and cared about, creating an accord between us (p.160).  The element of better scrutiny had now been added to our mutual construction of our shared object.

## Improving scrutiny

White (2015, p.2) quotes Robin Cook[65] as having said that 'Good scrutiny makes for good government'.  While she explains that in reality, things are more complicated, effective scrutiny is indeed a key part of the process of governance, in that it examines:

> 'expenditure, administration and policy[66] in detail, on the public record, requiring the government of the day to explain itself to parliamentarians as representatives of the citizen and the taxpayer, and to justify its actions' (Rogers & Walters in White, 2015), and further, that, 'In comparison with other actors involved in scrutiny, politicians have real opportunities to influence the Government's agenda' (White, 2015, p.15).

However, she adds, 'the fact that parliamentary scrutiny is undertaken by politicians means that it is shaped by many motivations besides the ambition to improve the effectiveness of government' (*ibid*.).  Chapter 4 outlines some of the potential weaknesses of scrutiny in the Scottish Parliament.

Below, I use a CHAT lens to analyze what each of my case studies shows about how SD thinking can help to mitigate some of the weaknesses of scrutiny in the Scottish Parliament.

---

[64] The word comes from the Latin prefix *com-* denoting togetherness (Proffitt, 2016), and *munus*, given in Lewis & Short (1998) as 'a service, office, post, employment, function, duty'

[65] Who famously resigned as Leader of the UK House of Commons over the invasions of Iraq.

[66] Although White excludes consideration of legislative scrutiny from her paper, since legislation is a formal expression of policy, we need not do so here.

**Theory as a mediating artifact**

The first case study on the Housing (Scotland) Bill shows how SPS staff, and SPICe researchers in particular, play an important role in shaping the object and activity of scrutiny. Three researchers, including myself,[67] supported the scrutiny of the Bill, each from their own expert perspective – housing, civil law and sustainable development. Although SPICe researchers' cultural histories are as rich and complex as those of any other subject in the scrutiny activity system, the labour is divided such that their particular role is to provide information. Moreover, they are bound by tacit rules that require them to do so in a manner that is impartial (The Scottish Parliament, no date), and as far as possible, factually accurate, politically neutral, and balanced in the representation of various evidence and opinion. Thus researchers' actions within the scrutiny activity system are primarily mediated by their knowledge of theory and practice within their fields, which are mutually constitutive as discussed in Ch.2. Thus theory can be viewed as a mediating artifact.

In *Thinking and Speech,*[68] Vygotsky (1962, p.46) wrote that:

> 'some form of mediation is necessary for social interaction', and that 'Social interaction based on rational understanding, on the intentional transmission of experience and thought, requires some *system of means. Human speech,* a system that emerged with the need to interact socially in the labour process, has always been and will always be the prototype of this kind of means... To communicate an experience or some other content of consciousness to another person, it must be related to a class or group of phenomena [which is symbolized by a word]... this requires *generalization'.*

SPICe researchers work to feed information into a scrutiny activity system, via the medium of speech, whether written or spoken, e.g. through written or oral briefings for committees. In this way they are interacting in the collective labour of scrutinizing policy. So, speech is their mediating artifact. In this situation, many of their words, phrases, and indeed, much of their language, symbolizes conceptual generalizations that pertain to their field of expertise. In this way, researchers' activity is not just mediated by words, but by specific sets of words which embody the concepts that constitute the relevant theory or theories.

Vygotsky distinguished between the type of concepts that we develop 'through immediate personal experience', which he referred to as 'everyday concepts', and those he termed 'scientific

---

[67] Although the official title of my role was 'Sustainable Development Scrutiny Officer', in this, and other scrutiny exercises, part of my role was to provide the same type of scrutiny support as researchers.

[68] Originally translated into English as *'Thought and Language',* from which this quotation is taken.

concepts' which 'can only be acquired through instruction in science... [and which] are not only products of an institution... but exist only within an entire system of interconnected concepts, outside of which they are meaningless.'  Such instruction begins 'with a verbal definition' (Blunden, 2012, p.249-252).  In other words, an institutional system of concepts is an established theory, and the individual concepts its components.  It is these theories that SPICe researchers have acquired – through formal education, their own research, 'acquaintance with the scientific literature' (Blunden, 2012, p.250), or other institutional means of transmission, and internalized. Thus they carry these systems of concepts within their minds, and use them to mediate their scrutiny activity.

These theories serve as the analytical lenses through which researchers examine policy, including legislation.  Thus, the production of advice, papers, witness lists, etc. for Members and committees is also mediated by particular theories.  As I reflected on my own approach, in the scrutiny of the Housing Bill, which was our object at the time, I realized that it too was based on using [the theory of] sustainable development as a lens through which legislation/policy can be scrutinized.  As noted in the case studies, I began to describe my work as being about fostering SD thinking, which relates to a way of thinking that I had internalized both from formal teaching, and subsequent practice in which my 'book-learning' had deepened my understanding of everyday concepts.  This in turn further enhanced my understanding of the relevant scientific concepts that make up the theory of sustainable development.  As Blunden (2012, p.262) explains:

> 'Although spontaneous [everyday] and nonspontaneous [scientific] concepts are different in their relation to the object, and constitute two different kinds of concept, both function within a unified formation of consciousness (i.e., mind).'  And further, 'There is mutual interdependence between spontaneous and nonspontaneous concepts, in the determination of a person's actions').

This reflects Marx's idea of praxis as 'practical-critical activity' (Jal, 1999), in which material and ideal activity are mutually constitutive and concrescent, and bring about 'the changing of circumstances and of human activity or self-changing [which] can be conceived and rationally understood only as *revolutionary*[69] *practice* (Marx, 1969, §1,3).  The Parliamentary Service's support to scrutiny, as described in my first case study, functions to provide structure and rigour to the process.  Through the mediation of the material activity of scrutiny by the ideal lens of theory, provided by the SPS, change can be brought about as the two fuse and affect the course of the proceedings.  For example, as described on p.107, applying an SD lens to the Housing Bill's

---

[69] From the 'Latin *volvĕre* to turn' (Proffitt, 2016).

provisions on antisocial behaviour prompted me to suggest the committee question them.  This elicited evidence from witnesses which led to the matter being raised in the Stage 1 report, and attracted a high number of amendments at Stage 2 (p.122), many of which aimed to mitigate the potential inequitable outcomes of the proposed provisions.  Though it is not possible to be certain that these last were influenced by the Stage 1 debate, as White (2015, p.18) points out, 'The occasion of a debate exposes policies and actions to the light'.  It is therefore not implausible that it may indeed have influenced lobbyists, Members or political researchers to draft them.

**Dialectical thinking**

 As Blunden outlines, Vygotsky was deeply influenced by Marx's work, and 'in a country shattered by war and revolution' sought 'a psychology which was up to its subject matter: the actual life of human beings, not just laboratory reactions' (Blunden, 2010, p.8).  Pertinent to my second case study on the development and early use of a tool for sustainable development impact assessment (SDIA) is the key Marxian conception of dialecticism.  The term has its roots in the ancient Greek *dialectikos,* 'relating to discourse or discussion', from *dia,* meaning 'through' or 'across', and *legein*, meaning 'to speak' (Proffitt, 2016).  Suchting points to two of Marx's ideas that help to elucidate how the SDIA tool can help to improve scrutiny.  First, his insight that social change is 'connected with a "dialectic" at work in the real world', based on the Hegelian idea that change occurs when an inherent contradiction can be resolved by dialectical thinking through 'the grasping of opposites in their unity' (Hegel, 1969, in Suchting, 1983, p.179).  Second that 'the world of ideas is nothing but the material world transposed and translated into the human head' (Marx's *Capital* in Suchting, 1983, p.178).  This implies that how we perceive or conceive of something (coloured by our cultural-history) can lead to us reproduce it, or, if we grasp the inherent contradiction, to change it.

The SDIA tool I developed is designed to encourage dialectical thinking, not in the sense of a formal research methodology, but by speaking with others – thinking collectively about the matter under consideration by building on, or challenging, one another's ideas, to interrogate public policy and question its inherent assumptions and contradictions.  Indeed, using this discursive tool, in which the questions that prompt discussion are very broad and open, can help a group to collectively identify at least some of the ideal contradictions embedded in the policy under consideration.

As can be seen in Table 3, during the testing of the first draft of the tool, the discussion on the first criterion listed under the equity section – human needs – the participants identified and unpicked contradictions such as conflicting ideas about whether sex work is a fundamental human

need or not, and the contradiction between the needs of sex workers, and the view that prostitution undermines the needs of women in general.  The second criterion, wellbeing, also drew out some contradictions, such as that the proposed Bill we were discussing could serve to increase the physical and mental security of sex workers and their clients, but could also undermine the psychological wellbeing of those who are averse to prostitution.  More recently (September 2020), contradictions were also identified in an SDIA I facilitated, working not with public policy, but with the Scottish Parliamentary Service's (SPS) Procurement team, to assess the existing contract specification for corporate clothing prior to redrafting it.  Among others, the participants identified conflicts between their social and environmental aims in relation to their previous decision to award the contract to a 'supported business', which would employ people who might otherwise find it difficult to find paid employment, but is 'not necessarily the most enviro-friendly'.  Similarly, they discussed the conflict between their pro-equity practice of specifying clothing that would meet individuals' needs, but which was consequently separately packaged for each individual.  So, although this arrangement ensured that uniforms supported the dignity, as well the practical work requirements of those staff required to wear them, it generated an increased quantity of packaging waste that would have to be disposed of to the environment (200915ClothingSDIA.doc).  The outcome of this workshop was that the person in charge, feeling that the discussion had highlighted a number of issues that required further consideration and/or action, decided they would use it to inform the team's forthcoming discussion to decide what market research it would need to carry out prior to redrafting the contract specification for the next contract period.

Thus, the tool promotes discussion, and through it, the apprehension of contradictions.  But perhaps there is a deeper aspect to the necessarily social, collective activity that it engenders.  Discussing word meaning in *Thinking and Speech,* Vygotsky (1962, p.45) explains that:

> 'the dialectical leap' is 'a transition from sensation[70] to thought', and therefore 'that reality [is] reflected in consciousness in a qualitatively different way in thinking than it is in immediate sensation.  This qualitative difference is primarily a function of a *generalized reflection of reality.*  Therefore, generalization in word meaning is an act of thinking in the true sense of the word.'  This leads him to ask 'Is word meaning speech or is it thought?' and conclude 'It is both at one and the same time; it is a *unit of verbal thinking.'*

---

[70] The context of this section of the text shows that by 'sensation' Vygotsky is referring to perception in general.

Thus, the SDIA workshops, which facilitate what we might term 'articulation', or even 'co-articulation', are a way of thinking together. Each act of articulation - verbal thinking - interacts with the previous one/s, with the questions in the tool, and with the cultural-histories of the participants, which comprise a set of dialectical layers. So the co-articulated outputs of the workshop are formed from the combination of the dialectical elements that the participants bring to it, which in a way includes me, through the artifact I created, which is mediating the articulation. The fact that it is the interaction of the participants' (and my) cultural histories is demonstrated by the fact that each time I have used the proposal for a Prostitution Law Reform Bill as a way of demonstrating how the tool works with a different group, the outputs have been quite different.

This in itself is important for sustainable development, and therefore for SD scrutiny, because it means that the tool reflects the 'wicked' nature of unsustainable development (Rittel and Webber, 1973), and that there is no single solution or 'recipe' for shifting to a more sustainable developmental trajectory. Rather there must be solutions that seek to meet the needs of local and temporal contexts, the level at which a policy is being applied, and so on. Such solutions can be identified by collaborative thinking, rather than by non-participatory decision-making.

Committee scrutiny can provide a forum for such co-articulation in the analysis of policy, because it generally includes Members from diverse Parties, staff with various expertises, and a range of evidence and witnesses, and this could be enhanced through the use of the tool. As noted on p.147, we have only recently carried out a few trials with committee support staff, but it is hoped that carrying out SDIA workshops to inform the approach stage – where a committee's scrutiny approach is decided – will eventually become standard practice.

The SDIA tool/process creates a space where the implications of policy can be unpacked, and contradictions drawn out. As Case Study 1 on the scrutiny of a housing bill shows, SPS staff who support scrutiny can have a significant influence on the process and thereby, perhaps on the outcomes too, especially in relation to the information they feed into the process, and the questions they suggest Members ask to elicit particular evidence. Using the SDIA tool can help them to highlight issues relating to a matter under scrutiny that may not have been considered or made explicit by a Minister or civil servants, and potential unintended outcomes or policy contradictions. This may also help to increase the impartiality of the information they provide, in that they are more likely to include perspectives from outside their fields.

**The balance of power: rules, community and the division of labour**

The bottom line of Engeström's triangular model of the activity system includes three nodes – rules, community and division of labour. Foot (2014, p.331) explains that:

> 'Relations between the subject and the community are mediated by… (1) the rules that regulate the subject's actions toward an object, and relations with other participants in the activity and (2) the division of labor, understood as what is being done by whom toward the object, including both the relatively horizontal division of tasks and the vertical division of power, positions, access.'

My third case study on the 2018 parliamentary consultation on the National Outcomes describes how as a member of the parliamentary community, I used SD thinking to help change 'business as usual' thinking about how a scrutiny exercise was structured. It hinges on my personal relations with, for the most part, more senior colleagues, who officially held greater power than I, in regards to the shaping of this object, because of their position in the community, and the rules regarding rank and how labour should be divided during a scrutiny exercise.

Our work on the scrutiny exercise was set within the larger governance activity system, and the case study also illustrates some of the power dynamics at play between two of its main institutions – the Parliament and the Government. Foot (2014, p.342) observes, 'Power relations within the activity system often influence actions that promote change or resistance'. One example is the passage of the Community Empowerment Bill, which became the Act under which the parliamentary consultation was to be carried out, and which set the parameters for it. The proceedings, as described on p.150, illustrate the dynamic conflict that exists between Government and Parliament, highlighting the Government's resistance to scrutiny and collaboration. In this case, it plays out through the Scottish Government's original proposal to determine desired outcomes for Scotland and its people, by means of a Bill professedly seeking to empower communities, while trying to avoid the inclusion in that Bill of a statutory requirement to involve those very people in the process. It is difficult to read this as anything other than an attempt to retain or appropriate the power to decide what outcomes it should be working towards, rather than doing this in collaboration with the populace it is ostensibly trying to empower through various rights of participation.

In addition, though the balance of power is supposed to be maintained by appointed Ministers being accountable to the elected Parliament (see Ch.4) the Government, in this case at least, sought to avoid or reduce accountability - as outlined on p.151, the Bill was amended by the Scottish Government so that the Parliament would only be consulted on outcomes that the Government had already decided upon - tantamount to a *fait accompli,* given that it is not legally

bound to make any changes recommended by Parliament. The amendments made by the Government thus served to shift the balance of power in its own favour, at least for as long as the Act is not amended again. This concentration of power within the Government conflicts with the 'good governance' principle of SD (Sustainable Development Commission, 2005), which stresses participatory decision-making, and also accountability (Graham *et al.*, 2003). It was made possible by rules which assumed that the Scottish electoral system would not permit any one party to attain an outright majority, and so include little to prevent such a majority from pushing legislation and amendments through by bloc voting and appropriating further power.

Nevertheless, even the diminished requirements for a parliamentary consultation that were passed created a space for the Parliament to claim – or reclaim – some power in the matter of national outcomes, by increasing the rigour with which it would hold the Government to account. For example, how it would involve the public and stakeholders in the scrutiny exercise would have an effect on how robust it the scrutiny exercise would be. Through my work to shape the consultation exercise, I sought to encourage colleagues to support parliamentary committees to claim their power in holding the Government to account. At an interpersonal level, this work was also about power – a question of how the personal power to affect the structure and scope of a scrutiny exercise within the context of formal and informal rules, community and division of labour - might be navigated and negotiated.

In the main, this was about working with committee clerks, part of whose role, as I learned through the National Outcomes (NOs) consultation, was to act as gatekeepers to the committees. This allocation of labour, combined with their role in directly advising committees and especially Conveners, as well as having the final word on committee papers, gives clerks considerable power to determine the shape of scrutiny exercises, as noted on, p.146. That power, however, is coupled with the responsibility to make decisions that benefit, among others, the committee, its members, and the public(s) that we serve. Given the many interests at play during scrutiny, this cannot be an easy task. Presumably, the risks of making decisions that result in undesirable outcomes are negative social consequences – perhaps for the communities in which they are situated, such as their team of committee clerks, or their committee, and/or for their personal standing in these communities. It is possible therefore that such actual or perceived risks may lead to what Samuelson & Zeckhauser (1988, p.7) refer to as the 'status quo bias in decision making', meaning that they may be more likely to make decisions which they are confident will not lead to such negative consequences, i.e. 'business as usual'. This term implies a set of tacit rules which are followed, perhaps to reduce risk. As I reflected (p.159), this meant that in order for the structure of the scrutiny of the National Outcomes to be other than a fairly limited

exercise, the clerks with whom I was liaising would have to trust me and what I was recommending.

In this case, it was that a more holistic scrutiny approach should be taken. However, the tacit rules seemed to be against this. The convention of committees mirroring ministerial portfolios likely helped to set up the convention of maintaining boundaries between them. This in turn is likely to have led to processual conventions such as splitting up cross-cutting issues rather than devising a more holistic/systemic way of considering them. It serves to maintain a fragmented approach to scrutiny, which does little to mitigate the policy schizophrenia of Government (Commission on a Sustainable Scotland, 2004). The compartmentalized scrutiny of interdependent public policy also conflicts with the normative theory of sustainable development, which, based on evidence, advocates a holistic systems approach (Bastianoni *et al,* 2018). It is problematic because it may serve to keep the balance of power in favour of the Government, for example due to committees not knowing, or highlighting through scrutiny how public policy in their area may be undermined by public policy in another, climate change being a clear example of this (see p.12). Where this might be case, without a better overview of public policy as a whole, committees may not be able to use what power they do have, e.g. to make appropriate recommendations, call Ministers out in the Chamber, etc.

It is possible for SPS staff members to mitigate such a situation, for example by supporting robust scrutiny, including through efforts to make it more cross-cutting where appropriate. However, rules in the form of traditions and accepted procedures may not always be favourable to this, and change-making requires a sensitive and empathetic approach. As the case study describes, my efforts to navigate a power dynamic not weighted in my favour were based on the principle of *maitrikaruṇā* – friendliness and compassion. In working to persuade colleagues to take a broader approach, I was careful to try to understand their positions and emotions, and not to present a threat – for example, by not 'transgressing the established division of labour' (p.154), or trying to force my ideas on others. Where possible, I made common cause and drew attention to the benefits of more rigorous scrutiny, for example by pointing out how it would support the aspirations of the Consultative Steering Group (Ch.4). Gradually, I succeeded, and the scrutiny exercise involved, I believe, the largest number of committees to date, except for budget scrutiny.

My then line manager attributed this success to my enthusiasm (Journal, 17.01.2018). Nardi (2005, p.44) writes about the importance of taking both 'power and passion' into account when considering object formation, describing passion as 'strong emotional commitment', and it is true that I did feel strongly about this piece of work, so it seems likely that that too played into the shaping of the National Outcomes scrutiny – our shared object.

This case study sheds some light on how 'Power relations within the activity system often influence actions that promote change or resistance' (Foot, 2014, p.342). It is the community which makes the rules and creates the division of labour, which in turn shape each other and the community, and so on, in an ongoing process of mutual constitution. But perhaps resistance can be overcome and rules changed through an approach that is compassionate and passionate?

The case study also shows how questioning and challenging public policy decisions are a key way in which the Parliament can claim power to holding the Government to account. This case study draws attention to how thinking about scrutiny in a more holistic way, and being prepared to structure scrutiny exercises in such a way as to reduce segmented committee consideration of public policy, could be a means of redressing the balance of power in favour of Parliament and people, and bringing pressure to bear on Government to increase policy coherence.

## Learning to think differently

In addition to providing examples of how I worked to change some of the Parliament's scrutiny processes to incorporate sustainable development (SD) thinking, and how this can help to improve scrutiny, my three case studies also show something about my own learning and that of colleagues I worked directly with, and of some members of the wider Parliament community.

Vygotsky's interest in learning included concept formation.[71] In *Concepts: a critical approach,* Blunden (2012, p.3-9) explains that 'A concept is generally understood to be a thought form which constitutes a unit of our knowledge of the world', and that through our shared understanding of them, they 'are the pre-eminent social bond… not just thought-forms, but forms of social life.' As such, they should not be viewed as 'fixed, fast-frozen relations, but as processes of development and realisation.'

As discussed above, concepts can be considered to be 'problem-solution relations' (p.169), and thus can both arise from communal activity, and/or serve as a mediating artifact of it. They are imbued with the cultural history of their arising through the filter of someone's consciousness, and of their evolution as they are acquired and transmitted through others' perceptual filters. This implies that they are a fundamental component of social – that is, cultural-historical – learning.

---

[71] The term 'concept' comes from the Latin *con* and *capio*, roughly meaning 'together' and 'to capture', signifying a shared grasp of something (Morwood, 2005).

A CHAT lens reveals how some of the concepts underlying or arising from the theory of sustainable development became part of our consciousness.

**Towards the concept of sustainable development thinking**

My first case study, on the scrutiny of a housing bill, is about my first attempt to use an SD lens to affect a scrutiny exercise. It describes some of what I learned in what was a new and unusual work environment – how scrutiny is carried out, how much influence people other than committee members have on the process, and so on. It also shows how, by assessing the Bill against the principles and concepts of sustainable development, I began to realize that an SD lens could do more than help Members to consider the impact of legislation on the sustainability of development, as had been my aim. It did not just bring a different theoretical perspective to the process, but rather a different type of <u>thinking</u> to it – a way of thinking that is, in particular, more holistic, systemic and interdisciplinary, and integral to SD.

As outlined in the case study, I picked up on a few aspects of the policy that the Government was attempting to enact which the other researchers I was working with had not. This included the provisions on antisocial behaviour, and the fact that the Government did not seem to have taken the opportunity to include measures that would help to further the implementation of its own Sustainable Housing Strategy. I didn't pick up on these issues because I had any expertise on housing matters – far from it. I picked up on them because, through my previous study and practice of SD, I tended to look at policy in one area as being inextricable from policy in other areas, and because I was broadly looking at how the bill might affect human society and the wider ecosphere. So, for example, decisions on housing could have impacts on energy use, and provisions to protect one group of people could have pernicious impacts on another. An SD lens enabled me to look wider than, in this case, the Government's stated aims, because embedded in SD concepts such as the 'global problematique' and 'panarchy' are the ideas that everything is connected, and that the wicked problems of unsustainable development require integrated solutions, rather than solutions that address just one symptom of inequity or ecological degradation, only to create another elsewhere. The notion of integrated solutions, in particular, leads one to be on the lookout for potential perverse or otherwise negative consequences.

As I worked on more bills and committee inquiries with various SPICe researchers and clerks, and ran a few training workshops, the idea of SD thinking gradually emerged. When called upon to explain SD or my work, I began to talk about it first in terms of thinking differently, then as 'sustainability thinking', and finally as 'sustainable development thinking'.

My conception of SD thinking developed roughly along the lines Vygotsky found concepts do in children, described in *Thinking and Speech* (Vygotsky, 1962). He classified the concepts developed by children based on their advancing cognitive abilities. He found that they begin by grouping together more-or-less random collections of objects ('syncretic concepts') and progress through several stages towards what he termed 'actual concepts', which have roots in both institutional learning and real-world experience. This last again brings to mind Marx's notion of 'praxis' as 'practical-critical activity'. Here, the activity is mental conception – in which material experience and ideal learning are melded.

In my case, my first rather vague notion of 'thinking differently' could be considered a 'spontaneous' or 'everyday' concept, arising from personal experience. According to Vygotsky, 'it tends to develop outside any definite system;[72] it tends to move upwards toward abstraction' (Vygotsky, 1962, p.164). This evolved into 'sustainability thinking', which was indeed more abstract, and more informed by the institutionalized system of concepts that make up the theory of sustainable development.

It continued to develop, when a fellow attendee at an SD conference, Mitzi Bolton,[73] elaborated the difference between 'sustainability' and 'sustainable development', which are commonly used interchangeably, including by scholars and practitioners. Sustainability is a general term that can be, and is, applied to the sustenance of anything – household finances, company staffing levels, or whatever else one might be considering the potential continuity of. Sustainable development, on the other hand, is specifically about whether and how the development of human societies can be borne by humans and the ecosphere, and so continue in the very long term.

Mitzi's insight, based on her study and practice, had brought my concept more in line with the theory of SD, taking it further towards becoming a 'scientific concept'. This type of concept is 'nonspontaneous', in that 'it cannot be formed by the subject through immediate personal experience of the object', but acquired only 'by instruction in science or... from acquaintance with the scientific literature' (except for 'those rare moments when a new scientific concept is created') (Blunden, 2012, p.249-250). I began to try to elucidate the nature of sustainability thinking, listing in my journal (06.07.17) what I had learned, through study and practice, to be its characteristics: 'holistic, systemic, integrative, synthetic, multi-level, radically analytical, broad and deep, compassionate, strategic.'

---

[72] 'System' here refers to an institutional system of concepts such as an academic discipline, religion, etc.

[73] Now Dr. Mitzi Bolton, who was then in the early stages of her PhD on public decision-making and sustainable development.

My next step was to review the literature on sustainability thinking and sustainable development thinking. As summarized in Ch.3, other SD practitioners and thinkers had arrived at the same idea, and there is a small body of literature. However, the vast majority of it describes sustainability/SD thinking as it applies specifically to the various authors' fields. To pick an example at random, Favara & Gamlin (2017, p.730) discuss 'sustainability thinking' and 'sustainable thinking' in the context of environmental remediation, which they describe as 'to remove, destroy, degrade, and immobilize [environmental] contaminants'. In a somewhat muddled way, they advocate 'sustainable thinking' as the application of systems thinking/sustainability thinking at the outset of the process when the remediation technology is being selected, in order to 'consider environmental, social, and economic impacts and influence how a treatment technology is conceptualized to minimize its the sustainability footprint' (ibid., p.731). This is clearly not the level of abstraction that would lead to the concept being categorized as 'scientific'. It has arisen from the authors' real-world experience, and for them pertains to a particular design approach, whereas a scientific concept would be 'independent of immediate personal experience of a relevant object' (Blunden, 2012, p.250). The term would take the form of a generalized container for the abstracted elements of that object which could be applied beyond the remediation industry. The relatively recent appearance of the term within the literature in around the early 2000s, and the greater number of times it appears in the last few years, suggests that it is undergoing cultural-historical development and could eventually become a scientific concept.

The various ideas of what sustainability/SD thinking is have deep roots in practice. While the shared essence of these may lead to it crystallizing into something that cannot be acquired through experience, but must be learned in a more formal way, so far, it remains an 'actual concept' because it is pertains to, and is likely to remain, a part of sustainable development praxis. Blunden (2012, p.263-264) explains that:

> 'Vygotsky calls 'actual concepts' the concepts which arise in the course of the person's real life development in contrast to the… abstract idealised of newly learnt scientific concepts, which have not left the classroom and are untouched by experience…. In general, all our concepts owe their origin both to education and everyday life… That is, all our actual concepts owe their origin to both instruction and life experience, and in their structure demonstrate traces of both origins. 'Actual' means concepts which reflect a concrete understanding'.

For now, the conceptual container 'SD thinking' and its variants, comprise descriptions of its attributes, as I had attempted to list (above), rather than encapsulating its essence (Blunden,

2012, Ch.1).  I tentatively venture to describe that essence as the deployment of those cognitive approaches that would support the survival and wellbeing of humanity, based on an ontology which views all living and non-living elements of the Earth system as interconnected and interdependent.  A 'clunky'[74] effort perhaps, but one that others might build on, or reject, and in so doing, come up with something better.


**Building on pseudoconcepts**

As Ch.3 explains, the contemporary concept of sustainable development arose in response to the linked social and ecological ills observed to have arisen as side-effects of the 'golden age of economic growth'.  Perhaps because it became increasingly clear that these detrimental effects were in fact putting humanity's own future at risk, organizations such as the International Union for the Conservation of Nature, and well-connected individuals such as Maurice Strong, sought to draw political attention to them, resulting eventually in the creation of the World Commission on Environment & Development, more commonly known as the Brundtland Commission, after its chair.

Based on the brief *curricula vitae* included in its report, of the 22 members of the Brundtland Commission, 14 (63%) were politicians, almost all of whom had been government ministers; five were academics; two were lawyers; and one, a business tycoon – Maurice Strong (World Commission on Environment & Development, 1987).[75]  By this time, economic growth, as measured by Gross Domestic Product (GDP), had become the overarching and seemingly inalienable policy aim of almost all states, perhaps ultimately due to its having become the UN's System of National Accounts' headline indicator, and main international comparator, of societal progress (Ch.3).

As Blunden (2012) points out, concepts have a life of their own, morphing and shifting through the processes and contexts of social transmission.  The Commission considered the unsustainable nature of development, and what was needed to address it.  Given its membership, it seems perhaps inevitable that its concept of sustainable development, filtered through the commissioners' minds (and of course influenced by what they heard and read), emerged as

---

[74] 'Awkward, clumsy, ungainly' (Proffitt, 2016).

[75] Commission member Maurice Strong, who is lauded as being the prime architect of international talks on sustainable development, including the 1972 Stockholm Conference and the 1992 Earth Summit, as well as an engineer of the Kyoto Protocol, was also an oil magnate.  He has been accused of various unethical business practices such as building a luxury hotel in a wildlife refuge (oddly reminiscent of Donald Trump's Aberdeenshire golf resort!), and of cronyism, including helping his associate and fellow Commission member, Jim MacNeill, into various prestigious positions (e.g. Gupte, 2005).

fundamentally pro-growth. As discussed in Ch.3, this was manifested by their underpinning recommendation – that the ecological and social ills stemming from the pursuit of growth should be addressed by increasing growth.

This historical example shows how a concept can alter quite radically, and even be (intentionally?) subverted or co-opted. Thus, in the international policy arena, the concept of SD came to embody the very contradiction it was created to resolve. The legacy of the Brundtland contradiction - even paradox (Owens, 2004) - can be seen in my third case study, which discusses how it is embedded within Scotland's National Performance Framework. My second case study also shows how the concept of sustainable development has been interpreted in several different ways, and how I attempted through my SD impact assessment (SDIA) tool to allow users to form a perhaps more scientifically-informed conception, in the Vygotskian sense of 'scientific concept' – a true concept arising from within a system of science.

But, of the multifarious conceptions of SD, which can be considered to be 'true'? According to Vygotsky 'A true concept is a socially fixed and transmitted solution to some problem which has arisen in social practice in the past' (Blunden, 2012, p.231). This means that it is imbued with ideas about both the problem and how it should be solved. Blunden suggests that the original construction of a concept from within a particular system of thought – its cultural-history, 'and *how* it effects its use' (ibid., p.30) - is what distinguishes it from another that might appear very similar.[76] Therefore, comparing conceptions of SD to the problem that originally gave rise to the concept could allow us to distinguish between true and pseudo-conceptions.

For example, from the SD impact statement provided in the Community Empowerment Bill's policy memorandum, I inferred 'that the bill team's understanding of SD was that it pertained only to the environment' (p.130), except in relation to applications for the right to buy land, where the phrase 'sustainable development of the land' is used to imply land use development/construction. The environment-only conception cannot lead to the solution of the original twin problems of social inequity and ecological degradation because it ignores the former. Therefore it must be considered a pseudoconcept. Vygotsky elaborated 'pseudoconception' as the identification of items as fitting in a category symbolized by a term. While the term itself may denote a true concept, pseudoconceptual recognition is based on the identification of common,

---

[76] 'Lakoff and Johnson made an interesting observation about what properties of a gun make it a fake gun (Lakoff & Johnson 1980: 121). They determined that all the perceptual properties (what it looks and feels like), the motor-activity properties (how it may be handled) and even the 'purposive properties' (what you can use it for) can and even should be preserved in a 'fake'. 'Functional' properties (how it effects its use) and its 'history' (what it was originally made as), however, must be negated for it to be a fake. This points to a very subtle distinction in the properties of an object which inhere in its concept' (Blunden, 2012, p.30).

but superficial, characteristics shared by items in the category, rather than on its essence. In the example above, the Community Empowerment bill team related 'the environment' to the term 'sustainable development', but there was no evidence that it appreciated its connection to human wellbeing. In contrast, documents such as the seminal World Conservation Strategy of 1980, written by members of the institution from which the concept arose – the scientific establishment – emphasizes that sustainable development is for humanity, and that ecological integrity must be protected because human life and wellbeing depends on it (IUCN *et al.*, 1980).

A pseudoconcept is based on the perceptions and experience of the subject, rather than on the acquisition of the true concept from the institution to which it belongs:

> 'Vygotsky makes it clear that as adults, many of the words we use in everyday life are signs for pseudoconcepts, and often we do not have true concepts of the entity or situation indicated by the word in its most fully developed form…

> At such points we relapse from a true concept to the masquerade of pseudoconcepts and the minefield of misrecognition entailed in the use of pseudoconcepts. No amount of tweaking of contingent attributes can lead us to a definitive definition of a true concept' (Blunden, 2012, p.243-244).

As to the conception of 'sustainable development of the land', it appears to have no relation to social equity or ecological limits (see Ch.5), and its application may support or undermine either or both, depending on the situation, and so could, in fact directly contradict the true concept of SD. Therefore, it can only be classified as a misconception.

The environment-only pseudoconcept of SD seems to crop up regularly, and not just in the Scottish Government or in Scotland. For example, after meeting someone who provided technical SD support to a committee in another parliament, I noted that 'his idea of SD is also centred around environment' (Journal, 16.08.16).

Even attempts to broaden the working understanding and application of SD can end up closing it down. For example, as noted on p.131, the Scottish Government impact assessment checklist reduced SD to 18 tick-boxes (Fig.9). Even if a policy meets all 18 of the criteria listed in the tool, it is not certain that it will support social equity and ecological integrity. For example, Environment' is reduced to climate, air quality, water bodies, habitat and wildlife, and waste. These do not even begin to cover the complex earth systems on which we depend, including the global biogeochemical cycles and biological diversity that maintain the ecological stability which allows us to thrive. Nor does it support an appreciation of the complex interlinkages and interdependencies that exist between what, for convenience, we might classify as distinct earth

systems (Gunderson and Holling, 2002). Further, a positive response to some criteria could in fact undermine SD: a proposal which would meet the criterion 'result in new and innovative technologies' could be pro-SD, or anti-SD, depending on the technology, its life cycle impacts, and the possible ways it could be used. All this suggests that the Government's checklist was developed based on some rather random attributes of SD – in other words, a pseudoconcept. When mediating the activity of policy development/assessment, a tool which embodies a pseudoconcept of SD may support some pro-SD measures, but it is unlikely to foster a more holistic understanding or a shift to a sustainable developmental trajectory. Perversely, it is likely to help perpetuate the particular pseudoconcept of its creator, as users internalize the pseudoconcept through its use. The checklist contains signs in the form of questions, which, combined with the choice of responses – positive/negative impact – signal to the user what type of measures the author believed would support SD, and thus not only what they should seek to do, but also what constitutes SD. In other words, these arbitrary questions shape how a user might think about SD – in a fragmented way, based on criteria which do not reflect the complexity, breadth and depth of what policy might be required to address the super-wicked problem of unsustainable development (Yearworth, 2016).

Finally, as noted on p.133 , 'Having worked in the past with an SDIA checklist similar to the one shown in Fig.9, I had observed that a tick-box tool does not tend to encourage the user to seek out the root cause of a problem, question the underlying assumptions of a proposed solution, or look for potential unintended or perverse consequences.' Thus it could serve to preclude a deeper look at the problem or policy under consideration, actually preventing, rather than fostering, the learning required for evidence-based policy-making, which falls under the 'sound science' heading of the UK Shared Framework for Sustainable Development (Sustainable Development Commission, 2005).

As outlined in the second case study, (Ch.7), early on in my time at the Parliament, by creating a space for colleagues to engage with the social equity principle of SD, through a discursive learning workshop, I sought to 'shift focus away from "saving the planet"' (p.133) – one way in which the environment-only pseudoconcept is often summarized.

Partly informed by the success of my training workshops, the SD impact assessment (SDIA) tool I developed similarly aimed to broaden users' understanding of SD to inform policy decisions. Based on the UK Shared Framework, the sign-questions that users are required to consider and discuss are not arbitrary – or at least not as arbitrary as those in the Scottish Government's p.checklist tool examined above. First, the Shared Framework accords with the scientific concept of SD, which embodies the problem-solution of inappropriate growth leading to social-ecological

degradation.  It lists the two essential conditions/principles for SD as 'living within environmental limits' and 'a strong healthy and just society', corresponding to ecological integrity and social equity.  Thus it would direct activity towards a solution to the original problem of the detrimental ecological and social consequences of growth.  Second, the sign-questions use concepts which are fundamental to SD, and which were carefully designed and honed to help users unpack the five conditions/principles given in the Framework.  I did this on the basis of my true concept (Vygotsky, 1962) of SD, which I acquired through studies at university, and of the literature, and further developed through many years of working on SD, in collaboration (and so dialectically) with others.  Thus the tool is designed to both enhance users' conception of SD (unless they already hold a true conception of it), and to support a deeper and broader interrogation of policy, which may allow more pro-social, pro-ecological solutions to emerge.

From the first test of the draft tool, described on p.143 - 145, this approach has been more successful than I had envisaged, especially when its use is facilitated by someone well-versed in the theory and practice of SD.  As at December 2020, its use in the Parliament continues, and plans for its further development are being discussed.

Although the tool I developed as part of my collaboration with colleagues cannot impart a true concept of SD, I believe that it helps users to acquire an 'actual concept' – which in the Vygotskian system is one informed by both theory and practice – a practical-theoretical conception – one that both has integrity and can be put to use in the real world, bringing us back again to the Marxian idea of praxis.

Indeed the use of the both my tool and the Government's checklist could be considered to be part of what Vygotsky termed the 'double stimulation' of activity, important to learning and problem-solving.  Sannino & Engeström (2018, p.50) explain that:

> 'In double stimulation, the first stimulus is the problem itself. Human beings employ external artifacts, which they turn into signs by filling them with significant meaning. Such signs are used as second stimuli with the help of which the subject gains control of his or her action and constructs a new understanding of the initial problem.'

Here, the problem is the requirement to carry out an SD impact assessment, and the artifact is an impact assessment tool.  The stimulation is dual as there is the stimulus created by the requirement, and also the stimulus created by the signs contained in the tool being used to mediate the activity of assessment.  However, the Government checklist is based on a pseudoconcept, and my SDIA tool on a true concept.  The significance of this becomes clear as Sannino & Engeström (2018, p.50) go on to explain that 'A close examination of Vygotsky's work makes it clear that double stimulation is the foundational mechanism by which agentive action

[can] and will emerge.' Agentic action stimulated by a pseudoconcept cannot solve the problem that gave rise to the true concept, whereas, there is at least a chance that activity stimulated by a true or actual concept could.

The following section considers how in my work on the National Outcomes consultation, concept-mediation supported learning and agentic action in the wider organization.

## Can concepts support agency?

Edwards suggests that, due to its deeply collectivist perspective, 'CHAT has not dealt easily with the idea of the active agent' (2007, p.14). Arguably, CHAT can obscure agency by focussing on its manifestation – action and activity. Its Marxian roots also predicate an interest in social transformation, so where CHAT researchers do hone in on the agency underlying action, it appears to usually be in relation to its transformative applications (e.g. Haapasaari *et al.*, 2016), although of course, people can also use their agency to maintain the *status quo* and prevent transformation. In this brief section, I look at the learning of three circles of people as detailed in my third case study: colleagues I worked with directly, those who were one step removed, and members of the Parliament community with whom I had no direct contact. It focusses on how the concepts that I set out to raise awareness of might have supported individuals to use their agency to carry out actions and engage in activity.[77]

As the lead researcher for the parliamentary consultation on the National Outcomes, my intention was not to support the Parliament to attempt to radically alter the *fait accompli* that was the revised draft National Performance Framework (NPF), but to raise awareness of it as a set of policy commitments against which the Government could be held to account, and of certain problematic aspects of it. These included its over-arching growth-based Single Purpose, the Government's promised incorporation of the Sustainable Development Goals (SDGs) into it, and the notion of policy coherence and the policy contradictions contained within the NPF. In so doing, I hoped also 'to facilitate SD thinking' (p.152) among my colleagues, and perhaps others. The NPF, its Purpose, the SDGs and 'policy coherence' can be considered to be concepts, each created to solve certain policy problems, as formulated by their creators. Non-ministerial Members' familiarity with these concepts, or their levels of understanding of them are likely to have been very varied, depending on their individual experience and interests. For example,

---

[77] According to activity theory, 'Activities are composed of actions, which are coordinated to reach certain goals' (Postholm, 2015).

some had only recently been elected for the first time, while others would have served as Ministers at some point during the decade since the NPF had been instituted.

**The first circle:** In order to reach wider circles of actors, the first people with whom I sought to share an understanding of the concepts listed above were certain clerks. The case study outlines how I did this through written papers, and in discussions. Regarding policy coherence in particular, I hoped to begin to create a more general practical uptake through 'a more holistic [scrutiny] approach, whereby committees did not feel so constrained by their remits, but were able to begin to appreciate how outcomes not normally considered to be within their purview were related to those that were' (p.152). As illustrated in the case study, Committee Office clerks hold a great deal of power in relation to practical decisions about how a scrutiny exercise is to be carried out. My understanding of their position was that they didn't 'want to engineer a huge Parliament-wide scrutiny exercise, but also don't want to be seen to be doing nothing' (p.160) - something of a dilemma[78] perhaps. However, on learning that the Government planned to lay a full National Performance Framework (NPF) before the Parliament, rather than just the National Outcomes, they began to shift towards the Parliament-wide option, and in the end that is more-or-less what they did engineer.

It is impossible to disentangle the influence on this change in their thinking of:

- the concepts that I had been working to disseminate, particularly those of policy coherence and the NPF as a pan-policy framework;
- my own use of what Edwards terms 'relational agency' to show how what I was suggesting fit with their own purposes;
- the double stimulation provided by the clerks' dilemma and the change of the Government's plans.

First, in relation to the key concepts, I had been making an effort to point out that a more holistic scrutiny exercise was needed to hold the Government to account because of the pan-policy nature of the NPF; because the NPF could be (but never had been) a framework for policy coherence, though the original version claimed it was; and because the Government had promised to incorporate into it another framework which also claimed to be coherent, but wasn't – the SDGs. All of this was important because it would set the broad policy direction for Scotland,

---

[78] 'Dilemma' is defined as 'the choice of two (or, *loosely*, more) alternatives, either of which is (or appears) equally unfavourable' (Proffitt, 2016). It is one of the four types of contradictions identified by Engeström & Sannino in their paper on *Discursive manifestations of contradictions in organizational change efforts* (2011).

and thus, something that it would likely benefit MSPs to understand.  While the final outcome was a more holistic scrutiny exercise, something which the clerks ultimately decided and recommended to the Convener of the Local Government & Communities Committee, they remained concerned about 'how to split up the outcomes, given they're so cross-cutting' (p.160), which might suggest that although it seemed they had realized the holistic nature of the Outcomes, and thus possibly the concept of policy coherence, they still struggled to envisage how scrutiny could be made holistic in practice.

Second, regarding my own agency, I had been working to use my:

> 'capacity to align one's thoughts and actions with those of others to interpret aspects of one's world and to act on and respond to those interpretations. In CHAT terms it is a capacity to work with others to expand the object that one is working on by bringing to bear the sense-making of others and to draw on the resources they offer when responding to that sense-making' (Edwards, 2007, p.4).

Through a series of meetings and discussions, some of which are described in the case study, various clerks and I, along with SPICe managers, had together constructed and reconstructed visions of our object - the scrutiny of the draft NPF.  In such collaborative efforts between colleagues, where it is important to maintain goodwill so that future collaborations remain possible, a degree of mutual agreement and compromise is necessary.  This is where relational agency – which requires empathy to align one's thoughts and actions with those of others – becomes essential.  An example is provided on p.160 of the case study, where I appealed to a particular clerk by couching my rationale for cross-cutting scrutiny in terms of the recommendations of the Commission on Parliamentary Reform, with which they had been heavily involved.

To be clear, in this case, the relational agency was mutual: as noted on p.159, 'For the clerk to allow themselves to begin to adopt my perspective in this way, or even allow it to influence their thinking, I suggest that they would had to have had some degree of trust in me, as well as being receptive to' my ideas.  Trust is often described in terms of 'reciprocity, expectations or beliefs about the intentions' of others, as 'governed by norms, values and codes of conduct'.  It can be based on 'demonstrated honesty, loyalty, sympathy and empathy' (Welter, 2012, p.195-196).  I believe it was this trust that allowed them to work with me to expand our object – to take a bigger view of the National Outcomes consultation and structure the scrutiny exercise in an entirely novel way.

Third, regarding double stimulation, the first stimulus was the dilemma of having to do something about the National Outcomes consultation at a time when committee work programmes were

extremely busy.  Sannino *et al* (2016, p.603) explain that:

> 'the first stimulus is the problematic situation, which triggers a paralyzing conflict of motives. In trying to cope with the problem, actors use artifacts that serve the function of meaningful signs.  These signs are second stimuli, with the help of which the subjects can gain control of and transform the problematic situation.'

Here the second stimulus was the Government's communication to us that it would be laying more information before the Parliament than was initially expected.  This helped, perhaps along with the other stimuli of the concepts I had been trying to disseminate, and our mutual relational agency, to allow the clerks to solve their dilemma, resulting in almost all committees being invited to contribute their views on the changes that the Government was proposing to make to the NPF.

Engeström writes that 'concept formation in the wild[79] is intertwined with the generation of transformative agency by double stimulation' (Engeström, 2020).  This example bears out his proposition, and I would argue that relational agency is also a key factor in complex real-world situations – while an individual in a laboratory context could resolve a contradiction on their own, in the 'wild', activity to solve complex problems is very likely to involve others.  In addition, in the real world, a number of stimuli may stimulate agentic action – for example, it is likely that committee clerks, as gatekeepers to the committees, had read the letter from the SDGs Network to all committees and the Conveners' Group 'demanding a demonstration of' their commitment to the Goals (p.161).  This may have served as an additional stimulant by introducing the concepts of the Goals, and demanding action.


**The second circle:** The letter from the Convener of the Local Government Committee inviting other committees to participate in the scrutiny exercise was written after the clerks I had been working with discussed the forthcoming consultation at a meeting with the other Clerk Team Leaders (p.161).  It is possible that some of them may have read my briefing notes, or that my Committee Office liaisons made a good case for a very wide-ranging scrutiny exercise.  Either way, it is unlikely that this decision would have been made if a significant number of the other Clerk Team Leaders had not used their agency to support it.

In addition, as described in Ch.8, many more committees than I expected took part in the scrutiny exercise, and it is very likely that clerks and perhaps SPICe researchers, to whom I had previously

---

[79] Here, 'in the wild' refers to concept formation 'in its natural habitat – that is… [in] naturally occurring culturally constituted human activity… in which human cognition interacts with an environment rich in organizing resources.' (Hutchins, 1995 in Engeström and Sannino, 2012, p.205).

sent my briefings, had played a role in committees' decisions.  That is not to say that this was a direct result of having been provided with some concepts by me, but that it is possible that it helped.

**The third circle:** The power of concepts to support agency is perhaps most clearly demonstrated by the section of the case study that provides a few highlights from the Local Government Committee's report on the scrutiny exercise and the Chamber debate (p.165 - 167).  Although, as noted, I received 'requests for support from various researchers and clerks – e.g. for technical input to committee papers, and oral briefings to certain committees' (p.164), my personal contact with the majority of researchers, committee clerks and Members was very limited, which means they would have had to have read the SPICe briefing I wrote (Erasmus, 2018), my generic questions paper, or earlier informal briefing notes.  The highlights show how committees, and, during the debate, individual Members, had used the key concepts to actively hold the Government to account – that is to say, the concepts empowered their agentic action.

There is also clear evidence that at least some Members had internalized some of the concepts.  A short while after the parliamentary consultation was held, with no prompting by clerks or researchers, one committee expressed the wish to have all Cabinet Secretaries give evidence about what action their departments were taking on climate change, which indicates that it had picked up the concept of policy coherence.

## Summary

The purpose of this analysis and discussion chapter has been to unpack the three case studies presented in Chapters 6-8.  The three main sections – *Loci for change, Improving scrutiny,* and *Learning to think differently* – focus on each of the case studies in turn.  *Loci for change* looks at what each case study shows about how change can be made so that an SD lens can be brought to bear on policy, through parliamentary scrutiny.  *Improving scrutiny* looks at how that SD lens can help to mitigate some of the weaknesses of scrutiny.  *Learning to think differently* looks at how I, colleagues I worked with, and other members of the wider Parliament community acquired elements of SD thinking.

However, as can be seen from these sections, this separation is somewhat artificial.  In a live situation, where interventions can only be implemented along with the flow of business, a neat segmentation of research foci is not possible, or useful.  In practice the three interlock, each informing, supporting and driving forward the others.
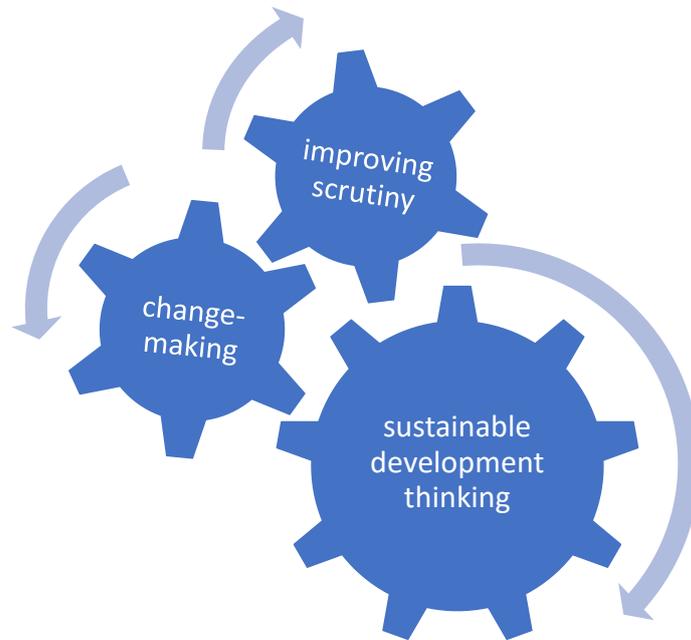
**Figure 13: The interlocking research foci of change-making, SD thinking and improving scrutiny.**

This project has had a strong emphasis on the practical implementation and outcomes of SD mainstreaming, and is part of ongoing work to trial and implement SD mainstreaming, and to contribute to ensuring that it can continue beyond the period of my PhD. It seems useful, then, to provide some practical recommendations that could support future mainstreaming efforts. The following chapter highlights some conclusions drawn from Chapters 4-8, along with recommendations that can be used to inform next steps in practice and research.

# Chapter 10: Some Practical Conclusions and Recommendations for Future Mainstreaming

As alluded to in the Introduction (p.9), the rationale for this project was to further the implementation of sustainable development mainstreaming, and contribute to ensuring that it could continue into the future. Thus, this chapter sets out key conclusions and recommendations relating to each of the three strands of this project, with a view to informing mainstreaming beyond this PhD. First, it considers what the history of mainstreaming, summarized in Chapter 4, tells us about the tensions that may have be preventing the implementation of mainstreaming, and what might help to overcome some of these. Next, conclusions are drawn from the real-world legal outcomes of SD clauses included in Acts passed by the Parliament set out in Chapter 5: SD scrutiny/thinking is of little use if these outcomes are not pro-ecological and pro-social, and it is important that future mainstreaming efforts take this into account. The last three sections in this chapter include conclusions based on the preceding chapter's analysis and discussion of the case studies, focussing on changing-making, improving scrutiny and SD thinking respectively.

## Historical development of the SD mainstreaming activity system

This section looks at SD mainstreaming as an activity system, and what its historical development (detailed in Ch.4) shows about why its object had hardly begun to be realized by the start of this PhD.

According to Engeström & Sannino, 'contradictions cannot be observed directly; they can only be identified through their manifestations' (2011, p.369). Lee & Roth describe contradictions as 'inner or structural tensions that drive learning, change, and development in systems… [they] do not cause change; instead, they are both resources and products of human agency' (2008, p.297). This implies first, that there are deeper tensions underlying the apparent contradiction between the requirement to mainstream SD, enacted by the Parliament in its own Climate Change (Scotland) Act 2009 (see p.83), and the lack of practical progress towards realizing it; and second, that this stuckness results either from people passively not implementing the legal and political instructions for mainstreaming, or actively preventing it.

Looking at SD mainstreaming as an activity system, and the groups and individuals discussed in Ch.4 as the subjects, it can be seen how each used their agency to create and shape the object and the activity system itself. Stakeholders have been calling for the Parliament to play an active role in sustainable development since devolution was no more than an idea. Politicians have

played their part in making this happen by passing motions in the Chamber to mainstream SD, holding committee inquiries and making recommendations into how it could best be done. Both groups have played their parts in the construction and passing of legislation containing SD clauses. The Scottish Executive/Government and the Scottish Environment Protection Agency have attempted to encourage and help the Parliament with mainstreaming by providing resources over the years. However, by the start of this project, the requisite systems and processes, which the Scottish Parliamentary Service (SPS) is responsible for putting in place, did not exist.

Based on decisions taken by the Parliament as a whole, and by Conveners' Groups, which could be considered to represent all committees, there seems to be a widespread desire to implement SD mainstreaming – or at least no desire to be seen to be opposing it. However, there appears to be a disconnect between Members and the SPS: despite the number of times political commitment to SD has been expressed in the roughly fifteen years between the first formal parliamentary commitment and the start of this project, implementation had not seriously begun.

The wider political context notwithstanding, the following underlying tensions appear to be at play:

1. There does not appear to be any record of explicit instructions from Members to the SPS to implement mainstreaming. Thus, It is possible that they are not aware that they could do this. It is also possible that Members may not fully appreciate the role of the SPS in this regard (see p.61). There is a discrepancy here between Members expressing their will to mainstream SD, and their ability to implement it, or ensure others do.

2. For its part, the SPS either did not pick up on the political commitments made regarding mainstreaming, or perhaps, did not act on them, possibly because of the lack of any explicit directive from Members. This is an ongoing tension, as political commitment has continued to be expressed over the years, including by Session 5's Conveners' Group (Grahame, 2018), with little corresponding implementation activity.

3. Where efforts have been made by the SPS towards mainstreaming, they have not been sustained. The reasons for this are unclear, but appear to be linked to capacity and resource. For example, the SPICe researcher who was originally working on SD, informed me that they were unable to continue this work from around 2008, when they were required to support the scrutiny of the Climate Change Bill, a massive and complex piece of legislation, the scrutiny of which demanded an enormous amount of support. This indicates another discrepancy – between the mainstreaming requirement and lack of availability of the means to implement it. Both my predecessor and myself concluded that SD mainstreaming cannot be operationalized without some dedicated expert staff resource being allocated to it. I have

noted in my journal that 'the SDC 2006 submission talked about proper resourcing', but, as a member of SPICe 'pretty frankly added the parl had been refusing to resource this properly' (Journal, 20.07.2016).

4. Over the periods when I have been available to work on implementation, progress towards mainstreaming has been made, and there has been no lack of willing collaborators. However, those involved in mainstreaming other policy matters, such as equalities or climate change, appear to have found it difficult to engage some colleagues. I noted in my journal (16.08.2018), that a colleague informed me that they had 'had a horrible meeting with the clerks' regarding mainstreaming of equalities… the "grumpy" clerks didn't want to do it – they just wanted to do their own thing. They didn't see why they should do it.' So, in addition to some having the will but not the means to operationalize mainstreaming, it is possible that the conflict may actually be that there is a an unwillingness to implement the stated will of the Parliament.[80]

Taken together, these tensions, internal to the SD mainstreaming activity system, support the idea that the underlying contradiction is related to the disconnect between parliamentarians and the SPS. The failure to fulfil the requirement for mainstreaming is a manifestation of it. In Leontiev's classic description of a hunt, each member of the hunt activity system carries out actions according to their role, participating in shared activity and contributing to the outcome (Leontiev, 1981 in Engestrom, 1987). However, in the Parliament's SD activity system, this is not the case. Some of the activity system's subjects, such as parliamentarians, have taken up their roles, but the subject on whom the activity hinges, in terms of implementation – the SPS – has not.

This indicates that parliamentarians and the SPS do not share the object of SD mainstreaming, around which an activity system could have coalesced (Blackler, in Sannino *et al.*, 2009, Ch.2). In other words, the SD mainstreaming activity system is not yet fully formed – indeed, it has remained incomplete for over two decades. The SPS is an essential but absent subject, without which the operationalization of mainstreaming cannot happen.

In practice, this could be addressed by increasing the SPS's affinity to the object of SD mainstreaming, in order to bring it fully into the activity system. This should help it to play its role - building the organization's capacity to mainstream SD across scrutiny processes. This has been the focus of my work, and now that of a number of others, although much remains to be done.

---

[80] In relation to sustainable development, equalities and human rights, as well as measures to tackle climate change, the Parliament has stated its will to mainstream these through both legislation and non-legislative commitments.

Conveners' Groups and Environment and Standards Committees have, over the years, made several formal decisions/recommendations requiring SD mainstreaming. **Making their most recent successor Group and committees aware of the political and statutory requirements for mainstreaming and progress to date could help to crystallize their thinking around what action needs to be taken to meet these commitments. Ensuring they are aware of what role the SPS can play in relation to operationalizing mainstreaming could enable them to make any relevant requests of the Service, and hold it to account if they so wish.**

Considerable advances have been made in recent years, including through this project, and those who engaged with it, but in order to avoid any regression, **it would be advantageous to make some dedicated expert staff resource available to the SPS so that the systems, processes and capabilities required for SD mainstreaming can be developed.** Putting such a resource in place as soon as possible would help to prevent the loss of institutional memory.

## Legal outcomes of SD clauses in Scottish legislation

Although there does not appear to be a consensus regarding the meaning of 'sustainable development', the Parliament continues to pass Acts containing explicit SD clauses, e.g. most recently, in the UK Withdrawal from the European Union (Continuity)(Scotland) Act 2021. Chapter 5 outlines some of the impacts of such clauses outwith the Parliament, where they have been tested in court. The cases summarized show that the lack of legal definition remains problematic. This was recently highlighted by a witness giving oral evidence to the Environment, Climate Change & Land Reform Committee during scrutiny of the Right to Buy Land to Further Sustainable Development (Eligible Land, Specified Types of Area and Restrictions on Transfers, Assignations and Dealing) (Scotland) Regulations 2020:

> 'One of our concerns is that sustainable development was not defined in the Land Reform (Scotland) Act 2003, nor is it in the text of the regulation. It is a challenge for both applicants and [land] owners to know what the test for that is. There are good international definitions of the term, so it would be good to get some appending text to say what the Scottish Government means by sustainable development' (Scottish Parliamentary Corporate Body, 2020, col.40).

Although several witnesses' indicated that they felt that SD was widely understood, and should not be defined in law, one did admit that they were not aware of any relevant court cases, whereas as Ch.5 shows that a number of such cases have now been heard. The outcomes of these have been inconsistent, even contradictory, with the Scottish Ministers' decisions about

right to buy applications themselves being inconsistent.  In practice, these decisions appear to be taken by civil servants.  There is no evidence that they have the expertise to make these judgements, or any clear criteria to guide their decisions, or against which they can be held accountable. The decision-making process on the whole also seems to lack transparency (see p.98).  Neither Sheriffs nor advocates appear to have a clear understanding of SD.  According to a colleague with a legal background, 'Where the legislation is too vague' lawyers are 'in charge of making a definition part of their case' (Journal, 9.12.16).  If they lack the ability to do this, as the cases examined suggest, the Sheriff is not provided with any argument on which to base their decision, and so the clauses are effectively unenforceable.

From the perspective of cultural-historical activity theory, the Parliament, the Government, and the judiciary could be considered to comprise the subjects and community of an activity system (Engestrom, 1987) focussed on creating and enforcing legislation.  However, in relation to SD legislation, a shared object cannot be formed because what should be the mediating artifact – the concept of sustainable development - lacks form, and cannot therefore be used as sign or tool.  Subjects cannot create a shared object, as their motivations and desired outcomes are mediated not by the same artifact, but by several different ones.  So, it is unlikely that this governance activity system will be able to support a shift to a sustainable developmental trajectory until a clear definition of SD is set out in statute, or the policy definition provided by e.g. the UK Shared Framework for Sustainable Development (Sustainable Development Commission, 2005) is made more widely known and used.

If the outcomes of sustainable development clauses do not actually support SD, or worse, serve to prevent or undermine it, as could be inferred from the Holmehill case (Ch.5), then the clauses may be redundant or even perverse.  This could dilute or negate whatever may be achieved through mainstreaming efforts, and it will be important for future mainstreaming plans to consider how to address this.

Supporting SD thinking could help in that it could lead to a greater focus on the ecological and social impacts of policy, and thus to more pro-SD legislation even without the inclusion of the term 'sustainable development'.  However, it seems likely that explicit SD clauses will continue to be passed, especially as the SNP, in power again in Session 6, has committed to introducing a 'Wellbeing and Sustainable Development (Scotland) Bill' (Scottish National Party, 2021).

**Parliamentarians scrutinizing this and other relevant bills may not be aware of the problematic issue of a lack of legal definition of SD, as post-legislative scrutiny has been limited, and it would be appropriate for them to be made aware of the lack of accountability and inconsistent decision-making that result from a lack of legal definition of SD, and of the case law set out**

**above, so that they can consider whether and how to address this.**  Although defining SD in law carries the risk that a poor or perverse definition could be detrimental to SD, it would still provide something for stakeholders to challenge, and could of course, be repealed or amended by the Parliament.


## Loci for change

In Chapter 9, the section on *Loci for change* looks at what my three case studies show about the kinds of situations that offer opportunities to change scrutiny processes.  Recognizing and creating loci for change is an essential part of fostering transformation in an organization.  CHAT sheds some light on the mechanics of this, showing how fusing the SD thinking activity system with others (Case Study 1), providing a mediating artifact to structure activity (Case Study 2), and collaborating with others to develop a shared object (Case Study 3), can help to shape the thinking of colleagues.

This last is particularly powerful, and applies in all the cases examined.  If, as CHAT postulates, activity is object-oriented (Engeström, 1987), it follows that how an object is constructed (Foot, 2002) determines, to some extent, how subjects approach it to work on.  I feel this is an essential part of my change-making work – to influence how the objects of scrutiny work are constructed.  Because the task of object-formation is collaborative, participants' thinking is to some extent mutually constitutive.

It is possible that actual lasting change in processes and practices would be more likely to follow from fostering different ways of thinking than from interventions that do not affect the consciousness, such as the 'nudge'-style alterations to context (Thaler and Sunstein, 2008) which trigger 'automatic' or 'shallow' cognitive processes (Saghai, 2013) leading to the desired behaviour.  Placing 'healthy food' prominently at eye-level at the beginning of a food queue, and making 'unhealthy food' less visible, results in diners being more likely to choose the former (*ibid.*, p.487), but presumably, if this display of food were reversed or altered, food choice would change accordingly.  As nudge interventions claim not to affect the conscious mind, the object itself, e.g. hunger-satisfaction, would not be affected.

Changing thinking on the other hand could change the way the object of activity is constructed, e.g. perhaps from the most convenient way to organize scrutiny, to a more rigorous way, or an outcome-focussed way, or pro-SD way, creating a space that could be different from an uncritical 'business as usual' approach.  According to Minick (1996, p.32-33), Vygotsky:

'argued that the higher mental functions rely on the mediation of behaviour by signs and sign systems, the most important of which is speech', and 'The individual participates in social activity mediated by speech… that others use to influence his behaviour and that he uses to influence the behaviour of others.'

Crucially, Minick argues that internalization of others' speech, which is then manifested in activity, is voluntary. It follows then, that the individual is not coerced or otherwise manipulated (as in nudge interventions), but has interpreted the speech/interaction through their culturally-developed consciousness and accepted it. **Future mainstreaming efforts will need to identify further loci for change in the Parliament, and perhaps with other public bodies, in order to continue to build capacity for governance for sustainable development.** In the Parliament, one locus highlighted by stakeholders is budget scrutiny (e.g. Clark, 2001), which might be a key area where a more holistic approach would support policy coherence and sustainable development. Post-legislative scrutiny, being outcome-focussed, might also be an area where an SD lens could support systemic scrutiny of actual impacts, with the possible consequence that legislation is amended to increase the likelihood of pro-social and/or pro-ecological provisions as alluded to above. SD expertise will be necessary to support the structuring of such scrutiny.

## Improving scrutiny

In the discussion of what my case studies show about how SD thinking can improve scrutiny (Ch.9), I have used a CHAT lens to highlight how it can expand the scope and nature of scrutiny through its holistic and interdisciplinary perspective.

First, *Theory as a mediating artifact* (p.180), considers how the disciplinary/theoretical perspectives that SPICe researchers use in their analysis of policy mediate the production of the papers and briefings that support scrutiny, and thus how theory goes on to mediate the more public activity of committees. The discussion shows how including an SD perspective alongside the more subject-specific perspectives, such as housing or civil law, can shine a light on issues that might not have been covered by the latter, and how matters that might traditionally be considered outwith the scope of a particular committee inquiry are in fact pertinent. However, in order for this to be taken forward, SD expertise would have to be available to support all committees.

Second, *Dialectical thinking* (p.182), looks at how SD theory can be embodied in a discursive tool, which could be used by those staff who are supporting a scrutiny exercise – researchers, clerks, engagement officers, and possibly others – to bring their multiple expertises to expand, and, with

the SD perspective provided by the tool, mediate each other's understanding of a policy and its implications.  To some extent, this tool creates a space for, and supports, a practical form of SD thinking.  The output and any new insights gained by the group could be used to support broader and/or deeper scrutiny.  Indeed, such scrutiny may even be more impartial as more perspectives are fed in to the dialectical discussion.  However, without SD expertise, some critical aspects of SD – especially those that are more technical, concerning economics, ecology or environmental science – may be missed.  Such collaborative, discursive policy analysis might be most beneficial at the approach stage of scrutiny (see Fig.7), when scrutiny support staff develop their recommendations for how a committee might wish to structure its inquiry, including what aspects of the policy it will focus on.

However, although a tool can be imbued with SD thinking and be used to support decision-making, it does not provide a substitute for human innovation.  *The balance of power* (p.185) shows how applying SD thinking can foster new ways of structuring scrutiny, so that it can transcend committee silos.  This requires established ways of working to be challenged, and power-holders to be supported to take what they may perceive as risks, in thinking differently about an exercise.  Making members of a community feel safe in breaking with convention may require skill, passion and compassion.

Further to the recommendation on p.206 above, that dedicated expert resource is made available to the SPS, this section highlights the importance of that expert, who would carry SD thinking within them, to improve scrutiny, perhaps most importantly by reducing silo thinking among scrutiny support staff and mitigating committee silos.  Siloed committees are a particular weakness of the Scottish Parliament's scrutiny system,  as they are not well able to hold the Government to account for incoherent public policy.  This does not appear to have been addressed by the 2017 Commission on Parliamentary Reform.  It did, however, recommend that 'the Conveners' Group takes a greater role in developing a more strategic approach to scrutiny across committees' and that 'The Parliament should review the dedicated resources available to committees to determine whether they are able to meet the future needs of parliamentary business and support more effective scrutiny' (Commission on Parliamentary Reform, 2017, R5, R8).  In March 2021, the outgoing Session 5 Conveners' Group published the following in its Legacy Report – the report it leaves for its Session 6 successor group:

> 'Sustainable development is perhaps the most prominent of cross-cutting issues, wide-reaching in its scope and interpretation, covering environmental, climate change policy areas but also of relevance to the equal opportunities and public participation agenda. In Session 5, some committees used the lens of sustainable development to inform this

integrated approach to scrutiny. This will be an area of increased focus in Session 6 and work is underway to produce an impact assessment tool, along with guidance for Members and officials, to help them with their work. In terms of public policy impact, the Group recommends that committees will want to look both at their own practices and also the obligations on the Government' (Conveners' Group, 2021, para.19).

**To help implement the Conveners' Group recommendation, improving scrutiny for policy coherence will be an important focus for any SD resource made available to the SPS.** This may be especially important in order to hold the promised Ministerial Working Group on policy coherence for sustainable development (Scottish National Party, 2021) to account.

## Learning to think differently

As discussed in the preceding chapter, a true concept of SD must embody both the problem of the ecological and social ills of unconstrained economic growth, and its solution. This problem-solution relation as it appears to have originally emerged hinges on ensuring ecological integrity, while support social equity (Purvis *et al.*, 2019). **Accordingly**, **I propose that these two essential principles of, and conditions for, sustainable development together constitute a conceptual test of SD definitions, and be used by researchers and practitioners alike.** Avoiding privileging economic growth, which can only ever be a means to other ends, as equal to these principles, is also essential (Smith and Herren, 2011).

My own conception of SD thinking emerged through practice, as I found through the literature it had for other SD researchers and practitioners, in different fields. For all of us, the terms used – sustainability thinking, SD thinking, sustainable thinking – are problem-solution relations. As Ch.3 outlines, the majority of authors writing about this idea do so in the context of their own work, exemplifying it, or listing what they believe to be its qualities.

Blunden (2012, p.49-51) explicates Thomas Kuhn's notion of a paradigm, writing that it 'is an exemplar of scientific achievement… or a family of such exemplars, which appears at a time of a crisis in a science', it's role being to resolve that crisis. It 'constitutes a new *concept* of the subject matter' which 'is a problem-solution, a practical solution to a problem which arises only within a system of activity defined by the paradigm, itself an exemplar of natural scientific practice.' If we consider humanity's overall failure to bring its activity within ecological limits and ensure it is conducive to equity despite decades of research and real-world practice a crisis, then perhaps SD thinking is the needed problem-solution. As researcher-practitioners write they have found, it can be a way of shifting business as usual to a more sustainable pattern. Rather than individuals

and groups seeking to articulate and unpack problems through research, so that others can develop and implement solutions, it shifts the focus to fostering new *in situ* understandings and ways of thinking about our world and our activity.  If SD thinking can be internalized into the consciousness of a wider range of people, rather than being restricted to the minds of a few, perhaps it would help to ensure that the need for human activity to be broadly pro-ecological and pro-social can be met.  **Further collaboration, research and discussion among SD researchers and practitioners would help to flesh out and concretize the concept of sustainable development thinking, and its potential to support change could be tested further.**

It is also possible that by supporting more people to engage with the concepts that make up the science of sustainable development, the subversion of the concept of SD itself by proponents of perpetual growth could be overcome.  For an organization like a parliament, whose role it is to represent its electorate, rather than vested interests, this could be particularly important.  As discussed from p.197, it seems that the appropriation of concepts can be empowering – after all, a concept is also a tool, and so can have the potential to support agency and agentic action, something which is very much required for us to move away from business as usual.  **The Scottish Parliament could support the diffusion of SD thinking by continuing to build capacity around the sustainable development impact assessment tool, and share it with other parliaments, e.g. through its international engagement programme and the peer group conferences of different parliamentary service sections, such as researchers, clerks, etc.**


The following chapter makes some suggestions for the further development of cultural-historical activity theory, through the incorporation of SD thinking.

# Chapter 11: Some thoughts on how sustainable development thinking could contribute to cultural-historical activity theory

At a CHAT conference in 2019, keynote speaker Annalisa Sannino set out the challenge for the further development of the theory. Citing the SDGs, specifically in relation to climate change and poverty, she felt CHAT should be advanced so that it can help to address large-scale societal challenges. Following the subsequent discussion, Yrjö Engeström invited me to send him some of my writing, and, as the notion that applying SD thinking to the development of CHAT had begun to emerge in my mind, I agreed to send him my thoughts regarding a 'fourth generation' of the theory. As I wrote the piece, I became convinced that SD thinking could definitely make a contribution to helping a psychological (and therefore essentially individualistic) theory to adopt the broader, more social-ecological perspective necessary for tackling the problems of societies, rather than of individuals.

In response to Sannino's challenge, I have four main suggestions regarding the further development of cultural-historical activity theory (CHAT) relating to:

1. The purpose of theory: considering how to ensure that theory-building, which is part of the means of transformation, is not seen as an end in itself.

2. The nature of humans and its fundamental contradiction: how the better incorporation of biological and sociobiological factors might be useful for both theory and transformation.

3. Think global, act local: a suggestion regarding how a psychology-based theory could be used to contribute to addressing large-scale global problems.

4. Unit/level of analysis: an alternative approach to thinking about activity systems as a unit of analysis.

## The purpose of theory

In considering what the next generation of CHAT should be, perhaps we must first ask 'What should it do?' Broadly, a theory could be considered to be a generalization – or perhaps a 'system of concepts', each a generalized representation of something (Blunden, 2012) - arising in order to 'anticipate the future and guide action' (Allin, 1949, p.409).

Sannino had expressed two requirements for a fourth generation of CHAT. First, that a new unit or level of analysis which goes beyond the third generation model of intersecting, interacting activity systems, to describe a much more fluid reality. Second, that it should help practitioners in

contributing to shifting societal development onto a more sustainable trajectory.  These are not mutually exclusive, but reflect the twin emphases on theory-building and transformation, recalling Marx's idea of 'practical-critical activity' (1969, §I).  Applying this idea to cultural-historical activity theory would mean its purpose would be to better support transformative action.  But, it is only on the basis of action/activity – what happens in the material world – that theory can be built, so the two should feed into each other.

In many CHAT publications, it seems that there is more emphasis on theory development than on action, or on the practical implications of theoretical advances.  One example, chosen at random, is Spinuzzi's (2017, p.264) paper on the emergent object.  It provides a detailed exposition of the multifarious and evolving nature of an object that is shared across activity networks, and concludes by setting out the implications for further understanding the object.  Within the main body of the paper, there are important nuggets of information that could be useful for change-making, such as the observation that 'The object can unite the activity network only if it can be mutually transformed in a way that unites… different activities' across it.  However, there is not a single suggestion in the *Conclusions and implications* section about how Spinuzzi's findings could be useful in any activity other than those that could be considered 'purely *scholastic'* (Marx, 1969, §II).  While this does not mean that his analysis is not useful in a practical sense, it does suggest that his focus is on one, rather than both of the twin aspects of CHAT.

If the purpose of the fourth generation of CHAT is to contribute to the way humanity deals with the wicked problems of which it is both perpetrator and victim, then surely it cannot be purely academic in the pejorative sense?  Rather there must be greater emphasis on its practical-critical aspects: fostering resolution of the contradictions that are causing, or are inherent to, our unsustainable development, whether it be through analysis or intervention.  This leaves the question of whether there is a way in which it can be made clear through CHAT's own framework that theory and analysis should not be seen as ends in themselves, but as a means to transformation.  Perhaps it is something that can become part of the CHAT community's own cultural history, through its own activity and practices?


## Human nature and its fundamental contradiction

Miettinen (2009, p.160) quotes Engeström as having 'pointed out [that], "If activity theory is stripped of its historical analysis of contradictions of capitalism, the theory becomes either another management toolkit or another psychological approach without potential for radical transformations."'  Assuming that by 'radical transformations', Engeström means transformations

that act on the root of the matter, then radical understanding is surely necessary.  If we seek to act on the root of the problem of unsustainable development – widely attributed to the hegemony of capitalism and that it 'is inherently compelled to grow' (Andreucci and McDonough, 2015, p.60) – then a radical understanding of its fundamental contradiction is necessary.

Engeström has expounded 'the basic inner contradiction of human activity' as 'its dual existence as the total societal production and one specific production among many.'  Under capitalism, this is manifested in the form of the commodity, which embodies the contradiction of use value and exchange value (Miettinen, 2009, p.161).  However, Foster (2000, p.168, emphasis added) writes that 'Marx considered this to be [just] **one** of the foremost contradictions of the entire dialectic of capital'.  Others view the fundamental contradiction as being the 'contrast between socialized production and private appropriation' whereby the few (owners) profit from the labour of the many (workers) (Jossa, 2014, p.277), or as the resultant class conflict (Kotz, 2007).  However, Jossa (2014, p.282) points out that 'Time and again Engels argued that these contradictions were actually nothing but different ways of describing one and the same state of affairs'.  In relation to unsustainable development, the use value/exchange value and social production/private appropriation contradictions could be framed as a contradiction between the dominant growth-based economic paradigm and the two essential conditions for SD – ecological integrity and social equity.

Firstly, the potentially catastropic breaches of ecological limits, resulting from the commodification of the environment, is a contradiction between its use value, in the form of 'ecosystem services' which allow us to survive and thrive - and their liquidation (Wackernagel *et al.*, 2004) for their exchange value.  Just as there can be a mismatch in the two values of a simple good, such as a house, which could have a certain worth as a home, and a different worth as a market good, there is likely to be a mismatch between the ecosystem services provided by a tree, such as stabilization of the water table, habitat for other organisms, provision of fruits, etc., and the market value of timber.  This is partly because ecosystem valuation methods are problematic (Pandeya *et al.*, 2016), and, at present, do not seem to include the value of, for example, an individual tree, or group of trees, to the integrity of an ecosystem and its functioning.  Integrity value might include for example, protection from pernicious 'edge effects' provided by a tree at the edge of a forest to other trees – exposure to wind, pollution or less stable temperatures.   It might also represent a continuity of habitat for forest-dwelling species that are vulnerable to the impacts of habitat fragmentation.  Environmental valuation methodologies can be deeply anthropocentric (Silvertown, 2015) and exchange-value based.  One example is contingent valuation, whereby value is ascribed on the basis of what surveyees would be willing to pay for something, rather than a description of that thing's real worth in terms of the benefits it provides

to humans or the wider ecosphere, within which we are just one among countless species. According to Foster, Marx viewed this anthropocentric ontological perspective, which regards humantity as separate, and sometimes above, the rest of the ecosphere, as a manifestation of 'a "rift" in the metabolic relation between human beings and the earth', resulting in 'the material estrangement of human beings within capitalist society from the natural conditions which formed the basis for their existence' (Foster, 2000, p.163).

Secondly – and perhaps secondarily – inequitable access to ecosystem services, due to private appropriation of the global commons, is exacerbated by the inequitable distribution of the benefits of such appropriation.  For example, air quality has repeatedly been found to be poorer in areas that are worse off: Barnes *et al* (2019, np) found that road traffic emissions (in England and Wales) tend to be generated by those who are 'least poor', but it is households considered to be 'in poverty' that are most exposed to them.  They argue that this 'demonstrates a compelling environmental and social injustice narrative.'  In this case, those who are able to appropriate the benefits of social production are also more able to live in less polluted areas, benefitting doubly from the niche they occupy in the economic system, while being responsible for the disbenefits of air pollution suffered from those who are not able to live in areas with clean air.

Thus our current model of development is underpinned by an economic system that is based on an exploitative relationship with other species and our own conspecifics – a conflictual relationship, perhaps arising from the metabolic rift between humans and nature.  Although 'nature' is often understood to be that which is other than human, especially other species and things not made by humans, this conception itself speaks to that rift.  Humans are a naturally-occurring species, and we interact with the living and non-living components of the ecosphere as other species do.  Indeed our own nature is biological as well as social.  Perhaps the idea of a rift between humans and the rest of nature means a rift from our own nature as well?

The *saṁkhya* school of philosophy[81] speaks of the duality of *puruṣa* (man/mankind (Apte, 1933)) and *prakṛti* (nature).  The praxis of *saṁkhya* is *yoga* practised in order to achieve *samādhi*, which I would translate as the 'integration' (after Mohan, 2017) of man and nature – not nature as in wildlife, but nature as in our own true nature – the nature of the cosmos.  This praxis includes the cultivation of moral precepts for personal and social harmony, which I have argued are personal practices for sustainable development (Erasmus, 2006).  They include, for example, non-

---

[81] According to Bryant (p.16), this is 'the oldest [Indic] philosophical tradition'.  The oldest extant *saṁkhya* text*,* the *saṁkhyakārikā,* is thought to have been composed between the 300 and 400 CE (Bryant, 2014), though it does describe a well-established tradition, with roots in the *upaniṣads,* a set of philosophical and religious texts dating from between around 600 and 200 BCE (Doniger, 2009).

misappropriation and non-graspingness, based on which one takes only what one needs, therefore not expropriating what others may need.  Capitalism, on the other hand, is very much based on expropriation, e.g. of the profits of social production, or of natural resources, and so could be considered to be conflicting with (our) nature.

If we consider activity as a manifestation of something deeper than labour relations  – perhaps our cultural history, or our socially- and biologically-constructed nature – then there is a sociobiological contradiction underlying the dialectic of activity, which Marx, and *sāṁkhyins*[82] viewed as a rift between, or duality of, humans and nature.  We are a social species in which culture and biology 'interact with one another and influence both [cultural] transmission and [genetic] selection' (Creanza *et al.*, 2017, p.7782).  In terms of our behaviour, there is one fundamental dialetical relationship that is an innate aspect of what could be termed our bio-socio-cultural nature: that of competition and co-operation.  Bahar (2018) calls it 'the essential tension' in the sense that it is part of our essence or 'inner distinctive nature' (Anderson *et al.*, 1998).  In her book of the same name, she explains and illustrates how 'a balance between co-operation and competition' exists between and within species and individuals, and indeed drives biological, social and cultural evolution.

This is not an entirely new finding – Bahar traces it back to the 1st century BCE poet Virgil's observations of how many people can become one seemingly single-minded crowd, and how subequent scholars built on this through their observations of human crowds.  She argues that it was Durkheim who made the leap from 'crowd theory' to a deeper understanding of 'how societies progress along a continuum from fleeting, amorphous crowds to structured society' (Bahar, 2018, p.9).  His predecessors had made observations about how individual people become a unified crowd, and how an idea or emotion is rapidly transmitted among them, so that they quickly become of one mind, forming a new entity that is more than a sum of its parts.  They observed that this was analogous to differentiated organs or cells within a body, which co-operate to perform certain functions that could not be carried out by any of the individual constituents of the system.  Durkheim took this further, observing that this led to greater specialization, and speculated that just as 'organic solidarity derives from the division of labour' (*ibid.*, p.10), the division of labour between human groups or individuals arises from increasing co-operation, especially as societies increase in size.  He also observed, based on his reading of Darwin, that 'two organisms vie with each other the more keenly the more they are alike' (*ibid.,* p.10), and this competition is what drives further specialization and therefore co-operation.  Bahar quotes

---

[82] Proponents / adherents of *sāmkhya.*

Durkheim as having written that 'the division of labour unites at the same time as it sets at odds; it causes the activities that it differentiates to converge; it brings closer those that it separates.' She notes that:

> 'This is our first glimpse of the essential tension, that delicate balance between things at once drawn together and pulled apart – a structure that endlessly mirrors itself from the ideas of one century to those of another, and from one field of science to another' (*ibid.,* p.11).

Bahar's description and subsequent exposition of this delicate balance is of two opposing propensities set in a dialetical relationship - a 'unity of opposites… a matter of real tendencies in the (social) world' (Suchting, 1983, p.183) - which drives transformation in the form of development and evolution.  It parallels, and perhaps underlies, Engeström's contradiction of human activity.  'Total societal production' would seem to be co-operative, but within that are individuals carrying out 'one production among many', which seems to embody an element of competition, so that in a sense we are alone together in collective activity.

Understanding that the roots of the contradictions of human systems lie in our own innate contradictions – that perhaps we cannot but construct systems that are rooted in our own sociobiological nature - could have practical implications.  For example, it might help us to envision systems that work with our nature, rather than against it.  Take for instance two extreme systems of political economy: radical neo-liberal capitalism, which hinges on competition in free markets, and subscribes to the theory that the greatest good can be achieved through individual rational utility, and centrally-planned systems, which are based on extreme co-operation.  Each conflicts with one aspect of our competition/co-operation duality.  As a species we are neither radically competitive like tigers, nor radically co-operative like bees, so perhaps we should be more actively seeking to develop political economies which support the fruitful interplay of co-operation and competition.

As for analysis, it could be useful to look for manifestations of this contradiction.  Perhaps it explains why the various fundamental contradictions of capitalism are indeed, as Engels saw it, 'actually nothing but different ways of describing one and the same state of affairs' (Jossa, 2014, p.282), the systems we create being imbued with our own essential tension.

The essential tension is one example of where social/cultural and biological forces cannot be separated.  In *Marx's Ecology: materialism and nature,* Foster (2000, p.2), drawing on the work of Roy Bhaskar, writes that '*philosphical materialism* as a world view… [includes] *ontological materialism,* asserting the unilateral dependence of social upon biological (and more generally physical) being and emergence of the former from the latter.'  While, this may be true in a

primordial sense, the relationship is no longer unilateral, but mutually constitutive.  It seems Vygotsky understood this.  Tudge & Winterhoff (2010, p.66, emphasis added) quote him thus on individual development: 'Both lines of development – natural and cultural – coincide and merge one into the other, mutually penetrating each other to form, in essence, a single series of formative socio-biological influences on the personality.'  CHAT research seems to focus very strongly on social factors, but less so on biological factors.  The field may benefit from further development into this area through increased understanding of the constitutive factors that shape us and our activity.

For example, in *Learning and Expanding with Activity Theory,* Engeström (2009, p.307) discusses Roth's 'calls for the inclusion of sensuous aspects of work into the unit of analysis', particularly emotions.  He reminds us that 'For Leont'ev (1978, p.307), emotions were, above all, signals of the subjective construction of object-related motives' (*ibid*., p.308), which can be examined 'by focusing on actions together with their effects'.  But looking deeper at the nature of emotions, we find that as well as being a response to a stimulus that we perceive through the filter of our socially constructed consiousness, they are also shaped by our neuroendocrine systems (Fink *et al.*, 2012), so emotions can be understood as a pyschoneuroendocrine[83] phenomenon.  In relation to change-making, this has some practical implications.  There is an example on p.157 - I had been trying to persuade a clerk in the Scottish Parliament to try a novel approach to structuring a parliamentary consultation.  I had found that while we were both working on the same object – the consultation - we had each constructed it very differently, based on completely different motivations:

> 'I didn't push them, leaving my ideas with them for the time being.  I had discovered that trying to force people into doing something they are against can set up an opposition 'causing the person to dig in their heels' as Zenger & Folkman (2015, np) found….  From a neuropsychological perspective, Harrison *et al* (2015) found that psychological and psycho-social threats elicited similar defensive responses to physical threats, such as predators.  They characterize behavioural responses as occurring along the same approach-avoidance continuum (rather than the outdated 'fight or flight' duality).  It is possible therefore that the phenomenon of digging in heels is somewhere between the 'attack' and 'negotiate' responses described by them – perhaps a sort of slightly hostile negotiation?  In any case, this defensive state appears to be one of heightened emotion (and therefore an altered

---

[83] Indeed a simple search for the term 'emotion' in the journal *Psychoneurendocrinology*, turns up 1,033 articles.  Only 110 volumes of the journal have so far been published.

neuroendocrine state (Fink *et al.*, 2012)), and to me it feels like the person experiencing it is less open to doing things differently, including learning to think differently.'

There may be many other useful ways of incorporating an understanding of biologically constitutive factors into CHAT, and perhaps understanding ourselves as biological, as well as social, beings might shift perspectives away from anthropocentricity towards a conception of a social-ecological system, which is arguably necessary for addressing social-ecological problems such as climate change and indeed poverty (Folke, 2006).

According to Sannino & Engeström (2018, p.44), 'activity theory redirects our gaze from what is going on inside the individual to what happens between human beings, their objects, and their instruments when they pursue and change their purposeful collective activities'. However, what happens between human beings could also be regarded as a manifestation of what is going on inside them (perhaps in response to a sign or stimulus), shaped by cultural history, social structures and biology, which interact with one another. Moreover, its manifestation as operation, action or activity generates a reaction in the physical and/or social world, which feeds back to the actor, and perhaps other entities, a constant shaping and reshaping. According to Suchting (1983, p.184), 'Marx clearly held that dialectical thinking applies to nature as well as to social affairs', and Vygotsky was interested in our biological nature to an extent, as shown by his work on 'defectology'. Understanding more about what goes on inside us, could help us to better interpret what is going on between us, and *vice versa*: it is a dialectical relationship that should not be ignored.

For example, one fascinating perspective on collective activity is that of superorganism theory. It is usually applied to eusocial organisms, such as ants and bees, which live in extremely co-operative colonies (Wilson and Hölldobler, 2005, p. 13367). In such species, 'the colony acts like a superorganism despite each animal's individuality' (Kesebir, 2012, p.233). Human societies also exhibit some eusocial (Foster and Ratnieks, 2005) and superorganismal characteristics (Gintis, 2012). Kesebir (2012, p.233) has systematically reviewed 'the superorganismic features of human psychology', setting out the mechanisms that serve to bind us together and make us act in concert for the benefit of the whole, even at great cost to our individual selves. CHAT literature is deeply concerned with the nature of collective activity. A more interdisciplinary approach could shed a different light on its underlying bio-psycho-social mechanisms. A deeper understanding of these types of theories could be useful in fostering pro-sustainability transformations both by and of collective activity, as we take them into account to develop a more multi-layered praxis. Perhaps incorporating theoretical perspectives on collective activity that focus on the group,

rather than the individual subject could even help shift CHAT's theoretical and transformative focus from the individual to the societal.

Engeström (in Sannino *et al.*, 2009, p.328) writes that the task for activity theory should be 'bringing together the big and the small, the impossible and possible, the future-oriented activity-level vision and the here-and-now consequential action'. Following is a brief outline of a possible way of operationalizing this.

## Think global, act local

One aspect of the challenge of how CHAT could contribute to responding to the global problematique is that of scale. CHAT's focus generally appears to be micro rather than macro; more on individuals and small groups, than on the globe. This is manifested in some of the methods used, like micro-ethnography (Postholm, 2015), or minutely detailed textual analysis (e.g. Foot, 2001), or in Change Laboratory methods, which allow 'for the collection of rich longitudinal data on the microinteractions... involved in expansive learning' (Engeström, 2009). Blunden observes that there is a:

> 'contradiction, [in] that we have on the one hand, individuals who make choices about their own actions, and on the other hand, societal structures obedient to social and historical processes which are as objective as the movements of the heavens. In this case, individual agency is like arranging the deck chairs on the titanic. Since both the form and the content of an individual's thinking is determined by social and cultural factors, giving the individual both their ends and their means of pursuing them, the individual is nothing more than a carrier of social and historical phenomena' (Blunden, 2010, p.165).

How can this contradiction be resolved? Blunden advocates a shift in focal level from the activity system to the broader and looser notion of 'project'. In many ways this makes sense: it could allow one to look at the fluid and shifting ways in which people participate, and at activities that might coalesce and fragment, or ebb and flow around an object-concept, collectively shaping it and the project's outcomes through individual participation and interactions. As Blunden notes, a project could occur at more-or-less any spatial or temporal scale, and perhaps it would therefore follow that the CHAT researcher would not necessarily be as predisposed to carry out their research and analysis at the level of the activity system/s. Perhaps it could allow CHAT to be applied at a level that is more sociological than psychological.

At the CHAT conference, Prof. Sannino gave a very moving account of working to help young homeless people access housing. It occurred to me that any project that helps people to fit into

the current system may well help individuals gain something from it, such as a home. However, in a broader sense, integrating someone into the system might require them to adopt its language, customs, etc., and even internalize its values and logics, and thus go on to perpetuate or reinforce that same system as they enact them. So, a system which excluded those people, remains exclusionary, because what has changed is the subject, rather than the system.

What is needed for transformational change is disruption, so finding a way to help people to become disruptors may be more effective. As Joutsenvirta (2016, p.23) found, 'The critique of the growth economy without a logical description of an alternative (degrowth) policy development is likely to strengthen the current status quo in economic policy and reassert the position of the growth paradigm'. A credible alternative vision could provide a framework for disruption. In my work, I have used sustainable development principles and thinking as such a framework. It provides a way to keep in mind the wider goal/s of SD, while working on local interventions, bringing together the big and the small (Engeström, 2009).

When I began working on integrating SD into parliamentary scrutiny, I used SD thinking and principles as a lens through which to analyse draft legislation and policy. This allowed me to contribute to papers my colleagues were preparing for parliamentary committees, such as briefings and question papers, and eventually to the whole way in which committee business is structured, so that the implications of policy or legislation for sustainable development are highlighted, and committee silos mitigated. I tried to set out the basics of my approach in a discursive tool that could be used by others. Now all Members' Bills (draft legislation proposed by individual Members of the Scottish Parliament) undergo SD impact assessment using it. Such a tool requires people to talk with each other, and ask and answer questions. This leads to discussion and disagreement. As I and colleagues tested the tool, the most exciting finding was that it helped people to think differently than they were used to doing, and even re-evaluate their own assumptions. While this may be a small start, it does show that supporting people to change their thinking in a collaborative way can lead to them using their own agency to be disruptive, and work at a local level on global problems.

Perhaps seeking to foster purposive agency by helping people to think differently about the world could be a way in which CHAT interventions could help to address the twin ills of ecological damage and social inequity. I would add that I've found that taking a gentle approach to change-making, whereby people are never made to feel uncomfortable, is more effective, as is finding ways of helping people to understand SD in a simple, relevant and intuitive way, rather than an academic and theoretical way. While this may mean that participants do not necessarily develop 'scientific concepts' at the outset, it also means they are not overwhelmed or alienated by

'information overload' or too much jargon or complexity at once.  I hope that over time, understanding will increase and be refined, as it has for me personally, but this remains to be seen.  At the CHAT conference, one participant asked about theoretical parsimony.  I believe she was working on a project centring on prisons, and was finding CHAT difficult to operationalize because of the weight and emphasis on theory, so perhaps this is something that should be considered.

The work of Mukute *et al* (2018) seems to support the idea of fostering purposive agency and capacity.  They too were working towards sustainable development in a very practical way, by supporting what they term 'transgressive learning', which they describe 'as transformative learning that deliberately challenges unjust and unsustainable norms and practices that have become normalised'*.*  In this way, they helped participants to develop the ability to disrupt the capitalist agricultural system in which they found themselves and were therefore forced to operate.  Mukute *et al* (*ibid.,* p.229) echo calls for the further development of 'CHAT to address the complex socio-ecological problems of today'*.*

## Unit or level of analysis

Engeström explains that each generation of CHAT has been based on 'its own prime unit of analysis' (Sannino and Engeström, 2018, p.45).  Each generation has included greater complexity – first, the basic model of mediated activity, then, a model of an activity system, and finally a model of multiple interacting activity systems.

Blunden (2013, np) explains that in Marxian terms, a 'unit of analysis' is an essential concept, relation or contradiction that lies 'at the root of the development of a complex organism or process'.  And further, that the choice of unit of analysis should be based on the problem that one is trying to study or resolve.  This is a radical method, in that this root concept 'is a succinct expression of the problem itself', abstracted[84] from material reality, but based on which the whole, and how it comes to be what it is, can be explained.  Perhaps most importantly for advancing CHAT, he adds that:

> 'In order to build up a concrete science of the human consciousness, it will be necessary to discover very many units of analysis, which each encapsulate an aspect of the development of human life, and only by the bringing together of all those insights can a concrete psychology be created'.

---

[84] From the Latin *abstrahere* - to drag away, to appropriate (Proffitt, 2016).

Spinuzzi (2011, p.463) criticizes CHAT in light of the fact that there is a growing interest in problems such as climate change, which go way beyond the classroom or traditional workplace, where learning and development unfold. He argues that '3GAT [third generation activity theory] aims to be a theory of context, and context is infinitely expandable', and that this is problematic because it then becomes difficult to 'bound the case'. But if a phenomenon such as global capitalism can only fully be grasped at a global scale, then surely a theory seeking to transform it, must evolve to accommodate this. Indeed, even though the way people work or learn or grapple with runaway objects such as human development is now very fluid, and people and activities come together and disperse more freely, that human activity is mediated and object-oriented remains true, and perhaps universal.

The problem may lie in the issue of the unit of analysis. It may be useful to look at the models underlying the first three generations of CHAT, and more recent metaphors of knots and mycorrhizae, as just that – models - rather than units of analysis. Models are abstractions of reality, but they are useful because they tell us something about how the world works, and they can serve as conceptual ingress points for understanding and penetrating a problem. They can provide a framework for interventions and a lens for analysis that can be practically useful.

Personally, I have found CHAT and its models and concepts useful for this very reason. Its great power lies in its ability to support understanding and elucidation of the interactions between individuals and constitutive contextual factors. While the triangles are simplifications of the vast complexity of this interplay, a conceptual model is necessary to beginning to grasp this idea - a scaffold that can support more detailed or nuanced understanding. As to the unit of analysis, perhaps that is constituted by the elements of the germ-cell of what is being looked at. For example, the nub of unsustainable development lies in the contradiction of the policy of perpetual growth, which requires continually increasing appropriation of natural 'resources' on a planet with finite stores of those resources. I have found the concepts of CHAT very revealing, especially the ideas of contradiction as the engine of change, of the semiotic and effective power of words, of the processes of concept formation, and of multiply-constructed collective object-oriented activity. They are helping me to develop new and deeper insights into how the concept of sustainable development has been, and continues to be, subsumed and co-opted into the vested interests of growth-based capitalism, and how my activity with my colleagues could help foster more pro-social and pro-ecological thinking and policy. In other words, I have been using CHAT to understand and work on my object – sustainable development - and the contradiction at the heart of unsustainable development is perhaps more of a unit of analysis for me than the relevant activity systems. So we can ascend from the abstract unit of analysis - the paradoxical policy of perpetual growth - to reconstruct a more concrete theory of reality by looking at how

the root contradiction is manifested through collective mediated object-oriented activity at any or all levels from small groups to global structures.  From there we can consider how these manifested contradictions might be resolved, which might perhaps contribute to the solution of the root contradiction.

## Concluding remarks

Above, I have attempted to set out some of my thoughts about the possible future direction of CHAT, and how it could contribute to a pro-social and pro-ecological response to the super-wicked problem of unsustainable development.  I do not believe the basis of a 'fourth generation' should be a new model of activity.  That is not to say that the models underpinning the first three generations are not still fundamental to understanding the complexity of human activity - the material manifestation of the sociobiologically constructed mind.  It may be that seeking to model a deeper and more nuanced understanding of that activity has become a sticking point in the development of CHAT - can a two-dimensional model capture this understanding?  Clearly activity has spatial and temporal dimensions, but is it even possible to develop a three- or even four-dimensional model, and if so, what would that add to the practice of CHAT?  Because in the midst of a social-ecological crisis (Turner, 2014), it is practice that matters, and the purpose of theory, and of improving theory, should be to improve practice – to improve our practical-critical activity and change the world, as per Marx's *Theses on Feuerbach*.

Perhaps, rather than focussing on constructing a new model, the way that CHAT researchers view their work, coloured by the theory's own cultural-historical development, is something that needs to be reconstituted.  The CHAT literature contains phrases such as 'emancipatory science' (Blunden, 2010, Ch.31) and 'research-based interventions' (Engeström, 2009, p.328).  I believe action researchers would be more likely to say 'emancipatory practice' and 'practice-based research'.  Although both approaches have their theoretical nexus in the *Theses on Feuerbach* (Collins, 2011), each places more emphasis on one or other aspect of practical-critical activity.  So they are in a way two sides of the same coin.  While Engeström (1999) has in the past criticized action research for its naïveté, Somekh & Nissen (2011, p.95) have pointed out that 'the epistemological wager of CHAT was always that critical theorizing can itself be groundbreaking', so perhaps each has something to learn from the other in finding a way not to place primacy on either action or research, and not to view the researcher as separate from the 'subject', but also not as the same as them.  Rather to see that the separation between theory and practice is an artificial one, as neither can exist without the other, and that researchers and subjects are all participants in collective activity.  If CHAT researchers were to view themselves as CHAT

225

practitioners instead (as I have referred to them above), would it help to change their ethos? Blunden (2010) writes of how CHAT's underlying Marxist theory of mind developed out of the Russian Revolution, but was repressed for its very revolutionarism, which led to its further development as a non-political science, allowing it to survive the collapse of communism. How far has this element of CHAT's cultural history shaped the fact that its practitioners might find it difficult to approach the immensity of what humanity now faces, and the deeply political nature of the solutions required? Perhaps a reinvigoration of our connection to our Marxian roots might allow us to broaden our vision of what is possible, as well as our aspirations and practices? Connecting to those roots would, quite literally, be an act of radicalization.

Radical approaches are necessary for sustainable development (Kambites, 2014). For my work, this has involved seeking to incorporate more radical thinking into existing parliamentary processes. Where this has been successful, new thinking and new ways of working have led to disruptions in the system that I hope to continue to build on. I have come to believe that sustainable development thinking may be key to humanity's survival and wellbeing, and that this is the one element of this project that is generalizable and transferable to a number of different contexts, where it could help us to shift away from our unsustainable pathways towards social-ecological harmony.

# Epilogue

As explained in the Introduction, the work described herein is part of an ongoing project to mainstream sustainable development into the Scottish Parliament's scrutiny processes.  It is also part of a wider effort here in Scotland, and elsewhere, to alter our model of development.  My work did not stop after the parliamentary consultation on National Outcomes was completed.  My colleagues and I have continued to trial new ways of working, and to make the case for the Parliament to allocate staff resource to SD mainstreaming, so that this work can be continued.

There has been much progress: The Clerk to the Parliament and Chief Executive of the Scottish Parliamentary Service has declared SD a corporate priority.  The legacy reports of the Session 5 Conveners' Group and Environment Committee have recommended that Session 6 committees use our SD impact assessment (SDIA) tool, and we are working to mainstream SD thinking not just into scrutiny processes, but into operational ones as well, such as those relating to Procurement, Facilities Management, etc.  In August 2021, we finally managed to begin an earnest discussion with civil servants about how our tool might help them in their work.

SD has acquired several champions in the Parliament, who have been working to embed it into their work areas.  All progress made has built on decades of work by the organizations and individuals who make up the SD community (or activity system), of which, if SD mainstreaming is continued, the Parliament might become a part.

The reflexive space afforded me by this PhD has allowed me to think about, and become able to articulate ideas that have been slowly forming in my mind for the last 20 years or so.  It has helped me to learn that compassionate change-making which goes with the flow of activity, rather than against the grain, can be highly effective.  For me, the idea of SD thinking, and the way it can be used to gently disrupt 'business as usual' is the most exciting thing to have emerged from this journey.  I believe it could be effective in other settings.  Perhaps over time, and with enough support, it could help to erode enough of the cultural-historical values and logics of growth that appear to be leading us to our own social-ecological collapse (Herrington, 2021; Turner, 2014).

# References

Aarons, B. (1972) Marxist Theories of Revolution, *Australian Left Review*, 34(1), pp. 18–24. Available at: https://ro.uow.edu.au/cgi/viewcontent.cgi?article=1626&context=alr (Accessed: 15 February 2019).

Allin, B. W. (1949) Theory: defintion and purpose, *Journal of Chemical Information and Modeling*, 31(3), pp. 409–417..

de Almeida, M. F. L. and de Melo, M. A. C. (2015) Technology, innovation and management for sustainable growth: a flexible toolkit for strategic technology management., in Pretorius, L. et al. (ed.) *IAMOT 2015 - 24th Interational Association for Managment of Technology Conference*. Cape Town: International Association for Management of Technology (IAMOT ), pp. 2553–2563.

Anderson, S. *et al.* (eds) (1998) *The Chambers Dictionary*. Edinburgh.

Andreucci, D. and McDonough, T. (2015) Capitalism, in D'Alisa, G., Demaria, F., and Kallis, G. (eds) *Degrowth*. Abingdon: Routledge, pp. 59–66.

Anon. (2014) Scotland Performs Round Table, Thursday 27 February: public participation (minutes). Edinburgh: Scottish Government.

Apte, V. G. (1933) *The Concise Sanskrit-English Dictionary*. 2nd edn. Delhi: Motilal Banarsidass.

Arapura, J. (1986) *Gnosis and the Question of Thought in Vedanta*. Dordrecht: Martinus Nijhoff Publishers.

Asara, V. *et al.* (2015) Socially sustainable degrowth as a social–ecological transformation: repoliticizing sustainability, *Sustainability Science*, 10(3), pp. 375–384.

Bahar, S. (2018) *The Essential Tension: competition, cooperation and multilevel selection in evolution*. Springer Nature.

Barnes, J. H., Chatterton, T. J. and Longhurst, J. W. S. (2019) Emissions vs Exposure: increasing injustice from road traffic-related air pollution in the United Kingdom, *Transport Research Part D: transport and environment*, 73, pp. 56–66.

Barnhill, A. (2014) What is Manipulation?, in Coons, C. and Weber, M. (eds) *Manipulation: theory and practice*. Oxford Scholarship Online.

Bastianoni, S. *et al.* (2019) The needs of sustainability: The overarching contribution of systems approach, *Ecological Indicators*. Elsevier, 100, pp. 69–73.

Baumgartner, R. J. and Korhonen, J. (2010) Strategic thinking for sustainable development,

*Sustainable Development*, 18(2), pp. 71–75.

Bebbington, J. and Smith, M. (2008) Sustainable Development Commission Briefing to the Scottish Parliament Convenors' Group - 17th January. Edinburgh.

Bell, C. and Cavanaugh, K. (1998) 'Constructive Ambiguity' or Internal Self-Determinatinon? Self-Determination, Group Accommodation, and the Belfast Agreement, *Fordham International Law Journal*, 22(4), pp. 1345–1371. Available at: https://ir.lawnet.fordham.edu/ilj/vol22/iss4/12 (Accessed: 14 May 2018).

Berry, K., Evans, A. and Harvie-Clark, S. (2014) The Housing (Scotland) Bill. Edinburgh: The Scottish Parliament. Available at: http://www.parliament.scot/parliamentarybusiness/71749.aspx (Accessed: 6 December 2018).

Bherer, L., Dufour, P. and Montambeault, F. (2016) The participatory democracy turn: an introduction, *Journal of Civil Society*. Routledge, 12(3), pp. 225–230.

Birley, T. (2002) *Reality Check 2002: review of Scottish Executive activity on sustainable development*. Edinburgh.

Blunden, A. (2010) *An Interdisciplinary Concept of Activity*. Leiden: Brill.

Blunden, A. (2011) Vygotsky's idea of Gestalt and its origins, *Article Theory & Psychology*, 21(4), pp. 457–471.

Blunden, A. (2012) *Concepts: a critical approach*. Leiden: Brill. Available at: https://www.ethicalpolitics.org/ablunden/pdfs/Vygotsky_on_the_Development_of_Concepts.pdf (Accessed: 16 November 2018).

Blunden, A. (2013) *Terminology of Marxist Psychology*, *Marxists Internet Archive Encyclopedia*. Available at: https://www.marxists.org/glossary/terms/chat/index.htm#germ (Accessed: 18 October 2019).

Blunden, A. (2015) *Tool and Sign in Vygotsky's Development*, *Andy Blunden's Writings*. Available at: https://www.ethicalpolitics.org/ablunden/pdfs/Tool and Sign in Vygotskys Development.pdf.

Boroumand, R. H. *et al.* (2022) A fair and progressive carbon price for a sustainable economy, *Journal of Environmental Management*, 303(February 2021), p. 113935.

Bowles, S. and Gintis, H. (2013) *A Cooperative Species*. Princeton: Princeton University Press.

Boyack, S. (2000) Motion S1M-00486. Edinburgh: The Scottish Parliament. Available at: http://www.parliament.scot/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S1M-00486&ResultsPerPage=10 (Accessed: 23 October 2017).

Bradbury, H. (2015a) Introduction: how to situate and define action research, in Bradbury, H. (ed.) *The SAGE Handbook of Action Research*. 3rd edn. Los Angeles: Sage.

Bradbury, H. (ed.) (2015b) *The SAGE Handbook of Action Research*. 3rd edn. Los Angeles: SAGE.

Bricknell, D. (2008) Historical Analysis, in Thorpe, R. and Holt, R. (eds) *The SAGE Dictionary of Qualitative Management Research*. London: SAGE Publications Ltd.

Brough, M. (2006) Environment and Rural Development Committee: 36th meeting. Edinburgh: The Scottish Parliament. Available at: http://archive.scottish.parliament.uk/business/committees/environment/papers-06/rap06-36.pdf (Accessed: 30 August 2018).

Bryant, E. (2014) Agency in Samkhya and Yoga: the unchangeability of the eternal, in Dasti, M. and Bryant, E. (eds) *Free Will, Agency, and Selfhood in Indian Philosophy*. Oxford University Press: Oxford University Press, pp. 16–40.

Brydon-Miller, M., Greenwood, D. and Maguire, P. (2003) Why Action Research?, *Action Research*, 1(1), pp. 9–28.

CAG Consultants (2004) *Is the Scottish Executive Structured and Positioned to Deliver Sustainable Development? Volume 1.* Edinburgh. Available at: http://archive.scottish.parliament.uk/business/committees/environment/reports-04/rar04-10-vol1-00.htm (Accessed: 20 December 2016).

Cairney, P. (2011) *The Scottish Political System Since Devolution : From New Politics to the New Scottish Government.* Andrews UK.

Cairney, P. (2013) How Can the Scottish Parliament Be Improved as a Legislature?, *The Scottish Parliamentary Review*, 1(1). Available at: https://dspace.stir.ac.uk/handle/1893/16408.

Campbell, A. (2012) The National Performance Framework and Scotland Performs. Edinburgh: The Scottish Parliament. Available at: https://www.parliament.scot/ResearchBriefingsAndFactsheets/S4/SB_12-12.pdf (Accessed: 16 January 2019).

Campbell, S. (1996) Green Cities, Growing Cities, Just Cities? Urban Planning and the Contradictions of Sustainable Development, *Journal of the American Planning Association*, 62(3), p. 296. Available at: http://citeseerx.ist.psu.edu/viewdoc/download? (Accessed: 30 May 2018).

Carrell, S. (2007) Salmond Prepares for SNP Minority Government, *The Guardian*, 8 May. Available at: https://www.theguardian.com/politics/2007/may/08/scotland.devolution2.

Civil Service Learning (no date) Decision-making in government. London: UK Government.

Available at: https://civilservicelearning.civilservice.gov.uk/sites/default/files/resources/decision-making_in_government_-_for_pdf.pdf (Accessed: 17 May 2019).

Clark, H. (2001) *Appraisal of the Mechanisms for Sustainable Development Assessments set out in the Standing Orders of the Scottish Parliament*. Edinburgh.

Clyde, J. J. and Edwards, D. J. (2000) *Judicial Review*. Edinburgh: W. Green & Son, Ltd.

Cole, M. (1998) *Cultural Psychology: a once and future discipline*. 1st edn. Massachusets: Harvard University Press.

Coleman, G. (2015) Core Issues in Modern Epistemology for Action Researchers: dancing between knower and known, in Bradbury, H. (ed.) *The SAGE Handbook of Action Research*. 3rd edn. London: SAGE Publications Ltd, pp. 392–400.

Collier, J. (1945) United States Indian Administration as a Laboratory of Ethnic Relations, *Social Research*, 12(1), pp. 265–303.

Collins, C. (2011) Reflections on CHAT and Freire's Participatory Action Research From theWest of Scotland: Praxis, Politics, and the 'Struggle For Meaningful Life', *MInd, Culture and Activity*, 18(2), pp. 98–114.

Combe, M. M. (2008) No Place Like Holme: Community Expectations and the Right to Buy, *Edinburgh Law Review*, 11(1), pp. 109–116.

Commission on a Sustainable Scotland (2004) *Working Together for a Sustainable Scotland*. Edinburgh.

Commission on Parliamentary Reform (2017) *Your Parliament, Your Voice: report on the Scottish Parliament*. Edinburgh. Available at: www.parliamentaryreform.scot (Accessed: 4 September 2018).

Commission on Parliamentary Reform (no date) *Commission on Parliamentary Reform – Your Parliament Your Voice*. Available at: https://parliamentaryreform.scot/ (Accessed: 26 November 2018).

Committee Office and SPICe (2008) *Committee Consideration of Sustainable Development*. CG/S3/13/08. Edinburgh.

Conveners' Group (2007) Note of Decisions Taken at 2nd Meeting 2007. Edinburgh: The Scottish Parliament.

Conveners' Group (2008a) Minutes: 3rd meeting. Edinburgh: The Scottish Parliament.

Conveners' Group (2008b) Note of Decisions Taken at 1st Meeting. Edinburgh: The Scottish

Parliament.

Cook, G. (2006) Sustainable Development - scrutiny of legislation. Edinburgh: The Scottish Parliament.

Cook, G. (2008) GC - Sustainable Development Timeline 2003 - 2008. Edinburgh.

Copeland, G. W. and Patterson, S. C. (1998) Parliaments and Legislatures, in Kurian, G. T. (ed.) *World Encyclopedia of Parliaments and Legislatures: volume i1*. Chicago: Fitzroy Dearborn Publishers, pp. xix–xxxii.

Costanza, R., Graumlich, L. and Steffen, W. L. (eds) (2006) *Sustainability or collapse? : an integrated history and future of people on earth*. Cambridge, Massachusetts: MIT Press, Dahlem University Press.

Coyle, D. (2014) *GDP: a brief but affectionate history*. Princeton: Princeton University Press.

Crawford, B. (2007) Sustainabilty Audits. Edinburgh: The Scottish Government.

Creanza, N., Kolodny, O. and Feldman, M. W. (2017) Cultural evolutionary theory: How culture evolves and why it matters, *Proceedings of the National Academy of Sciences of the United States of America*, 114(30), pp. 7782–7789.

Crofts, R. and Thomson, I. (2003) *Reality Check 3: Financing Sustainability - Ministerial summary*. Edinburgh. Available at: http://www.rogercrofts.net/files/newfiles/wwfrealitycheck.pdf.

Crompton, T. *et al.* (2014) No Cause is an Island: how people are influenced by values regardless of the cause. Common Cause Foundation / Institute for Development Studies.

Daly, H. E. and Morgan, J. (2019) The Importance of Ecological Economics: an interview with Herman Daly, *Real World Economics Review*, 90, pp. 33–50.

Daniels, H. (ed.) (1996a) *An Introduction to Vygotsky*. London: Routledge.

Daniels, H. (1996b) Psychology in a social world, in Daniels, H. (ed.) *An Introduction to Vygotsky*. London: Routledge, pp. 1–27.

Derbyshire, J. D. and Derbyshire, I. D. (1999) *Political Systems of the World: volume one*. 3rd edn. Oxford: Helicon Publishing Ltd.

Dick, B. (2015) Reflections on the SAGE Encyclopedia of Action Research and what it says about action research and its methodologies, *Action Research*, 13(4), pp. 431–444..

Dick, B. and Greenwood, D. J. (2015) Theory and method: Why action research does not separate them, *Action Research*. SAGE Publications Ltd, 13(2), pp. 194–197.

Doniger, W. (2009) *The Hindus: an alternative history*. Oxford: Oxford University Press.

Doris, B. (2018) Consultation of the Scottish Parliament on the Scottish Government's Revised National Outcomes. Edinburgh: The Scottish Parliament. Available at: https://www.parliament.scot/S5_Local_Gov/Inquiries/National_Outcomes_-_Letter_to_Conveners.pdf.

Duffy, S. (2012) Conveners Group Minutes of Proceedings CG/S4/12/8/M. Edinburgh: The Scottish Parliament. Available at: http://www.scottish.parliament.uk/Committeeconvenersgroup/CG.S4.12.8.M.pdf (Accessed: 9 November 2017).

Edwards, A. (2007) Relational Agency in Professional Practice, *An International Journal of Human Activity Theory*, 1(1), pp. 1–17.

Edwards, A. (2009) From the Systemic to the Relational: relational agency and activity theory, in Sannino, A., Daniels, H., and Gutierrez, K. (eds) *Learning and Expanding with Activity Theory*. Cambridge: Cambridge University Press.

Edwards, O. D. (ed.) (1989) *A Claim of Right for Scotland*. Edinburgh: Polygon.

Eikeland, O. (2015) Praxis – retrieving the roots of action research, in Bradbury, H. (ed.) *The SAGE Handbook of Action Research*. 3rd edn. Los Angeles: SAGE Publications Ltd.

Electoral Reform Society Scotland (2016) *One Party to Rule Them All: does Scotland have a predominant-party problem*. Edinburgh. Available at: https://www.electoral-reform.org.uk/latest-news-and-research/publications/one-party-to-rule-them-all/.

Engestrom, Y. (1987) *Learning by Expanding*. 1st edn. Helsinki: Orienta-Konsultit Oy.

Engestrom, Y. (1999a) Activity Theory and Individual and Social Transformation, in Engestrom, Y., Miettinen, R., and Punamaki, R.-L. (eds) *Perspectives on Activity Theory*. Cambridge University Press, pp. 19–38.

Engestrom, Y. (1999b) Innovative Learning in Work Teams: analysing cycles of knowledge creation in practice, in Engestrom, Y., Miettinen, R., and Punamaki, R.-J. (eds) *Perspectives on Activity Theory*. Cambridge: Cambridge University Press, pp. 377–406.

Engeström, Y. (2009) The Future of Activity Theory, in Sannino, A., Daniels, H., and Gutierrez, K. (eds) *Learning and Expanding with Activity Theory*. Cambridge: Cambridge University Press, pp. 303–328.

Engeström, Y. (2020) Concept formation in the wild: towards a research agenda, *Éducation et Didactique*, 14(2), pp. 99–113.

Engestrom, Y. and Miettinen, R. (1999) *Introduction*. 1st edn, *Perspectives on Activity Theory*. 1st edn. Edited by Y. Engestrom, R. Meittinen, and R.-L. Punamaki. Cambridge: Cambridge University Press.

Engeström, Y. and Sannino, A. (2011) Discursive manifestations of contradictions in organizational change efforts: A methodological framework, *Journal of Organizational Change Management*, 24(3), pp. 368–387.

Engeström, Y. and Sannino, A. (2012) Concept formation in the wild, *Mind, Culture, and Activity*, 19(3), pp. 201–206.

Environment Climate Change & Land Reform Committee (2016) The draft Climate Change Plan (RPP3). Edinburgh: The Scottish Parliament. Available at: http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/101412.aspx (Accessed: 16 October 2018).

Erasmus, I. (2006) Essay on yama and niyama.

Erasmus, I. (2018) National Outcomes Consultation 2018. Edinburgh: The Scottish Parliament.

Favara, P. and Gamlin, J. (2017) Utilization of waste materials, non-refined materials, and renewable energy in situ remediation and their sustainability benefits, *Journal of Environmental Management*, 204, pp. 730–737.

Fenney, G. (2012) Sustainable Development Scrutiny: options paper. Edinburgh: The Scottish Parliament.

Fetterman, D. M. (2015) Empowerment Evaluations and Action Research: a convergence of values, principles and purpose, in Bradbury, H. (ed.) *The SAGE Handbook of Action Research*. 3rd edn. Los Angeles: SAGE.

Figuerido, J. A. S., Prodanov, C. C. and Pedde, V. (2010) The Conceptual Crisis of Sustainable Development, *Espacios*, 31(4), pp. 32–33.

Fink, G., Pfaff, D. W. and Levine, J. E. (eds) (2012) *Handbook of Neuroendocrinology*. London: Academic Press.

Fish, R. and Saratsi, E. (2015) *Naturally Speaking... a public dialogue on the UK National Ecosystem Assessment.* Exeter.

Fligstein, N. (1997) Social skill and institutional theory, *American Behavioral Scientist*, 40(4), pp. 397–405.

Floyd, J. and Zubevich, K. (2010) Linking foresight and sustainability: An integral approach,

*Futures*, 42, pp. 59–68. Available at: http://cfaf.com.au/2012/wp-content/uploads/2013/08/linking-foresight-and-sustainability-an-integral-approach.pdf (Accessed: 11 January 2018).

Folke, C. (2006) Resilience: The emergence of a perspective for social–ecological systems analyses, *Global Environmental Change*, 16, pp. 253–267. Available at: http://www.unigaia-brasil.org/pdfs/resiliencia/1-s2.0-S0959378006000379-main.pdf (Accessed: 22 September 2017).

Foot, K. (2015) Using cultural-historical activity theory to analyze social service practices evolving from the norwegian HUSK projects, *Journal of Evidence-Informed Social Work*. Taylor & Francis, pp. 112–123.

Foot, K. A. (2001) Cultural-Historical Activity Theory as Practical Theory: illuminating the development of a conflict monitoring network, *Communication Theory*, 11(1), pp. 56–83.

Foot, K. A. (2002) Pursuing an Evolving Object: a case study in object formation and identification, *Mind, Culture, and Activity*, 9(2), pp. 132–149.

Foot, K. A. (2014) Cultural-Historical Activity Theory: Exploring a Theory to Inform Practice and Research, *Journal of Human Behavior in the Social Environment*, 24(3), pp. 329–347.

Foster, J. B. (2000) *Marx's Ecology: materialism and nature*. New York: Monthly Review Press.

Foster, K. R. and Ratnieks, F. L. W. (2005) A New Eusocial Vertebrate, *Trends in Ecology and Evolution*, 20(7), pp. 363–364.

George, T. (2013) Risk and Compliance - for better or worse?, *ISACA Journal*, 4, pp. 1–4.

Giddens, A. (1998) *Beyond Left and Right: The Future of Radical Politics.* Cambridge: Polity Press.

Gill, Eassie and Malcolm (2013) Pairc Crofters Ltd v Scottish Ministers, *Scots Law Times*, pp. 308–324.

Gintis, H. (2012) Clash of the Titans, *BioScience*, 62(11), pp. 987–991.

Godman, T. (2008) Scrutiny of Sustainable Development. Edinburgh: The Scottish Parliament.

Gollisch, T. and Meister, M. (2010) Eye smarter than scientists believed: Neural computations in circuits of the retina, *Neuron*, 65(2), pp. 150–164.

Graham, J., Amos, B. and Plumptre, T. (2003) Principles for Good Governance in the 21 st Century. Ottawa: Institute on Governance. Available at: www.iog.ca (Accessed: 11 October 2018).

Grahame, C. (2018) Committees of the Scottish Parliament Support for the Implementation of the Sustainable Development Goals in Scotland. Edinburgh: The Scottish Parliament. Available at: https://globalgoals.scot/wp-content/uploads/2018/05/Conveners-Group-SDG-Network.pdf.

Grayling Strategy (2003) *For Better or Worse? Environment Policy in the First Four Years of Scotland's Parliament*. Available at: www.everyonecan.org (Accessed: 30 August 2018).

Gunderson, L. H. and Holling, C. S. (eds) (2002) *Panarchy: understanding transformations in human and natural systems*. Washington D.C.: Island Press.

Gupta, J. and Vegelin, C. (2016) Sustainable development goals and inclusive development, *International Environmental Agreements: Politics, Law and Economics*. Springer Netherlands, 16(3), pp. 433–448.

Gupte, P. (2005) Embroiled in a United Nations Scandal Is an 'International Man of Mystery, *The New York Sun*, 29 April. Available at: https://www.nysun.com/foreign/embroiled-in-a-united-nations-scandal-is/13025/.

Haapasaari, A., Engeström, Y. and Kerosuo, H. (2016) The emergence of learners' transformative agency in a Change Laboratory intervention, *Journal of Education and Work*. Routledge, 29(2), pp. 232–262.

Haigh, R. (2018) *Legal English*. 5th edn. Abingdon: Routledge.

Halpin, D., Maclead, I. and McLaverty, P. (2012) Committee Hearings of the Scottish Parliament: evidence giving and policy learning., *Journal of Legislative Studies*, 18(1), pp. 1–20.

Harrison, L. A., Ahn, C. and Adolphs, R. (2015) Exploring the Structure of Human Defensive Responses from Judgments of Threat Scenarios., *PloS one*. Public Library of Science, 10(8). Available at: http://www.ncbi.nlm.nih.gov/pubmed/26296201 (Accessed: 19 November 2018).

Hasan, H. and Kazlauskas, A. (2014) Activity Theory: who is doing what, why and how, in Hasan, H. (ed.) *Being Practical with Theory: A Window into Business Research*. Wollongong: THEORI Research Group, pp. 9–14.

Hassan, G. (2020) *The Legacy of Donald Dewar and Scotland's Stories: past, present and future*, *Gerry Hassan: writing, research, policy and ideas*. Available at: https://www.gerryhassan.com/blog/the-legacy-of-donald-dewar-and-scotlands-stories-past-present-and-future/ (Accessed: 11 January 2020).

Heen, H. (2015) Feelings in First Person Action Research, in Bradbury, H. (ed.) *The SAGE Handbook of Action Research*. Los Angeles: Sage.

Heine, S. (2010) Cultural Psychology, in Fiske, Susan T. Gilbert, Daniel T. Lindzey, G. (ed.) *Handbook of Social Psychology*. 5th edn. Hoboken: John Wiley, pp. 1423–1464.

Helyer, R. (2015) Learning through Reflection: the critical role of reflection in work-based learning (WBL), *Journal of Work-Applied Management*. PT, 7(1), pp. 15–27.

Herbert, S. *et al.* (2007) Election 2007. Edinburgh: The Scottish Parliament.

Herrington, G. (2021) Update to limits to growth: Comparing the World3 model with empirical data, *Journal of Industrial Ecology*, 25(3), pp. 614–626.

Higham, A. and Thomson, C. (2015) An Evaluation of Construction Professionals' Sustainability Literacy in North West England, in Raiden, A. and Aboagye-Nimo, E. (eds) *Proceedings of the 31st Annual Association of Researchers in Construction Management*. Lincoln: Association of Researchers in Construction Management, pp. 417–426.

Hirst, P. (2000) Democracy and Governance, in Pierre, J. (ed.) *Debating Governance: authority, steering and democracy.* Oxford: Oxford University Press.

Holmehill, L. (2005) Land Reform (Scotland) Act 2003: Part 2 application form to register a community interest in land. Edinburgh: Registers of Scotland. Available at: https://www.eservices.ros.gov.uk/rcil/ros/rcilcb/presentation/ui/pageflows/viewDocument.do.

Housing (Scotland) Bill Policy Memorandum (2013). Edinburgh: Scottish Parliament Corporate Body.

Institute for Government (2012) *Bonfire of the Quangos*, *Institute for Government*. Available at: https://www.instituteforgovernment.org.uk/news/latest/bonfire-quangos (Accessed: 2 December 2019).

Institute for Government (no date) Being an Effective Select Committee Member. London: Institute for Government.

IUCN, UNEP and WWF (1980) World Conservation Strategy: Living Resource Conservation for Sustainable Development. Gland: International Union for Conservation of Nature and Natural Resources. Available at: https://portals.iucn.org/library/sites/library/files/documents/WCS-004.pdf (Accessed: 15 May 2018).

Iyengar, B. K. S. (1993) *Light on the yoga sūtras of Patanjali*. New Delhi: APH Publishing Corp.

Iyer-Raniga, U. and Andamon, M. M. (2016) International Journal of Sustainability in Higher Education, *International Journal of Sustainability in Higher Education International Journal of Sustainability in Higher Education International Journal of Sustainability in Higher Education*, 17(1), pp. 105–122.

Jackson, T. (ed.) (2006) *The Earthscan Reader on Sustainable Consumption*. Abingdon: Routledge.

Jackson, T. (2017) *Prosperity without Growth*. 2nd edn. London: Routledge.

Jackson, T. and Marks, N. (1999) Consumption, Sustainable Welfare and Human Needs – with

reference to UK expenditure patterns between 1954 and 1994, *Ecological Economics*, 28, pp. 421–441.

Jal, M. (1999) Karl Marx's Theses on Feuerbach: towards an anti-hermeneutic study, *Indian Philosophical Quarterly*, 26(4), pp. 515–527.

Joseph, G. G., Reddy, V. and Searle-Chatterjee, M. (1990) Eurocentrism in the social sciences, *Race & Class*, 31(4), pp. 1–26.

Jossa, B. (2014) The Key Contradiction in Capitalist System, *Review of Radical Political Economics*, 46(3), pp. 277–291.

Joutsenvirta, M. (2016) A Practice Approach to the Institutionalization of Economic Degrowth, *Ecological Economics*, 128, pp. 23–32.

Kambites, C. J. (2014) 'Sustainable Development': the 'Unsustainable' Development of a Concept in Political Discourse, *Sustainable Development*, 22(5), pp. 336–348.

Kates, R. *et al.* (2001) Environment and Development: sustainability science, *Science*, 292(5517), pp. 641–642.

Kawulich, B. (2005) Participant Observation as a Data Collection Method, *Qualitative Social Research Forum*, 6(2).

Kellas, J. G. (1992) The Scottish Constitutional Convention, *Scottish Government Yearbook*, pp. 50–58. Available at: http://www.scottishgovernmentyearbooks.ed.ac.uk/record/23099/1/1992_4_TheScottishconstitutionalconvention.pdf (Accessed: 14 May 2018).

Kemp, J. (2015) *Prostitution law reform - what about the men? | Blog | Zero Tolerance*, *Zero Tolerance*. Available at: https://www.zerotolerance.org.uk/news/blog/prostitution-law-reform---what-about-the-men-/ (Accessed: 29 July 2019).

Kesebir, S. (2012) The Superorganism Account of Human Sociality: How and When Human Groups Are Like Beehives, *Personality and Social Psychology Review*, 16(3), pp. 233–261.

King Abdulaziz City for Science and Technology (no date) *Who We Are*. Available at: https://www.kacst.edu.sa/eng/about/Pages/WhoWeAre.aspx (Accessed: 31 March 2020).

Klocker, N. (2012) Doing participatory action research and doing a PhD: words of encouragement for prospective students, *Journal of Geography in Higher Education*, 36(1), pp. 149–163.

Klop, P. and Lubbers, J. (eds) (2009) *Natural Resources and Pro-Poor Growth: the economics and politics*. 2nd edn. Paris: OECD Publishing.

Kotz, D. M. (2007) *The Capital-Labor Relation: contemporary character and prospects for change*, *Second Forum of the World Association for Political Economy*. Shimane. Available at: http://www.wapeweb.org/.

Kumari, S. and Maiti, S. K. (2022) Nitrogen Recovery in Reclaimed Mine Soil under Different Amendment Practices in Tandem with Legume and Non-Legume Revegetation: A review, *Soil Use and Management*.

Lazarowicz, M. and McFadden, J. (2010) *The Scottish Parliament: an introduction*. Haywards Heath: Bloomsbury Professional Limited.

Lee, J.-S. M. (2018) Leaving my comfort zone., *Science (New York, N.Y.)*. American Association for the Advancement of Science, 362(6412), p. 370.

Lee, Y. J. and Roth, W. M. (2008) How activity systems evolve: Making saving salmon in British Columbia, *Mind, Culture, and Activity*, 15(4), pp. 296–321.

Legal Services Agency (2014) Legal Services Agency Written Submission. The Scottish Parliament. Available at: http://www.parliament.scot/S4_InfrastructureandCapitalInvestmentCommittee/14.01.16_Legal_Services_Agency.pdf.

Leicht, A., Heiss, J. and Byun, W. J. (eds) (2018) *Issues and trends in Education for Sustainable Development*, *UNESCO Publishing*. Paris: United Nations Educational, Scientific and Cultural Organization.

Lewis, C. T. and Short, C. (1998) *A Latin Dictionary*. Oxford: Oxford University Press.

Lind, H. (2017) The Swedish housing market from a low-income perspective, *Critical Housing Analysis*, 4(1), pp. 150–160.

Local Government & Communities Committee (2018) *Report on the Consultation on the Scottish Government's Draft National Outcomes*. Edinburgh.

Lord President, Lord Eassie and Lord Malcolm (2013) *Pairc Crofters v. the Scottish Ministers*.

Lykes, M. B. and Scheib, H. (2015) The Artistry of Emancipatory Practice: photovoice, creative techniques, and feminist anti-racist participatory action research., in Bradbury, H. (ed.) *The SAGE Handbook of Action Research*. 3rd edn. Los Angeles: SAGE Publications Ltd, pp. 131–142.

Macmillan, M. *et al.* (2007) *Environment and Rural Development Committee Report: 7th report, 2007 (Session 2)*. Edinburgh.

Macqueen, H. L. (2015) A Second Chamber for the Scottish Parliament?, *Scottish Affairs*.

Edinburgh, 24(4), pp. 432–451.

Makin, P. (2018) RE: Bill Seminar 06 August - Impact Assessments. Edinburgh.

Malthus, T. (1798) *An Essay on the Principle of Population*. (c) Electr, *Electronic Scholarly Publishing Project*. (c) Electr. London: J. Johnson. Available at: http://www.esp.org/books/malthus/population/malthus.pdf.

Manns, J. (2010) Beyond Brundtland's Compromise, *Town & Country Planning*, (July/August), pp. 337–340.

Marx, K. (1969) Theses on Feuerbach, in Lough, W. (trans. . (ed.) *Marx/Engels Selected Works 1*. Moscow: Prorgress Publishers, pp. 13–15. Available at: https://www.marxists.org/archive/marx/works/1845/theses/theses.htm (Accessed: 5 December 2017).

Maslow, A. (1970) *Motivation and Personality*. New York: Harper & Row.

Max-Neef, M. (1992) Development and Human Needs, in Ekins, P. and Max-Neef, M. (eds) *Real Life Economics: understanding wealth creation*. London: Routledge.

Max-Neef, M. (1995) Economic Growth and Quality of Life: a threshold hypothesis, *Ecological Economics*, 15(2), pp. 115–118.

McConnell, J. (2004) Letter to S. Boyack 30.01.04. Edinburgh.

McGrath, F. (2011) Scottish Parliament Electoral System. Edinburgh: The Scottish Parliament.

McLeish, H. *et al.* (1998) *Shaping Scotland's Parliament*. Available at: http://www.scottish-devolution.org.uk (Accessed: 23 October 2017).

McNiff, J. (2014) *Writing and Doing Action Research*. London: Sage.

McNiff, J. and Whitehead, J. (2009) *Doing and Writing Action Research*. London: Sage.

McSherry, J. (2006a) *Holmehill Ltd. v The Scottish Ministers*.

McSherry, J. (2006b) *Holmehill Ltd. vs. the Scottish Ministers & Stakis Ltd. & Stirling Council*. Available at: https://www.scotcourts.gov.uk/search-judgments/judgment?id=e3fe86a6-8980-69d2-b500-ff0000d74aa7.

Meadows, D., Meadows, D. and Randers, J. (1972) *The Limits to Growth*. New York: Universe Books.

Miettinen, R. (2006) Epistemology of transformative material activity: John Dewey's pragmatism and cultural-historical activity theory, *Journal for the Theory of Social Behaviour*, 36(4), pp. 389–

408.

Miettinen, R. (2009) Contradictions of High-Technology Capitalism and the Emergence of New Forms of Work, in Sannino, A., Daniels, H., and Gutierrez, K. (eds) *Learning and Expanding with Activity Theory*. Cambridge, pp. 160–175.

Mitcham, C. (1995) The Concept of Sustainable Development: its Origins and Ambivalence, *Technology In Society*, 17(3), pp. 311–326.

Mitchell, D. (2009) Cooking the fudge: Constructive ambiguity and the implementation of the Northern Ireland agreement, 1998-2007, *Irish Political Studies*, 24(3), pp. 321–336.

Moffatt, I. (1996) *Sustainable development: principles, analysis and policies*. New York: Parthenon Publishing Group.

Mohan, S. (2017) *Sanskrit-English / English-Sanskrit Dictionary for Spoken Sanskrit*. Available at: http://spokensanskrit.org/index.php?direct=au&mode=9 (Accessed: 24 January 2020).

Montesquieu, C. de S. de (1995) *De l ' esprit des lois*. 2nd edn. Edited by L. Versini. Paris: Editions Gallimard.

Morwood, J. (ed.) (2005) *Pocket Oxford Latin Dictionary*. 3rd edn. Oxford: Oxford University Press.

Mukute, M. *et al.* (2018) Exploring the Potential of Developmental Work Research and Change Laboratory to Support Sustainability Transformations: a case study of organic agriculture in Zimbabwe, *Mind, Culture, and Activity*. Routledge, 25(3), pp. 229–246.

Munasinghe, M. and McNeely, J. (1995) Key Concepts and Terminology of Sustainable Development, in Munasinghe, M. and Shearer, W. (eds) *Defining and Measuring Sustainability*. Washington D.C.: United Nations University; The World Bank.

Nardi, B. A. (2005) The object of activity: Making sense of the sense-maker, *Mind, Culture, and Activity*, 12(1), pp. 4–18.

Neilsen, E. H. (2006) But let us not forget John Collier, *Action Research*, 4(4), pp. 389–399.

Netherwood, B. A. and Flynn, A. (2012) *What can an Earth Summit do for Wales ?* Cardiff. Available at: https://www.wwf.org.uk/about-wwf-cymru.

Norton, P. (1990) *Legislatures*. Oxford: Oxford University Press.

Norton, P. (2018) Power behind the Scenes: The Importance of Informal Space in Legislatures, *Parliamentary Affairs*.

O'Beirne, G. (2017) The Waimakariri River with the Southern Alps in the background, Canterbury, New Zealand. Canterbury: Wikimedia Commons. Available at:

https://commons.wikimedia.org/wiki/File:Waimakariri03_gobeirne.jpg.

Orvedahl, J. A. (1998) Saudi Arabia, in Kurian, G. T. (ed.) *World Encyclopedia of Parliaments and Legislatures: volume ii.* Chicago: Fitzroy Dearborn Publishers.

Owens, S. (2004) Interpreting Sustainable Development: a question of values?, in *Giving Substance to Sustainable Development. Documentation from a round-table discussion, EuroScience Open Forum.* Stockholm. Available at: www.ep.liu.se.

Pandeya, B. *et al.* (2016) A comparative analysis of ecosystem services valuation approaches for application at the local scale and in data scarce regions, *Ecosystem Services*, 22(B), pp. 250–259.

Parker, D. C. W. and Richter, C. M. (2016) The Effect of Mixed Member Electoral Systems on the Development of Representational Styles: the case of the Scottish Parliament, in *Political Studies Association Annual Conference*. Brighton: Political Studies Association. Available at: https://www.psa.ac.uk/sites/default/files/conference/papers/2016/Scotland_Parker_Richter_PSA _2016_Final.pdf.

Patton, M. Q. (2002) *Qualitative Research & Evaluation Methods*. 3rd edn. Thousand Oaks: Sage Publications, Inc.

Philpott, C. (2014) *Theories of Professional Learning*. 1st edn. Edited by I. Menter. Norwich: Critical Publishing, Ltd.

Pillai, A. (2010) Sustainable Rural Communities? A legal perspective on the community right to buy, *Land Use Policy*, 27(3), pp. 898–905.

Pisani, J. A. Du (2006) Sustainable development – historical roots of the concept, *Environmental Sciences*, 3(2), pp. 83–96.

Postholm, M. B. (2015) Methodologies in Cultural–Historical Activity Theory: The example of school-based development, *Educational Research*. Routledge, 57(1), pp. 43–58.

Premier Journalist (2015) *Free Church: decriminalising prostitution in Scotland: a regressive step for society*, *Premier*. Available at: https://www.premier.org.uk/News/UK/Free-Church-Decriminalising-prostitution-in-Scotland-a-regressive-step-for-society (Accessed: 29 July 2019).

Proffitt, M. (ed.) (2016) *Oxford English Dictionary: the definitive record of the English language*. online. Oxford: Oxford University Press.

Pröpper, M. H. (2017) Sustainability science as if the world mattered: Sketching an art contribution by comparison, *Ecology and Society*, 22(3).

Purvis, B., Mao, Y. and Robinson, D. (2019) Three pillars of sustainability: in search of conceptual

origins, *Sustainability Science*. Springer Japan, 14(3), pp. 681–695.

Pyrch, T. (2015) Teaching the Heart of Action Research Skills: breaking free in the classroom, in Bradbury, H. (ed.) *The SAGE Handbook of Action Research*. 3rd edn. London: SAGE Publications Ltd, pp. 700–707.

Ramelli (2019) Institutionlisation of religious individualisation: ascetism in antiquity and late antiquity and the rejection of slavery and social injustice, in Fuchs, M. et al. (eds) *Religious Individualisation: Historical Dimensions and Comparative Perspectives*. Berlin: Walter de Gruyter GmbH & Co.

Rankeillor, M. (2005) Notice by the Scottish Ministers under Section 37(17) of the Land Reform (Scotland) Act 2003: decision on application to register a community interest in land at Holme Hill, Dunblane. Edinburgh: Registers of Scotland. Available at: https://www.eservices.ros.gov.uk/rcil/ros/rcilcb/presentation/ui/pageflows/viewDocument.do.

Raworth, K. (2017) Why it's time for doughnut economics, *IPPR Progressive Review*, 24(3), pp. 216–222.

Reason, P. and Bradbury, H. (2001) Inquiry & Participation in Search of a World Worthy of Human Aspiration, in Reason, P. and Bradbury, H. (eds) *Handbook of Action Research*. 1st edn. Los Angeles: Sage.

Reason, P. and Bradbury, H. (2008) *The SAGE Handbook of Action Research*. London.

Reber, A. (1995) *Dictionary of Psychology*. 2nd edn. London: Penguin Books.

Repko, A. F., Szotak, R. and Buchberger, M. P. (2017) *Introduction to Interdisciplinary Studies*. 2nd edn. Los Angeles: SAGE Publications, Inc.

Reynolds, P. (1993) The complementation theory of language and tool use, in Gibson, K. and Ingold, T. (eds) *Tools, language and cognition in human evolution*. Cambridge: Cambridge University Press, pp. 407–428.

Van Rheenen, D., Melo, R. (2021) Nature Sports: prospects for sustainability, *Sustainability*, 13(16), p. 8732.

Richards, P. and Cook, G. (2001) Sustainable Development. Edinburgh: The Scottish Parliament.

Rieche, O. (2011) Reassessing the House of Lords: why the Lords should remain unelected, *Inquiries Journal*, 3(11).

Rittel, H. W. J. and Webber, M. M. (1973) Dilemmas in a General Theory of Planning, *Policy Sciences*, 4, pp. 155–169.

Robin, M.-M. (2014) *Sacree Croissance*. France: ARTE France. Available at: https://boutique.arte.tv/detail/sacree_croissance.

Rockström, J. *et al.* (2009) A safe operating space for humanity, *Nature*. Nature Publishing Group, 461(7263), pp. 472–475.

Rogers, R. and Walters, R. (2006) *How Parliament Works*. 6th edn. Harlow: Pearson Longman.

Ross, A. (2008) Why Legislate for Sustainable Development, *Journal of Environmental Law*, 20(1), pp. 35–68.

Ross, A. (2015) The future Scotland wants – is it really all about Sustainable Economic Growth?, *Edinburgh Law Review*. Edinburgh University Press, 19(1), pp. 66–100.

Ross, A. (2019) The Evolution of Sustainable Development in Scotland— a case study of community right-to-buy law and policy 2003–2018, *Sustainability*. Multidisciplinary Digital Publishing Institute, 11(1), p. 130.

Roth, W.-M. (2012) Cultural-Historical Activity Theory: Vygotsky's forgotten and suppressed legacy and its implication for mathematics education, *Mathematics Education Journal*, 24, pp. 87–104. Available at: http://web.uvic.ca/~mroth/PREPRINTS/MERJ_2012.pdf (Accessed: 22 May 2018).

Rush, M. (2001) *The Role of the Member of Parliament since 1868 : from gentlemen to players*. Oxford: Oxford University Press.

Rush, M. (2005) *Parliament Today*. Manchester: Manchester University Press.

Russell, M. and Benton, M. (2011) *Selective Influence: the policy impact of House of Commons select committees*. London. Available at: www.ucl.ac.uk/constitution-unit/ (Accessed: 18 January 2019).

Sachs, J. (2015) *The Age of Sustainable Development*. New York: Columbia University Press.

Samuelson, R. and Zeckhauser, W. (1988) Status Quo Bias in Decision Making, *Journal of Risk and Uncertainty*, 1(1), pp. 7–59.

Sannino, A., Daniels, H. and Gutierrez, K. D. (eds) (2009) *Learning and Expanding with Activity Theory*. Cambridge: Cambridge University Press.

Sannino, A. and Engeström, Y. (2018) Cultural-historical activity theory: founding insights and new challenges, *Cultural-Historical Psychology*, 14(3), pp. 43–56.

Sannino, A., Engeström, Y. and Lemos, M. (2016) Formative Interventions for Expansive Learning and Transformative Agency, *Journal of the Learning Sciences*. Routledge, 25(4), pp. 599–633.

Sannino, A. and Sutter, B. (2011) Cultural-historical activity theory and interventionist methodology: Classical legacy and contemporary developments, *Theory & Psychology*, 21(5), pp. 557–570.

Satterthwaite, D. (2006) *Barbara Ward and the Origins of Sustainable Development*. London: International Insititute for Environment and Development.

Scheffer, M. *et al.* (2015) Dual thinking for scientists, *Ecology and Society*, 2(3).

Schmied-Kowarzik, W. (1998) Karl Marx as a Philosopher of Human Emancipation, *Poznan Studies in the Philosophy of the sciences and the Humanities*, 60, pp. 355–368.

Scoones, I. (2016) The Politics of Sustainability and Development, *Annual Review of Environment and Resources*, 41, pp. 293–319.

Scottish Constitutional Convention (1995) Scotland's Parliament, Scotland's Right. Edinburgh: Scottish Constitutional Convention.

Scottish Environment Link (2014) Standards, Procedures and Public Appointments Committee Inquiry into the Procedures for Considering Legislation: Written Submission Recieved from Scottish Environment LINK, *3rd Report, 2015 (Session 4): Legislation and the Scottish Parliament*. Edinburgh: The Scottish Parliament. Available at: http://www.parliament.scot/S4_StandardsProceduresandPublicAppointmentsCommittee/Inquiries/legSEL.pdf.

Scottish Executive (2003) *Indicators of sustainable development for Scotland*. Edinburgh: Scottish Executive. Available at: https://www.gov.scot/Publications/2003/02/16430/18411 (Accessed: 30 July 2018).

Scottish Executive (2005) Choosing our future : Scotland's sustainable development strategy. Edinburgh: Scottish Executive. Available at: https://www.gov.scot/Resource/Doc/47121/0020703.pdf (Accessed: 4 September 2018).

Scottish Executive (2006) *Sustainable Development: A Review of International Literature*. Edinburgh. Available at: www.scotland.gov.uk/socialresearch. (Accessed: 30 July 2018).

Scottish Executive Environment Group (2002) Meeting the needs : priorities, actions and targets for sustainable development in Scotland. Edinburgh: Scottish Executive, p. 19. Available at: http://www.gov.scot/Publications/2002/04/14640/4040 (Accessed: 29 May 2018).

Scottish Government's response to the Committee's Letter on the Policy Memorandum (2014). Edinburgh: The Scottish Parliament. Available at: http://www.scottish.parliament.uk/S4_LocalGovernmentandRegenerationCommittee/General

Documents/Responses_to_LGR_Committee_Questions_-_1st_August_2014.pdf.

Scottish Government (2009) A basic introduction to Strategic Environmental Assessment (SEA), *Environmental Planning Issues*. Scottish Government, p. 21. Available at: http://www.gov.scot/Topics/Environment/environmental-assessment/sea/guidance/SEAGuidance/basicguidance.

Scottish Government (2011) Homes Fit for the 21st Century: the Scottish Government's strategy and action plan for housing in the next decade 2011-2020. Edinburgh: Scottish Government. Available at: https://www.gov.scot/publications/homes-fit-21st-century-scottish-governments-strategy-action-plan-housing/.

Scottish Government (2013) Scotland's Sustainable Housing Strategy. Edinburgh: Scottish Government. Available at: https://www.gov.scot/publications/scotlands-sustainable-housing-strategy/.

Scottish Government (2015) Carers (Scotland) Bill Policy Memorandum. Edinburgh: Scottish Parliamentary Corporate Body.

Scottish Government (2016) National Performance Framework. Edinburgh: Scottish Government. Available at: www.scotlandperforms.com (Accessed: 15 October 2018).

Scottish Government (2017) *About Statistics in Scotland - Chief Statistician and Data Officer*, *Statistics*. Available at: https://www.gov.scot/Topics/Statistics/About/ChiefStatistician (Accessed: 17 October 2018).

Scottish Government (2020) *The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill Policy Memorandaum*. Edinburgh: The Scottish Parliament.

Scottish Government (no date) *Development Plans*, *Planning and Architecture*. Available at: https://www.gov.scot/policies/planning-architecture/development-plans/ (Accessed: 16 April 2019).

Scottish Green Party (1999) *Scottish Green Party: 1999 manifesto [Archive]*. Available at: http://www.politicsresources.net/area/uk/ass/other/scgrnman.htm (Accessed: 5 July 2018).

Scottish National Party (2021) Scotland's Future. Available at: https://issuu.com/hinksbrandwise/docs/04_15_snp_manifesto_2021___a4_document?mode=window.

Scottish Parliamentary Corporate Body (2000) *Meeting of the Parliament: Thursday 3 February*. Edinburgh. Available at: http://www.parliament.scot/parliamentarybusiness/report.aspx?r=4208&mode=pdf.

Scottish Parliamentary Corporate Body (2001) Meeting of the Parliament, Wednesday28 February 2001. Available at:

http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=6578&mode=pdf.

Scottish Parliamentary Corporate Body (2002) Meeting Of The Parliament: Wednesday 8 May 2002, *Official Report*. Edinburgh. Available at:

http://www.parliament.scot/parliamentarybusiness/report.aspx?r=4376&mode=pdf (Accessed: 29 May 2018).

Scottish Parliamentary Corporate Body (2003) *Meeting of the Parliament: Thursday 6 November 2003.* Edinburgh. Available at:

http://www.parliament.scot/parliamentarybusiness/report.aspx?r=4470&mode=pdf (Accessed: 9 August 2018).

Scottish Parliamentary Corporate Body (2006) *Environment and Rural Development Committee: Wednesday 13 December 2006*. Edinburgh. Available at:

http://www.parliament.scot/parliamentarybusiness/report.aspx?r=1015&mode=pdf (Accessed: 30 August 2018).

Scottish Parliamentary Corporate Body (2013) *Housing (Scotland) Bill*. Edinburgh: The Scottish Parliament. Available at: http://www.parliament.scot/S4_Bills/Housing (Scotland) Bill/b41s4-introd.pdf (Accessed: 9 January 2018).

Scottish Parliamentary Corporate Body (2014a) *Infrastructure & Capital Investment Committee: 5 February 2014*. Edinburgh.

Scottish Parliamentary Corporate Body (2014b) *Infrastructure & Capital Investment Committee: Wednedsday 22 January 2014.* Edinburgh.

Scottish Parliamentary Corporate Body (2014c) *Infrastructure and Capital Investment Committee: 4th Report, 2014 (Session 4) - Stage 1 Report on the Housing (Scotland) Bill*. Edinburgh. Available at: www.scottish.parliament.uk (Accessed: 21 January 2019).

Scottish Parliamentary Corporate Body (2014d) *Infrastructure and Capital Investment Committee: Wednesday 12 March 2014.* Edinburgh. Available at: www.scottish.parliament.uk (Accessed: 18 January 2019).

Scottish Parliamentary Corporate Body (2015) *Standards, Procedures and Public Appointments Committee, 3rd Report (Session 4): Legislation and the Scottish Parliament*. Edinburgh: The Scottish Parliament. Available at:

https://www.parliament.scot/S4_StandardsProceduresandPublicAppointmentsCommittee/Report

s/stpr-15-03w.pdf (Accessed: 10 January 2018).

Scottish Parliamentary Corporate Body (2020) *Environment, Climate Change and Land Reform Committee: Tuesday 3 March 2020*. Edinburgh. Available at: https://www.parliament.scot/S5_Environment/Meeting Papers/ECCLR_2021.01.26_Meeting_papers_(public).pdf.

Secretary of State for Scotland's Advisory Group on Sustainable Development (1999) *Scotland the Sustainable? 10 Action Points for the Scottish Parliament*. Edinburgh.

Sera, Y. (2015) Practice of Mindful Intuition: bi-directional openness: the skill of expressing and sensing leadership that serves a group, in *The SAGE Handbook of Action Research*. 3rd edn. Los Angeles: SAGE.

Sidheri, M. (ed.) (1997) *English-Greek, Greek-English Dictionary*. 9th edn. Athens: Sidheris.

Silvertown, J. (2015) Have Ecosystem Services Been Oversold?, *Trends in Ecology and Evolution*. Elsevier Ltd, 30(11), pp. 641–648.

Simons, H. (2009) *Case Study Research in Practice*. London: SAGE Publications Ltd.

Smith, M. and Herren, S. (2011) *More than GDP: measuring what matters*. Dunfermline.

Smythe, K. R. (2014) An Historian's Critique of Sustainability, *Culture Unbound*, 6, pp. 913–929.

Sohn, L. B. (1973) The Stockholm Declaration on the Human Environment, *The Harvard International Law Journal*, 14(3), pp. 423–515.

Somekh, B. and Nissen, M. (2011) Cultural-Historical Activity Theory and Action Research, *MInd, Culture and Activity*, 18(2), pp. 93–97.

Spinuzzi, C. (2011) Losing by Expanding: corralling the runaway object, *Journal of Business and Technical Communication*, 25(4), pp. 449–486.

Spinuzzi, C. (2017) 'I Think You Should Explore the Kinky Market': How Entrepreneurs Develop Value Propositions as Emergent Objects of Activity Networks, *Mind, Culture, and Activity*. Routledge, 24(3), pp. 258–272.

Stanojević, M. (2011) Legal English - changing perspective, *Facta Universitatis*, 9(1), pp. 65–75.

Steffen, W. *et al.* (2015) Planetary boundaries: Guiding human development on a changing planet, *Science*, 347(6223), p. 736.

Steiner, S. J. and Penlington, R. (2010) Approaches to the embedding of sustainability into the engineering curriculum - where are we now, and how do our graduates become global engineers?, in Willis, E. (ed.) *Engineering Education 2010: Inspiring the Next Generation of*

*Engineers*. Loughborourgh: Higher Education Academy Engineering Subject Centre.

Stewart, K. (2014) Re: Policy Memorandum on the Community Empowerment (Scotland) Bill. Edinburgh: The Scottish Parliament. Available at:

http://www.parliament.scot/S4_LocalGovernmentandRegenerationCommittee/General Documents/20140109-KS_to_Minister_LGP_on_Comm_Emp_Bill_Policy_Memo_20140625.pdf.

Stiglitz, J., Sen, A. and Fitoussi, J. P. (2009) *Report by the Commission on the Measurement of Economic Performance and Social Progress*. Available at:

http://ec.europa.eu/eurostat/documents/118025/118123/Fitoussi+Commission+report.

Suchting, W. A. (1983) *Marx: an introduction*. Brighton: Wheatsheaf Books.

Sustainable Development Commission (2005) One Future – Different Paths: the UK's shared framework for sustainable development. London: Defra Publications. Available at: http://www.sd-commission.org.uk/pages/the_principles.html.

Sustainable Development Commission (2009) Framework Document for the SDC. London: Sustainable Development Commission. Available at: http://www.sd-commission.org.uk/data/files/publications/20091113 SDCFrameworkDocument.pdf (Accessed: 24 May 2018).

Sustainable Growth Commission (2018) *Scotland - the new case for optimism: a strategy for intergenerational renaissance*.

Tallis, H. and Kareiva, P. (2005) Ecosystem Services, *Current Biology*, 15(18).

The Open University (no date) *Donald Dewar*, *Law and change: Scottish legal heroes*. Available at: https://www.open.edu/openlearn/ocw/mod/oucontent/view.php?id=88450&section=_unit7.6.1 (Accessed: 11 January 2020).

*The Scotsman* (2005) Villagers vow to tackle earl over land sale, 23 October. Available at: https://www.scotsman.com/news-2-15012/villagers-vow-to-tackle-earl-over-land-sale-1-1404807 (Accessed: 17 May 2019).

The Scottish Government (2007a) *Scottish Budget Spending Review 2007*. Edinburgh: The Scottish Government. Available at:

https://www.webarchive.org.uk/wayback/archive/20171002004129/http://www.gov.scot/Resou rce/Doc/203078/0054106.pdf.

The Scottish Government (2007b) The Government Economic Strategy. Edinburgh: Scottish Government. Available at: https://www.gov.scot/Resource/Doc/202993/0054092.pdf (Accessed: 11 October 2018).

The Scottish Parliament (2009) Climate Change (Scotland) Bill: 2nd groupings of amendments for Stage 2. Edinburgh: The Scottish Parliament. Available at: https://www.parliament.scot/S3_Bills/Climate Change (Scotland) Bill/b17s3-stage2-g2.pdf.

The Scottish Parliament (2013) *Low Carbon Scotland: Meeting our Emissions Reduction Targets 2013-2027 (RPP2) - The Draft Second Report on Proposals and Policies*, *Rural Affairs, Climate Change & Environment Committee (Session 4)*. The Scottish Parliament.

The Scottish Parliament (2014) *The Scottish Parliament and the Scottish Government - what is the difference?*, *Visit & Learn*. The Scottish Parliament. Available at: http://www.parliament.scot/visitandlearn/24332.aspx (Accessed: 22 October 2018).

The Scottish Parliament (2016a) Your Parliament at Work. Edinburgh: Scottish Parliament Corporate Body. Available at: http://www.parliament.scot/visitandlearn/100007.aspx (Accessed: 9 November 2017).

The Scottish Parliament (2016b) Your Scottish Parliament. Edinburgh: Scottish Parliament Corporate Body. Available at: http://www.parliament.scot/visitandlearn/99998.aspx (Accessed: 9 November 2017).

The Scottish Parliament (2017a) *Major Devolved Powers 1999-2012*. Edinburgh: The Scottish Parliament. Available at: http://www.parliament.scot/PublicInformationdocuments/ListDevolvedPowers0817.pdf (Accessed: 23 October 2017).

The Scottish Parliament (2017b) The Strategic Plan for the Scottish Parliament. Edinburgh: The Scottish Parliament. Available at: http://www.parliament.scot/StaffAndManagementResources/The_Strategic_Plan_for_the_Scottish_Parliament_June__2017.pdf.

The Scottish Parliament (2018a) *Meeting of the Parliament: Thursday 24 May*. Edinburgh.

The Scottish Parliament (2018b) Standing Orders of the Scottish Parliament, 5th ed., 6th revision. Edinburgh: The Scottish Parliament.

The Scottish Parliament (2019) Official Report: Rural Economy and Connectivity Committee, Wednesday 2 October 2019. Edinburgh: The Scottish Parliamentary Corporate Body.

The Scottish Parliament (2021) *Committee on the Scottish Government Handling of Harassment Complaints - Parliamentary Business: Scottish Parliament*, *Previous Committees*. Available at: https://archive2021.parliament.scot/parliamentarybusiness/PreviousCommittees/117357.aspx (Accessed: 28 June 2021).

The Scottish Parliament (no date) *SPICe, The Scottish Parliamentary Service Intranet*. The Scottish Parliament.

The Scottish Parliamentary Corporate Body (2001) *Passage of the Land Reform (Scotland) Bill 2001*. Edinburgh: The Scottish Parliament.

The Scottish Parliamentary Corporate Body (2009) *Meeting of the Parliament: Wednesday 24 June 2009*. Edinburgh.

The Scottish Parliamentary Corporate Body (2014) *Official Report: Meeting of the Parliament, Thursday 24 April*. Edinburgh.

The SDGs Network (2018) Open Letter: your commitment to the Sustainable Development Goals. Glasgow: Scottish Countil for Voluntary Organizations. Available at: www.globalgoals.scot (Accessed: 26 November 2018).

Thomas, G. (2011) *How to Do Your Case Study*. London: SAGE Publications Ltd.

Thomas, G. (2016) *How to Do Your Case Study*. 2nd edn. London: SAGE Publications Ltd.

Tillmanns, T. *et al.* (2014) Interplay of rhizome and education for sustainable development, *Journal of Teacher Education for Sustainability*, 16(2), pp. 5–17.

*Transport and the Environment Committee Wednesday 30 June* (1999). Edinburgh: Scottish Parliamentary Corporate Body. Available at: http://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=3962&mode=pdf.

Transport Infrastructure & Climate Change Committee (2009) *Stage 1 Report on the Climate Change (Scotland) Bill*. Edinburgh.

Tudge, J. R. H. and Winterhoff, P. A. (2010) Vygotsky, Piaget, and Bandura: perspectives on the relations between the social world and cognitive development, *Human Development*, 36, pp. 61–81.

Turner, G. (2014) *Is Global Collapse Imminent? An Updated Comparison of The Limits to Growth with Historical Data*. 4. Melbourne. Available at: http://sustainable.unimelb.edu.au/sites/default/files/docs/MSSI-ResearchPaper-4_Turner_2014.pdf (Accessed: 28 September 2017).

Turnpenny, J., Russel, D. and Rayner, T. (2013) The complexity of evidence for sustainable development policy: analysing the boundary work of the UK Parliamentary Environmental Audit Committee, *Transactions of the Institute of British Geographers*. Blackwell Publishing Ltd, 38(4), pp. 586–598.

Tushnet, M. (2018) Institutions protecting democracy: A preliminary inquiry, *Law and Ethics of Human Rights*, 12(2), pp. 181–202.

UK Parliament (1998) *Government of Wales Act 1998*. UK.

United Nations (1998) The Kyoto Protocol to the United Nations Framework Convention on Climate Change. Kyoto: United Nations.

United Nations (2002) Johannesburg Declaration on Sustainable Development, in. New York: United Nations.

United Nations (2012) Future We Want - outcome document, in Sustainable Development Knowledge Platform (ed.). New York: United Nations. Available at: https://sustainabledevelopment.un.org/futurewewant.html (Accessed: 7 November 2017).

United Nations (2015) Transforming our world: the 2030 Agenda for Sustainable Development .:. Sustainable Development Knowledge Platform, in. New York: United Nations. Available at: https://sustainabledevelopment.un.org/post2015/transformingourworld (Accessed: 6 November 2017).

United Nations Educational Scientific and Cultural Organization (2014) *Aichi-Nagoya Declaration on Education for Sustainable Development*. Available at: https://sustainabledevelopment.un.org/content/documents/5859Aichi-Nagoya_Declaration_EN.pdf (Accessed: 8 April 2021).

United Nations General Assembly (1992) Rio Declaration on Environment and Development, *Environmental Conservation*. Rio de Janeiro: United Nations.

Urquhart, J. (2015a) *Proposed Prostitution Law Reform (Scotland) Bill: summary of consultation responses*. Edinburgh. Available at: https://www.parliament.scot/parliamentarybusiness/Bills/91949.aspx.

Urquhart, J. (2015b) *Prostitution Law Reform Bill*, *Jean Urquhart*. Available at: https://jeanurquharthighlandsandislandsmsp.com/tag/prostitution-law-reform-bill/ (Accessed: 29 July 2019).

Vittachi, A. (1980) Only One Earth, *New Internationalist*, September.

Vygotsky, L. S. (1962) *Thought and Language*. Edited by E. Hanfmann, G. Vakar, and N. Minnick. Cambridge, Massachusetts: MIT Press.

Vygotsky, L. S. (1997) *The collected works of L.S. Vygotsky: Vol. 3. Problems of the theory and History of Psychology*. New York: Plenum.

Wackernagel, M. *et al.* (2004) Calculating National and Global Ecological Footprint Time Series: resolving conceptualchallenges, *Land Use Policy*, 21(3), pp. 271–278.

Ward, B. and Dubois, R. (eds) (1972) Only One Earth: the care and maintenance of a small planet. an unofficial report commissioned by the Secretary-General of the United Nations Conference on the Human Environment, prepared with the assistance of a 152-member Committee of Corresponding Consu, in. London: Deutch.

Warrack, A. (2000) *The Scots Dialect Dictionary*. New Lanark: Waverly Books.

Welter, F. (2012) All you need is trust? A critical review of the trust and entrepreneurship literature, *International Small Business Journal*, 30(3), pp. 193–212.

Wertsch, J. V (1985) *Vygotsky and the Social Construction of Mind*. Cambridge, Massachusetts: Harvard University Press.

Westall, A. (2016) The Relationship between Democracy and Sustainable Development. London: Foundation for Democracy and Sustainable Development. Available at: http://www.fdsd.org/site/wp-content/uploads/2015/06/The-relationship-between-democracy-and-sustainable-development.pdf (Accessed: 5 July 2018).

White, H. (2015) *Parliamentary Scrutiny of Government*. London. Available at: https://www.instituteforgovernment.org.uk/publications/parliamentary-scrutiny-government (Accessed: 14 February 2017).

White, S. H. (1998) Foreword, in Cole, M. (ed.) *Cultural Psychology: a once and future discipline*. Cambridge, Massachusetts: Harvard University Press, pp. ix–xvi.

Wicks, P. G., Reason, P. and Bradbury, H. (2008) Living Inquiry: personal, political and philosophical groundings for action research practice, in Reason, P. and Bradbury, H. (eds) *The SAGE Handbook of Action Research*. 2nd edn. Los Angeles: SAGE Publications Ltd.

Wilson, E. O. and Hölldobler, B. (2005) Eusociality: origin and consequences, *Proceedings of the National Academy of Sciences of the United States of America*, 102(38), pp. 13367–13371.

World Commission on Environment & Development (1987) *Our Common Future: Report of the World Commission on Environment and Development*. New York.

Yamagata-Lynch, L. C. (2003) Using Activity Theory as an Analytic Lens for Examining Technology Professional Development in Schools, *Mind, Culture, and Activity*, 10(2), pp. 100–119.

Yamagata-Lynch, L. C. (2007) *Confronting Analytical Dilemmas for Understanding Complex Human Interactions in Design-Based Research from a Cultural - Historical Activity Theory (CHAT) framework*, *Journal of the Learning Sciences*.

Yamagata-Lynch, L. C. (2010) *Activity Systems Analysis Methods*. New York: Springer.

Yasnitsky, A. (2012) A History of Cultural-Historical Gestalt Psychology: Vygotsky, Luria, Koffka, Lewin, and others, *Dubna Psychological Journal*, 1, pp. 98–101.

Yearworth, M. (2016) Sustainability as a 'Super-Wicked' Problem: opportunities and limits for engineering methodology, *Intelligent Buildings International*, 8(1), pp. 37–47.

Zenger, J. and Folkman, J. (2015) 7 Things Leaders Do to Help People Change, *Harvard Business Review*. Available at: https://hbr.org/2015/07/7-things-leaders-do-to-help-people-change (Accessed: 17 October 2018).

Zinchenko, V. P. and Davydov, V. (1985) Foreword, in *Vygotsky and the Social Construction of Mind*. Cambridge, Massachusetts: Harvard University Press, pp. vii–xi.

Zoller, U. (2015) Research-based transformative science/STEM/STES/STESEP education for 'Sustainability Thinking': from teaching to 'Know' to learning to 'think', *Sustainability*, 7(4), pp. 4474–4491.

Zovanyi, G. (2008) Confronting the 'sustainable-growth' fallacy impeding the realization of sustainable development and sustainable cities, in *WIT Transactions on Ecology and the Environment*. WIT Press, pp. 411–420. Available at: http://library.witpress.com/viewpaper.asp?pcode=SC08-039-1 (Accessed: 23 May 2018).