The Future of the UK

Between Internal and

External Divisions

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2. The EU Referendum and the Crisis of British Democracy

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On 23 June 2016, a referendum on whether the UK should stay in the European Union was organised in Britain, following on a pledge made by David Cameron in January 2013, and led to a negative vote, leading to the prospect of Britain leaving the EU. There was no need for such a vote, as referendums do not belong to the British constitutional tradition. The political system of Westminster is based on the principle of representative, not direct democracy, whereby the people delegate their sovereign rights to elected representatives in Parliament. This is why, legally, referendums cannot be binding but only indicative.

Yet, there have been a growing number of referendums organised since; in 1975 the first referendum on membership of the European Economic Community (ECC) was held. More public votes followed after 1997 in Scotland, Wales, Northern Ireland, the North-East of England and a national referendum on the reform of the electoral system in 2011. Most national referendums are initiated for domestic political reasons, in tune with what Bjorklund (1982, 248) defined as 'mediation devices':

When a party or a government is divided on an important issue, it can be in danger of breaking up. The smaller the majority and the more important the issue, the greater the threat of lasting cleavages. In such a situation a party may embrace the referendum as a mediating device. The minority which is voted down can be reassured that the decision is in a way only temporary. The voters will have the last word.

The following shows that this referendum was no exception.

The Pledge

David Cameron's pledge to organise a referendum on EU membership was the result of strong pressures from about a third of the Eurosceptic backbenchers of his own party who blame EU institutions for being costly, undemocratic, bureaucratic and an obstacle to Britain enjoying the full benefits of globalisation. Originally, in the 2010 general election manifesto, the Conservative party leadership had promised to introduce a bill in Parliament imposing a referendum lock on any future European treaty which would require further transfers of sovereignty to Brussels. Cameron and William Hague, then Foreign Secretary, however, did not contemplate an in/out referendum. In October 2011, they imposed a three-line whip against a parliamentary motion demanding such a ballot. Eventually, in 2015, Cameron changed his mind as pressure from Conservative MPs and

part of the popular press – the *Daily Express* in particular, launched a successful petition among the public – grew. Moreover, in the light of the rising success of the UK Independence Party (UKIP), Conservatives were deeply worried about losing an increasing number of voters and activists to them. UKIP's *raison d'être* was to campaign to leave the EU and they were attracting an increasing number of votes, especially in local and European elections.

In his Bloomberg speech of 23 January 2013, Cameron set out what were, according to him, the three challenges faced by the EU: solving the Eurozone crisis, increasing economic competitiveness and improving democracy. He argued for more flexibility, less regulation, a stronger role for national parliaments and the repatriation of some powers to the national level. He promised a renegotiation of the terms of British EU membership, which would be followed by a referendum in Britain by the end of 2017.

Having unexpectedly won the 2015 general election, Cameron had to live up to his pledge. The negotiations in Brussels took place in autumn and winter culminating in the February Brussels European Council. The outcome did not meet with what Cameron had originally promised and fell far short of the demands of the radical Eurosceptics. Cameron achieved an opt-out from the 'Ever Closer Union' clause in the European treaties, safeguards about the rights of non-Eurozone countries, an agreement on completing the Single Market and, more importantly from his domestic political

point of view, an agreement on a possible 'emergency brake' that would stop new immigrants from getting in-work benefits for four years after their arrival in the UK. This was a far cry from a radical reform of the functioning of the EU and Britain's position in it. Reactions to the result of the negotiations were therefore mostly negative in the tabloid press and among Eurosceptics. Cameron faced a tougher campaign to remain in the EU than he had anticipated.

The Campaign

Facing opposition, including within his own Cabinet, Cameron felt compelled to lift the principle of collective responsibility, a central feature of the British constitution, by which ministers are not allowed to criticise or oppose a policy adopted in Cabinet. Six Cabinet members plus Boris Johnson, the former Mayor of London, were therefore at the forefront of the campaign to leave the EU. They joined what became the official Leave campaign: *Vote Leave*. UKIP dominated another, unofficial but well-funded grassroots campaign: *Leave.EU*. Whereas the former concentrated on the global trade opportunities of a potential Brexit, the latter's main message was to limit immigration from EU member states and to reclaim control of British borders. Both messages proved to be a successful combination on 23 June.

The Remain campaign was dominated, in the media at least, by David Cameron who, having defined himself originally as a Eurosceptic, suddenly turned into a supporter of European integration. He stressed the uncertainty and economic damage that leaving the EU would entail, calling it repeatedly 'a leap in the dark'. Other mainstream parties, Labour, the Liberal Democrats, the Scottish National Party and the Greens, supported staying but their campaign, especially that of Labour, came late and was weak. The Labour leader Jeremy Corbyn, a traditional left-winger, had been a Eurosceptic for decades arguing that the EU was a neoliberal club. His call for Remain was undermined by criticism of the EU and thus he failed to reach large parts of Labour supporters. Shortly before the vote, half of Labour voters did not know which side their party was on.

It was difficult to gauge public opinion during the campaign. The polls showed consistently that the result would be very close, with a high number of undecided voters (10 to 15 per cent according to several surveys). Nonetheless, most of them predicted a slight majority in favour of Remain, including the last YouGov survey published at 10 pm on election night, which saw 52 per cent in favour of Remain. The polls also pointed toward the division between the young and the old, the more and the less educated, and between cities and rural areas home to the 'left-behind' (Ford and Goodwin 2014). The referendum confirmed these divides with major cities, especially London, voting to stay while rural areas in

the South and small industrial towns in the North voted to leave.

The State of British Democracy

The result of 23 June cannot only be blamed on the way the campaign was run. When Cameron promised a referendum, he did not take into account the state of British democracy. Five long-term factors can be identified that lead to the Leave vote.

First, Euroscepticism is now embedded in British political culture. Fifty years of debate about Europe have led to an entrenched wariness about European institutions, fuelled by decades of negative media coverage and a negative discourse by large parts of the political elite. As I showed elsewhere (Schnapper 2015), it had become very difficult to articulate a positive discourse about Europe, especially since the end of the New Labour years (1997-2010). Cameron may have suffered from a kind of hubris when he thought he could reverse this trend within a few weeks of campaigning, after having himself criticised the EU for years as Conservative leader and then Prime Minister.

Second, like many other Western democracies, the UK suffers from a drop in the level of trust towards politicians, which was not the case when the first referendum on the EEC took place in 1975. This has been well-documented by

authors like Pippa Norris (2011) and Colin Hay (2007). Although that is a widespread phenomenon across industrialised countries, it has been compounded in the UK by the Iraq war which exposed overblown statements, if not lies, about the reality of the Saddam Hussein regime and the existence of weapons of mass destruction. It was also increased by the 2009 MPs expenses scandal which tarnished the image of politicians in general. Today, only about 30 per cent of the British population trust political leaders, which clearly reduces the influence on voters' decisions. Even though all mainstream party leaders supported Remain, voters did not follow their lead.

Third, election turnout proved to be a key issue in the result. We know that long-term turnout has been on a downward trend since the 1970s in the UK. While it was consistently above 70 per cent and sometimes reached 80 per cent until then, it went down to below 60 per cent in 2001 before going up slightly to 65 per cent in 2015. There is a big gap between the turnout among young people, which is below 40 per cent, and among older people who continue to vote massively. This was going to have a profound impact on the referendum, since opinion polls showed that young people were much more favourable to staying in the EU than people over 55. Although in the end turnout was quite high on average (72 per cent), it remained much lower among the younger generation.

Fourth, the referendum exposed the flaws in the first-past-the-post electoral system, which sees the candidate with the highest number of votes in a constituency win the seat, whatever percentage of votes they have achieved. This prevents small parties from getting a strong representation in parliament because they are unlikely to come first, even though the Labour/Conservative duopoly represents an ever smaller share of voters. In the 2015 general election, the Conservatives and Labour gained only 67.3 per cent of the votes but still hold 86.62 per cent of the seats in Parliament. For the 12 million UKIP voters, which are only represented by one seat in Parliament, the referendum was the opportunity to make their voice loudly heard. Whether the present electoral system for general elections is sustainable when so many UKIP, but also Green or Liberal Democrat voters are underrepresented and therefore feel disenfranchised, is open to question. Pressure for a reform of the electoral system might grow in the future, although a previous referendum on the Alternative Vote, a form of proportional representation, saw it rejected in 2011.

Finally, the referendum took place against the backdrop of strains in the Union between England, Scotland, Wales and Northern Ireland. Even after the 2014 Scottish referendum on independence pressure from Scottish nationalism remained high, as illustrated by the dramatic success of the SNP in the general election of 2015. The EU referendum increased these tensions by reinforcing the difference between Scotland,

which voted largely to stay in the EU, and England, where Leave won. Nicola Sturgeon, the Scottish First Minister, has already complained about the unfairness of having Scotland taken out of Europe against its will and mentioned the possibility of organising another referendum on Scottish independence before the UK leaves the EU. This represents a real risk that the Union between Scotland and England might break up in the years to come, even if the result of such a ballot would not be a foregone conclusion.

Conclusion

All these strains in the British political system explain why it was such a risky gamble for Cameron to organise this referendum. The immediate aftermath of the vote – Cameron's resignation and the crisis in the Labour party – is likely to undermine the party system even more, even if on the Conservative side at least the crisis has been contained by the swift appointment of Teresa May as leader. Tensions were reinforced, or at least exposed, by the campaign which was fought along populist lines pitting 'the people' against 'elites' and 'experts' and pandering to fears about immigration. In the end, emotions and sound bites about 'taking back control' prevailed over economic and political rationality.

The short-term consequences of the Brexit vote are already clear: the Sterling lost 10 per cent of its value and GDP is expected to drop in the coming year. The Prime Minister announced on 2 October at the Conservative Party Conference that she would activate Article 50 of the Lisbon Treaty by the end of March 2017, opening a two-year period at the end of which Britain will no longer be a member of the EU. Theresa May's previous position as Home Secretary, and pressure from the public and radical Brexiteers suggest that curbing EU immigration will be central to her strategy, possibly to the detriment of the British economy if it means leaving the single market entirely. Only the terms of leaving, and possibly a transition period, will probably be agreed by 2019. Negotiating future trade deals with EU Member States and its trading partners will take much longer. A prolonged period of uncertainty is the only certainty we have.

References

Bjorklund, T. (1982) *The Demand for Referendum: When Does It Arise and When Does It Succeed?* Scandinavian Political Studies, 5 (3): 237-259.

Ford, R. and Goodwin, M. (2014) *Revolt on the Right*. London: Routledge.

Hay, C. (2007) *Why I Hate Politics*. Polity.

Hobolt, S. (2009) *Europe in Question: Referendums on European Integration*. Oxford University Press.

Norris, P. (2011) *Democratic Deficit: Critical Citizens Revisited*. Cambridge University Press.

Schnapper, P. (2015) *The Labour Party under Brown and Miliband: Back to the Future?* Journal of Common Market Studies, 53 (1): 157-173.