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Cameron's European legacy

How Brexit demonstrates the flawed politics of simple solutions

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'To govern is to make believe', proclaimed Machiavelli. David Cameron presumably encountered this dictum while studying Philosophy, Politics and Economics at Oxford, but he was unable to put it into practice as prime minister. For if the vote for Brexit on 23 June 2016 demonstrated anything, it was that a majority of the British electorate did not believe what political elites were saying in favour of EU membership. Many in the losing camp cried foul, claiming the other lot won by playing fast and loose with the truth. Yet fixating on the bucket-load of mendacity on offer (from both sides) during the campaign is to miss the wood for the trees. Although David Cameron subsequently blamed populism as a sentiment fuelled by 'a movement of unhappiness and concern about the state of the world' (*Guardian* 2016), the responsibility equally lies much closer to home. What made the untruths about Brexit believable was a politics of simple solutions promoted by Cameron, which ultimately undid him. This damaging legacy will cast a long shadow over British politics as the country adapts to life outside the EU and also stands as a stark warning to other EU leaders on how not to approach European integration.

Cameron saw an in-out referendum as a straightforward fix to internal Conservative Party strife over European integration (Copsey & Haughton 2014). When announced in January 2013, it appeared a low-risk option since winning a parliamentary majority was far from a given. At that time the prime minister was more concerned with quashing Eurosceptic backbenchers' mischief-making under the coalition

agreement with the Liberal Democrats. By 2016, Cameron was perhaps entitled to feel confident about his favoured political tactic of managing domestic challenges by forcing voters to choose between the status quo and an unknown future. He had already won two referendums on this basic premise, defeating supporters of the alternative vote (2011) as well as partisans of Scottish independence (2014).

In fact, the former prime minister's rise to the top came on the back of an equally simple expedient: he won the party leadership by promising to withdraw Tory MEPs from the centre-right grouping in the European Parliament. It was a neat way to burnish his Eurosceptic credentials at no domestic cost – although Angela Merkel never understood why Cameron chose to lose influence in the European Parliament. Disdain for EU consensus was also the basis of his fateful renegotiation strategy prior to the Brexit vote. Here again he resorted to a simplistic conceit of talking tough in the hope it might win concessions sufficient to mollify soft Eurosceptics (Glencross 2016).

In reality, the UK's renegotiated terms of EU membership, announced in February 2016, failed to convince the sceptics; measures to address labour migration, in particular, were abstruse and legally uncertain. It was this lacklustre outcome that derailed the subsequent referendum campaign. Cameron had wanted a clear message about winning a better deal for the country in a reformed EU. Instead, it was the Leave camp that had the simpler, more persuasive policy slogan: take back control.

The serried ranks of elites, experts and even foreign leaders such as President Obama mobilised by the government should have made short work of the less well-funded Leave camp. What only Brexiters could offer, though, was a peremptory solution to a multitude of political grievances. Brexit was successfully presented as a way to end Brussels' interference, fund the NHS, and reduce immigration. It was not even that EU withdrawal was always presented as a panacea. Rather, it was the one policy option that had never been tried, meaning attempts to discredit its potential risks were necessarily hypothetical. Voters' desire to break the mould is precisely what populists elsewhere in Europe want to tap into by offering, as with Beppe Grillo in Italy or Marine Le Pen in France, a referendum on membership of the euro. That is why the UK campaign, and its outcome, is of such relevance EU-wide.

As the British government sensed the narrowness of the race, it upped the ante with its increasingly gloomy prognoses about the state of the UK economy and public finances in the event of Brexit. Thus it was not just opponents of EU membership who were engaged in political

theatrics. Cameron's Grand Guignol performance, with economic horror at its heart, did little to sway a public sceptical about far more than simply the EU. Having bet his political career on the electorate's status quo bias, the politics of simple solutions backfired on him. The reverse suffered was not just a personal one. Estimates of constituency-level results reveal that 63 per cent of UK constituencies returned a majority for the Leave side (Hanretty 2016). This amounts to a wholesale disavowal of the country's elected representatives, since only 158 MPs openly declared support for leaving the EU (BBC News 2016).

Commentators naturally jumped on the chance to explain this gulf between governed and governing. Initial academic analysis focused on social inequality as the font of electors' frustration with the EU and the domestic governing class in general (Goodwin & Heath 2016). Portraying Brexit as a delayed rejection of neoliberalism by the left-behind of globalisation is certainly a seductive explanation. It confirms the comforting premise of social-democracy: the belief that politics trumps economics and that the inequities of capitalism can be corrected eventually once voters have had enough of market-driven solutions.

However, what the failure of the Remain campaign truly highlighted was the insularity of the British political establishment. The pro-EU side either misread or, worse, ignored the warnings from recent referendums on European integration. A litany of rejected deals preceded the UK vote: the EU Constitutional Treaty (in two countries), the Lisbon Treaty (in Ireland), the Greek bailout and the Ukraine Association Agreement (the Netherlands). These examples did more than merely illustrate the difficulty of selling the EU status quo. The common thread linking these votes was in fact citizens' refusal to be steamrollered into accepting elite nostrums about European cooperation.

Dissatisfaction with Europe is not reducible to an accounting exercise in which the cons outweigh the pros; it is as much a rejection of the animating spirit that there is no alternative to the current institutional order. In that sense the EU is – rightly or wrongly – perceived by many in Britain and elsewhere as a constraining dystopia. As the Director of Hatcheries and Conditioning in Huxley's *Brave New World* explains, creating a harmonious society requires 'making people like their inescapable social destiny ... liking what you've got to do'. EU citizens on the receiving end of austerity, market liberalisation, and the socio-economic strains of free movement experience the Single Market as a not-so-dissimilar conditioning exercise.

Particularly telling in this regard was the 2015 referendum in which Greeks said *Oxi* (no) to a bailout that a near-unanimity of expert opinion

suggested was the only way to remain in the eurozone. The Greek vote demonstrated the same lesson as in the UK vote: electors could not be cowed into voting out of fear to accept the current EU system as their inescapable destiny (Boukala & Dimitrakopoulou 2016). Greeks, Brits and others have sought to express the right to be unhappy with the results that lie behind grandiloquent evocations of European unity and prosperity. Direct democracy offers precisely such an opportunity for voicing discontent, which is why referendums on EU issues since the 2005 Constitutional Treaty debacle have had to be handled with such caution. Indeed, the passage of the Lisbon Treaty was premised on an informal agreement by the European Council to avoid ratification by the people (Phinnemore 2013).

But the referendum temptation is hard to resist in a Europe where politicians increasingly struggle to rely on representative democracy to legitimise their policies. What is convenient about delegating policy-making back to the sovereign people is that it allows politicians to distance themselves from any negative ramifications that might occur further down the line. However, the experience in the EU of using direct democracy as a device of empowerment suggests it is of very limited value. Where voters have refused to endorse planned treaty change, recalcitrant Member States have submitted to re-voting on the same treaty, as Ireland has done twice. In other instances, a successor treaty has been passed without referendum consultation, as in the case of France's and the Netherlands' adoption of the Lisbon Treaty. Even in situations where a negative vote has led to the obtention of concessions, as with the opt-out on asylum and immigration policy Denmark was granted after its vote against Maastricht in 1992, the diplomatic pressure to conform with EU norms has greatly diluted the value of these concessions (Adler-Nissen 2015a).

The sovereign people in these instances are being short-changed when they supposedly exercise their sovereignty. When a popular decision has no discernible impact on the status quo, the referendum device thus has the opposite effect from that of empowering citizens. Such an outcome reveals the flaw in expecting that direct democracy can magically compensate for the shortcomings of representative democracy. That explains why those with most to lose from referendums are mainstream politicians such as Cameron or Matteo Renzi, both of whom made a unilateral resort to direct democracy with the objective of sweeping away long-standing problems.

By contrast, it is populist, anti-system parties led by personalities such as Nigel Farage, Geert Wilders, Marine Le Pen or Beppe Grillo that

have the biggest incentive to bypass representative democracy. They ostensibly promote rule by the people directly as an alternative to a cartelised party politics of both the centre-left and the centre-right that allegedly ignores popular concerns. What really matters, however, as Jan-Werner Müller (2016b) has explained, is that a referendum offers populists a chance for ‘the people to confirm what they have already identified as the single authentic will of the people’.

Allowing the people to decide for themselves is nevertheless a powerful political message that is hard to ignore, although in the British case it was not just external pressure that led Cameron to resort to the expedient of direct democracy. Rather, it was a political pincer movement. He wanted in part to silence the virulent Eurosceptic wing of the Conservative Party that pushed their anti-EU agenda by causing parliamentary mischief. At the same time, the other source of pressure was the electoral potency of UKIP, whose strategy of spatch-cocking anti-immigration sentiment with hostility to the EU made it the most successful party in the 2014 European elections (Ford & Goodwin 2014).

But the appeal to the sovereign people cannot be a replacement for representative democracy, because a government is still required to exercise sovereignty in the aftermath of any referendum. Nowhere is this more obvious than in the case of the UK following the vote on 23 June 2016. British politicians, like their Greek counterparts in 2015, have had to face the consequences that stem from unilateral attempts to resolve complex problems of European interdependence.

Cameron’s habit of ruling via easy fixes will have a lasting national impact because it leaves those in power at Westminster and Holyrood at the mercy of the same forces that cost him his job. In the months after the vote, Theresa May and the Scottish first minister counterpart, Nicola Sturgeon, became engaged in an ongoing Project Trust – convincing voters they could negotiate the best way out of the Brexit predicament. May’s government interpreted the people’s verdict as a call to roll back migration from the EU while retaining strong economic ties. Yet the free movement of people is a non-negotiable pillar of the Single Market – as was made clear to Cameron during the renegotiation. The illusion of getting a better deal outside the EU than as a Member State could only remain believable until formal exit talks began. That helps explain why the government stalled on triggering Article 50 and fought tooth and nail to prevent Parliament having a say on the matter.

Meanwhile in Scotland, First Minister Sturgeon toyed with the idea of leveraging the 62 per cent majority who supported EU membership

into a successful independence referendum second time around. Any unilateral move of this sort could only succeed if Scots cast aside concerns about oil revenues and the outstanding dilemma of which currency an independent Scotland would use (Glencross 2016). Indyref 2.0 would in any case mirror the Brexit referendum, becoming a debate centred around hypothetical in or out economic scenarios drawing on expert forecasting.

Cameron's flawed EU policy has thus left UK politicians struggling to restore the electorate's confidence in their ability to make the right decisions and raised the stakes in case they do not. There is no way of knowing beforehand whether Brexit will help or hinder that objective across the UK. What is clear is that – except for blaming EU hostility if a speedy free trade deal cannot be agreed alongside Article 50 negotiations – there are no simple solutions left.

Ironically, the political mess occasioned by Brexit might have a positive impact on the EU at a time of ever-growing populism. Despite certain predictions to the contrary, there was no immediate domino-effect of other governments pledging to hold referendums on leaving. Seen from Europe, British politics in the months after the referendum appeared mostly in a chaotic and cacophonous state as government ministers made claims and counter-claims about preferred outcomes or strategies. That compares negatively with the measured statements of leaders across the EU that the four fundamental freedoms cannot be cherry-picked. This show of unity in a time of crisis is not so common.

More importantly, as revealed by a Bertelsmann survey in the aftermath of the British vote, the difficulties facing the UK seem to have reinforced voters' belief in the importance of the EU and its Single Market (*Financial Times* 2016a). The complexity and risks associated with unravelling the UK's EU membership offer an object lesson to European voters in the limitations of simplistic policy solutions. Contradictions that before existed merely in theory, such as the UK having to renegotiate free trade deals with countries for which there was already an EU one, become of practical relevance to voters. In this fashion, Brexit may potentially re-affirm European solidarity – at a time of great self-doubt – by highlighting once and for all exactly what would be lost without European integration. It is not that Euroscepticism or Europessimism, especially that occasioned by austerity within the eurozone, will disappear. That said, anti-EU populism prospered by claiming elites were too blinkered to see the benefits of reclaiming sovereignty. The throes of Britain's attempt to 'take back control' from Europe could finally reverse this narrative.

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Brexit and the improvised constitution

Albert Weale

‘The fault, dear Brutus, is not in our stars,
But in ourselves ...’

(Cassius, William Shakespeare, *Julius Caesar*, Act 1, Scene 2)

Article 50 of the Lisbon Treaty famously says that any Member State ‘may decide to withdraw from the Union in accordance with its own constitutional requirements’. Brexit will have many effects. However, possibly its most important has already occurred, namely its highlighting of the peculiarly improvised nature of the UK’s constitution. What does it mean to say that the UK is acting in accordance with its own constitutional requirements, when those requirements have to be made up as we go along? And what does the improvisation mean for the principles of constitutional democracy and the constraining of government power?

In proposing answers to these questions, I am going to suggest that the Brexit referendum creates a political paradox. Ostensibly the use of referendums gives control to the people. In practice, within the UK, however, a referendum reinforces executive power. To understand the paradox, we need to grasp the basic principle of UK constitutional practice. Despite many changes in recent years, that principle is one of identifiable party government, with the governing party responsible to the people through the electoral process. Since a referendum only determines a broad direction of policy, the party in government, as the executive, needs a parliamentary majority. When that majority is threatened, it will need to enhance its party support by risking a general election, a logic nicely