

# THE BREXIT EFFECT

## What Leaving the EU Means for British Politics

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## Chapter 2

### UNDERSTANDING THE BREXIT EFFECT

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# 2

## UNDERSTANDING THE BREXIT EFFECT

### 2.1 Introduction

This book's main goal is to understand the impact of Brexit on the UK political system. In a nutshell, we argue that the completion of the Brexit process, i.e., the actual termination of membership of the EU, is likely to lead to a resurgence of the Westminster model, albeit with several caveats, uncertainties, and adaptations. To be sure, we do not naïvely expect the post-Brexit UK to go back to a classic version of the Westminster model of the type it had experienced in the three decades after WWII. Yet, there are solid theoretical arguments leading us to expect a reduction in party system fragmentation and a centralisation of executive power, concerning both Parliament and the devolved administrations. Although the executive finds itself currently operating in a very different institutional context – e.g., because of the existence of a Supreme Court and the powers of the devolved administrations – we argue that the process of Brexit provides a window of opportunity for the executive to “get back (some) control”. Needless to say, this is not an uncontested or inevitable outcome, as the strains of Brexit often point in different and contradictory directions. Yet, some distinguishing features of the majoritarian model are likely to emerge stronger, across our analytical dimensions, after and because of the Brexit process.

This chapter is structured as follows. Section 2.2 discusses the independent variable – Brexit – and the way it is understood and conceptualised in the book. Section 2.3 moves the focus to the dependent variable – the UK political system – focusing specifically on its Europeanisation. In Section 2.4, we theorise on the impact of Brexit on the UK political system, submitting hypotheses for each of the three dimensions (adapted from Lijphart) introduced in Chapter 1. Finally, Section 2.5 describes the research design and the data collected to assess our claims.

## 2.2 The Brexit process: periodisation and analytical issues

In order to assess the impact of Brexit on the UK political system, it is crucial to clarify what is meant by “Brexit” here (cf. Chapter 1, Section 1.4). Indeed, “When is Brexit?” is a key question addressed in one of the first comprehensive studies of Brexit (Oliver 2018). We acknowledge that there is – or, rather, there are – several “Brexit Day(s)”, such as 31 January 2020, the formal termination of the UK’s membership of the EU; or 31 December 2020, when the transition period ended and, as a consequence, the EU rulebook effectively stopped applying. There are also several announced – and then postponed – Brexit Days, the first one being 29 March 2019, exactly two years after the triggering of the procedure spelt out in Art. 50 of the Treaty of Lisbon. Brexit is often used to indicate the day of the UK referendum on EU membership (23 June 2016), although the referendum only provided, in formal terms, a non-binding political recommendation. In our understanding, Brexit is not a singular, “discrete” event. It rather indicates a process (or a set of processes) unfolding over time. For analytical purposes, we track them from the moment PM Cameron, leading a single-party Conservative government after the 2015 general election, implemented the pledge to hold a referendum on membership, to the actual Brexit Day, following which the Brexit agenda shifted to its implementation, or the “future relationship” between the UK and the EU (see the detailed timeline in Appendix B).

In principle, the idea of “Brexit as a process” could be challenged and rejected, for instance, by conceiving Brexit to be a distinct event that occurred at midnight on 31 January 2020 (Brexit Day). In this case, anything that occurred before or after Brexit Day could be seen as respectively short/medium/long term causes or effects of Brexit. However, we believe that such a thin conceptualisation of Brexit (as the instant in which the UK formally left the EU) misses two related and important points. First, it would underplay the extent to which the theme of leaving the EU has held a hyper-dominant position in the UK public sphere, inside, and outside political institutions. Writing in the middle of what we consider as the “Brexit period”, Tim Oliver stated that “to a large extent Brexit has become British politics” (2019, 3). Indeed, the Brexit period can be clearly set apart from previous and quite possibly future periods due to the extent to which political debate and political energies in the UK were absorbed by the Brexit issue. Secondly, “Brexit as an event” does not encompass the sense of purpose and/or direction that has emerged from the Brexit referendum, although it has been openly challenged by some or endorsed with different sets of preferences and different levels of commitments by others. It is precisely the presence of an expressed purpose that reveals and demonstrates the high level of interconnectedness between the referendum and most of the salient political events in the UK in the following years. In turn, this evident interconnection between the analysed events is at the core of the concept of “process”.

Treating Brexit in this way means that we should be particularly careful when trying to “disentangle” the politico-institutional changes brought about by the

Brexit process. Quite obviously, not all changes, reforms, or tensions observed during the Brexit years are causally linked or in some way connected to the complex process of withdrawal from the EU. The relatively long duration of the process – four and a half years from Cameron’s electoral pledge, three and a half years from the referendum, and almost three from the notification of withdrawal – further complicates the picture as confounding effects, both endogenous and exogenous in nature, continuously enter the story (cf. Figure 2.1). As has been noted elsewhere, studying the impact of a similarly long process – that is, the EU enlargement towards Central and Eastern Europe (Best & Settembri 2008) – causal connections should be established with great care. Indeed, linking all institutional changes following enlargement to the expansion of the EU would lead to a *post hoc ergo propter hoc* fallacy. Some institutional changes were long due and simply “happen” to follow enlargement, while others are prompted by different causes.

To be sure, interconnectedness does not mean determination. We are not arguing that the Brexit process could only follow one (predetermined) path and get to one (predetermined) outcome. In fact, though presenting empirical evidence on how the process has actually unfolded, we do consider alternative courses and alternative (partial or final) outcomes. We do that both *ex ante*, when we present our theoretical/analytical framework and our working hypotheses (see below), and *ex post*, when we discuss the findings and their broader implications (see Chapter 7). So, by the expression “Brexit process” we mean a series of clearly interconnected events that were triggered by placing the issue of the referendum on membership on the legislative agenda. In this period, the issue of EU membership became the top priority and dictated the direction of change. Since February 2020, instead, not only was Brexit formally concluded but, since March, the UK (as most other countries in Europe and in the world) had to tackle the Covid-19 pandemic emergency. Therefore, the year 2020 cannot be considered as a Brexit year only but, rather, as a Brexit and Covid year (Harvey 2021; Morphet 2021; Ward & Ward 2021). For this reason, we devote a specific chapter (Chapter 6) to it, while the core of the empirical analysis is presented in Chapters 3–5.

Brexit had an impact on a political system which was already under strain in several respects before the prospect of leaving the EU entered the policy-making

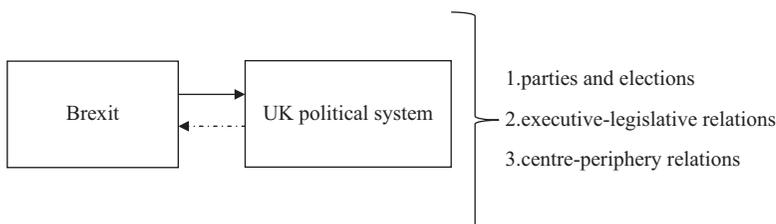


FIGURE 2.1 Brexit and the UK political system

agenda. The “classic” Westminster system had already been partly transformed (Hazell 2008). Indeed, the years of a coalition government and, earlier, the devolution reforms, had shaken its foundations (Flinders 2010; Matthews & Flinders 2017; Matthews 2017). Leading experts of British politics discuss growing anti-party sentiments, the increasing distrust towards political and representative institutions, rising inequalities, policy failures, and separatist tendencies in the context of the “crisis” or “bad health” of British democracy (e.g., Judge 2014; Richards & Smith 2015; Rose 2021). This book does take into serious consideration the broader context in which our institutional analysis of the Brexit process is located. However, in order to track down the specific impact of Brexit, we embrace a narrower theoretical and empirical focus and discuss the broader implications of our work in a dedicated chapter (Chapter 7).

Finally, we do not treat Brexit *a priori* as a “critical event”, a transformative moment, or a critical juncture leading necessarily to radical change for the UK political system. We treat it more agnostically as a “shock”, bearing important implications for British institutions and politics. Indeed, as Wincott put it, “for good or ill, Brexit unsettles the practices and structures of the UK state; it makes reorganization of the state unavoidable” (2020, 1579). This is not to downplay the significance of Brexit, but rather to analyse it *sine ira et studio* and let more normative speculations follow (rather than precede or even guide) the empirical analysis.

### 2.3 Europeanisation and the weakening of the Westminster system

Brexit represents an attempt – so far unique – to “reverse the gear” of integration (Gravey & Jordan 2016) and de-Europeanise (or rather de-EUropeanise) a domestic political system. Since the UK entered the EEC in 1973, a process of Europeanisation occurred, through which the UK absorbed the *acquis communautaire* while, on the other hand, developing itself the EU regulatory system. Even though the UK has greatly contributed to “differentiate” integration (Gänzle *et al.* 2019), through a number of opt-outs from key policies (e.g., the Schengen agreement; monetary union; the social chapter of the Maastricht treaty), in the 47 years in which the UK was a member of the EEC/EU, the UK political system became – willingly or unwillingly – Europeanised (for the historical account, see Chapter 1, Section 1.4).

In their systematic analysis of the Europeanisation of the UK political system, Ian Bache and Andrew Jordan (2006) have used the concept of Europeanisation both to capture the capacity of the UK to influence EU decision-making (“bottom-up”), and the impact of the EU on the UK political system, that is, its institutions, actors, and policy outputs (“top-down”). It is this second aspect – relatively under-researched until the early 2000s at least (Bache & Jordan 2006, 4) – which is of particular relevance here, treating member states as the “dependent variable” and the EU as the “independent variable”.

Unsurprisingly, the UK has traditionally been considered a difficult case in terms of Europeanisation. By joining the EEC at a later stage (1973), it had to absorb the existing *acquis*, which it did not have the chance to contribute to shaping from the start. Later, even its more pro-EU governments (i.e., the New Labour government in the late 1990s and early 2000s) did not fully subscribe to political integration. The perspective of a European federation has been rejected by the vast majority of public opinion and political elites, which is in stark contrast with some “older” member states, such as Germany or Italy. More generally, the UK provides a very good illustration of the “goodness of fit” hypothesis (Börzel & Risse 2000). According to it, the lower the fit of a member country in the EU political system – in terms of its functioning logic and political culture – the more extensive the required adaptation will be. As for the UK, since membership began, difficulties have been immediately clear. According to Vernon Bogdanor, the UK was indeed required “to make far greater adjustments than any of the other member states” (2019, 39).

This claim could, however, be spelt out more precisely. In this regard, Vivienne Schmidt (2006) provides a useful analytical distinction between policies, governing practices, and ideas. Looking at public policies, the UK has shown a good absorption capacity with little need to substantially change its own policies or institutional arrangements. Indeed, the UK has been actively shaping the EU agenda on the common market and has led the way in deregulation and privatisation. In this aspect, member countries such as Germany or France have faced more difficulties adapting their domestic markets to integration.

The picture is different for governing practices, which display greater problems of adaptation. The institutional “fit” of the UK in the EU is indeed complicated. Although the EU is a compound polity – that is, a system based on a “multiple diffusion of powers which guarantees that any interest can have a voice in the decision-making process, and no majority will be able to control all the institutional levels of the polity” (Fabbrini 2010) – in majoritarian political systems, governing activity concentrates “in a single authority through unitary states, statist policy-making and majoritarian politics” (Schmidt 2006, 19). The founding treaties of the EEC/EU established a hierarchical legal system in which the norms stated in the treaties are protected by a Supreme Court – the EU Court of Justice, based in Luxembourg – and created a multilevel governance system, with powers distributed both horizontally among the EEC/EU institutions and vertically between the EU and its member states. Generally, the functioning logic of the EU is based on consensus, with broad coalitions among member states (in the Council) and super-grand coalitions among parties (in the European Parliament), grounded on compromises often forged after long negotiations. Evidently, this stands in stark contrast with majoritarian systems, where the winner of general elections “takes all”, there is a centralised and centralising executive and a weak system of checks and balances. Susanna K. Schmidt (2020) has recently underscored the “significant” institutional mismatch between the EU and the UK polity.

In this aspect, the UK was under stronger pressure to adapt. The “federalising” pressure brought in by EU membership, with sub-national units directly implementing EU regulations and administering EU projects and funds (Bache 2008), contributed to the devolution of powers to sub-state authorities. The “deparliamentarisation” (cf. Raunio 2009) of decision-making, with the very limited involvement of national parliaments in EU affairs (EEC/EU regulations have direct legal effects, without the need to transpose them into national law), further weakened parliament. Finally, “judicialisation” occurred because national judges were asked to ensure the compliance of domestic law with EU law, thus strengthening the role and independence of the judiciary.

As Schmidt (2006) emphasises, however, the misfit between the EU and the UK is stronger in the very idea of how democracy should work. The key source of tension with the EU is the backbone of the UK’s political system: the principle of “parliamentary sovereignty” (Norton 2011, 79). According to this principle, Parliament can approve whatever legislation it wants to without any external constraint, as there is no hierarchically superior authority with the power to declare an Act of Parliament null and void. As acutely observed by Alexis de Tocqueville, the UK Parliament is “both a legislative assembly and a constituent one” (cited in Bogdanor 2019, 189). Acts of Parliament are primary law, which can be amended only by subsequent Acts of Parliament.

The principle of the sovereignty of Parliament has been severely challenged by EEC/EU membership. When the UK became a member of the EEC, the Court of Justice had already recognised the direct effect of EC legislation (*van Gend en Loos case*) and the primacy of EC over national law (*Costa vs ENEL case*). With such rulings, the principle that there is no authority over and above parliament was fundamentally challenged. EEC/EU membership was then seen as a threat not only to executive autonomy (as in France), but also to parliamentary sovereignty (Schmidt 2006).

Of course, the delegation of law-making powers to Brussels was made possible by a specific Act of Parliament (*the European Communities Act 1972*) and, as Brexit itself demonstrates, another Act of Parliament sufficed to “repatriate” them (*the European Union (Withdrawal) Act 2018*). Formally, therefore, the principle of parliamentary sovereignty was unscathed by membership in the Community/Union. In substantive terms, however, the story is very different, since membership makes Acts of Parliament subject to EU law and jurisprudence.

According to Bogdanor (2019), EEC membership has clashed in two main ways with the UK legal-political tradition. First, a written constitution has come into being almost by accident, without a full engagement of citizens and a proper debate in the public sphere about the implications of this fundamental change. The UK constitution has been subject to a process of formalisation because of the EEC/EU Treaties, beginning with the Treaty of Rome (signed by the six founding members in 1957), and ending with the Treaty of Lisbon. Second, the courts have been empowered making a “constitutionality” check of national laws through referral to the Court of Justice of the EU. The creation of the Supreme

Court in 2009 has *de facto* introduced a tribunal of the last instance for the constitutionality of norms, although its remit is limited to human rights and conformity with EU law. Therefore, the UK has found itself in a different legal regime with a written “constitution” and a “constitutional” court, moving significantly away from its long-standing legal and political tradition.

A different stream of the Europeanisation literature has instead focused on political parties and party systems (cf. Ladrech 2002). Until the early 2000s, the EU was hardly a salient issue for political parties, and party competition on integration matters was limited (Mair 2000). In this context, British parties are quite exceptional. A single-issue party in the EU, the Referendum Party, was established as early as 1994 calling for a referendum on EU membership. UKIP has been a frontrunner of Eurosceptic/populist movements, challenging mainstream parties in Europe. Its growing electoral success (particularly in by-elections) played no small part in Cameron’s decision to hold a referendum on EU membership. The internal party splits on Europe characterised the major British parties ever since the first (unsuccessful) applications to join the EEC in the early 1960s (Smith 2012; Baker *et al.* 2008). Through the 1970s, Eurosceptic tendencies were mainly expressed by the left wing of the Labour Party while, from the mid-1980s, political integration fuelled anti-EU sentiments within the Tory ranks. Furthermore, EU membership introduced a new arena of party competition where different rules apply. From 1999, UK members of the European Parliament (EP) were chosen according to proportional electoral rules (Scully & Farrell 2007). This allowed parties that have been penalised by the Single-Member Plurality (SMP) system used in general elections to obtain representation in the EP and make themselves more visible (Goodwin & Milazzo 2015; Baldini & Chelotti 2022, 4). Nigel Farage, the leader of UKIP, and later of the Brexit Party, excelled in using the EP to boost his popularity (cf. Brack 2015).

Overall, it can be argued that British membership in the EEC/EU led to a weakening of the majoritarian system (see Chapter 1) by challenging the principle of parliamentary sovereignty, introducing a sort of rigid constitution, promoting federalising tendencies, and lowering the entry barriers for third parties. Furthermore, with the extension of Qualified Majority Voting (QMV) in the Council of Ministers, and with the strengthening of the EP in law-making, the UK government lost its capacity to fully control EU policies (which it could previously veto, if considered unacceptable or damaging for the country). Incidentally, when the UK government was on the losing side in the Council of the EU, the accountability of ministers was also negatively affected, since no one could be held accountable for a policy agreed by a majority of EU members.

## 2.4 Back to Westminster? The impact of exiting the EU

Disentangling the complex knot of relationships with the EU is a difficult and untested exercise that will need some time in order to be brought to completion.

Impact assessments on the economic consequences of Brexit have been a contentious issue during the process, to the point that the then Brexit minister, David Davis, faced a charge of “contempt of parliament” in 2017, due to his refusal to release them in full. Understanding the political and institutional consequences of the Brexit process could be an equally difficult task. As the EU is removed from decision-making, Brexit inevitably entails internal change, as both policies and governing practices need to be adapted or reinvented. While we share, in principle, the proposition that “in itself Brexit does not determine the extent or form of this restructuring” (Wincott 2020, 1582), we believe that hypotheses on the most likely directions of change can be formulated.

### ***2.4.1 Dimension 1: elections and the party system***

To start with the first dimension, our expectations are the result of the interplay between the implications of the 2016 referendum (as an event) and of the ensuing Brexit process to implement the exit from the EU. The immediate expectations for the first elections after the referendum were related to a reduction in party system fragmentation, mainly through the reabsorption of UKIP, a single-issue party that was formed to bring the country out of the EU and which had won 27 percent of the votes in the 2014 EP elections, thus increasing its electoral threat to the Conservatives (but also to Labour: Ford & Goodwin 2014). This party had also experienced great success in the 2015 general elections when its breakthrough in Westminster was only avoided by the mechanics of the SMP electoral system. At the same time, Theresa May’s inability to get the Withdrawal Agreement through Parliament led the country to take part in the EP election in May 2019 (see Chapter 1), leading to the birth and the massive electoral success of a sort of UKIP 2.0, namely the Brexit Party. The resurrection of Farage’s crusade to bring the UK out of the EU put the entire party system under considerable strain, to say the least. On the third anniversary of the membership referendum, Britain witnessed yet another resignation by an incumbent Conservative PM (May announced her retirement from the post just after her party was crushed in the EP elections). Therefore, what had become clear by this time was that there was no majority in Parliament to carry the country out of the EU in a context marked by extreme fluidity in the opinion polls.

Moreover, all opinion polls conducted during 2018 and 2019 showed that public opinion was still divided down the middle, with a slight move towards Remain. More significant, perhaps, was also the fact that more and more voters were priming Brexit identities over party identities, thus reinforcing the expectation – already driven by a stall in parliament – that the next general elections would be dominated by Brexit itself as the key moment to finally “break the deadlock” (Allen & Bartle 2021).

As the Brexit referendum was broadly interpreted as a key manifestation of a new “cultural” cleavage centred on globalisation (also referred to as the transnational or demarcation/integration cleavage), whereby old social alignments

were replaced by new divisions broadly based on socio-demographic elements such as age and education, as well as on geography (Ford & Jennings 2020; Sobolewska & Ford 2020), the dynamics of party support were also expected to be affected by the realignment process. This is especially the case since the Conservative Party, after Cameron's and May's resignations, morphed more and more significantly towards the "Exit Party" which, in the view of many voters, meant regaining control of the borders. In this respect, an analysis of the social background of the voters of the two main parties becomes important, especially in light of an electorate which has become increasingly volatile. This volatility also involves – significantly enough – the issues on which voters base their electoral choices. Hence, our expectation with regard to the second electoral event after the referendum – namely the 2019 general election – can be linked to the increasing importance of the parties' capacity to be seen as the true interpreters of the "Leave" and "Remain" camps. Moreover, the relevance of the multi-level nature of the party system should be considered. The country's exit from the EU implies that it will no longer take part in EP elections, thus reducing opportunities for the possible success of yet another party inspired by Brexit.<sup>1</sup>

In general, albeit with further caveats that we specify in the next chapter, we posit that:

*H1 Brexit leads to a reduction in party system fragmentation*

## **2.4.2 Dimension 2: executive–legislative relations**

Brexit can be seen as a shock altering the politico-institutional equilibrium. Building on a rational-choice, institutionalist perspective (Héritier 2007), it could be argued that Brexit upset the status quo and opened up new opportunities for power-maximising actors. The act of "giving back control" in a context of institutional uncertainty could result in the empowerment of different institutional actors, giving rise to a conflict-prone political situation. It is, therefore, likely that actors will engage in strategic bargaining to maximise their power and to obtain an institutional outcome (i.e., a type of Brexit agreement; more control over repatriated powers) that is closer to their own preferences. Asymmetries in resource ownership – such as time, information, bureaucratic resources, etc. – and the fall-back position of the actors explain the outcome of the bargaining process (Knight 1992).

There are strong elements suggesting that de-Europeanisation could lead to an empowerment of the executive over Parliament and the devolved administrations. With the disappearance of the EU "external constraint" (Dyson & Featherstone 1996), a window of opportunity has opened up for the more powerful actors to renegotiate an institutional settlement, placing them in a stronger position compared to the status quo. The first element to consider is that executives normally have the upper hand in international negotiations. They lead them

directly, negotiating with the other parties in secluded settings, facing limited parliamentary scrutiny. Historically in the UK, international negotiations have been the exclusive domain of the executive, under “royal prerogative”. The Brexit negotiations were conducted directly by the UK government, distinctively No. 10 and the *ad hoc* Brexit minister, and treated as if they were international negotiations. Although the Supreme Court restated the constitutional need to obtain a parliamentary mandate (through an Act of Parliament) to trigger Art. 50 TEU and start the withdrawal process, the intervention produced little change for the actual conduct of the negotiations (with parliament giving a “blank cheque” to the executive).

A second element to consider is that the Brexit process unfolded under tight deadlines. From the triggering of Art. 50, only two years were available to conclude the negotiations. In several circumstances, the government urged its own recalcitrant MPs to vote according to its wishes, because, otherwise, a “no deal” (the least favourite option for most MPs) was likely to occur. The “spectre” of no deal, bringing with it a frightening scenario of a policy vacuum with high economic costs, was used to convince MPs to accept whatever offer was put on the table. The need for a decision, pending the deadline that the government itself agreed upon with the EU, was meant to focus the MPs’ minds and allow for Brexit (that is, Brexit as negotiated by the executive) to take place.

Beyond the formal deadlines of the withdrawal procedure, there was a real urgency for finalising Brexit in order to provide legal certainty for businesses and citizens. Executives can benefit from emergencies – also skilfully constructed as “emergencies”. They can use crises to empower themselves and, in specific circumstances, “grab” repatriated powers from the EU. Indeed, “deadlines are useful for a certain kind of emergency politics” (White 2019). The executive seeks to put itself in a position where it can capitalise on the state of emergency, which it has itself contributed to create. As Ginsburg and Versteeg put it, it is almost common knowledge that “emergencies require massive delegation of power to the executive, which is the only branch of government with the information, decisiveness, and speed to respond to crises” (2020, 4). Given the massive effort required to exit the EU regulatory framework, only the executive could swiftly and decisively act to “get Brexit done”. In such circumstances, checks and balances are weakened or need to disappear altogether, in order to leave space for the executive’s action.

Indeed, in Carl Schmitt’s classic definition (2005), “sovereign is he [sic] who decides on the state of exception” and the seemingly paradoxical concept of “constitutional dictator” implied a temporary concentration of all powers in their hands to preserve constitutional order. Delegation of powers to the executive becomes a functional necessity, as legislatures are ill-suited to deal with emergencies, given their more limited information about events, party political divisions, and weaker administrative resources (Posner & Vermeule 2011). Legally speaking, executives could rely on constitutional provisions on the state of emergency, or they could be provided by the legislature with broad statutory

authorisation for action. In this context, courts play an enhanced role to guarantee that the state of emergency does not breach other constitutional provisions and is not overstretched, but their action can also face specific constraints, or be curtailed by the executive (e.g., through the threat of restricting their legal remit or powers). New institutional rules created to tackle the emergency may survive it, thus resulting in permanent empowerment of the executive over other governing institutions. Overall, it can thus be expected that:

*H2: Brexit leads to an empowerment of the executive over the legislature*

### **2.4.3 Dimension 3: centre–periphery relations**

As for the territorial dimension (i.e., the vertical distribution of powers), even before the Brexit referendum occurred, it was widely expected that the UK withdrawal from the EU would have important repercussions and unleash the dynamics of “politico-territorial restructuring” (Minto *et al.* 2016), also because of different preferences on EU membership across the UK nations (Henderson *et al.* 2016). After all, territorial dynamics were already changing before the Brexit referendum, as a string of events, such as the referendum on Scottish independence and the ongoing expansion of the powers of the Welsh assembly and of the Scottish parliament all indicate.

A seemingly straightforward outcome would be the *de facto* expansion of devolved competences, since Europeanised policy areas that formally fell under the remit of the devolved administrations would be repatriated and assigned to them. However, the effective expansion of regional competences cannot be taken for granted for two main reasons. First, withdrawal from the EU is, first and foremost, a matter of international politics. As argued above, it is managed by the central government and the PM, with a keen interest for ensuring minimal interference from other levels of government. Having the first-mover advantage, by setting the content of the negotiations (together with the EU), it is unlikely that the government will champion the interests of the devolved administrations. Second, the Brexit process has unfolded in a period of electoral dominance of the Conservative Party and, hence, Conservative governments. Notwithstanding the fact that the Tory party has adapted to devolution and has, itself, contributed to it (Convery 2014), the Conservatives remain the most vigorous defender of the unitary character of the British state, which is understood as an extension of the predominant English component (Gamble 2016). If any government exploits the window of opportunity of Brexit to enhance its own powers, this would be even more the case for a Conservative government.

Should this occur, the most likely political implication is that popular demands for secession will, as a reaction, become more vocal. Indeed, this is what theories of comparative territorial politics, such as the theory of “lost autonomy” (Sirkyo & Cuffe 2015), lead one to expect. In the medium term, therefore, post-Brexit centralisation of power may spectacularly backfire. On the contrary, in the long

run, the theoretical scholarship sees membership of the EU as a facilitator of independence (Laible 2008; Cetrà & Lineira 2018). Therefore, the removal of the UK from the EU should make (at least Scottish or Welsh) secession more traumatic and, therefore, less appealing. Yet, as far as institutional change within the current UK polity is concerned, in the short/medium term, it can be expected that:

*H3: Brexit leads to an empowerment of central government over the devolved administrations*

#### **2.4.4 Institutional change and stickiness**

A note of caution regarding the expectations sketched above comes from a historical institutionalist perspective on the process of Brexit. Such an interpretation attaches particular importance to the “stickiness” of institutions and underscores the difficulties in leaving an ongoing trajectory of institutional development, or “path dependence” (cf. Pierson & Skocpol 2002; Thelen 1999). The “transformed” Westminster system (Hazell 2008) may not be so amenable to the executive, whose empowerment strategies may fail or clash against already consolidated institutional rules, thus diminishing its clout (i.e., coalition or minority government) or allowing other domestic actors to counterbalance its power (i.e., the Supreme Court, the devolved administrations). In addition, Brexit is likely not to be a “clean” process, as it mixes up with existing endogenous developments, interacting with the broader context and other exogenous crises, thus creating muddled and hybrid phases (Wincott 2017; cf. Baldini & Chelotti 2022, 5).

As for executive–legislative relations, Brexit occurs after a couple of decades of piecemeal but gradual empowerment of the legislature. The reform of select committees, the absence of a Conservative majority in the House of Lords, and the growing assertiveness of backbenchers are all factors which have concurred to partly rebalance the relationship between government and Parliament (Russell & Cowley 2016). As Brexit has been designed, in the words of the former Brexit minister, David Davis, to allow “Parliament to take back control of UK laws and policies” (2017), it could mark a significant enhancement of its policy influence.

Moving to the territorial dimension, since the creation of the devolved administrations in 1997–9, several of the competences attributed on paper to the nations were exercised either exclusively by the EU or in cooperation between the EU and the UK. As a consequence, the repatriation of policy competences from Brussels could bring with it, in the medium or long term at least, a significant expansion of the policy-making power of the nations and, therefore, a further shift of the UK political system towards more decentralisation, if not federalism.

Assuming that the repatriated powers will effectively be taken up by the nations (which is, in any case, far from guaranteed), different implications for centre–periphery relations exist. Building on the research on territorial politics (Levi & Hechter 1985; Rudolph & Thompson 1989), the expansion of local

self-government, particularly if accompanied by reforms toward further devolution, could be expected to satisfy the demands of some autonomist voters, weakening electoral support for autonomist parties. In the long run, the political system would then be characterised by more devolution and the weakening of centrifugal tendencies. Alternatively, other scholars argue that the reinforcement of regional autonomy is most likely to strengthen secessionist tendencies (Brancati 2008; Massetti & Schakel 2016; 2017), because the repatriation of policy competences to the nations would neither eliminate nor reduce the existing tensions between the central government and peripheral nationalism but, rather significantly reinforce it.

## 2.5 Research design and data

We embrace a “process perspective on institutional change”, shared by different institutionalist perspectives (cf. Héritier 2007; Pierson & Skocpol 2002), which leads us to focus on the factors driving institutional change – and, of course, Brexit in particular – with the underlying causal processes and outcomes. Ultimately, drawing on Lijphart’s polar types – i.e., the Westminster model, on the one hand, the consensus model on the other (see Chapter 1) – our aim is to capture the direction of travel of the UK political system. In the post-Brexit period, has it moved closer (back) to the Westminster model, or has it taken further steps away from it?

In order to understand how the UK political system has changed during, and because of, Brexit, we have undertaken an in-depth empirical analysis based on process tracing. We aim to examine “intermediate steps in a process to make inferences about hypotheses on how that process took place and whether and how it generated the outcome of interest” (Bennett & Checkel 2015, 6). More specifically, we seek to uncover how a sequence of events, triggered by the Brexit process, led to specific outcomes in the three dimensions previously discussed (see, again, Chapter 1). Through a careful triangulation of different sources, we have sought to disentangle what has occurred *because* of Brexit from what has happened *during* the Brexit process.

We have relied extensively on primary sources (e.g., official documents of institutional actors at different levels of government; official declarations and interviews by key players), and the thriving literature on the UK and Brexit (both the academic literature and that produced by think tanks). At the same time, we also conducted 72 interviews with “privileged observers” of the Brexit process (see Appendix A for the complete list). We triangulated different sources to minimise any “selection bias” and carefully considered any alternative explanations.

Our interviewees are 28 renowned academic experts of UK politics and its constitution (mainly political scientists and lawyers); 40 party politicians drawn from across the political spectrum, (mainly within the Conservative ranks, the Labour Party, and the SNP, but also from all other “minor” parties), as well as elected representatives at all levels of government, the Westminster Parliament,

the Scottish, Welsh, and Northern Ireland assemblies. We also interviewed four parliamentary clerks who played important roles when the Brexit legislation reached Parliament.

Interviews were conducted in three rounds. The first round took place from 9 to 20 December 2018, in London; the second round was held from 10 to 22 February 2019, partly in London and partly in Edinburgh; the third and final round was conducted from 18 September to 6 October 2019, with interviews in London, Cardiff, Edinburgh, and Belfast.<sup>2</sup> As our fieldwork was completed before the outbreak of the Covid-19 pandemic, the vast majority were face-to-face interviews. Only three of them were organised online, via Skype. The three rounds of interviews focused on somewhat different targets (i.e., for logistic reasons, the assemblies in Wales and Northern Ireland were targeted only in the third round). Yet, in some cases, we decided to go back and interview again one of our interviewees (or a close colleague) because the unfolding of the Brexit process required a reconsideration of some earlier findings or an update of the original questionnaire in light of new political developments.

We conducted semi-structured interviews. Some questions were prepared *ex ante* and were asked to all interviewees, while others were adapted to the specific interviewee or updated to take into consideration changes in the Brexit process (e.g., a major governmental defeat on a division in the Commons; new elections or cabinet reshuffling). More generally, we pursued a strategy to not “constrain” the person we spoke with by superimposing our own interpretations or hypotheses. As we interviewed *elites*, we considered it more appropriate to provide a loose grid only and allow the experts to express themselves as freely as possible (cf. Dexter 2006). Interviews were recorded – after obtaining the explicit consent of the interviewee – and anonymised. Interviews were held in the location chosen by the interviewees – often their office, sometimes a public space – and they often lasted around one hour.

## Notes

- 1 Although this possibility cannot be totally ruled out, given the highly symbolic salience of the anti-EU battle (Jennings *et al.* 2021).
- 2 As we further specify in Chapter 6, the timing of the interviews and the different nature of the three dimensions mean that interviews are used less in the first than in the other two dimensions.