THE BREXIT EFFECT

What Leaving the EU Means for British Politics

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Chapter 1

THE WESTMINSTER MODEL AND THE UK POLITICAL SYSTEM BEFORE BREXIT

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UK political institutions are among the oldest in the world (Judge 2005). While significant reforms have recently taken place with regard to devolution and the territorial distribution of power in general, the UK still preserves many elements of the institutional architecture developed over the last two centuries. As a matter of fact, Britain carries particularly important historical baggage given that its main institutions have been shaped not by a specific constitutional moment, such as, for instance, the constitutions that emerged after the American or French revolutions at the end of the eighteenth century. On the contrary, British institutions emerged gradually and they were shaped by a spirit of "Club government" (Bagehot 2001 [1867]) and by what the historian Peter Hennessy called the "good chap" theory of government, based on mutual respect between the main players, as well as "a sense of restraint all round" (Hennessy 1995). This system was primarily based on the prioritisation of top–down mechanisms of accountability at the expense of more bottom–up participatory dynamics (Richards *et al*. 2019). Hence, the Westminster model (henceforth WM) cannot be understood in isolation from the cultural elitist climate which informed its emergence, as summed up in the principles of the British Political Tradition (henceforth BPT).

During the twentieth century, the country experienced changes that came to define the dynamics of its political system – in the years around WWI and in those following the end of WWII – as a prototypical case of majoritarian democracy (Lijphart 2012). Lijphart's model of democracy is built on ten institutional variables, which we analyse in this chapter. However, before pursuing this task, we examine (Section 1.1) how the WM has been used in comparative and British politics literature, and how the BPT is particularly important for the functioning of the UK political system. We then move (Section 1.2) on to the normative debate on the WM and to the way in which we adapt Lijphart's framework to our scope (Section 1.3). Section 1.4 discusses the nature of Brexit, which we regard

as the key trigger of change in the period analysed here. Finally, Sections 1.5 and 1.6 deal with two elements – respectively, membership in the EEC/EU (Europeanisation) and the "constitutionalisation" of referendums – which, in the last decades, have significantly impacted on the functioning of the UK political system and transformed the WM.

1.1 Westminster, British politics, and the BPT

For many years after WWII, British politics was very much a two-party game (see Chapter 3). This was primarily because all the different arenas – electoral, parliamentary, and governmental – were dominated by the Conservative and Labour parties, with the Liberals long distanced in third place.[1] Politics was centralised in London, in Westminster and Whitehall. The Parliament of Northern Ireland replicated the same majoritarian dynamics as Westminster but without alternation in power, constantly celebrating British unionism. The constitution was uncodified, and no judicial review was provided by any Constitutional or Supreme Court. Very few veto powers could interfere with the power-hoarding instincts of the government of the day. In every general election up to 1970, the combined vote of the two main parties totalled around 90 percent. Their combined representation was even higher in the seats of the House of Commons. In the governmental arena, single-party majority governments were the rule, again with no exception until 1974.

Although some changes soon started to emerge in the early 1970s – incidentally, just around the time when the country was joining the EEC (1973) – the above dynamics were still in place at the end of that decade. The nature of this two-party game was theorised by Arend Lijphart in the first edition of his comparative book *Democracies* (1984), which was soon to become a classic in the field, even more so after the two successive editions that were published respectively in 1999 and 2012. The concept of the "Westminster model" is used here in the meaning attributed to it by Lijphart (Crepaz *et al.* 2000; Bogaards 2017). However, although its name comes from the seat of one of the most historic representative assemblies (The Houses of Parliament in the Palace of Westminster), the eponymous model does not fully coincide (and it never did) with the British political system. Rather, as per Lijphart, the WM represents the extreme of a continuum whose opposite polarity is the consensual model (Lijphart 1999; 2012) – initially defined as the "consociational model" (Lijphart 1984).

In other words, for Lijphart, the empirical cases (including the British system) are distributed between the majority/Westminster pole and the consensual/consociational pole. Obviously, the UK and some former dominions and colonies of the British Empire are close to the majoritarian pole – which is why this is also called the "Westminster model" – than to the consensual model. Consequently, it is convenient to use the WM as a reference point with respect to a specific case (the British political system in this book), which can approximate or move away

from it by strengthening (or acquiring) some characteristics of the consensual model.

However, the expression "Westminster model" (or "Westminster system") did not originate with Lijphart's work. It was used long before, with different meanings and connotations. These different meanings have circulated in various strands of political science literature – from case studies on the UK itself, to comparative studies in the Commonwealth context, or on a broader scale, but within a different conceptual framework.

Therefore, before introducing Lijphart's analytical framework, and the way we adapt it here, we offer the reader a brief survey of the literature on the WM, with specific attention to two aspects. From a conceptual point of view, it is important to keep in mind the ambiguities of the use of this expression, which is often considered a synonym of the UK's political system as a concrete case. From a normative point of view (cf. Section 1.2), it is also useful to stress that although the WM has often been considered as a model of democracy to be imitated (especially abroad: e.g., APSA 1950; Perez Diaz 1999), in the UK this has been increasingly criticised as dysfunctional (e.g., Smith 1999; Richards *et al.* 2014).[2]

1.1.1 What's in a name? The Westminster model and British politics

How did the WM emerge in the study of British politics? And how can we understand its different conceptualisations? Russell and Serban (2021, 746) map the first wave of the increasing use of the concept of the "Westminster model" in the 1960s, with the classic work of J.P. Mackintosh on "British government and politics" at the end of that decade (1970), which became the first political science textbook to use it as a "framing device" (ibid.). Although Mackintosh referred to it mainly regarding the period from 1880 to 1914, the concept was increasingly used by the literature for around 15 years after this book was published (ibid.). At the turn of the millennium, by reviewing several key textbooks on British politics, it has been argued that if Mackintosh "outlined *the collapse* of the Westminster model, the model nevertheless continue(s) to shape how British politics is perceived and taught" (Smith 1999, 108).

By analysing the rich literature on the "Westminster model", we can note that, first of all, many authors refer to "system" rather than "model". This occurs especially among those who comparatively study the importance of the British institutional heritage in the former colonies, which are now members of the Commonwealth (primarily Australia, Canada, and New Zealand). For example, in a special issue of the journal *Governance* dedicated to the "Westminster system", the editors identified four different meanings of the term within these countries (Grube & Howard 2016, 469):

(1) a type of political system characterised by the presence of several objective traits;

(2) a web of meanings shared by key governmental actors;
(3) a set of persistent and stable traditions that structure political and administrative behaviour;
(4) a series of reciprocal exchange relationships between governmental elites.

It is the first of these four meaning – referring to institutional issues – that is of particular interest for this book. The other ones concern cultural elements, which specifically emphasise the common background of the political and administrative elites in the country. However, while focusing on the institutional elements of the WM, we agree that culture matters, since institutions do not work in a void. Their functioning is informed – sometimes significantly – by the environment in which they are located, and by the interpretations that the most important actors give, not only to the rules and norms, but also to the practices and behaviours that have contributed to shape them.

This is all the more crucial for a country like Britain, where the existence of an uncodified constitution is combined with customs, codes of conduct, and norms which are often poorly specified. The classics of the British constitution – starting from Walter Bagehot (2001 [1867]) – highlighted the importance of these elements in the definition of a sort of "Club government", a form of "standing wonder", which were, during the Victorian age of limited electoral suffrage, based on a high degree of trust in the governing elites (Loughlin 2013).

The crucial importance of cultural elements is at the core of the Interpretivist school of the WM, most notably Mark Bevir and Rod Rhodes (2001), when they claim that "the instinctive understandings of what Westminster means are ingrained not just in the minds of political leaders but in the practices of individual public servants based on shared traditions and stories that shape views about how things should be done" (cited in Grube & Howard 2016, 470). While taking on board the core suggestion on the importance of analysing the cultural elements in the behaviour of the actors, we still believe that, together with qualitative data as the main means of research used by the interpretivist approach, it remains important to use also quantitative indicators.

The ambiguities about the meaning of the "Westminster model" have also affected the specialist literature on the UK, fuelling a series of debates on the analytical usefulness of the model itself which, taken together, end up increasing the conceptual confusion of the expression. Moreover, these debates reflect the conceptual shifts that have already emerged in the comparative literature on the Commonwealth countries.

As a matter of fact, these criticisms developed around two themes, which are the "paradigm shift" from "Government" to "Governance", and the importance of cultural aspects in the functioning of the political system. While not entirely dissimilar, these two perspectives differ since the first one is more centred on the need to look beyond the core institutions of London. As for the first theme, the debate was triggered by Roderick Rhodes with the launch of the "Governance" paradigm in one of the most cited political science works of the last 25 years

(Rhodes 1997).[3] This study of Rhodes has been defined as "the most prominent and influential account of governance theory in British political science" (Marinetto 2003, 562). A key element is the concept of a *policy network*, which indicates the presence of multiple centres of power, thus opposing the imposing and "power-hoarding" vision of the majority model and, instead, favouring a model of power-sharing by consensus and by "bargaining", especially by pressure groups. In 1988, Rhodes began his volume *Beyond Westminster and Whitehall* arguing that "the study of British politics is too often the study of Westminster and Whitehall" (1988, 1).

The influence of the Governance paradigm is very clear in the approach taken by the academic journal *British Politics*. In 2006, in the journal's opening article, the two editors, Peter Kerr and Steven Kettell complained about the excessive static status of the study and teaching of the discipline, which was still too centred on a "classic" conception of the WM, More specifically, they emphasised how the discipline had suffered from the deficiencies of the so-called "Westminster model" and its central concern with examining the narrow mechanics of British central government (2006, 6). Also, they argued that, despite new approaches and research paradigms, "many authors continue to defend too narrow a conception of what is political" (ibid. 2006, 6–7). Kerr and Kettell's conclusion targeted the static and excessive flattening of the central government in studies that "focused on relations between prime ministers and their cabinets, the role of civil service and the work of parliament". While one of the best-known electoral geographers reminded these authors of the many important advances in electoral research (Johnston 2006), the underlying agreement between these authors was on the fact that the study of British politics had hitherto been marked by a strong institutionalist bias.

In 2013, writing in the same journal, Jordan and Cairney took up the theme with similar tones: "most analysts argue that the 'Westminster model' is out of date and has been replaced by new approaches based on governance" (2013, 233), which would be much more useful for the study of public policies. However, a few years later – again starting from a policy perspective, and again in the same journal – Richardson highlighted "several trends that suggest that the British policy style is moving towards the tax pole of the spectrum (…), more in line with the traditional Westminster model of government" (2018). This point is very interesting because it comes from one of the authors who first questioned the important majoritarian dynamics in the functioning of British politics (Jordan & Richardson, 1979). Furthermore, it is placed in a context in which many important policy experts are noting the advent – in contemporary democracies – of a more assertive style of government (Capano *et al.* 2015).

The criticism of the "Westminster model" launched by the proponents of the paradigm shift (from "Government" to "Governance") has had such an impact on British political science that it has provoked reactions in the opposite direction. According to John (2018), the spread of the "Governance" approach led to the neglect of central government institutions:

in their enthusiasm for governance, many students of British politics have eschewed studying the rules of central-state institutions and the incentives they place on political actors. Classic topics from the study of political institutions, such as prime ministerial powers, ministerial appointments, and cabinet governments, are seen as synonymous with the much-criticised "Westminster model" and are thought to embody its questionable normative assumptions.

(p. 3)

There is a danger that by moving to a more governance-focused and decentered accounts of British politics, less attention is placed on the core institutions, but where political actors are still using them to get things done and where key choices made by politicians are only comprehensible within this set of constraints and opportunities. Not only are the choices of these core state actors important in this framework, the institutions affect the behavior of other actors, such as legislators, interest groups and, in turn, voters.

(p. 9)

Taking a look at the second theme, the criticisms that we consider more appropriate for our work regarding the concept of the "Westminster model" have been raised by two main groups of scholars: constitutional law experts and those who emphasise the importance of the BPT for the functioning of British institutions. Both tend to emphasise the importance of the interaction between constitutional norms and some cultural aspects. The first group is mainly associated with the work of the Constitution Unit (CU) based at University College London. According to Glover and Hazell (2008), Lijphart's model is not adequate to capture the transformations of the country due to its scarce focus on the contextual (especially cultural) elements in which the constitutional change, especially in the last 25 years, has taken hold in the country. Furthermore, this group criticises Lijphart's analytical framework by contesting the usefulness of some variables, such as interest groups and the autonomy of the central bank (ibid., 24) and stigmatising a certain superficiality in the treatment of other variables more specifically dedicated to constitutional elements.

The second group, on the other hand, emphasises the importance of the cultural codes of institutional functioning, within the aforementioned BPT. The basic idea is that the nature of the British constitution – not codified in a single constitutional text – derives from the secular evolution of its institutions and from a profound osmosis with the traditionalist values of society. The flexible nature of norms having constitutional rank is accompanied by a high rate of politicisation of the rules. In particular, governments with a majority in parliament have great discretion in pursuing their agenda. Although the BPT is formally more in tune with the values of the Conservative Party, Labour has also ended up adapting to it (Diamond & Richards 2012; Dorey 2008). But how does

the BPT interact with the evolution of British institutions and with the interpretation of its constitutional rules?

1.1.2 The BPT, historical inheritance, and institutional persistence

In the country traditionally considered the cradle of representative government (Manin 1997), and where the early birth of public administration is considered to have favoured a virtuous relationship between the development of the state and the democratisation process (Fukuyama 2014), the historical development of the institutions is strictly associated with the emergence of the BPT. The latter is based on the importance of stable, strong, and majoritarian leadership and on the key principle of the "sovereignty of parliament", whereby a government commanding a majority is practically unconstrained in its power. This is at the core of the UK political system, as it has traditionally been based on

> a constitution in which power was highly concentrated, where the prerogatives of the Crown had become the powers of the executive, and where formal constraints on that power were notable due to their absence. In international terms, Britain was out on a limb. There was no book of constitutional rules; no supreme court to guard the constitution against the politicians; no charter of citizens' rights that had to be complied with; no other tiers of government that enjoyed constitutional status and protection; no second chamber with power to rival the first; and no electoral system that enforced proportionality between votes cast and seats won. This was a "winner-takes-all" system with a vengeance, not just in terms of how the first-past-the-post electoral system worked, but in terms of the governing resources available to a winning party. Getting your hands on the great prize of government, with all its unconstrained power, conditioned everything. The style and culture of political life, with its ferocious adversarialism and yah–boo polarities, both reflected and reinforced the essential nature of this system.
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> *(Wright 2020, 25–6)*

To understand the "Brexit effect" on the political system, we need to focus on the close relationship between constitution and tradition in the evolution and current configuration of the British political system. In the absence of a single constitutional text, examining the context in which institutional rules have taken shape can be a complex exercise. However, it remains a necessary task for us in order to identify the *status quo ante*, i.e., the main characteristics of the political system before the 2016 referendum.

This means tracing the main constitutional principles, as elaborated above, by the works of Albert Venn Dicey (1885) and Walter Bagehot (2001) [1867]. With some approximation, it can be said that, while the first author focused on legal aspects, the second was more interested in the political aspects. In Dicey's analysis,

three fundamental principles are emphasised: the centrality of the Parliament of Westminster (understood as "parliamentary sovereignty"), the rule of law (centrality of rights; supremacy of law and, in this context, judgements of the courts in the common law), and last but not least, the relevance of conventions (Norton 2020). Bagehot, on the other hand, highlighted the dual nature of the English constitution (*sic*). Criticising the theory of the division of powers canonised a century earlier by Montesquieu, Bagehot identified its "efficient secret" in the fusion between executive and legislative powers, with clear pre-eminence of the government over parliament.

Bagehot and Dicey published their works as Britain was still going through a phase of gradual extension of the electoral franchise, typically considered among the key elements of the democratisation process (by key classics such as Robert Dahl and Stein Rokkan). In democratic regimes, the writing of a constitution often takes place in conditions of great uncertainty and evolution. In many cases, democratic constitutions were written after traumatic events, such as wars or revolutions, which triggered historical caesuras from a political-institutional point of view. Although with important variations, through a "constitutional moment" many Western democracies have developed a genetic phase that defines the institutional imprint – and the functioning dynamics – of the various organs of the state, giving an important imprint to the model of democracy as well. The British case is different. Unlike two other cases, such as the United States with the Constitution of 1787 or, a few years later, France,[4] with the first constitutions after 1789, in the UK the constitution does not derive directly from a revolutionary break. Of course, the civil wars of the seventeenth century (1642–51) led to the first codified text, the Commonwealth "Instrument of Government", which however, in terms of elaboration, cannot be compared to a real constitution (cf. Loughlin 2013, 15).

Moreover, in the drafting process of constitutions, one often finds a relationship of mutual contamination between the elites who lead the process and the social and cultural context in which the text is embedded. Values influence the writing of the text, which in turn contribute to conditioning a country's process of modernisation and cultural – as well as institutional – change (Acemoglu & Robinson 2012; North *et al.* 2009). British institutions have evolved, above all, from the influence of Edmund Burke's conception of representation and the hostility to political rationalism expressed by the philosopher Michael Oakeshott. Burke's fiduciary conception of the electoral mandate "also implied limited access to decision-making by the people, which would not have been affected by the progressive enlargement of electoral suffrage" (Hall 2018, 2). British constitutionalism is, instead, based on gradualism, tradition, and anti-rationalism as theorised by Oakeshott (Loughlin 2013; Norton 2020). The consequences of these particularities can be grasped through three aspects: the political nature of the constitution, the centrality of the concept of parliamentary sovereignty, and the importance of the BPT.

As a matter of fact, these three elements are strongly intertwined. Although Bagehot was not explicit on this, the implicit corollary of his analysis was clear.

The British constitution has a highly politicised nature. The ruling party maintains a great deal of discretion in the interpretation of the rules, also because "the absence of a constitution codified in a single document has meant that the dividing line between what a constitution represents and what does not (be) very nuanced" (Bagehot 2001 [1867, 94]).

The political nature of the British constitution can be grasped by briefly surveying the emergence of its key institutions. In a comparative perspective, the UK represents a model of gradual and unbroken democratisation (Dahl 1971; cf. also Fukuyama 2011) and is an important example of early developments in an open social order (North *et al.* 2009). For Dahl, the British path is distinguished from that of other European continental democracies due to the precocity of liberalisation (civil rights, for which symbolic dates such as that of the Magna Carta of 1215 and the Bill of Rights of 1689 could be cited) with respect to inclusiveness (i.e., the granting of political rights, primarily the extension of the franchise). The British process of democratisation is the most solid path for the subsequent stabilisation of a polyarchy (the name with which Dahl defined democracies). According to North and colleagues (2009), thanks to the early development of property rights, England matured the conditions to limit the prerogatives of the monarch, thus being able to manage the transition from "natural society" to "open access orders" in an orderly way.

The idea that secure ownership of land provided the basis for stable political and constitutional development over the centuries between the Norman Conquest in 1066 and the Glorious Revolution of 1688 is a staple element of traditional Whig history. Whig history interprets English history as the natural and inevitable development of a constitutional structure that is capable of providing limited government and, ultimately, open access (North *et al.* 2009, 78).

Therefore, it was also thanks to these dynamics that while several other European countries were in a period of constitutionalism, the UK did not experience a clear and univocal "constitutional moment". There was no founding phase of new institutions which, at the same time, anchored the progressive stabilisation of citizenship rights and civil, political, and social freedoms. Contemporary British (formal and informal) institutions emerged during the turn of the nineteenth and the first half of the twentieth centuries (Norton 2020). More specifically, during the Victorian age (1837–1901) some of the essential elements of the British political-institutional system were consolidated, such as the single-member plurality (SMP) electoral system, the principles of "party government", with the alternation – and the adversarial dynamics – between the two main parties (Conservatives and Liberals at the time).

As emphasised by the historical-institutionalist approach (i.e., Fioretos *et al.* 2016; Pierson 2000), institutions go through long periods of stability, which are only rarely interrupted by sudden and strong moments of discontinuity, the so-called "critical junctures", which can lead to an important reshuffling of the balances of power that were consolidated previously (over the centuries in the British case). The British institutional set-up took shape from a strongly political

act such as electoral reform, which initiated the enlargement of suffrage, but which did not end with the latter. British politics in the Victorian age was structured following the reform of 1832 (of the so-called "rotten boroughs"). This is the event that most closely approximated a critical juncture (Ertman 2010). There are three important reasons for this. First, it put an end to the corrupt practices of suburban voting control, also triggering a feeling of national identity and participation. It also imported a new source of political order, namely, a two-party system built around the religious cleavage. Finally, it acted as a model for future expansion of the franchise in 1867, 1884, and 1918. If, after WWI, the religious cleavage would be replaced by the class cleavage (with Labour replacing the Liberals as the second most-voted party), then for the genesis of British institutions, Ertman (2010) stresses the importance of the political/electoral dimension, as well as that of the gradual nature of the subsequent enlargements of the franchise. Surely, the constitutional dimension has also played a key role in the transition of the UK political system to democracy. In this respect, the watershed can be identified in the Parliament Act 1911 (later completed by the Parliament Act 1949), which considerably limited the legislative powers of the House of Lords, leaving the elected chamber as the cornerstone of the political system. From then on, any party commanding a majority in the House of Commons could express a government capable of imposing its legislative agenda, which was in principle approved by voters in the previous general election.

The political nature of the constitution has a fundamental implication: Parliament can repeal any law and – while bound in its action by a wide range of sources, statutory laws, and conventions – prime ministers who control their party face few obstacles in the pursuit of their objectives. Parliamentary sovereignty, and the prominence of the executive which has a majority in parliament (i.e., in the House of Commons), and the political nature of the constitution are, therefore, two sides of the same coin. With the expression "political constitution" we mean precisely this aspect, the subject of the analysis of another great jurist, Ivor Jennings, who, among other things, spoke of a constitution with a "small c" (Jennings 1933), providing the starting point for the definition of a "political constitution" that was later developed by John A.G. Griffith, who stated, "the constitution is what happens" (cf. Gordon 2019; Gamble 2016).

In this respect, other scholars have come to argue that "the dynamics of the BPT mean that parliamentary sovereignty corresponds to executive sovereignty" (Richards & Smith 2017, 2). Besides, it has been said that these shared attitudes ended up in "collusive club spirit that holds Conservatives and Labour together in a cartel that minimized the costs of settlement of political elites" (Dunleavy 1999, 204).[5] Classic authors such as Birch (1964), Beer (1965) and Greenleaf (1983) highlighted the conservative nature of the concept of tradition. Continuity and stability are considered as integral parts of the system, which legitimises historical conventions and the concentration of power in the hands of those who govern (Diamond 2014), based on a liberal conception of representation and a conservative conception of responsibility.[6] Writing in the same

year, two very different authors, Anthony Birch (1964) and Leo Amery (1964), argued that only the first two elements of Lincoln's trilogy of government "of the people, for the people and by the people" could apply to British democracy.

This means that tradition matters much more than any rupture, which is what political regimes normally experience when they democratise through the constitution-making process. More specifically, the essential principles of the BPT are defined through

> a limited, liberal notion of representative democracy, encapsulating the view that it is the executive that governs in the interests of the nation, and thus, power should rest with the government; and also a conservative notion of responsibility prioritising top-down accountability at the expense of alternative, more bottom-up, participatory approaches.
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> *(Richards et al. 2019)*

How does Brexit affect this state of affairs? According to Bogdanor (2019), Brexit could represent the very first and fundamental "constitutional moment" for the country. The "Brexit moment" actually takes place in the wake of the important institutional changes that occurred during the New Labour era (1997–2010). Due to these changes – and, in particular, the devolution and the Human Rights Act of 1998 – Bogdanor referred to the advent of a "new constitution" (2009). What we have outlined so far were the dynamics of the "old" British constitution, of the political order that, according to King (2015), began entering into crisis in 1974, the year after joining the EEC, and immediately preceding the first referendum in the history of the country. While we leave it to the constitutionalists to determine whether and to what extent these and many other innovations have actually led to a new constitution, we are more interested in analysing how these elements are put under great pressure by the Brexit process. This can be done by more precisely singling out the contours of the WM concept for our approach.

In general, we agree with Russell and Serban (2021) when they argue that the use of the concept is extremely varied and often indefinite. In fact, some use it to describe the institutional system of the UK; others to characterise countries influenced by the British model, especially within the Commonwealth. Furthermore, scholars interested in different aspects of the political system identify it with (or emphasise) different characteristics. Therefore, Westminster, for parliamentary scholars, indicates the British bicameral parliamentary system, and the building in which Parliament meets; while for scholars of public administration, Westminster refers to the historic independence of the civil service, the bureaucratic apparatus serving the government. Even worse, many use it without specifying its meaning.

However, it seems to us that the criticism of Russell and Serban (2021) cannot be applied to Lijphart's research and to those who connote the concept of

the "Westminster model" in the wake of the American political scientist. Our anchoring to Lijphart's scheme is in fact clear in its objectives, tracing the defining elements to institutional (not administrative or cultural) arrangements, and helps to set a benchmark for research, such as ours, which only concerns the United Kingdom in a specific and restricted time frame.

Moreover, as we have anticipated, the concept of the "Westminster model" is not used by Lijphart to characterise a specific country or group of countries, but rather as an ideal-typical category and as the pole of a continuum at the opposite end of which the "consensual model" is placed. The empirical cases may approach the features of the abstract category but there is no attempt, in Lijphart's empirical analysis, to make the UK the fulfilment of the ideal-typical model. By way of example, although the WM (*à la* Lijphart) presupposes unicameralism, the UK Parliament is bicameral (albeit asymmetric), being composed of the House of Commons and the House of Lords.

Therefore, it appears appropriate to speak of the UK political system when referring to a specific empirical reality, while the expression "Westminster model" refers to Lijphart's polar category. It also seems to us that, despite the awareness that the UK has probably never been, and now is certainly no longer, a "perfect" example of a majoritarian system, the terms "Westminster model" and "Westminster democracy" can continue to be used in order to capture the essential dynamics of its political system.

1.2 The normative debate on the Westminster model

The "Westminster model" has often been associated with institutional effectiveness and efficiency. In its application to British democracy, features such as government stability and its control of the agenda, an emphasis on accountability; the SMP electoral system and a two-party system have made the political system a paradigmatic example of a majoritarian democracy. From the UK, the SMP was then exported to the (former) British colonies, thus facilitating the replication of many dynamics – from North America to India and Oceania – of the "Westminster model". It suffices to mention here that, until its electoral reform in 1993, New Zealand was considered to be a country which conformed to the model even better than Britain (Lijphart 1999).

Back in 1950, in the annual report to the conference of the American Political Science Association (APSA), the British party system was significantly praised as an example to follow of a responsible party system. Stability, responsibility, and accountability were the merits of a political system built on the combination of secular political institutions, shaped by an early liberalisation and which, together with the progressive consolidation of political parties during the nineteenth century, favoured the emergence of strong and accountable leadership. The "efficient secret" of this system – in the words of Walter Bagehot (2001) [1867] – lay in the "almost complete fusion of executive and legislative powers in

the Cabinet" – that is, in the combination of one-party government and cohesion at the parliamentary level.

Similarly, several classics of political science had also expressed admiration for British institutions and their stability and efficiency. Already at the end of the nineteenth century Woodrow Wilson, the future American president, looked with admiration at the British parliamentary system and at the merger of executive and legislative branches (1885). In the pioneering comparative research on political culture, conducted by Almond and Verba (1963), the British system was praised as the closest thing to the ideal conditions for a healthy democracy, that is, civic culture. Similarly, Robert Dahl (1971) emphasised the country's early and solid path to democratisation. Moreover, Giovanni Sartori (1976) identified in the British case the archetype of the two-party system, which favoured timeliness in government action and the mechanism of alternation, also thanks to the presence of the SMP electoral system.

Of course, the WM was also widely criticised (as was the British political system). In the United States, as early as the mid-1960s the United Kingdom had become "an example of a dysfunctional and pathological system" (Moran 2017, 140), as was clear from the works of the leading American expert on British politics, Samuel Beer. In the 1970s, before Margaret Thatcher came into the government, a wave of journalism was consolidated on the decline of the United Kingdom, which was for some, "the sick man of Europe" due to the economic decline of the country, the conflicts in industrial relations, the important social transformations and, last but not least, the Northern Ireland question.

Also, on the political-institutional side, the 1970s were particularly problematic. In 1974 Harold Wilson led – for the first time in the post-war period – a minority government, while in 1977 James Callaghan lost his majority and struggled to remain in power. The concentration of the vote in the two large Conservative and Labour parties began to crumble, leaving room for a more fluid system, in which "third forces" emerged, such as the Liberal Party, nationalist parties in Scotland and Wales, and revolts against the party leadership (like that of Enoch Powell among the Conservatives). As Kenneth O. Morgan put it: "British politics appeared pluralistic, almost unrecognizable" (Morgan 2017, 6–7).

According to Lijphart, consensual systems are "kinder and gentler", and are associated with greater economic wellbeing and satisfaction with politics. The conclusions reached by Lijphart completely overturned the predominant view after WWII, indicating a superiority of consensual democracies, both in terms of economic performance and citizens' satisfaction with the political system (Lijphart 2012). While the substance of these conclusions has been shared by other authoritative scholars (Bingham Powell 2000), it has also been openly contested by others (Bernauer *et al.* 2016). However, here, we are not interested in the extensive academic debate that Lijphart's analysis has sparked (Boogards 2017; Andeweg & Luwerse 2018; Bormann 2010), but in how to profitably adapt his analytical framework to our scope.

1.3 Lijphart's analytical framework: discussion and adaptation

A discussion of Lijphart's framework for the analysis of democracies cannot ignore the great theoretical debates in which his scholarship emerged. In the first decades of the post-war period, comparative politics was dominated by the behavioural approach, which was based on the analysis of individual values, orientations, and cognitive elements that form the "political culture" (Almond & Verba 1963); as well as by the historical–sociological approach based on the analysis of important social divisions (cleavages) of historical origin (Lipset & Rokkan 1967). This was the cultural and epistemological context in which the praises of the British political system are situated, which helped to reinforce the conviction in the superiority of the WM.

Both theoretical approaches – behavioural and historical–sociological – tended to overshadow the role of state institutions, which were, however, brought back into vogue in the form of the "new institutionalism" (March & Olsen 1984) at the beginning of the 1980s, immediately regaining a central position in comparative politics (Evans 1985). It was in this phase of transition that Lijphart's voluminous and authoritative contribution to the comparative study of democracies took shape. Lijphart's starting point, emerging from his work on the Dutch case (Lijphart 1968) and from the comparative work on cases marked by the co-presence of important cleavages and consociational politics (Lijphart 1977), was clearly influenced by the behavioural and historical–sociological approach. In the first version of the volume on the types of democracy, the variables referring to the number of relevant cleavages and the political culture of direct democracy were still present (Lijphart 1984). However, the institutionalist turn was consolidated in the second and third versions, in which societal cleavages and political culture disappeared from the formal analytical framework (Lijphart 1999; 2012).

In his works, the American scholar analyses and classifies democratic systems on the basis of the level of concentration of power, imagining a continuum that unfolds between two ideal poles: on one hand, that of majority democracy and, on the other hand, that of consensual democracy. Given the relatively limited number of cases, especially in the first volume written in 1984, the majority model is largely populated by the UK and by countries which, as former British colonies, have inherited important political-institutional traits from the UK, starting from the majority electoral system and a two-party system. For this reason, in the conceptual apparatus (which is broadly taken up here), the expression "Westminster model" coincides with the "majoritarian model".[7]

Although Lijphart starts from (and then traces his analysis back to) a conceptual distinction of a linear (one-dimensional) type – a majority model vs a consensual model – he develops an analytical framework based on the intersection of two dimensions. The first, called "governments–parties", refers to the horizontal distribution of power among central institutions. The second, called "federal–unitary", refers to the vertical distribution of power between the central

administration and any regional or local administrations. The more power is concentrated within a one-party government (first dimension) and in the central administration (second dimension), the more one approaches the majority (or Westminster) model. On the other hand, the more power is distributed among the various parties present in parliament (first dimension), and between different levels of government (second dimension), the more one approaches the consensual model.

In the most recent version, Lijphart identifies a total of ten variables, five of which belong to the first dimension and five to the second. As reported in Table 1.1, the former are party system (V1), type of government (V2), government–parliament relationship (V3), electoral system (V4), and type of intermediation–organised interests (V5). The latter are vertical division of powers (V6), types of parliaments (V7), types of constitutions (V8), control of the constitutionality of laws (V9), and relationship of dependence/independence from the government of the central bank (V10). Each variable is calculated on the basis of an indicator or by making a synthesis of several indicators. These indicators are presented and discussed in detail in subsequent empirical chapters. For now, it is worth dwelling on the connections between the variables within each

TABLE 1.1 Lijphart's model: dimensions and variables

Majoritarian (Westminster) democracy	*Consensus democracy*
Executives–parties dimension	
V1) Two-party system	Multi-party system
V2) Single-party majority government – party in office dominates	Broad coalition government – parties share cabinet/ministerial posts
V3) Executive predominance over parliament (due to party discipline)	Balance between executive and legislative power
V4) Majoritarian electoral system	Proportional electoral system
V5) Pluralist approach in interest representation	Corporatist (or neo-corporatist) approach
Unitary–federal dimension	
V6) Unitary and centralised government – absence of territorial self-government	Federal and/or decentralised system of government
V7) Unicameral parliament (or weak bicameralism)	Strong bicameralism (similar powers but different modes of representation)
V8) Flexible constitution: parliamentary sovereignty – no formal distinction between ordinary and constitutional laws	Rigid constitution: special majorities for constitutional laws
V9) No judicial review – no Constitutional Court	Judicial review and arbitration of constitutional controversies by a Constitutional Court
V10) Central bank under executive (direct or indirect) control	Independent central bank

dimension and between the two dimensions, also considering that this book concerns a single case study (the UK) with a focus on a relatively short period, while the analytical framework was mainly designed for comparative analysis between countries.

As for the first dimension, much of the debate has focused on whether including the variable of the intermediation of interests (V5) along with the other four. As argued by authoritative scholars (Keman & Pennings 1995; Taagepera 2003, 7), no theory or logical model explains this connection. Indeed, Lijphart himself admits that, despite a good empirical correlation with some other variables (1999, 244), V5 is not structurally related to the others (1999, 306).

On the contrary, the remaining four variables are firmly connected to each other. In particular, V4–V1 and V2–V3 logically appear as two interconnected combined variables. A majority electoral system (V4) tends to favour the formation or maintenance of a two-party system (V1). In turn, this combination tends to produce single-colour majority governments (V2), which result in government dominance over parliament (V3). On the other hand, a proportional electoral system (V4) favours the formation or maintenance of a multi-party system (V1). This combination tends to translate in the formation of coalition or minority governments (V2), which produce a more balanced relationship between government and parliament (V3).

The remaining four variables appear logically connected. In fact, some are perhaps too much, in the sense that they are partially overlapping on a conceptual level. Regarding this problem, it is useful to start by ascertaining the two-dimensional nature of the variable "(vertical) division of power" (V6). This variable concerns both the so-called *self-rule*, i.e., the level of autonomy of the regions and local authorities with respect to the central administration (centralised state vs decentralised state), and the so-called *shared-rule*, i.e., the power of the regions to intervene in the central decision-making process regarding constitutional and ordinary laws (unitary state vs federal state). Indeed, the V6 measurement scale starts from a minimum value "1" ("unitary and centralised" system) and reaches a maximum value "5" ("federal and decentralised" system), passing through the various combinations of self-rule and shared-rule: "2" ("unitary and decentralised"), "3" ("semi-federal") and "4" ("federal and centralised"). In other words, V6 overlaps the entire "federal–unitary" dimension, not only in terminology but also substantially, taking shape as a dimension in its own right. Furthermore, V6 conceptually overlaps the variable on types of parliaments (V7) with regard to federal systems, which (by definition) necessarily need a bicameral parliament (in which one of the two chambers represents the federated entities). Indeed, although there is no relationship of necessity in the opposite sense (a bicameral parliament is not necessarily part of a federal system), the empirical correlation between V6 and V7 is the strongest within the second dimension (Lijphart 1999, 244).

In addition, as noted in other works, including comparative ones (Druckman *et al.* 2005), the variable relating to the type of parliament (V7) is also logically

connected (and above all) to other variables of the first dimension, specifically to the combined V2–V3 (type of government and government–parliament relationship). Indeed, bicameral parliaments, regardless of the federal or unitary nature of the "upper house", tend to require larger majorities and/or longer periods of time for the deployment of government action, thus producing, at least tendentially, coalition governments (V2) and, in any case, a greater balance of power between government and parliament (V3). This general argument is particularly valid in the case under examination, as the UK's bicameralism is not connected to Lijphart's second dimension, but it can have some effect on the first, if only with regard to V3 (government–parliament relationship) (see Chapter 4).

Finally, the variables relating to the type of constitution (V8) and the control of the constitutionality of the laws (V9) are strongly connected with each other and with the other variables of the second dimension, as well as with the first dimension. The presence of a rigid constitution and a Constitutional Court guarantees – just as their absence does not guarantee – the legitimate exercise of power of the various levels of government and of the various organs of the central state. In turn, this contributes to the production of laws that are in line with the constitution. These two variables (V8 and V9) are, therefore, configured as transversal to the two dimensions, more than pertaining exclusively to the second.

Considering the above, the empirical analysis presented in this book adapts the analytical framework just examined, regarding the number of dimensions, while making use of the same variables. Three dimensions have been identified as particularly salient with respect to the tensions created by the Brexit process: the "electoral–party" (V4 and V1); government–parliament relations (V2, V3, and V7); and "centre–periphery relations" (V6). The "remote" variables – interest brokerage (V5) and central bank (V10) – are not considered here (in the wake of what Hazell 2008 has done); while the variables V8 and V9 are included as context factors that can have an impact on all three of the dimensions identified.

1.4 The Brexit process as a case of constitutional and political change

After having defined the object of our study – i.e., longitudinal changes in three key dimensions of UK political system: party–system, executive–legislative relations, and centre–periphery relations – and the abstract point of reference that allows us to detect the direction and intensity of change – i.e., Lijphart's WM and the relative indicators – now we need to discuss the nature of what we present as the main motor of change during the analysed period: Brexit.

Brexit has been broadly understood as a complex process with multiple different causes, as well as with many and very diverse effects or implications (Evans *et al.* 2018; Adam 2020). As a consequence, it has generated a wealthy scholarship approaching the subject from different perspectives and disciplines, such as sociology (Davies 2022), economics (Whyman & Petrescu 2020), political

economy (Lavery *et al.* 2019), constitutional law (Gordon 2020), and political science (Evans & Menon 2017).

In this book we are interested in the impact of Brexit on the UK's political system. As such, the causes of Brexit, albeit of clear interest to us, remain outside of the focus of the analysis. Similarly, the effects/implications of Brexit on specific policy areas are beyond the remit of this book, unless they clearly affect the main political institutions – e.g., by deeply reshaping lines of competition amongst parties or engendering institutional contestation between the executive and the legislative or between the centre and the peripheries. In short, we are interested in the impact of Brexit on UK polity and politics, not on UK policies.

In line with our main interest, we conceive of the Brexit process as a case of constitutional reform, implying some institutional change and entailing political adaptation or reaction. In so doing, we place ourselves within the mainstream literature that has investigated Brexit from the point of view of the UK (Keating 2018; Taylor 2019; Bogdanor 2019; McConalogue 2020; Sumption 2020; Wincott *et al.* 2021; White 2022).[8] Clearly, the key constitutional reform of the Brexit process consists of a reappropriation of the exercise of sovereignty and a repatriation of legal authority. As such, it could be seen as a simple restoration of the pre-1973 UK constitution. However, the institutional transformations induced over 40 years of EEC/EU membership, the adoption of domestic constitutional reforms, as well as societal and political change, make the Brexit process a more complex *affair*. Indeed, as a consequence of intervened changes, the exercise of sovereignty and the repatriation of powers can (and did) become a source of contestation. In turn, the Brexit decision and the process for carrying it out could induce further institutional and political change.

Like many processes of constitutional reform, it can be rather complicated to disentangle the process itself from the outcome, as constitutional reforms are conducted by political forces acting within those political institutions that are then affected by the reform. In other words, the political process can be as important as the institutional reform, and the two are deeply interlinked. This is even more the case for political systems, such as the UK, that have a flexible/political constitution (Tomkins 2010). Indeed, from the outset of the Brexit process, constitutional lawyers warned that leaving the EU would constitute a challenge both *of* and *for* the UK's constitution (Gordon 2016).

The comparative/theoretical literature on institutional reforms in established democracies has highlighted the strategic and self-interested nature of institutional reforms from the perspective of political elites, who tend to act only when they see a clear advantage or when they come under pressure from public opinion (Bedock 2017). In this respect, a systematic exposition of the actors and motivations for reforms was provided by Alan Renwick (2010), albeit in regard to a specific type of institutional change, that is, electoral reforms. Many of his considerations, however, apply to institutional reforms in general and can be of much use to further categorise the Brexit case. Renwick identifies three broad types of reforms (Renwick 2010, 11–16). First, most reforms are wanted and carried out

by political elites either by majority (*elite majority imposition*) or through a nego-tiated agreement between the political majority and minority (*elite settlement*). Secondly, there can be reforms that are carried out independently or against the will of political elites. This type of reform occurs when there is an interven-tion by constitutional/supreme courts (*judicial decision*), or when political elites undergo an imposition either from external actors (*external imposition*) or from the masses (*mass imposition*). Thirdly, there can be reforms in which political elites are prompted to act according to the will of external actors or of the masses, but they maintain control of the process and (at least partially) the content of the reform: *elite external interaction* and *elite mass interaction* respectively.

Fitting Brexit into one of the above-mentioned categories is not straightforward and requires a degree of subjective evaluation. Yet, surely, the Brexit process was put in motion neither by the will of political elites, nor by judges, nor by external actors. This uncontroversial view takes out *elite majority imposition*, *elite settlement*, *judicial decision*, and *external imposition*. Conceiving of Brexit as a case of *mass imposi-tion* reform, might capture important aspects of the decision and, to some extent, of the process. Indeed, one of the main reasons why Brexit has been perceived as a "shock" is that neither the majority of the British government nor the opposition wanted it. UK voters' decision to leave the EU in the Brexit referendum was a fail-ure of and a revolt against the political elites (Copus 2018; Rodriguez–Pose 2018; Rudolph 2020; Lees 2021). In addition, while Theresa May's governments seemed to take the cue from voters (Bresenbauch Meislova 2019), the political class as a whole remained unable or unwilling to deliver a result (Thompson 2020; Martill 2021a),[9] until voters gave another push on the occasion of the European Parliament election of May 2019 (Martill 2020; Vasilopoulou 2020).

Yet, interpreting Brexit as a *mass imposition* reform would blanket the fact that political elites, and in particular the successive governments, maintained control of the domestic process and relative control of the content of the reform. If any-thing, the constraints on the final outcome of the reform – including domestic constitutional issues (e.g., the status of Northern Ireland) – came primarily from the need to negotiate a deal with external actors, namely the EU. Brexit can, therefore, be conceptualised as a process of constitutional reform that falls in between *elite mass interaction*, as far as the political decision and the direction of change are concerned, and *elite external interaction*, as far as important provisions of the final outcome are concerned. In other words, the British political elites were, to some extent, squeezed between the will of British voters to leave the EU and the conditions posed by the external (EU) actor. However, they maintained some room for manoeuvring vis-à-vis both counterparts.

1.5 The difficult Europeanisation of the UK political system

Brexit terminates the 47-year long and often difficult membership of the UK in the EU. The UK can be seen a peculiar and somehow extreme case of early and problematic politicisation of the European issue. Well before Brexit, British peculiarities have been famously summed up in the image of the

country as the "awkward partner" (George 1994), a "stranger" (Wall 2008) or a "semi-detached member" (Bulmer 1992) of the EU. Such an attitude gave Euroscepticism a British coin, as we first find the word mentioned in the British press in the mid–1980s, at a time in which the UK was, ironically, a key contributor to the approval of the Single European Act (1986). Margaret Thatcher's famous Bruges speech (1988) incorporated some of the historical, geographic, economic, and political factors which have both defined the nature of British "awkwardness" in the EEC/EU and the roots of Euroscepticism as a political phenomenon more generally. As Grande and Schwarzbözl (2017, 2) summed it up, the UK's (early) politicisation of Europe was characterised by the absence of an elite consensus on Europe, weak support for integration in public opinion; polarisation between the two mainstream parties; the formation of new challenger parties based on European issues; deep divisions within both mainstream parties.

The early roots of politicisation of Europe in Britain can be found in the uncertainties experienced by the governments of the late 1950s in facing the decline of the British empire (Gamble 2003; Gifford 2014). Internal party divisions on Europe characterised the party system ever since the first (unsuccessful) applications to join the EEC in 1961 – under Conservative PM Harold Macmillan – and 1967 – under Labour PM Harold Wilson (Smith 2012; Baker *et al*. 2008). President De Gaulle's departure from office with the lifting of the French veto finally allowed Britain to start negotiations to join the EEC and the House of Commons to vote on the conditions of membership on 28 October 1971, in what has been described as very divisive vote, with significant splits in both major parties (Norton 2011, 248).

However, after the UK joined the EEC in January 1973, it quickly became clear that Edward Heath's government (1970–4) was to become a parenthesis of authentic Europeanism in a long story of Eurosceptic, or at best "mildly-Europeanist" prime ministers. Both main parties were divided on whether to join. In an early phase the Conservatives were more in favour than the Labour Party and, as proof of that, the outspoken Conservative MP Enoch Powell invited voters to support the more Eurosceptic Labour Party in the 1974 February general election. Indeed, Labour had promised voters to renegotiate the terms of membership with the EEC and hold a referendum, which is what it did after winning a narrow majority in the October election (cf. Section 1.5).

Britain was the only member state in which membership was to be *confirmed* by a referendum (rather than *allowed* by a preventive consultation, as happened elsewhere). The decision to hold the first-ever UK-wide referendum was mainly dictated by Harold Wilson's (forlorn) hope to placate dissent inside his recently formed minority government (Smith 1999; Butler & Kitzinger 1976), in a deeply troubled economic situation. The 1975 referendum represented the first clear instance in which the institutional dynamics of the UK political system – and particularly the "near fusion" of executive and legislature – became enmeshed with sovereignty issues. In any case, the option to continue with membership won a comfortable majority, albeit with a rather limited participation (64.5

percent) for that time, putting to a rest – temporarily, at least – conflict on the European issue.

In the 1980s, the governments led by Thatcher resolutely pressed for the completion of the Common Market through the Single European Act (1987). At the same time, however, she stressed the need for reshaping the British financial contribution to the Community (with the so-called "rebate"). Thatcher resolutely opposed any instance of political integration and pushed the Conservative Party, increasingly divided internally, into Eurosceptic positions. On the other hand, the Labour Party had split in the early 1980s, when a group of dissidents, who were critical of the party position under Michael Foot's premiership – it had both moved to the left and embraced strong Eurosceptic positions, proposing in its manifesto for the 1983 general election to leave the EEC without a referendum – established the Social Democratic Party.

The end of Thatcher's leadership (November 1990) came in the shadow of the preparations for the Maastricht Treaty (1992). Internal dissent in the Conservative Party became unbearable, and Thatcher's successor, John Major, had to deal with a very fractured party. When the Maastricht Treaty was finally ratified – also by removing the "social chapter" from the text of the Treaty and guaranteeing an opt out for the UK on the single currency – the salience of the EU issue had exploded, marking the end – in the UK earlier than in other member countries of continental Europe – of the so-called "permissive consensus" on integration (Hooghe & Marks 2009). In 1997, when Blair became PM, the salience of Europe among public opinion reached its peak and a brand-new party like the Referendum Party received 3 percent of the vote in the 1997 general election – a result which for a Eurosceptic party would today look rather meagre, but which at the time was far from irrelevant. Incidentally, on this result the United Kingdom Independence Party (UKIP) went on to build its rise by gaining one position – from fourth to first place – at every European Parliament (EP) election from 1999 to 2014, quadrupling its score from 6.6 percent to 26.6 percent, and obtaining a remarkable 12.6 percent in the 2015 general election. If, in the 1990s, the EU still had a limited impact on European party systems (Mair 2000), the success of the Referendum Party and UKIP anticipates a development that, in the 2000s, will affect many other countries in continental Europe.

Although Blair's decisions on Europe could be seen as "a missed opportunity" (Menon & Scazzieri 2020), Blairite strategies were mainly aimed at containing the salience of Europe, by indefinitely delaying the possible adoption of the single currency and by promising a referendum on the Treaty on the Constitution of Europe. As aptly emphasised, Blair's strategies can be unpacked in four main aims, respectively "(1) to defuse the European policy cleavage between the two main British parties, (2) to depoliticise European policy decisions, (3) to delegate veto power to the general public, and (4) to defer the making of conclusive decisions on contentious European issues" (Oppermann 2008, 178). Blair was helped by French and Dutch voters, who ditched the "Constitution" in their

referendums in May–June 2005, thus sparing the PM to fulfil the pledge made in the election manifesto for the 2005 general election. As a result of this, in 2007 the salience of Europe among British voters was back to the irrelevance experienced during the 1980s, and it would remain at this level until the early 2010s (Grande & Schwarzbözl 2017, 31).

When the Conservatives were back in government and David Cameron became PM (2010), he was soon to be haunted by the ghost of the increasing inevitability of the referendum on EU membership, as the combined pressures of UKIP as a single-issue party claiming exit (Ford & Goodwin 2014), the increasingly internal Euroscepticism of the parliamentary party (Lynch 2015) and of public opinion more in general (Curtice 2016) became difficult to push back. Cameron's decision to endorse the formation of a new Conservative group in the EP, following the exit of the Conservative Party from the European People's Party after the 2009 EP elections (Lynch & Whitaker 2008) was a sort of anticipation of what was going to happen. When Cameron became the leader of the Conservative Party, he asked his party to "stop banging on about Europe". As it is well known, history proved to be quite different, and Cameron eventually ended his political career banged by Europe (Table 1.2).

TABLE 1.2 EU membership, institutional change, and politicisation of the EU issue

Period	Nature of change	Impact on institutions	Politicisation
1973–79 "Silent revolution"	EEC membership: absorption of the *acquis communautaire* and primacy of EU law	Weakening of Parliament Issues of intra-party cohesion	Relatively low salience despite the referendum on membership
1979–97 "Centralisation and *opt-outs*"	Creation of the single market and establishment of the EU with Maastricht	Strengthening of Euroscepticism Centralisation	End of permissive consensus High salience for the ratification of the Maastricht Treaty
1997–2010 "Reluctant reforms"	Devolution Further deepening and widening (enlargement towards Eastern Europe)	"Bi-constitutionalism" (Flinders 2010)	Depoliticisation of the EU issue
2010–16 "Illusion of control"	New rules post-Lisbon Economic and financial crisis Migration crisis	Referendum Importance of third parties (Lib-Dem, UKIP)	Failed attempt at depoliticisation Stronger salience for the EU, particularly if linked to immigration

As we know well, Cameron's political career was terminated by the results of a referendum: an institution that has gradually become part of UK politics after having been considered, for a very long time, alien to British democracy. Since the referendum is not only at the origin of the Brexit shock but it has also accompanied previous reforms – and might generate other reforms in the future – it is important to briefly trace the history of this institution in British democracy, in a view to highlight the role that it has acquired.

1.6 Referendums in the UK

As discussed above, key principles of the UK constitution – such as parliamentary sovereignty – and of the BPT – such as "government knows best" – have traditionally converged on attributing absolute prominence to representative and even elitist practices of democracy vis-à-vis participative ones. This explains why referendums not only remained absent in British politics until the 1970s, but they were also considered to be alien to British democracy. Yet, in the last 25 years, referendums have become familiar elements of the UK political repertoire and, most importantly, they have featured prominently in the Brexit process. Not only the Brexit saga has originated from the June 2016 referendum, but the ensuing political debate and political struggle has involved referendums in various ways (Gordon 2020). First, a general reflection has emerged on the use of referendums in democracies and the quality of decision-making (Offe 2017; Rose 2020), particularly in relation to the fairness of information communicated during referendum campaigns (Banks 2016; Marshall & Drieshova 2018; Renwick *et al.* 2018). Secondly, the debate has invested the transformative effect of referendums in the relationship between the principles of parliamentary sovereignty and popular sovereignty in the UK (White 2022). Thirdly, in Scotland and Northern Ireland, where voters backed the Remain option, the interpretation of the referendum results as a univocal mandate for UK's withdrawal from the EU was fiercely contested (Keating 2018; Murphy 2018). Fourthly, in turn, the Brexit-related grievances coming from these two Celtic peripheries translated into demands for a second independence referendum in Scotland and for an Irish unification referendum in Northern Ireland (Daniels & Kuo 2021). Finally, especially in the first two years after the Brexit referendum, a lively debate has emerged on: a) whether the result of the referendum should be interpreted as a mandate for a *soft Brexit* or a *hard Brexit* (Allen 2018); and b) whether there should be a second referendum, either to confirm/dismiss the choice adopted in the first one or to approve/reject a final Brexit deal (Bellamy 2019).

Before analysing the impact of the Brexit process on the UK political system, it is therefore important to take stock of all pre-Brexit changes in the constitution and in the BPT, especially those that cut across our three dimensions: party–system, executive–legislative relations, and centre–periphery relations. In this respect, a preliminary overview on the role acquired by referendums in British politics is in order.

It is perhaps paradoxical that the first requests for holding referendums came from Conservative scholars, starting from Albert Dicey (the theorist of parliamentary sovereignty), and politicians, including Winston Churchill. Those first calls highlight two recurring features of the use of referendums in the UK: an instrumental approach and a constitutional content. In open contradiction with the principle of parliamentary sovereignty, Dicey aimed to use referendums to stop the constitutional reforms proposed by the Liberal governments in the 1890s (Home Rule for Ireland) and by the Lib-Lab majority in the early 1910s (the subordination of the Lords to the Commons – as per the Parliament Act 1911). The instrumental positioning on the referendum was crystal clear, as this was advocated by the party that was weaker in the House of Commons (Conservatives) and was rejected by the parties that commanded a majority (Liberals and Labour). Similarly, in the spring of 1945, Churchill wanted to prolong his premiership until the end of the war in the Far East and, for this reason, he proposed a referendum for a further extension of the parliamentary term (Norton 2020, 69). In that occasion, Labour's leader Clement Attlee rejected the proposal adducing a principled argument: "I could not consent to the introduction of our national life of a device so alien to all our traditions as the referendum" (House of Lords 2018, 4–5). However, the conflict of interest between the two leaders in the upcoming general election was all too evident.

In the post-war context, the lack of referendums in British politics was not perceived as a democratic lacuna, as the most salient issues were politicised by mass parties, well connected with (and largely trusted by) their respective social constituencies. The 1970s brought two novelties. First, a new idea of democracy gradually emerged in the UK: less attached to the elitism of the BPT and to the intermediary role of parties, and more open to principles of responsive government and grassroots participation (King 2009, 250–1). Secondly, the UK came to be in front of a key political/constitutional issue that parties tended not to politicise because they were internally divided on it: membership of the European Economic Community. It was primarily the second novelty that pushed referendums inside UK politics. The Conservative government that supervised UK's entry in 1973 resisted the call for a UK-wide *ex ante* referendum – in contrast to what happened in Denmark, Ireland, and Norway – but it still held an *ex post* consultation on the constitutional status of Northern Ireland. The so-called 1973 Border Poll was the first (non-local) referendum in the history of the UK and contributed to change the view of the Labour leadership on the possibility of calling a UK-wide referendum (Butler & Kitzinger 1976, 18–19). In this context, the first UK-wide referendum was held in 1975 on EC membership, after Labour had committed to it in the 1974 general elections (Saunders 2016, 318). It would remain the only UK-wide referendum for 36 years

However, these first referendums, induced both leftist and conservative intellectuals to reconsider the compatibility of this instrument with the British political system (Baham & Burton 1975; Goodhart 1976). Indeed, referendums remained present in UK politics throughout the 1970s, as Labour governments

proposed devolution for Scotland and Wales. Also in this case, referendums were deployed on constitutional matters and with a clear instrumental approach, i.e., with the aim of shifting responsibility of the final decision from a very divided Labour Party to Scottish and Welsh voters. As is widely known, the 1978–79 devolution reform did not pass because Welsh voters turned it down by a huge margin (Balsom & McAllister 1979), while Scottish voters did not support it convincingly enough (Bochel & Denver 1981).

With the electoral victory of Margaret Thatcher in 1979 and the beginning of a long Conservative predominance, referendums disappear from British politics for about two decades. Not even the ratification of the Maastricht Treaty, which contributed to a change of premiership in the UK, was subject to a referendum. It took the arrival of Tony Blair as PM and the reformist agenda of New Labour to inaugurate a new era of British politics in which the referendum devise featured prominently. Five regional referendums were held between 1997 and 2004 in a view to implement devolution reforms: with the ones held in the late 1990s – London, Northern Ireland, Scotland, and Wales – being a success, and the one held in 2004 (north-east of England) resulting in a fiasco (cf. Chapter 5). The former represented an important novelty in the political motivation for using referendums in the UK. By late 1990s, the Labour Party had become rather resolute and united across all constituent nations of the UK on the project of devolution.

Therefore, the referendums were not held to shift responsibility to voters but to seal the constitutional reforms with a sort of "double legitimacy" process: Westminster approval of the relative act(s) from above and popular approval(s) from below. The political/constitutional implication of this move is not trivial, as it might introduce a potential element of rigidity in the UK (otherwise) flexible constitution. In principle, the UK Parliament must retain substantive powers to scrap any previous law, including constitutional laws – as it did, for instance, with the abolition of the Northern Ireland parliament in 1973 (cf. Chapter 5). As a consequence, according to some, the requirement of holding a referendum for adopting a new reform (or deleting a previous one) is incompatible with the UK constitution (Goldsworthy 2010). However, at a political level, it might come to be perceived as illegitimate to scrap a previous "double legitimacy" reform by a simple act of Parliament. In other words, the referendum would become a virtual (i.e., politically) mandatory requirement for repealing reforms adopted (also) by referendum. A recent tendency to adopt pre-emptive statutory requirements for referendums by law appears to reinforce this trend (Gordon 2020), particularly (but not exclusively) for those approved through a "double legitimacy" process.[10] Yet, the academic debate remains open on the legal value of these requirements and on the supposed protection offered by the "double legitimacy" process.

The last four referendums occurred under the premierships of David Cameron (2010–16): the 2011 (Wales-only) referendum on the attribution of legislative powers to the Welsh Assembly; the 2011 (UK-wide) referendum on the reform of the electoral system for general elections (from first-past-the-post to Alternative Vote); the 2014 (Scotland-only) referendum on Scottish independence; and the

2016 Brexit referendum. Leaving aside the 2011 Welsh referendum, which was "inherited" by a law of the New Labour era (Government of Wales Act 2006), the other three stand out for two characteristics. First, differently from Blair's referendums, the prime minister was against the proposed change. The motivation was not to seal a pursued reform with a "double legitimacy" process but, on the contrary, to crash mounting challenges against the constitutional *status quo*. In other words, the idea was to face up calls for unwanted reforms, win the referendums, and to get these issues out of the agenda for good. Secondly, the three referendums held under Cameron's premiership stand out for the extremely high stakes, namely, the voting system, the territorial integrity of the state, and EU membership. Some scholars stigmatised Cameron's choice to gamble with referendums up to the bitter end (Glencross 2016), but these kinds of considerations fall outside the remit of the present book. Surely, Cameron's strategy worked fine with the 2011 referendum on the voting system, and it brought home the result (though with some suspense and unintended consequences) on occasion of the 2014 Scottish independence referendum; but it failed with the Brexit referendum, albeit by a narrow margin.

Surely, the bitter defeat suffered by the political establishment (and by 48 percent of voters) in the Brexit referendum triggered a long polemic on the quality of referendum campaigns (Renwick *et al.* 2018). However, referendums seem to have established themselves in the nomenklatura of British politics. After all, the adversarial nature of referendum questions and the majoritarian nature of referendum-based decision-making (at least for how referendums are organised in the UK), fits very well with some traditional features of British politics. In time, a sort of customary practice has been slowly emerging, revealing some patterns in the use and scope of referendums in the UK. First, as envisaged in the theoretical literature, the introduction of this instrument of direct democracy in a majoritarian political system has resulted in referendums remaining *ad hoc* initiatives, at full discretion of the governmental majority of the day (Vatter 2009, 130). Albeit suggesting some regulatory frameworks, authoritative reports on the subject have confirmed that this (i.e., *ad hoc* initiatives by the parliamentary majority) is indeed considered the way in which referendums should be used in the UK (House of Lords Constitution Committee 2010; Independent Commission on Referendums – UCL Constitution Unit 2018). This prerogative of parliamentary majorities puts governments *de facto* in control of the decision whether to hold a referendum or not. However, as David Cameron's era has demonstrated beyond any doubt, it does not exclude that governments might be pushed by other actors to hold referendums that they would not want. Second, so far, referendums in the UK have been solidly linked to constitutional issues (Kavanagh 2012; Curtice 2013).

Of course, not every salient constitutional reform has been triggered or approved by referendums. The ratification of Maastricht (1993) or Lisbon treaties, or the establishment of a Supreme Court (2009) are clear examples of salient constitutional reforms conducted without referendums. However, anytime a

referendum was held, either regional or UK-wide, it posed a constitutional ques-
tion – a practice fully endorsed by the above-mentioned authoritative reports
(House of Lords Constitution Committee 2010; Independent Commission on
Referendums – UCL Constitution Unit 2018). As a consequence, referendums
in the UK tend be relatively rare but extremely salient events. This is perhaps
a (perceived) paradox of the UK political system. On the one hand, the princi-
ples of parliamentary sovereignty and "government knows best" would suggest a
certain closure of the system to popular input. Yet, on the other hand, the hold-
ing of referendums on potential reforms that the government opposes signals
a strong degree of systemic openness to popular input. Indeed, some scholars
have hypothesised a shift based on democratic constitutionalist thinking (White
2022). In addition, some referendums – e.g., the one on Scottish independence –
have offered citizens the opportunity to have a say on matters that, in most other
European democracies, are (constitutionally) set beyond the realm of decidabil-
ity. The instrument of referendums has, therefore, significantly affected the way
in which British democracy works, perhaps even to the point of upsetting tradi-
tional equilibria. The usage of referendums is progressively consolidating but the
precise legal status, position, and impact of this device in the UK constitution
remain questioned.

1.7 Conclusions

In this first chapter we have presented the object of our study, the UK political
system, the main challenge that it went through in recent years – i.e., Brexit –
and the conceptual tools that allow us to track longitudinal change, i.e., Lijphart's
taxonomy for types of democracies. In particular, we have identified Lijphart's
"Westminster model" as a useful point of reference for ascertaining the extent to
which the UK political system has moved towards it or away from it as a result
of Brexit. We have selected three dimensions of analysis out of Lijphart's model:
the elections–parties; the executive–legislative relations; and the centre–periph-
ery relations. In the abstract model, these dimensions are characterised respec-
tively by single-member plurality (SMP) and the two-party system; single-party
majority and government and executive dominance over the legislature; and a
unitary and centralised state. We have explained that the UK political system has
never fully coincided with the "Westminster model", in spite of the fact that the
latter takes its name from the central political institution of the former. In addi-
tion, we have mentioned how, starting from the early 1970s, changes in electoral
behaviour (i.e., decline in two–party vote) and, perhaps more importantly, in the
constitution (Europeanisation, devolution, and the Supreme Court) have gradu-
ally moved the UK further away from the "Westminster model". Moreover,
drawing on the British politics' scholarship, we have argued that a comprehen-
sive understanding of the UK political system requires due consideration of a
series of established political behaviour and attitudes that go under the label of
the British Political Tradition (BTP). Finally, we have recalled that also the BTP

has undergone some important changes in the last decades; not least the inclusion of an instrument of direct democracy, the referendum, in a political system centred on the principle of parliamentary sovereignty and traditionally characterised by the culture of "government knows best".

Indeed, it was a referendum that provided the Brexit shock. Drawing on Renwick's typology of electoral reforms and applying that typology to constitutional reforms more in general, we have presented the Brexit process as a case of constitutional reform, characterised by a mix of *elite mass interaction*, as far as the political decision (leaving the EU) and the relative domestic arrangements are concerned, and *elite external interaction*, concerning the withdrawal and post–withdrawal UK–EU agreements. The rest of the book provides an in–depth empirical analysis of the strains that emerged during the Brexit process and the political–constitutional outcomes. Before doing that, however, the next chapter presents our working hypotheses and explains the research design and methodology.

Notes

1 This pattern was also reflected in the way British politics was taught in the 1960s. To give an example, in 1966, in an anthology dedicated to British politics for American students (with "People, Parties and Parliament" as a subtitle), the editor, Anthony King, explained that "almost all of the selections deal with Britain's two major parties" (viii).
2 While Britain was admired, especially in the United States, for the dynamics of party system responsibility in the two decades after WWII (Ranney 1962), several dysfunctionalities have emerged, in particular, during the 1970s including within its party system (Epstein 1980). As an eminent scholar put it, "in the 1970s the British model ceased to be the object of envy and emulation and came to be seen as the European basket case, the home of an adversarial kind of politics that prevented effective policy-making and brought the country to its knees" (Wright 2020, 4).
3 This work has more than 10,000 Google Scholar citations as of September 2022.
4 For a comparison with French political traditions see Hazareesingh (1994). In one of the most important studies on the formation of British national identity, Colley (1992) highlights how the latter came to be based on the twin elements of insularity and Protestantism as opposed to France, continental and Catholic. Speaking of a political tradition obviously does not mean ignoring the existence of different currents of thought which, during the twentieth century also confronted each other in a bitter way (Hall 2011). However, only the most radical currents (which have always been largely minoritarian: Marquand 2008) have questioned the assumptions of the BPT as a political tradition and as the "cultural glue" of the UK political system.
5 It should be noted that a similar reference to cartelisation by the two parties that have governed the country alternately since 1945 was absent in what is now considered the most important theoretical model of analysis of political parties, that of the cartel party (Katz & Mair 1995), which instead referred to a greater propensity for cartelisation in consociational democracies.
6 In the important volume of Flinders (2010), dedicated to constitutional change after the New Labour years (1997–2010, already seen in Chapter 1), the author identified five principles or values that form the background to "meta–constitutional orientations": 1) the belief in the value of an unwritten or "small c" constitution; 2) the emphasis on pragmatic adaptation and flexibility; 3) the "good guys" theory of

government (literally "good chaps", meaning an elitist conception of power, with "familiar faces" from the same social background); 4) a political constitution; 5) majoritarianism (2010, 21); all elements very close to those mentioned here. King (2015) instead lists the following five points regarding the importance of historical legacy in the British government: 1) strong centralisation; 2) the concentration of power (power-hoarding); 3) the weight of the establishment; 4) the adversarial nature of politics; 5) the centrality of accountability as a mechanism for verifying power.

7 For the sake of clarity, we use the term "model" to refer to an abstract concept. The expression "Westminster model" is used as synonymous with "majoritarian model", and it has to be considered as a polar type, opposed to the "consensus model", along an ideal continuum. We refer to UK empirical case with the general expressions "UK political system" or "British political system". Finally, we use the expression "Westminster system" when we refer to the UK case in a specific period of time (1945–70), in which the empirical case was particularly close to (albeit not fully coinciding with) the abstract model.

8 The conceptualisation of Brexit as a case of constitutional change has also been adopted by many scholars who take the perspective of the EU, or both perspectives – UK and EU – at the same time (e.g., Cooper 2017; Patberg 2019; Glencross 2021).

9 Although an important faction of the Conservative Party (including future PM Johnson) was of course in favour and actively campaigned for Brexit.

10 In particular, the Northern Ireland Act 1998 prescribes the requirement of a referendum for a change of constitutional status of the region; the Scotland Act 2016 and the Wales Act 2017 require a referendum (in Scotland or in Wales) for the abolition of the devolved administrations; finally, the (now defunct) European Union Act 2011 had introduced the requirement of a referendum for any further significant transfer of powers from the UK to the EU (Gordon 2020, 231).