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Brexit: Historical Reasons and Constitutional Consequences

How British history influenced the outcome of the 2016 Brexit referendum

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Introduction

On June 23rd, 2016, the people of the United Kingdom voted to leave the European Union in a momentous referendum. In almost all the regions, the majority of voters were in favour of leaving: only in London (59.9%), Scotland (62%) and Northern Ireland (55.8%) the 'Remain' alternative prevailed. Overall, 51.9% of the population voted to leave, with a turnout of 72.2%. The outcome of the EU referendum marked the beginning of the so-called Brexit saga, which eventually culminated in the official divorce of the United Kingdom and the EU on January 31st, 2020. A transition period then begun to allow the two parties to agree on the new rules and agreements which officially entered into force on December 31st, 2020.

According to many, 2016 was the year that enshrined the success of populism in the West. Not only the Brexit referendum, but also the election of Donald Trump as 45th president of the United States, were seen as by-products of the efforts of populist parties and actors to undermine the liberal order, fostering anti-establishment sentiments and channelling them against one common enemy: "Them". In the case of the Brexit referendum, the European Union was "Them". There are two main explanations for the mass support for populism, that reached its peak in 2016. The first is the economic insecurity thesis, which focuses on the profound consequences of globalization that changed post-industrial societies, leaving many people behind; the second is the cultural backlash theory, according to which the support for anti-establishment parties is a reaction against progressive cultural change (Inglehart and Norris, 2016).

As regards the decision of the United Kingdom to leave the EU, the aim of this thesis is to argue that there is a third possible explanation that lies in the history of the country. We could perhaps label it 'the historical legacy theory'. By looking at what the United Kingdom was when it joined the European integration process, and what kind of partner it has been during her 47 years of membership, I will try to make sense of the outcome of the Brexit referendum arguing that Brexit is not an historical mistake, it is not an inexplicable conundrum fruit of some populist propaganda. Rather, it is in line with the history of the United Kingdom, which went from being the largest and most influent empire in the world at the dawn of the twentieth century (Hobsbawm, 1994), to unwillingly giving up sovereignty to join the European integration process in the 1970s and then be an "awkward partner" until she finally decided to withdraw (Ludlow, 2019; Baár and van Trigt, 2019). The research question guiding this thesis is thus "How can British history explain the outcome of the Brexit 2016 referendum?".

I argue that the myth of British exceptionalism (Mölder, 2018) is the main reason behind the choice of the British people to leave the European Union, and I will thus try to investigate the roots of this feeling and how it influenced the outcome of the 2016 referendum. However, it is not my intention to suggest that Brexit was inevitable. I will maintain that timing was key in determining the outcome of the EU referendum, together with a number of political mistakes of which I will give an account. Yet, I believe that trying to explain Brexit in light of the history of the country brings one great advantage. By putting forward populist influence as the explaining factor for the divorce between Brussels and London, one runs the risk of suggesting that the phenomenon can replicate in other countries, which have witnessed the emergence of populist parties in the same manner as the UK, if not even more. Instead, if we look at the United Kingdom through the lens of its unique historical position and its distinctive institutional features, it could be easier a) to understand why no other country has thus far initiated the process to leave the European Union, and b) to suggest that the EU is not necessarily deemed to fail, for Brexit would be an isolated case. « Is this the beginning of the end of the European Union? », asked BBC's Katya Adler to the European Commission President, Jean-Claude Juncker, back in 2016. « No » is the only answer she got.

When placing Brexit in historic perspective, some might be tempted to focus on the 47 years of British membership, which were constellated by examples of the weak British commitment towards further European political integration in a supranational fashion. But this limited timespan would not provide for a comprehensive understanding of *why* Britons were such a reluctant partner. Rather, in this thesis I shall go further back to end of the nineteenth century to investigate the deeper roots of the sense of uniqueness of the part of the British, which hampered the relationship with the continent since the very beginning of the European integration process.

In the first chapter of my thesis, I will give the reader the tools to fully understand what the Brexit referendum was, what the arguments of the Leave and the Remain camps were, and what political facts led to the public consultation. In doing so, I will already shed a light on some of the arguments and elements that will be further investigated in the following sections. The second chapter will go further in detail to explain the main point of my thesis – namely, that to make sense of Brexit one must look at the history of the United Kingdom. I shall focus on two main aspects: the British empire and the role of the country in the Second World War. Instead of making a sterile historical account of what happened, I will focus on how these two episodes that make the UK inherently different from its European counterparts survived in the cultural imaginary of the British people. This, fostered by the media and by public discourses, has

informed the debate around the European Union, by presenting the UK as radically different from the continental states. Churchill's nation was the only European country that could tellingly say to have won the WWII without experiencing a dictatorship or an invasion, and no other country in Europe could claim the same *grandeur* of the former British empire. Perhaps due to a twist of fate, the collapsing of the empire contemporaneous with the first steps of European integration, and the economic crisis which hit Britain immediately after its entry into the European Communities in 1973, helped fostering a sense of aloofness vis-à-vis the European project. Finally, in the third and last chapter, I will focus on a specific product of history that once again put the United Kingdom in a very different position with respect to the other European countries. Such historical feature is the British constitution. I will outline how the UK's constitutional framework helped Brexit unfold, and how, in turn, Brexit will affect the British constitutional arrangements. To make such a reasoning, I shall start by looking at the consequences of Brentry for the British constitution, to then argue that the removal of the European crucible left the UK system 'unprotected' (Bogdanor, 2018; Bogdanor, 2019). To fill this gap, some authors argue about the desirability of a codification of the British constitutional norms. Thus, by 'constitutional consequences' I mean precisely that there are strong arguments in favour Brexit – or related developments – as the constitutional moment Britain has never had.

Chapter One – The Brexit referendum

'Brexit' is the term used to refer to the proposition of British exit from the European Union (Blick, 2019). The official withdrawal of the United Kingdom from the European Union occurred on January 31st, 2020 at midnight when the withdrawal agreement entered into force and when a transition period due to last until December 31st, 2020 started. But the whole Brexit saga was triggered on June 23rd, 2016, when the Brexit referendum took place and 51.9% of the population of the United Kingdom voted to leave[1]. However, the idea of Britain exiting the European Union has even more ancient roots. As a matter of fact, soon after the UK joined the European Communities (EC) – later the European Union – on January 1st, 1973, a first European referendum was held on June 5th, 1975 to confirm the presence of the Country within the European project. On that public consultation, which was also UK's first national referendum, the majority of the voters expressed themselves in favour of the EC membership. I will go into further details of what happened ever since in the next chapter. Instead, in the following pages I will focus on the most recent years, that culminated in the EU 2016 referendum.

The portmanteau 'Brexit' was coined in May 2012, inspired by the word 'Grexit' which was used to describe the alleged withdrawal of Greece from the European Economic and Monetary Union (Moseley, 2016). In that period Brexit emerged not only as a word, but also as a political conundrum which gained increasing public attention. In 2012 the Prime Minister was David Cameron at the head of a coalition government between the Conservative Party and the Liberal Democrats. He was also Prime Minister when the EU referendum was held in 2016, for which he campaigned in favour of Remain. But his position on Europe has never been that of an enthusiast. Cameron had become the leader of the Conservative Party in 2005 with the promise of bringing the party out of the European People's Party (EPP) – which he did in 2009 when he pushed for the creation of European Conservatives and Reformists (ECR) Group –, accusing them of being too federalists and in favour of the Lisbon Treaty (O'Rourke, 2018). This is the first of two episodes that can give evidence of Cameron's position on Europe. His latent Euroscepticism became once again evident in September 2007, when he gave his 'cast-iron guarantee' that he would hold a referendum on the Lisbon Treaty if he became Prime Minister (Barker et Eaglesham, 2009). Eventually, two years later, he made a U-turn on the issue, given

[1] The Electoral Commission, available at https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/past-elections-and-referendums/eu-referendum/results-and-turnout-eu-referendum [last accessed on 24 May 2021].

that all other Member States had ratified it and it had soon become manifest that « "this treaty is no longer going to be a treaty, it is going to become part of European law and that will create a new situation." » (Barker et Eaglesham, 2009). After this change of mind, Cameron hoped that the European question could be avoided (Knight, 2016). Indeed, at the Conservative Party Conference in 2006, he had clearly stated that the Country had different priorities: « While parents worried about childcare, getting the kids to school, balancing work and family life – we were banging on about Europe »[2], he said. Nevertheless, when he became Prime Minister in 2010 at the head of the coalition government between the Tories and the Lib Dems, he soon realized that the European subject could no longer be ignored.

There were two enemies which prevented David Cameron from leaving the European question on the background. The first was his own party and in particular that Eurosceptic wing which had remained on the backbenches and was now pushing for negotiating a new relationship between London and Brussels. There are many episodes that exemplify the pressures from within the Conservative Party to deal with the European issue. In September 2011, for example, three Conservative Members of Parliament (MPs) – Andrea Leadsom, Chris Heaton-Harris and George Eustice, leading more than a hundred MPs – set up the Fresh Start Group to examine the options for a new UK-EU relationship, claiming that further European integration in response to the debt crisis was something the UK should not be involved in[3]. By the same token and again in September 2011, 100,000 people among members of the public and Tory and Labour MPs signed a petition calling for a referendum on EU membership[4]. The matter was then forwarded to the House of Commons which voted a motion in October 2011. Despite Cameron's orders to turn down the proposal, 81 Conservative MPs rebelled and voted in favour of an EU referendum. It was the largest post-war parliament rebellion on Europe and the twenty-third during Cameron's premiership (Watt, 2011). The motion was rejected anyway[5]. Despite this pyrrhic victory in Parliament, the referendum question was far from settled. Even if the motion was eventually defeated, another petition was soon set up to ask the House of Commons

[2] David Cameron, 2006 Conservative Party Conference Speech. Available at http://www.ukpol.co.uk/david-cameron-2006-conservative-party-conference-speech/ [last accessed on 24 May 2021].
[3] BBC, « Tory MPs set out demands for return of powers from EU », available at https://www.bbc.com/news/uk-politics-18778151 [last accessed on 24 May 2021].
[4] BBC, « 100,000 sign petition calling for EU referendum », available at https://www.bbc.com/news/uk-politics-14834871 [last accessed on 24 May 2021].
[5] On Monday 24 October 2011, the motion regarding a national referendum on the European Union was rejected by 483 'Noes' against 111 'Ayes'. Available at https://hansard.parliament.uk/Commons/2011-10-24/division/1110251000744/NationalReferendumOnTheEuropeanUnion?outputType=Names [last accessed on 24 May 2021].

to ‘reconsider its decision’. Since this second petition only reached about 18,000 signatures, it was not a matter of debate in Parliament, but still the Government responded[6]:

> « The Government believes that membership of the EU is in the national interest of the UK. It is central to how we create jobs, expand trade and protect our interests around the world. The Government’s priority is dealing with the crisis in the Eurozone and making sure that the Single Market, which is one of the greatest forces for prosperity the continent has ever known and of immense benefit to this country, is not damaged. »[7]

Most importantly, in July 2011 the Parliament had adopted the European Union Act 2011, which ruled that a national referendum must be held in the United Kingdom on any EU Treaty or Treaty change which would entail a supranational transfer of power from the UK to the EU[8]. The idea of the referendum was penetrating into the minds of the Britons. David Cameron himself was not ready to rule out the referendum option altogether. In July 2012 he made a statement in the House of Commons:

> « There are those who argue for an in-out referendum now. I don’t agree with that because I don’t believe leaving the EU would be best for Britain. Nor do I believe that voting to preserve the exact status quo would be right either. As I wrote yesterday, I don’t agree that the status quo is acceptable. But just as I believe it would be wrong to have an immediate in-out referendum so it would also be wrong to rule out any type of referendum for the future. »[9]

The pressures from the Tories would not stop either. The British Conservative Party had been split about Europe since the ratification of the Maastricht Treaty in 1993, and now the Eurosceptic *fronde* was starting to raise its voice. Interestingly, in those years, Eurosceptic Tories started suggesting that the country’s most natural allies were not the States of the Continent, but rather the members of the ‘Anglosphere’ (O’Rourke, 2018). Tory ‘Brexiteers’ committed to what Michael Kenny and Nick Pearce defined as an ‘ideological reworking of Britain’s global history’, according to which the Anglosphere was as a convincing alternative to EU membership (Ashe, 2016; Thompson, 2019). About that, Bryson and his colleagues

[6] The official e-petitions website of the UK Government and Parliament considers for parliamentary debated those petitions that reach the threshold of 100,000 signatures. If, instead, they get 10,000 signatures, the government will respond.
[7] The second petition to ask a referendum on the European Union is available at https://petition.parliament.uk/archived/petitions/20133 [last accessed on 24 May 2021].
[8] European Union Act 2011 c.12, available at https://www.legislation.gov.uk/ukpga/2011/12/contents [last accessed on 24 May 2021].
[9] Prime Minister's statement on the European Council: available at https://www.gov.uk/government/news/prime-ministers-statement-on-the-european-council--2 [last accessed on 24 May 2021].

refer to Fintan O'Toole's work on Brexit where he states that « Brexit is fueled by fantasies of "Empire 2.0", a reconstructed global mercantilist trading empire in which old white colonies will be reconnected to the mother country » (Bryson et al, 2020, p.10). I shall go back on this later on in these pages, in order to prove how this shift in mentality looks back at Britain's past, but will determine and shape the Country's future – or, in other words, how « a certain Eurosceptic Tory interpretation of British and Imperial history » (Drea, 2019) created a fertile ground for Brexit.

The second obstacle to Cameron's plan to neglect the European question was the increasing success of the United Kingdom Independence Party (UKIP), which David Cameron had once called "a bunch of fruitcakes and loonies and closet racists" (Ewen, 2016; Shipman, 2017; O'Rourke, 2018). Already in the 2004 European elections, UKIP scored best in terms of votes in those areas where the Tories had previously done well (Lynch and Whitaker, 2011). By late 2012 opinion polls placed UKIP at around 8% support[10] and they increasingly became a threatening force to be necessarily dealt with. Two years later, UKIP's leader Nigel Farage transmitted a very clear message from one of his most famous moments at an electoral rally, where he was on stage with UKIP supporters of different races, in order to downplay the allegations of the party being racist.

> « Let's divorce ourselves amicably from the European Union – he said. […] Why don't we open ourselves up to a group of countries who have within them just over two billion people. They speak English. They have common law. They have similar contract law. […] Let's have a trade deal with the Commonwealth. »[11]

A couple of weeks later, at the 2014 European elections, UKIP was the most voted English party with 26.77% shares of votes[12]. Even if UKIP's electoral performances in general elections were much more modest - it only acquired 3.1% of the votes in 2010 (Lynch and Whitaker, 2011), UKIP's overall electoral success has proved so great that some scholars have questioned the classical understanding of the English system as a two-party system (Sutcliffe, 2012). Even for the United Kingdom Independence Party, Stephen Ashe quotes Paul Gilroy who refers to

[10] YouGov / Sunday Times Survey. Sample Size: 1661 GB Adults. Fieldwork: December 20th - 21st,2012. Available at http://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/to3chqefhc/YG-Archive-Pol-Sunday-Times-results-21-231212.pdf [last accessed on 24 May 2021].
[11] A video of said rally is available on Vote Leave Media YouTube channel at https://www.youtube.com/watch?v=WDYSQKciM34 [last accessed on 24 May 2021].
[12] European Parliament, available at https://www.europarl.europa.eu/elections2014-results/en/country-results-uk-2014.html [last accessed on 24 May 2021].

UKIP's attitude during the referendum campaign as a "postcolonial melancholia", i.e., a mixture of pride and nostalgia which keeps Britain attached to its imperial past (Ashe, 2016).

Pressured by the Conservative Party and the external political landscape, David Cameron had to put an end to the debate on the European issue. On January 23rd, 2013, Cameron delivered his famous Bloomberg Speech on Europe, where he claimed that « People feel that the EU is heading in a direction that they never signed up to. They resent the interference in our national life by what they see as unnecessary rules and regulation. »[13] On that occasion, he also confirmed his support for a referendum to ask the British people whether they wanted to remain in the European Union:

> « Simply asking the British people to carry on accepting a European settlement over which they have had little choice is a path to ensuring that when the question is finally put - and at some stage it will have to be - it is much more likely that the British people will reject the EU. That is why I am in favour of a referendum. »[14]

That was going to be Cameron's premiership's third referendum, after the one in 2011 on the Parliamentary voting system and the 2014 Scottish independence plebiscite. Cameron's Bloomberg Speech constitutes an anticipation of the main arguments that would be used from the 'Leave' and 'Remain' camps during the 2016 referendum campaign, of which this speech is the starting point. According to Ruth Wodak, in this episode Cameron underlines the contrasting national and transnational identities of the UK and the EU and unveils once again his ambivalent position towards the desirability of European integration (Wodak, 2018).

David Cameron's starting point was far from being misled: the British people were convinced that the EU should simply be an intergovernmental organization establishing a free trade area which would ensure freedom to travel and to trade, but not more than that (Fligstein et al, 2012). Indeed, Cameron was not the first one to commit himself to renegotiate the terms of UK relationship with the EU. In its 1974 election manifestos, Harold Wilson's Labour Party promised to renegotiate the terms of British entry and then hold a referendum for approval – which eventually happened in 1975, with Wilson as Prime Minister. And again, in 1983, Labour's Tony Blair declared his willingness to negotiate the withdrawal from the European Economic Community[15]. Nevertheless, in his Bloomberg Speech David Cameron also

[13] Full text of the Bloomberg Speech on Europe is available at https://www.gov.uk/government/speeches/eu-speech-at-bloomberg [last accessed on 24 May 2021].
[14] Ibid.
[15] 1983 general elections were disastrous for the Labour Party, which from then on started to adjust its position on Europe (O'Rourke, 2018).

reiterated that holding a straight in-out referendum immediately would result in a false choice. He thus proposed to negotiate new terms of UK membership, and turn to the people for their approval during the following parliamentary term. But this would only become possible if the Conservative Party were to win the following general elections, scheduled for 2015. And so, the games begun.

As already stressed, the idea of an EU referendum was anything but new. The pledge of allowing the public to have a say on the relationship between the EU and the UK had already been a tool in the hands of those who aimed at increasing their consensus. Labour's Harold Wilson used the referendum sword in the general elections of 1974, with a certain degree of success. The short-lived Referendum Party, founded by James Goldsmith in 1994, placed itself fourth in the 1997 electoral competition, with 2.6% of the votes[16]. Cameron himself committed to a referendum on the Lisbon Treaty in 2007, although he retreated at last. Not to mention the United Kingdom Independence Party, which since it was established in 1994 has tried to pull the UK out of the EU, and in 2009 placed second at the European Elections, ahead of the governing Labour Party. Finally, we have also seen how the greatest Tory rebellion since the Second World War was about a motion to hold a referendum on EU membership in 2011 and how the European Union Act 2011 paved the way for national referenda any time there would be a proposal to amend the – or sign new – EU Treaties. The referendum pledge was engraved in British minds and souls and it would not go away.

Let me open a brief parenthesis here, before going back to the 2015 general elections. It is interesting to establish a parallelism between different waves of Euroscepticism in the UK and major events in the continental institutional apparatus. The UKIP and the Referendum Party, two openly anti-European factions, were both founded in 1994, one year after the Maastricht Treaty entered into force. On May1st, 2004, ten new countries joined the EU[17]; one month later, on the 2004 European elections, UKIP was the third-placed party. In 2009, the year when the Lisbon Treaty became effective, UKIP ended up second at the European Elections with 16.5% of the votes[18]. At that time, the British National Party was calling for stricter control over

[16] Results of general election held on 1 May 1997 are available at https://www.parliament.uk/globalassets/documents/commons-information-office/m15.pdf [last accessed on 24 May 2021].
[17] These were three former Soviet Republics - Estonia, Latvia and Lithuania, four former satellites of the USSR - Poland, the Czech Republic, Hungary and Slovakia, a former Yugoslav republic - Slovenia, and two Mediterranean islands - Cyprus and Malta. An account of the 2004 enlargement can be found here: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Ae50017.
[18] European Parliament, available at https://www.europarl.europa.eu/unitedkingdom/en/european-elections/european_elections/results/electionresults2009/results_of_2009.html [last accessed on 24 May 2021].

borders in order to limit uncontrolled immigration, and – together with UKIP – was campaigning for the withdrawal from the European Union (Sutcliffe, 2012). The same year, the Conservative Party left the EPP. In 2012, when the term 'Brexit' was coined, the eurozone crisis had triggered an unprecedented turmoil in Britain, with EU institutions pushing for more economic and fiscal integration to face the debt crisis (the Fiscal Compact Treaty was signed in 2012 as an intergovernmental agreement, after the UK had put his veto on it) and unemployment rates soaring in the continent. In 2014, UKIP was the most voted English Party at the European Election. These were also the year of the Syrian civil war, which set off the migration crisis in Europe and put immigration on top of the political agenda, especially when in September 2015 Germany opened its borders and welcomed the refugees. According to UK's Office for National Statistics, net long-term international migration increased by 330,000 in 2015 (up 94,000 with respect to the previous year) setting the highest net migration rate on record. The figures show statistically significant increases of immigration for work for both EU citizens and third-country nationals, with 290,000 coming for work in 2015 (+65,000 from the previous year)[19]. These rising trends were coupled with the increasing success of UKIP in the electoral arenas, and the pressures on David Cameron to settle the European question were stronger than ever.

If the 2015 general elections had gone as expected, Cameron might not have been forced to deliver on his promise about an in-out referendum. In fact, the widespread expectation was that the Conservatives would be forced to form another coalition government with the pro-European Liberal Democrats, which may have vetoed the popular vote on the EU (Shipman, 2017; O'Rourke, 2018). But the Tories won the elections with an overall majority, and this left the Conservative Party with no major obstacles to actually organising an EU referendum. David Cameron had to fulfil his pledge: negotiate new terms for membership and then ask the British people whether they wanted to remain in the EU under the new conditions, or leave altogether. Thus, he followed his plan and started renegotiations with the European Union. Cameron's main aim was to go even further in putting an end to the European 'one size fits all' approach. In his letter to Donald Tusk (then President of the European Council) of November 10th, 2015, the British Prime Minister advanced proposals for reform in four key areas: Economic

[19] Data from Migration Statistics Quarterly Report, August 2015, drafted by UK's Office for National Statistics, available at https://webarchive.nationalarchives.gov.uk/20160106044917/http:/www.ons.gov.uk/ons/dcp171778_414818.pdf [last accessed on 24 May 2021].

Governance, Competitiveness, Sovereignty and Immigration[20], the latter being an issue that was especially sensitive for UKIP supporters, and the most politically delicate. Indeed, UKIP's anti-immigrant stances were taking votes away from the Conservatives, and studies show that perceptions on immigration were key in driving the attitudes towards Brexit (Hudson et al, 2020).

Among the requests made by David Cameron, there were « to end Britain's obligation to work towards an "ever closer union" as set out in the Treaty » of Rome, in a way that is « formal, legally-binding and irreversible »; « to enhance the role of national parliaments »; « to find arrangements to allow a Member State like the UK to restore a sense of fairness to our immigration system and to reduce the current very high level of population flows from within the EU into the UK »; « that people coming to Britain from the EU must live here and contribute for four years before they qualify for in-work benefits or social housing » ; and, finally, to « end the practice of sending child benefit overseas »[21]. On the same day the letter was published, David Cameron delivered a speech at Chatham House. He there also claimed that he would study how the UK judiciary system could be organized in such a way as to emulate the German Constitutional Court and its power to review legal acts by the European institutions on the basis that they do not fall within the scope of the powers set out in the Treaties[22]. This was a real surprising point in the British position towards renegotiations, but it was never included in the official letter sent to Tusk, which instead contained a series of modest and limited demands (Shipman, 2017).

According to a poll carried out in 2015, 48% of respondents believed that it was very important that David Cameron ensured that new migrants coming to the UK from EU countries would not receive in-work benefits for at least four years; if Cameron had secured an agreement on all of his demands, 65% of respondents would have voted to remain[23]. Nevertheless, a ComRes survey also found that 58% of Britons thought Cameron would not get a good deal for Britain, while only 21% believed he would[24]. European counterparts had indeed been very clear from

[20] The full letter from David Cameron to Donald Tusk is accessible at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/475679/Donald_Tusk_letter.pdf [last accessed on 24 May 2021].
[21] Ibid.
[22] David Cameron's speech on Europe delivered at Chatham House is fully available at https://www.gov.uk/government/speeches/prime-ministers-speech-on-europe [last accessed on 24 May 2021].
[23] What UK Thinks: EU, available at https://whatukthinks.org/eu/questions/how-would-you-vote-in-the-referendum-if-david-cameron-was-successful-in-securing-agreement-on-all-of-his-demands/ [last accessed on 24 May 2021].
[24] Survey's results reported by Reuters. Available at https://www.reuters.com/article/uk-britain-eu-poll-idUKKCN0VM0WC?edition-redirect=uk [last accessed on 24 May 2021].

the start: the United Kingdom would not be allowed to 'cherry-pick' EU membership[25], or to benefit from an 'EU *à la carte*'[26]. As a matter of fact, Cameron's proposals to reform the Union came in a time when EU institutions were looking at the opposite direction. In June 2015, the "Five Presidents' Report"[27] had been published with the title "Completing Europe's Economic and Monetary Union". In such a context, UK's requests towards a lessening of the political bonds sounded no less than « 'a load of special pleading' and demands for 'British exceptionalism' » (Shipman, 2017, quoting Ivan Rogers, p.121).

The answer to Cameron's demands came in February 2016[28], after months of harsh negotiations. The Heads of State or Government of the Member States of the EU decided that the UK « is not committed to further political integration into the European Union »; and that « Member States may reject claims for social assistance by EU citizens from other Member States who do not enjoy a right of residence or are entitled to reside on their territory solely because of their job-search »[29]. In case of « situations of inflow of workers from other Member States of an exceptional magnitude », Member States could have the possibility « to limit the access of newly arriving EU workers to non-contributory in-work benefits for a total period of up to four years from the commencement of employment »[30]. This last point was fruit of a compromise between British position and Britain's Eastern European allies' claims. Cameron wanted to limit the number of migrants coming to the UK, but he could not do so without infringing the European fundamental principle of freedom of movement of people. Thus, his strategy was to diminish the pull factors that attracted foreigners looking for work. The countries of Visegrad were strongly attacking the benefit cuts requested by Cameron, especially those child benefits which were sent back home. The then Polish prime minister Beata Szydło warned Cameron that the "basic principles" of freedom of movement had to be respected (Duval Smith et Watt, 2015). It was, after all, a position Cameron had to consider, since Poland was

[25] BBC's article on this available at https://www.bbc.com/news/uk-politics-33245877 [last accessed on 24 May 2021].
[26] In a study commissioned by the policy department for Citizen's Rights and Constitutional Affairs of the European Commission's Directorate General for Internal Policies, written by Bruno De Witte, Charles Grant, and Jean-Claude Piris, and published in December 2015, De Witte and Piris underline the unacceptability of « transforming the European Union into an à la carte regime » (De Witte et al, 2015, p.31).
[27] The "Five Presidents' Report" on « Completing Europe's Economic and Monetary Union », bearing the signatures of Jean-Claude Juncker (then President of the European Commission), Donald Tusk, Jeroen Dijsselbloem (then President of the Eurogroup), Mario Draghi (then President of the European Central Bank), and Martin Schulz (then President of the European Parliament) can be accessed and downloaded here: https://ec.europa.eu/info/publications/five-presidents-report-completing-europes-economic-and-monetary-union_en [last accessed on 24 May 2021].
[28] Conclusions adopted by the European Council regarding a new set of arrangements, in response to Cameron's 10th November letter, are fully available at https://www.consilium.europa.eu/media/21787/0216-euco-conclusions.pdf [last accessed on 24 May 2021].
[29] Ibid.
[30] Ibid.

the biggest economy among the Visegrad countries, and Britain at that time counted more than 850,000 registered Polish nationals as residents (Duval Smith et Watt, 2015). A compromise was found by inserting the 'emergency brake' clause to the paragraph on in-work benefits, and by indexing child benefits according to each Country's living standard. Despite his efforts to reach an agreement that would be acceptable at home, David Cameron's failure to achieve an emergency brake on the number of migrants allowed to enter the British soil, or a cap, or even quotas, left him exposed to the sharpest Eurosceptic criticism.

After these concessions, Cameron went back to London and announced he would campaign for 'Remain'. On that occasion, he also made two important announcements. First, that the « individual cabinet ministers will have the freedom to campaign in a personal capacity as they wish », and second, that the referendum would be held in June[31]. He could count on the support of the then Home Secretary Theresa May and the then Business Secretary Sajid Javid in defending the Remain cause. But the plan he had agreed upon with the EU officials was not welcomed at home. Tory MP Steve Baker, then co-chairman of Eurosceptic Conservatives for Britain, and later chairman of the European Research Group, compared the presentation of the plan to "polishing poo" (Shipman, 2017). Moreover, according to a poll, a clear majority of Britons at that point believed that the European officials would not implement the Prime Minister's deal in full after the referendum[32], and 69% of them considered the deal obtained by Cameron "bad for Britain"[33]. In the meantime, Cabinet ministers Chris Grayling (Transport), Theresa Villiers (Northern Ireland) and Cameron's friend Michael Gove (Justice), together with one of Britain's most popular politicos (O'Rourke, 2018) Boris Johnson, then Major of London, announced they would be campaigning to leave the EU.

The Cabinet was split, it was time for people to choose their side, and the battleground was ready for civil war.

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[31] According to the European Union Referendum Act 2015 c. 36, the Secretary of State had to « appoint the day on which the referendum is to be held », provided that it « must be no later than 31 December 2017 » (available at https://www.legislation.gov.uk/ukpga/2015/36/contents/enacted [last accessed on 24 May 2021]). On February 20th, 2016, when Cameron announced he would support the Remain side, he also stated that the in-out referendum was due to be held on June 23rd, 2016 (the video of him speaking in that occasion is available at https://www.bbc.com/news/av/uk-politics-eu-referendum-35620941 [last accessed on 24 May 2021]).

[32] Evening Standard/BMG Research Poll, available at https://www.bmgresearch.co.uk/david-camerons-eu-reforms/ [last accessed on 24 May 2021].

[33] Results of the snap poll conducted by Sky News are reported by the *Independent*. Available at https://www.independent.co.uk/news/uk/politics/eu-referendum-poll-david-cameron-renegotiations-bad-britain-uk-leave-europe-a6851086.html [last accessed on 24 May 2021].

1.1 The Leave camp

The armies for the war had been prepared in advance. This is especially true for the Leave campaign, whose exponents had been dreaming of the UK leaving the EU since John Major signed the Maastricht Treaty in 1992. This Treaty, which established the European Union, marked 'a new stage in the process of creating an ever closer union' and listed among its objectives that of establishing an 'economic and monetary union, ultimately including a single currency'[34]. The English Eurosceptic galaxy has been crowded ever since. The European Research Group was founded in 1993 as a private organization providing for pooled staffing services and research to Conservative MPs on issues related to UK's relationship with the European Union[35]. It is still today the main umbrella group for Eurosceptic Tories. Its first director was Daniel Hannan, later one of the founders of the official Vote Leave campaign (Shipman, 2017). The Bruges Group, an independent think tank, was founded in 1989, taking inspiration from Margaret Thatcher's Bruges Speech[36], with the aim of promoting the project of a less centralised European integration (The Bruges Group, 2020). The Freedom Association was founded in 1975 as a non-partisan centre-right campaign group, which in 2006 launched the campaign 'Better Off Out' to try to "explain and argue the positive reasons why the UK should leave the European Union" (The Freedom Association, 2020). The European Foundation was set up in 1993 "in the wake of the Maastricht rebellion, arguably the watershed moment in Euroscepticism in the UK and Europe", and has since worked to detect the threats to the sovereignty of the United Kingdom implied in European legislation (European Foundation, 2020). The Democracy Movement emerged in 1998 to become "Britain's largest non-party pressure group campaigning against the ever-further centralisation of political decision-making in undemocratic European Union institutions" (Democracy Movement, 2020). In sum, there has been a real and structured Eurosceptic sect of true believers who plotted and committed to bring the country out of the EU, and worked for this for years, until they finally

[34] The text of the Treaty on European Union, as signed in Maastricht on February 7th, 1992, can be accessed at https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf [last accessed on 24 May 2021].

[35] Independent Parliamentary Standards Authority (2020), available at https://www.theipsa.org.uk/publications/freedom-of-information/2017-18/cas-92438/ [last accessed on 24 May 2021].

[36] On September 20th, 1988, Margaret Thatcher delivered a speech to the College of Europe which later became known as "The Bruges Speech", from the location of the College. Here Margaret Thatcher distances herself from the idea of desirable European integration and stated that: « We have not successfully rolled back the frontiers of the state in Britain, only to see them reimposed at a European level, with a European superstate exercising a new dominance from Brussels. » The full text of the Bruges Speech is available at https://www.margaretthatcher.org/document/107332 [last accessed on 24 May 2021].

managed to obtain the referendum they were striving for and then did all that was in their power to win it (Knight, 2016; Shipman, 2017).

The first pivotal actor in setting up the Leave campaign we shall encounter is Daniel Hannan, the person who according to The Guardian « contributed more to the ideas, arguments and tactics of Euroscepticism than any other individual », « the man who brought you Brexit » (Knight, 2016) and one of its « ideological fathers » (Kuper, 2019). In March 2011 Hannan helped set up the Eurosceptic campaign 'the People's Pledge' which gathered Labour and Conservative MPs who supported a referendum on the EU, and which eventually led to the eighty-one rebellion in October 2011 (Shipman, 2017). Hannan soon approached Matthew Elliott, former press officer of the European Foundation, and they started to work together on the would-be Brexit campaign. Elliott's strategy started with the registration of 'Business for Britain', a network set up to familiarise with the idea of leaving the EU without alienating those Eurosceptics who were not necessarily leavers. Business for Britain's slogan was "change or go", and it was initially devised to support Cameron in his renegotiation of the terms of UK membership before giving the people the final say. After the Conservative victory at the 2015 general elections, Elliott's project was coupled with a parliamentary branch, 'Conservatives for Britain'[37], co-chaired by David Campbell Bannerman and Steve Baker, which soon attracted fifty Tory MPs and started plotting to get the referendum done – and won. The other tremendous merit of Matthew Elliott was to recruit in 2015 Dominic Cummings, the man who would become the symbol of the Brexit process, its mastermind and bedrock, and one of the most controversial figures which occupied Britain's political sphere from that moment on. Daniel Hannan, Matthew Elliott, and Dominic Cummings – the trio designed to lure Britain out of the EU, and the men who propelled the official Leave campaign.

It is worth spending a few words on Dominic Cummings, a figure as contentious as fascinating, the architect behind the iconic strategy to promote the Eurosceptic cause. Four elements made Cummings a pioneer in approaching the official Leave campaign: his distrust towards the British ruling class, his attraction towards the application of technology to human understanding[38], the fact that he acknowledged that Brexit was a momentous event, and his ability in forecasting (Morgan, 2018). He wanted the campaign to be based on market research,

[37] Conservatives for Britain is a Eurosceptic group of Tories originally in favour building a new relationship with the United Kingdom, which then in October 2015 sided for Leave. More on the group can be found here https://www.stevebaker.info/2015/06/about-conservatives-for-britain/ or here https://conservativesforbritain.org/ [both accessed last on 24 May 2021].

[38] See Blick, 2019, *Stretching the Constitution: The Brexit Shock in Historic Perspective*, Hart Publishing, chapter 9.

not simply on political communication methods; he would act first of all upon data and focus group interviews, rather than on ground activism. Cummings later admitted that he had identified the two issues people wanted to hear of: immigration was the first one, and the second was the National Health System (NHS) (Shipman, 2017). The liaison between these two was the idea of control, and this is why he chose to adopt the famous slogan 'Take back control' to promote the Leave cause. Data from the British Election Study show that Britons expected a Brexit victory to restrain migrants from going to the UK, and to give greater control over the types of migrants allowed to enter (Hudson et al, 2020). Instead, Cummings preferred not to focus on immigration for the Leave communication campaign, at least at the beginning. Immigration was already a heated debate, and it would be to the fore in any event (Shipman, 2017). Cumming's choice had one great advantage: to distinguish his Leave campaign from that of Nigel Farage and UKIP, which was seen too aggressive, and sometimes pointed as racist and populist. Cummings wanted to be respected in the polite society, he aimed at being heard by the media, and therefore he decided to put immigration aside for the first half of his campaign plan. This choice placed Cummings and his team in attrition with Farage, which is why each of them went their own way.

Thus, there were two Leave campaigns: Cummings and his team were running the official one, 'Vote Leave', whose target was the digital arena and focus was on the NHS and the money allegedly wasted as a consequence of being member of the EU; at the other end there were Nigel Farage and the businessman Arron Banks who were running 'Leave.EU', an anti-establishment populist platform which promised that withdrawal from the EU would overturn the status quo on a number of relevant issue – with immigration being the most emphasised (Hudson et al, 2020). An illustrative example of the different paths the two campaigns decided to follow lies in the two most controversial and iconic episodes of their campaigning journey. The official Vote Leave campaign will certainly be remembered for their advertisement message on the famous red bus: "We send the EU £350 million a week, let's fund our NHS instead". The figure has been defined as 'misleading', and a 'clear misuse of official statistics' by the UK Statistics Authority[39], but they kept hammering on this piece of data to stress the idea that Brexit meant control on Britain's own funds. On the other hand, Nigel Farage's Leave.EU most infamous gambit was the unveiling of the anti-migrant poster showing a crowd of refugees marching: "Breaking point: the EU has failed us all", said the billboard, associating the European Union to the ongoing refugee crisis (Hudson et al, 2020). The episode led the

[39] Full Fact (2020), available at https://fullfact.org/europe/350-million-week-boris-johnson-statistics-authority-misuse/ [last accessed on 24 May 2021].

official campaign to take further distance from Leave.EU (Mason and Stewart, 2016). Nevertheless, once again, the episode conveys the idea that the two Leave camps were different in the methods, yet pursuing the same goal. All in all, one could now say that this civil war within the civil war was advantageous to the proponents of the Leave alternative. With their different tactics, means and targets, the official and more polite Vote Leave was able to win the trust of volatile and undecided voters, who were alienated by the aggressive rhetoric of Nigel Farage; on the other hand, Leave.EU might well have attracted the non-voters, the losers of globalization, those who distrusted the establishment to an extent that they grasped the occasion of the EU referendum to shout their rejection of political elites.

Both Cummings and Farage would play a crucial role in the weeks before the referendum and in what would come next. Both of them were welcomed ambivalently by the public opinion. The former was sometimes labelled as a genius and a brilliant manoeuvrer, some other times he was looked down as a menace, due to his bluntness and short temper (Wintour, 2013). Nigel Farage, « one of the most significant figures in modern British history » (Ewen, 2016, p.86), remained a political conundrum for a long time, to the extent that in 2014 Sunder Katwala wrote of a 'Farage Paradox': the more Nigel Farage attracted media attention, the more his party poll ratings and party membership grew, but at the same time the lower the support for UKIP's core mission – have Britain leave the European Union (Katwala, 2014). Hated and loved, admired and feared, these two political warriors have their names carved in the history of Brexit.

There was a third actor who moved the Eurosceptic pawns in Parliament. Steve Baker became co-chairman of Conservatives for Britain in 2015, ending up commanding more than one hundred Eurosceptic MPs. The group was key in achieving pivotal victories in the setting up of the referendum rules, of which Tim Shipman's thorough work on Brexit gives a detailed description (Shipman, 2017). The first battle won was the one on the wording of the referendum. When the European Union Referendum Bill was first published in May 2015, the EU question was 'Should the United Kingdom remain a member of the European Union?', and the alternative answers in the ballot paper would be 'Yes' or 'No'. Nevertheless, the text was later amended to include the option '…or leave the European Union?' changing the alternatives into 'Leave' or 'Remain'. This was done after the protests of the leavers in Parliament, who maintained that the yes-no wording would favour the Remain stance by 4 percentage points. In September, the Electoral Commission admitted its concerns that the question so formulated «

encourages voters to consider one response more favourably than the other »[40], and then changed the text into what would finally be the official one[41]. The second encouraging victory for Baker's army concerned the date of the referendum. Downing Street wanted the referendum to be held on the same day of the local elections in the spring of 2016, but the Eurosceptics – and the Labour Party – took the opposite view. To avoid a rebellion and a defeat in the Commons, the Government accommodated the Eurosceptic stances and ruled out a referendum in May 2016.

These boosting victories were not the only things that seemed to favour the Leave camp. There were instances in which the remainers of the Conservative Party, in the person of David Cameron in particular, put the interests of the party ahead of the commitment to keep the United Kingdom inside the EU, and this, with the wisdom of hindsight, ended up favouring the leavers. In November 2015, a group of Labour and LibDem peers from the House of Lords passed an amendment to the Referendum Bill to concede sixteen- and seventeen-year-olds the vote in the EU referendum (Uberoi, 2015). The Conservative Party altogether rejected the proposal. Cameron's fear was that this would be a dangerous precedent that would favour Labour in the next general elections, and the Conservatives for Britain did not want to give younger voters the chance to support Remain.[42] The second episode occurred in January 2016, when Cameron made a U-turn on the issue of collective cabinet responsibility. Throughout the previous year, he had insisted that Ministers would be bound by it when choosing their side for the Brexit referendum, and they would have to resign if the wanted to go against the Prime Minister. Yet, to accommodate the stances of those who did not want to choose between their beliefs and their careers, and to avoid the implosion of the Conservative Party, Cameron finally gave up and suspended collective cabinet responsibility for the time of the referendum campaign.

The Leave side was thus well-set and ready to fight, but in the meantime the Remain campaigns were also starting to sharpen their blades.

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[40] Assessment of the Electoral Commission on the proposed referendum question, September 2015, p.1. Available at https://www.electoralcommission.org.uk/sites/default/files/2019-08/EU-referendum-question-assessment-report.pdf [last accessed on 24 May 2021].

[41] European Union Referendum Act 2015 is available at https://www.legislation.gov.uk/ukpga/2015/36/section/1/enacted?view=interweave [last accessed on 24 May 2021].

[42] Sascha O. Becker and colleagues assumed that a higher turnout of young voters – largely backing Remain – would not have significantly impacted the Referendum results: « Young people voted overwhelmingly in favour of Remain but had a lower turnout than older age groups. We find that a higher turnout of young voters would have been very unlikely to result in a different referendum outcome, partly because their turnout was already elevated compared with previous UK-wide elections. » (Becker et al, 2017, p.606).

1.2 The Remain camp

It should be clear by now that the line that divides the Remain camp from the Leave side is not the same that crosses the parliamentary benches of Tories and Labour MPs. The two parties were deeply torn by the European issue, and this became most evident when the referendum campaign begun. Ironically enough, David Cameron claimed he would back Remain, but the main sponsors of the Leave campaign came from his own party. As we have seen, Cameron had helped creating fertile conditions for this to happen. Another Cameron's choice that facilitated the Leavers' cause, together with the decision to let cabinet ministers free to choose their own side for the referendum campaign, was made in September 2015, when the board of the Conservative Party decided the party's official line was neutrality. This choice not only deprived the Remain campaign of the Party's budget to fund the cause, but also left political celebrities independent in their choice of which side to support. On the other hand, Labour Party's leader Jeremy Corbyn was possibly in an even nastier position. Despite having been a convinced Eurosceptic throughout all his political career, Corbyn found himself at the head of a party that was pushing for a pro-European stance. Despite discussions about the possibility of joining the forces and setting up a cross-party campaign, the two parties decided to go separate ways. 'Britain Stronger In Europe' official Remain campaign set off with the support of Downing Street and David Cameron, and with Tory, Labour, and LibDem staff, while a separate 'Labour In for Britain' was launched by the Labour Party.

Rather than defending and underlying the benefits of being a member of the European Union[43], the two official Remain campaigns focused their communication strategies on the risks implied in leaving (Coleman, 2016). They had important allies on their side that helped cementing the idea that leaving the EU would pose the country under serious threats and in front of major challenges. On February 23rd, 2016, under coordination by Downing Street (Armitage, 2016; Shipman, 2017), 198 UK business leaders - including 36 FTSE 100 bosses - signed a letter to the Times warning that « leaving the EU would deter investment, threaten jobs, and put the economy at risk. Britain will be stronger, safer, and better off remaining a member of the EU » (Williams-Grut, 2016). The following day, a letter released by Downing Street and signed by twelve UK senior military commanders assured that Britain should stay in the EU to protect itself from 'grave security challenges' posed by the instability in the Middle East, the rise of

[43] Tim Shipman talks of a shy attempt to insist on the importance of the EU with a short-lived booklet named 'Women for Remain', which was launched few hours before the murder of Joe Cox (Shipman, 2017, p.254).

ISIS and the « resurgent Russian nationalism and aggression »[44]. The day after that, a third letter sent to The Guardian and signed by high-profile exponents of NGOs – including the chair of the World Wide Fund for Nature (WWF), the former director of Oxfam, the former CEO of Christian Aid, and the former CEO of Save the Children – claimed that « Only inside the European Union can the UK help fight global poverty »[45].

In this, the 'Stronger In' campaign was aided by leading experts in the global scene. Ten Nobel-prize winning economists wrote to The Guardian that « Brexit would create major uncertainty about Britain's alternative future trading arrangements, both with the rest of Europe and with important markets like the USA, Canada and China ». The Nobel Laureate Stephen Hawking was among the 150 fellows of the Royal Society who signed a letter to the Times stating that Brexit would be « a disaster for UK science »[46]. The climax of this narrative was probably reached on 22nd April 2016, when the US president Barack Obama, during a visit to the UK, said Britain would be 'in the back of the queue' for a trade deal with the US if it chose to leave the European Union[47]. Moreover, an HM Treasury analysis on the immediate economic impact of Brexit predicted that

> « A vote to leave would cause an immediate and profound economic shock creating instability and uncertainty which would be compounded by the complex and interdependent negotiations that would follow. The central conclusion of the analysis is that the effect of this profound shock would be to push the UK into recession and lead to a sharp rise in unemployment. »[48]

And many other examples could be made. It is no chance that, according to a post-referendum poll, the main reason why remainers chose to vote Remain was that "the risks of voting to leave the EU looked too great when it came to things like the economy, jobs and prices" (43%)[49].

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[44] *BBC*, available at https://www.bbc.com/news/uk-politics-eu-referendum-35647071 [last accessed on 24 May 2021].
[45] Letter to *The Guardian*, available at https://www.theguardian.com/politics/2016/feb/24/only-inside-the-european-union-can-the-uk-help-fight-global-poverty [last accessed on 24 May 2021].
[46] *The Guardian*, available at https://www.theguardian.com/politics/2016/mar/10/brexit-disaster-for-uk-science-say-scientists-stephen-hawking [last accessed on 24 May 2021].
[47] A video of him pronouncing these words is available at https://www.bbc.com/news/uk-36115138 [last accessed on 24 May 2021].
[48] The full text of the analysis can be found here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524967/hm_treasury_analysis_the_immediate_economic_impact_of_leaving_the_eu_web.pdf [last accessed on 24 May 2021].
[49] Lord Ashcroft's poll « How the United Kingdom voted on Thursday… and why », available at https://lordashcroftpolls.com/2016/06/how-the-united-kingdom-voted-and-why/ [last accessed on 24 May 2021].

This strategy of terror was termed 'Project Fear' (Coleman, 2016; Shipman, 2017). The very fact that intellectuals, economists, and the elites in general were backing the Remain side reinforced the populist anti-establishment narrative, and the vote for Brexit soon became a vote against the establishment, possibly even more than it was at the start of the campaign. To the supporters of Leave, the economic challenges resulting from a divorce between the EU and the UK were not on the table. Control and sovereignty were, as already pointed out. Despite looming economic insecurity, it was cultural insecurity that was the main driver of the Leave victory: « The vote to Leave was a cultural insurgency. It was a revolt against liberal, urban Britain – against London, against the cultural elite, against immigration » (Harrop, 2017, p. 1). Further evidence of this trend can be extracted from the analysis of Brexit voting patterns. Exposure to the EU in terms of immigration and trade seems to be a weak explanatory variable to understand voting behaviour on the EU referendum (Becker et al, 2017), in such a way that « those regions of the UK that have benefited most from EU funds - Northern rust-belt areas, poor rural areas in Cornwall, Wales, and elsewhere – are those where the Brexit vote was highest » (Coleman, 2016, p.682). It seems more likely that the explanatory power for the Leave vote was rather in personal characteristics of the voters themselves – namely education, income, unemployment, employment in certain specific sectors such as manufacturing, age, and scarce provision of public services (Becker et al, 2017; Alabrese et al, 2019). These premises can help understand why populist propaganda in favour of Leave had so much success. Exploring the role played by populism in the Brexit race would be far too demanding in these pages; for the sake of this thesis, suffice it to say that the 'Project Fear' strategy was not effective on the voters targeted by populist rhetoric. Arguments in favour of Remain which insisted on the dangers and perils of Brexit for trade, the economy, or even science, had little appeal on the unemployed, the elders, or those with low education attainments.

Much can be said about the mistakes and strategical fallacies of the Remain camp. Cameron's moves that ended up promoting the Leave campaigns have already been briefly sketched[50]. The 'Project Fear' strategy, which proved powerless in turning a significant number of voters to the Remain side, is mentioned above. David Cameron's modest achievement at the negotiation tables with Brussels also weakened the Remainers' position. Finally, there is one last reason which, with hindsight, I would like to explore to try to make sense of the vulnerability of the Remain camp. That is the ambivalence and long-term inconsistency of the position of the Labour Party – and its leader Jeremy Corbyn in particular, on Europe.

[50] More on this can be found in Shipman, 2017.

In 2015, Jeremy Corbyn had to be convinced to place its party along the Remain lines. For the 1975 referendum on the European Union, Corbyn campaigned for leaving[51]. When after the 2016 referendum remainers struggled to understand how Leave could have won, some pointed to the unconvincing and unconvinced attitude of Jeremy Corbyn, who was on the record as a Eurosceptic and had sent confusing and ambivalent messages to the party base (Beech, 2018). The history of the positioning of the British Labour Party on the issue of European integration can help us gain further insights on why the Party and its leader were not altogether convincing heralds of the Remain cause in 2016. Three weeks before the referendum, The Guardian wrote that « only about half of Labour voters have realised their party is in favour of staying in the EU, with the rest thinking it is split or believing it is a party of Brexit » (Mason, 2016). As a matter of fact, confusion about the Labour Party's policy on Brexit remained unclear to most even in the following years[52]. As it was the case with the Conservative Party, also within the Labour party there were some members who deliberately chose to go against the line of their political family. The co-chair of the Vote Leave campaign was Gisela Stuart, a member of the Labour Party. On the *Prospect*, Stuart wrote an article where she maintained that leaving the EU is also a left-wing choice: « I am puzzled that the Labour Party seems to have mislaid its radical roots. Why are we storming the barricades to be on the side of the FTSE 100, the status quo, and an institution that threw millions of young people on the unemployment scrapheap in Greece, Italy, Spain and Portugal just to save the euro? » (Stuart, 2016).

Now, what are these 'radical roots' the Labour Party seems to have lost track of? Richard Tuck reminds us that founding father of the European Left, Karl Marx, believed that Constitutions in the Continent curbed the progress towards democracy; but the United Kingdom has never had such thing as a written Constitution. Its Parliament has been sovereign, and early members of the Labour Party believed that a properly organised working class could use representation in the House of Commons to promote radical and social change (with the institution of the NHS in 1948 being an example of this) (Tuck, 2020). The English Left once used to defend this principle by opposing the membership of the country in the European Union, which was perceived – even by Corbyn – as a 'capitalist club' designed to cater the needs and interests of financial elites (Shipman, 2017). After the accession into the European Union, British

[51] That time it was a Yes/No wording of the referendum question: « Do you think the United Kingdom should stay in the European Community (the common market)? » The final result was that 67.2% of voters ruled in favour of remaining a member (Uberoi, 2016).
[52] Between April 28th, 2017 and November 26th, 2019, the majority of respondents to nineteen YouGov polls stated that the Labour Party's policy on Brexit was fairly or completely unclear. Data available at https://whatukthinks.org/eu/questions/do-you-think-the-labour-partys-policy-on-brexit-is-clear-or-unclear/ [last accessed on 24 May 2021].

representatives found themselves forced to comply with rules set by supranational authorities. One example of this is the authority of the European Court of Justice and the primacy of European Union law. In 1991, for the first time, courts in the United Kingdom were given the power to 'disapply' acts of Parliament if they conflicted with EU law[53], something that was considered unthinkable according to the United Kingdom's traditional constitutional principle of the sovereignty of Parliament (Arangonés, 1990; Bogdanor, 2019).

Stephanie L. Mudge gives us a thorough examination of how the English Labour Party, among others, has undergone a 'reinvention' from 'socialism' to 'neoliberalism' (Mudge, 2018). She mentions Britain as one of the most significant examples of how a « new language of leftism emerged »:

> « In Britain, the 1997 program of "New Labour" declared itself a "party of ideas and ideals" but not of outdated ideology. Combining an anti-"dogmatic" pragmatism ("[w]hat counts is what works") with emphasis on the "modern, " New Labour declared that it would adapt the policies of the Thatcher and Major years rather than rejecting them wholesale […] Labour also described global markets as forces beyond national control »[54]

The surrender to the idea of the inevitability of uncontrollable market forces is also accounted for by Thomas Fazi and William Mitchell. What is labelled by Mudge as the « second [reinvention] from economistic to liberalised leftism (between the 1960s and the 1990s) » (Mudge, 2018, p.43), is explained by Fazi and Mitchell as the Left's reaction to the crisis of the Keynesian macroeconomic models in the 1970s. Those were years of high unemployment rates, high inflation, and stagflation. But they were also the years when multinational corporations started to trade at an international level; globalization had started, and the nation-state was apparently diminishing its influence. When Keynesian theories seemed to no longer apply vis-à-vis what was happing at the time, neoliberalism was seen as the only viable alternative, even by some leftists. According to Fazi and Mitchell, the institutionalization of European integration is the maximum expression of the victory of neoliberal prescriptions on Keynesian theories. Yet, left thinkers in the 1970s misleadingly thought that there was no other alternative to the crisis of the Keynesian model than favouring forms of international and supranational government. An example of this is also François Mitterrand's famous turn to austerity in 1983,

[53] *Regina v. Secretary of State for Transport ex parte Factortame Limited (No 2)* (Case C-213/89) [1991]
[54] Mudge, 2018, pp.56-57.

for a number of reasons, including the idea that European economic integration was inevitable, the price to pay for modernization (Fazi and Mitchell, 2018).

The choice of the United Kingdom to leave the European Union is often made sense of by referring to right-wing anti-immigration motives, populist rhetoric, and nationalistic discourse. Yet, this is only one side of the coin, the one that attracted most the attention of the media during the referendum campaign. But there are also advocates of Brexit that come from left-wing parties and that distrust the European Union for completely different reason. The European Union is seen by some leftists as a « constitutional order tailor-made for the interests of global capitalism and managerial politics » (Tuck, 2020, p.16). 'Lexit' (i.e. a Left-wing Exit) is the term used to refer to the leftist support for withdrawal from the European Union. The Left in England did not completely get rid of this trend of thought that continued to look suspiciously at European integration, even within the Labour Party. One of those unwilling to embrace pro-European stances altogether was certainly Jeremy Corbyn, who sided on the Remain faction with lack of enthusiasm.

1.3 Why Brexit?

The aim of this thesis is to show how the United Kingdom's colonial past has played a role in the relationship between the country and the European Union, and how this flawed partnership eventually led to Brexit. Yet, it is not my intention to suggest that Brexit was inevitable. In the previous pages I tried to list a series of choices that, seen now, might seem to have favoured the outcome of the EU referendum. If the Conservative Party had chosen to put the interests of the campaign first, instead of its own, the 2016 public consultation might have gone differently. This is the case for the proposal of granting the vote to the sixteen- and seventeen-year-olds, the timing of the referendum, the choice to suspend collective cabinet responsibility and to declare the Conservative Party neutral, or even the refusal by the official Remain campaign to engage in personal attacks against the Brexit superstars – Gove and Johnson – in order not to endanger even further the party unity; or again, the 'Project Fear' strategy that proved ineffective, and the sudden and implausible commitment of the Labour Party to the European design. In the words of Kevin O'Rourke (2018):

> « Britain's relationship with the European Union was always an ambivalent one. It had always looked towards its imperial past and its relationship with America. It initially tried to sabotage European integration, and when the government eventually decided that entry

was in the UK's best interests it did so in a less than whole-hearted fashion. The British traditionally valued the economic opportunities afforded by Europe, but were much less enthusiastic about the supranational ambitions of the European Communities. And when the European Communities made way for the European Union, a Conservative Party civil war erupted: for many within the party this was a dilution of sovereignty too far. Add to this the ambivalence of a small but influential section of the Labour Party, and in particular its leader since 2015, as well as the rise of UKIP, and Brexit was unsurprising.

But Brexit was not inevitable. Leave only won by a small majority. »[55]

There are many explanations we could mention to make sense of the outcome of the EU 2016 referendum. O'Rourke makes a distinction between « explanations that emphasize the deep underlying roots of the phenomenon, and explanations emphasizing the roles of chance and contingency » (O'Rourke, 2018, p.176). He sketches a matrix of 'structural explanations for Brexit':

	Cultural	**Economic**
Anglo-centric	British Euroscepticism	Austerity
International	Russian interference, Breitbart, fake news	Globalization

Table 1. O'Rourke, 2018, p.178

In a detailed analysis that is recommended to those who want to explore the issue even further, O'Rourke mentions a general global trend that could be observed in 2016 and that can be counted as a contingent explanation – the rise of populism in Europe and in the United States (with the election of Donald Trump a few months after the Brexit referendum). Both episodes, Brexit and the election of Donald Trump as 45th president of the United States, can be seen as consequences of economic (globalization, technological change) or cultural (xenophobia, nationalism, extreme cultural conservatism) forces (O'Rourke, 2018).

Once again, looking at voting patterns can be useful to test this hypothesis. According to a post-referendum poll carried out by Lord Ashcroft, the top-three reasons why Leave voters voted as they did were the following: 'decisions about the UK should be taken in the UK' (49%), 'voting leave offered the best chance for the UK to regain control over immigration and its own borders'

[55] O'Rourke, 2018, p.175

(33%), and 'remaining meant little or no choice about how the EU expanded its membership or powers' (13%). Only a small share said the main reason for leaving was that 'when it comes to trade and the economy, the UK would benefit more from being outside the EU than from being part of it' (6%)[56]. Voters who perceived multiculturalism, feminism, the Green movement, globalisation, and immigration as bad phenomena were more likely to vote for Leave[57]. A briefing paper from the House of Commons Library on the EU referendum also found a correlation between the proportion of those voting Leave and the proportion of non-graduates, manual and casual workers, the unemployed, and pensioners (Uberoi, 2016). Many other independent variables may be useful in explaining the choice of the British people to leave the European Union: the most popular is linked to the increasing fear for immigration and subsequent success of populist parties (Inglehart and Norris, 2016); another one might be the mounting hatred towards the EU due to her infamous austerity policies (Fetzer, 2019); not to mention the role of social networks in nudging people towards the Leave cause (Hänska-Ahy and Bauchowitz, 2017). The problem with all these variables is that they are replicable, that is to say, they are present in other countries: populism is a phenomenon present in all Western states and beyond, EU austerity policies and immigration pressures affect all EU Member States (and many of them are more effected than the UK was), and the use of social media to divert public consensus is a too well-known issue all over the world. Yet only the United Kingdom has so far chosen to withdraw from the European Union.

The remaining pages of this thesis will try to further analyse what Kevin O'Rourke defines as the cultural Anglo-centric British Euroscepticism as an explanation for Brexit, to which I referred to as 'historical reasons'. In fact, the same Lord Ashcroft's poll interestingly shows that Leave voters were more likely than Remain voters to describe themselves as 'English not British' or 'more English than British'[58] – which gives us further evidence of how important identity politics is to understand the whole Brexit case (Beaumont, 2017). About that, Jon Stratton assumes that those who identify as English suffer from a 'cultural trauma' which triggers 'anxieties focused around invasion, occupation and loss of sovereignty.' He argues about a 'cultural imaginary' that has undermined the relationship of the United Kingdom with the European Union (Stratton, 2019). Choosing history and unique traits of the British Constitution to make sense of the outcome of the 2016 EU referendum bears the advantage of not suggesting that Brexit is a replicable episode. In the next chapter I will try to further

[56] Available at https://lordashcroftpolls.com/2016/06/how-the-united-kingdom-voted-and-why/ [last accessed on 24 May 2021].
[57] Ibid.
[58] Ibid.

investigate what are the roots of this alleged nostalgia – a sort of imperialist collective unconscious - and how it jeopardized the membership of the UK in the European integration process in such a way that eventually led to Brexit.

Chapter Two – Understanding Brexit through the lens of history

The main assumption guiding this thesis is that the British people is bound by a collective identity that makes them perceive the European context as an outgroup and thus a term of constant comparison. This implies the necessity to investigate two elements: i) why said collective identity is so strong and what its origins are – which is to be traced back to historical developments of the Country, and ii) why this results in widespread Euroscepticism. By solving these two dilemmas, not only can one understand the decision of the British people to leave the European Union in June 2016, but also the fact that the UK has been an "awkward partner" (George, 1990) to the EU during the years of British membership[1]. I claim that the history of the United Kingdom explains a rooted perception of the European dimension that was exacerbated during the decades-long debate over Europe. For instance, the strength of the argument against immigration by some Brexiteers is the result of an historical fear of invasion born out of Hitler's plan to invade the country (Stratton, 2019). Furthermore, I will delineate how history was reframed and used in order to deliver a certain vision of the relationship between Britain and the Continent. In particular, it will be interesting to see how both the Eurosceptics and the pro-European rely on very similar historical argumentations to deliver opposite ideas.

The role of history in explaining the Brexit affair has been explored by many scholars that agree on the weight of Britain's past in determining its detachment from the European integration project. Quoting Hugo Young, Marzia Maccaferri recalls that « writing about Britain and Europe is writing of a struggle between an unforgettable past and an unavoidable future » (2019, p.10). Indeed, Hugo Young writes a thorough analysis of British identity and its ambiguity when it comes to the relationship with the Continent. By looking at British political history 'from Churchill to Blair' Young recounts how Britain was the unchallenged moral victor of WWII and how the consequential feeling of superiority has hampered the emotional tie to Europe (Trauffler, 2013). Jon Stratton is even more specific when he speaks of an unresolved 'cultural trauma' resulting from the experience of the Second World War, stemming in particular from « fears evoked by Hitler's desire to invade and occupy the United Kingdom with the consequent loss of sovereignty » (2019, p.2). Britain's 'nostalgic vision of the past' is also confirmed by Paul Beaumont, who argues that « collective memory of Britain's perceived

[1] See N. P. Ludlow, 2019, « The Historical Roots of the 'Awkward Partner' Narrative », Contemporary European History, 28, pp.35–38.

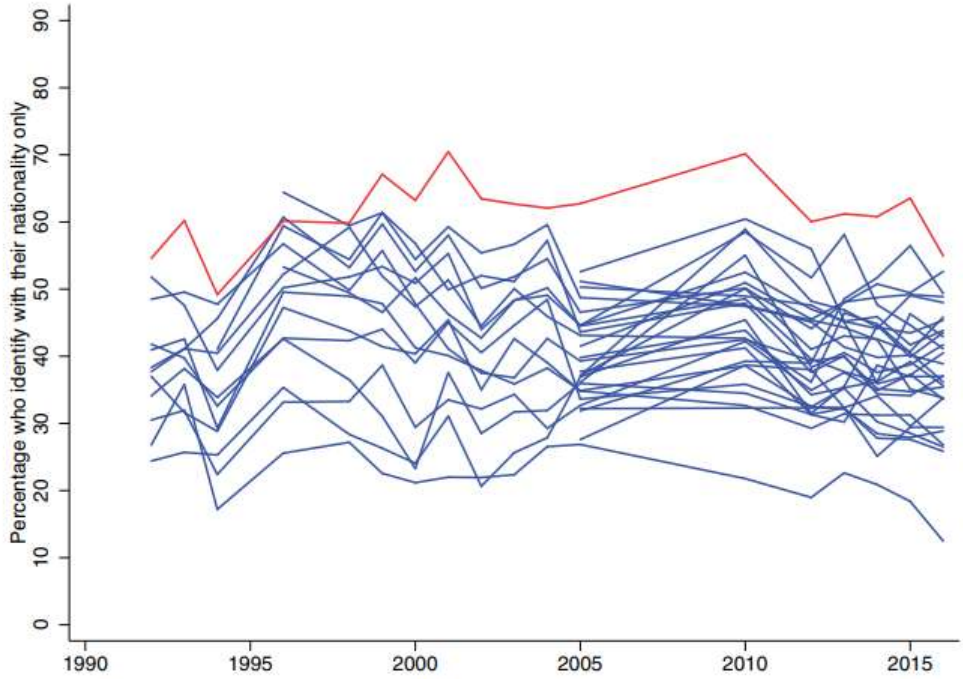
former greatness, underpins the Eurosceptics' sensitivity to "sovereignty", and ultimately, Britain's long-term hostility to membership of the EU that Brexit manifested. » (Beaumont, 2017, p.3).

The first evidence of the prominent role of history in shaping the EU-UK relationship is the importance of identity politics and national identity from the side of the British. This is rooted in Britain's past and had been fuelled by continuous references to the Country's allegedly lost greatness, both in political debates and in popular culture. National identity emerges as a determining explanatory factor in several studies and can already be sensed by looking at demographic data on voting behaviour in the 2016 referendum. As a matter of fact, those who voted to leave were more likely to identify themselves as English rather than British[2], to the extent that the vote for Brexit was largely determined by those who placed most importance on English national identity (Henderson et al, 2017)[3]. Consistently, while within the United Kingdom England voted in favour of Brexit by a margin of seven points (53.4%–46.6%), those areas not influenced by the perception of an 'English identity' voted in favour of Remain: Northern Ireland and Scotland displaced a Remain majority of 55.5%–44.6% and 62.0%–38.0%, respectively. This is not the case for Wales, where people voted to leave with a majority of 52.2%, but this discrepancy is probably due to the history of migration patterns between Welsh and English territories. Since English occupation of Welsh lands in 1284, many English people moved across the border, and it is no chance that « those areas furthest from England and bordering the Irish Sea predominantly voted Remain. » (Stratton, 2019, p.3).

These data also suggest further problematisation of the link between the perception of national identity and the choice to leave the EU. While 'Englishness' in England can be associated with higher rates of Euroscepticism, this does not hold for the other units of the United Kingdom (i.e., Scotland) where nationalist pushes were instead closer to a Europhile behaviour (Beaumont, 2017). As a matter of fact, in Scotland 55% of remainers were more prone to define themselves as "Scottish not British" or "more Scottish than British"[4]. Hence, the link between a strong national identity and Eurosceptic-led Brexit holds for England in particular. Nevertheless, in the pages that follow I will refer to 'British' history, to Britain and to the United Kingdom, since these are the terms employed in the studies and documents that support this

[2] According to a Lord Ashcroft's post-referendum poll, « In England, leave voters (39%) were more than twice as likely as remain voters (18%) to describe themselves either as "English not British" or "more English than British" ». Available at https://lordashcroftpolls.com/2016/06/how-the-united-kingdom-voted-and-why/ [last accessed on 24 May 2021].
[3] See also Bogdanor, 2019, chapter 6.
[4] Lord Ashcroft's « How the United Kingdom voted on Thursday… and why », available at https://lordashcroftpolls.com/2016/06/how-the-united-kingdom-voted-and-why/ [last accessed on 24 May 2021].

thesis, and because the United Kingdom is still so – united. But the reader should bear in mind that most of the discourse around British identity refers to an English identity in particular, which clashes with the European one. Furthermore, national collective identity in this thesis should be understood – unless specified otherwise – in light of a 'British' v. 'European' confrontation, rather than a 'British' v. 'English' one. In line with this premise, I will outline how the distinction between a British Self and Continental Other, which is deeply permeated by the perception of Britain's own history, informs the debates over Europe, and can partially explain the higher rated of Euroscepticism in the United Kingdom. A study of Noah Carl, James Dennison and Geoffrey Evans (2019), who elaborate on data from European-wide surveys to capture Eurosceptic flows within English society, shows how Britain displays a weaker sense



of European identity to the advantage of a stronger national self-identity.

Figure 1 – Percentage of those who answer 'nationality only' to the question of whether they see themselves more as members of their nationality or more as Europeans. British data are referred to by the lighter line. Data from Eurobarometer. Source: Carl et al, 2019, p.290.

Carl and colleagues stress that Briton's weaker sense of European identity is a partial explanation of UK's strong Euroscepticism at least since the early 1990s. Indeed, the Brexit affair has shifted the political cleavages of the United Kingdom from those on economic ideology to issues of identity (Bogdanor, 2019). And national identity is also the reason why the European question has always been so contentious in the British debate, for it raises the

question of what it means to be British, and whether this is compatible with being European (Bogdanor, 2019). I will later elaborate on how British and European identity are often presented in the public discourse as different – and for the Eurosceptics, incompatible. These claims are often accompanied by references to distinct historical paths. At the end of the nineteenth century, the United Kingdom was still very much linked to its imperial past, and the Commonwealth was its main realm for its action and thought. The British were perched on what is known as 'splendid isolation' (Bogdanor, 2019; Maccaferri, 2018) and had no commitment with the Continent. With increasing involvement in the European affairs, which reached its peak in the twentieth century with the role of Britain in the First, and most of all the Second, World Wars, the British found themselves embroiled in the European post-war integration process without being ready to become an active part of it. When they finally made up their minds in the 1970s, it was too late to play a leading role. According to this brief account, it seems like the UK has in fact rolled down towards its role in the European Union: from being an Empire to ceding sovereignty to Brussels. This kind of narrative is indeed very much present in British politics and debates around Europe, as will become evident soon.

The study of Carl et al. (2019) confirms that in the UK the higher the importance placed on national identity, the greater the perception of the EU as a 'bad thing'. Figure 2 shows how the strength of national identity is positively correlated with Euroscepticism (measured through percentage of those who consider EU membership a 'bad thing' and of those who imagine their country better off outside the EU).

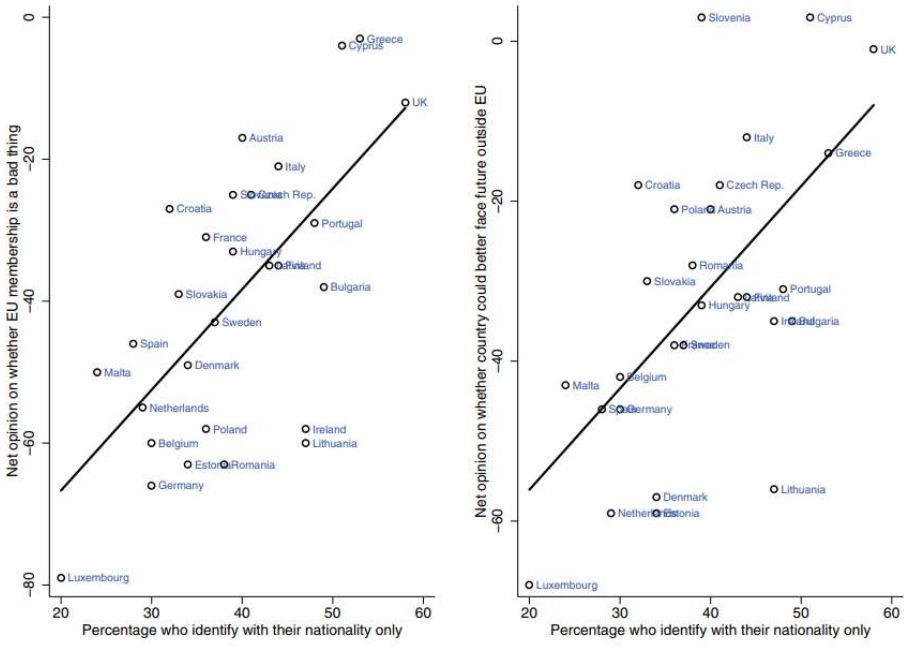


Figure 2 – Relationship between Euroscepticism and strength of national identity. Source: Carl et at, 2019, p.296.

The question that remains to be settled is *why* English nationalism is associated with higher Euroscepticism. In the next section I will try to explain how this collective identity generated from the United Kingdom's past, and in particular its imperial past and its role in the Second World War, eventually resulted in aloofness from and distrust towards the Continent. Then, I will provide for an explanation of why strong British identity resulted in Euroscepticism, which ultimately hampered the permanence of the country in the European integration process. Finally, I will look for historical references in the debates on Europe over the years to see concretely how history was used to present a very specific image of European integration – one that is incompatible with British institutional arrangements, values, and traditions, and that jeopardizes the sovereignty and democracy of the country.

2.1 The imperial past

« Perhaps that period of Imperial isolation, though it has long gone, still leaves some of its impact upon the British psyche » (Bogdanor, 2019, p.21). By looking at the history of the United Kingdom from the nineteenth century, when the British Empire was at its peak, one can already acknowledge that Britain's entry into contemporary times occurred very differently from the other major European powers. By the end of the nineteenth century, Britain was arguably a leading actor in the global scene and a precursor of the times that would come. In a world that was by then 'genuinely global', thanks to the development of railways and steamships that made it geographically smaller and to the telegraph which shortened the time for communication, Britain was close to having the monopoly of global industry from 1815 to 1873 (Lagrou, 2009; Hobsbawm, 1994).

The European economy was still very much linked to agriculture, which employed the majority of workers in almost all European states. This was not the case in Britain, where agriculture was the occupation of about one-sixth of the workers (Hobsbawm, 1994). The lack of a crowded agricultural sector allowed the British to keep their role as the bulwark of unrestricted free trade and economic liberalism, being the greatest exporter of industrial products and capital and commercial services and given the absence of a protectionist peasantry. Moreover, when the 1873-1890s depression hit the agricultural sector most acutely, Britain was able to avoid large revolts. In the following decades Britain witnessed the rise of other powers such as the USA

and Germany, and the world economy became an increasingly pluralist environment[5]. Yet, Britain was only relatively declining in terms of industrial output to establish itself as the hegemon of the financial sector. London and the pound sterling were the fuel of the international capital market.

These were also years of colonial expansion. In the 1880s, the European continent was tellingly the world hegemon, even stronger than America in terms of industrial output and of technical progress, but European states continued to be in a conflictual relationship with each other rather than with the rest of the world (Lagrou, 2009). The conquer and exploitation of colonies was a source of and answer to rivalries among European empires – indeed, imperialism emerged with an economic capitalistic connotation. Even in this realm Britain was a world leader. In this period, British territories increased by 4 million square miles, which was more than what France, Germany and the USA conquered between 1875 and 1915 (Hobsbawm, 1994). British foreign investments focused on its developing colonies such as Canada, Australia, New Zealand and South Africa – the latter being the 'world's greatest gold-producer' (Hobsbawm, 1994, p.67). Imperialism was driven by economic and strategic rationales: colonies were to complement the metropolitan economies of the motherland, and to grant control on critical areas of the land and sea. For Britain, India was the most important strategic hub. As Eric Hobsbawm recounts: « India was the 'brightest jewel in the imperial crown' and the core of British global strategic thinking precisely because of her very real importance to the British economy » (1994, p.69).

The author of *The Age of Empire* also writes of a social dimension of imperialism, according to which colonial expansion could mitigate domestic turmoil. It is probably with 'social imperialism' that the building of British collective identity begun. The world of the early twentieth century was one divided between developed societies and savages, where races were listed upon hierarchy and where identification with the great imperial power could nudge masses to recognise the legitimacy of their government – in other words, imperialism could offer « the voters glory rather than more costly reforms » (Hobsbawm, 1994, p.70). Attempts to fuel the pride for the Empire were blunt in Britain through the so called 'colonial days' and expositions which celebrated the imperial strength and power. The most famous is probably the great British Empire Exhibition held from 1924 to 1925 – a massive installation with displays and national pavilions designed to strengthen the ties of the imperial 'family' and to show the public the might of the Empire's potential (Clendinning, 2012). These exhibitions also

[5] « In 1913 the USA provided 46 per cent of this total [the industrial and mining production], Germany 23.5 per cent , Britain 19.6 per cent » (Hobsbawm, 1994, p.51)

displayed a number of 'native villages' in such a way that some pavilions resembled human zoos. This was precisely done to « show off the quaint, the savage, the exotic, to offer living proof of the onward march of imperial civilisation » (John MacKenzie as quoted in Stanard, 2009, p.35). Most importantly, in 1902 the first Empire Day was celebrated with the aim of cementing a patriotic feeling in schools throughout the Empire, and « to nurture a sense of collective identity and imperial responsibility among young empire citizens » (English, 2006, p.248). In 1905, 6,000 school children participated, a number that more than doubled in two years and raised to 80,000 in 1922 (Stanard, 2009). Hence these are the years when first attempts were made to build a proud British society, and this tendency will continue with different means in the decades to follow, as we will see in the next paragraphs. As a matter of fact, the Empire Day still continues today under the name of the Commonwealth Day.

The necessity to promote unifying symbols was also given by the emergence of pushes for democratization that shook liberal societies. With a much-enlarged British electorate[6], new strategies were devised to control the voting masses, such as the institutionalization of cultural symbols to conquer at least the pride and loyalty of the working class. In the words of Eric Hobsbawm:

> « As the ancient ways – mainly religious – of ensuring subordination, obedience and loyalty were eroded, the now patent need for something to replace them was met by the *invention* of tradition, using both old and tried evokers of emotion such as crown and military glory, and […] new ones such as empire and colonial conquest. »[7]

The word 'invention' used in the excerpt anticipates one of the topics that will be further discussed below. I will later claim that the British tend to engage in an *ideological reworking* of history with the aim of delivering a specific vision for the present and the future. The fact that tradition was 'invented' in the early twentieth century to ensure loyalty suggests that the contemporary ideological reworking has long traditions. Indeed, the cultural imaginary that was being strategically reinforced since the early twentieth century is a legacy that will remain deeply entrenched in the collective identity of the British society for the generations to follow. This begins to explain how the process of building a strong British national identity is at least century-long and how it was secured through decades with a continuous process of ideological reworking. As a matter of fact, in line with similar tendencies in other European states, in the interwar years imperial propaganda targeted the youth in particular. Public schools in England promoted ideas of patriotism, Empire, and militarism not only through textbooks, but also with

[6] After the Reform Acts of 1867 and 1884 the English franchise was almost quadrupled (Hobsbawm, 1994).
[7] Hobsbawm, 1994, p.105. Emphasis original.

extracurricular activities such as the Empire Youth Movement and the Boy's Brigade (Stanard, 2009).

This confirms and elaborates on the assumption that history is always an important component of individual and collective identity of a state (Daddow, 2006). Indeed, British imperial past still plays a major role in the contemporary imaginary of the British people, and there is evidence that this has played a role in the Brexit outcome. A 2014 YouGov survey found that among the British public, 59% think the British Empire is something to be proud of[8]. Among the over 60s this rate raises to 65%, while only 48% of the 18-to-24-year-olds tend to feel more pride than shame about the Empire[9]. « Indeed, this corresponds to the generational divide on Brexit: 60% of over 60s voted for Brexit, the highest leave-voting age group » (Beaumont, 2017, p.12). David Cameron, among others, said that « there is an enormous amount to be proud of in what the British empire did and was responsible for » (Watt, 2013). In detail, the generational watershed was the age of 50. For those between 25-49 years old, the Remain vote was the majority (54%). But for 50–64-year-olds the ratio swaps, with only 40% voting Remain (Stratton, 2019). As Jon Stratton further argues, this confirms that Leave voters, being generally older than 50, with lower educational attainments and with a tendency to support the Conservative Party[10], « were likely to have a less critical and more rosy view of the United Kingdom's past, a nostalgia for a mythic lost time when Britain had a homogeneous population, an empire, and when there was little violence and poverty » (2019, p.5).

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In the Europe that emerged immediately after the Second World War, the idea of a golden imperial past was still deeply entrenched in the minds of the nations and divided the political landscape, even if by the 1960s the era of colonial empires was over. The immediate post-war years marked a period where European states were still undecided about the path to follow, and indeed some of them were still prone to keep pursuing their imperial grandeur (Lagrou, 2009). Examples are King Baudouin of Belgium, who during the first years of his reign (1951-1993) devoted his attention to the Congo colony rather than to projects of European integration, but most interestingly Queen Juliana of the Netherlands (reigning 1948-1980), who was mainly dreaming of an Indonesian empire to only lose it one year later. Reading Lagrou's pages (2009),

[8] Available at: http://cdn.yougov.com/cumulus_uploads/document/6quatmbimd/Internal_Results_140725_Commonwealth_Empire-W.pdf [last accessed on 24 May 2021].
[9] Ibid.
[10] 70% of those with a General Certificate of Secondary Education or lower voted to leave; 61% of Conservatives voted to leave (Stratton, 2019).

the Dutch example seems to pave the way for an interesting comparison with the British case. The Netherlands was only accidentally European and had been focused on its own maritime business since the seventeenth century. The nation's wealth depended mainly on trade, which was inexorably tied to its imperial landscape, and it paid great attention in not being involved in European conflicts or affairs. Suddenly, it lost its colony in 1949, but in few years it would be clear that the loss paved the way for the country's economic miracle in the mid-1950s, which eventually made The Netherlands willing to be involved in European economic affairs; in this respect, the country was a 'European precursor' (Lagrou, 2009, p.317).

The isolationism of The Netherlands can be compared to the British one. And yet, when the British Empire became progressively irrelevant in the post-war years, the country was much more reticent in committing to the European project. Indeed, the Dutch episode pushed many in Europe to query the soundness of the imperial alternative. Colonies were expensive, they required administrative burdens and huge costs for control. Both French and British politics, non-surprisingly, were torn between those who wanted to invest on colonial ties and those who looked at the booming European economy and intra-European trade (Lagrou, 2009). As a matter of fact, even if the 1932 system of 'imperial preference' still held after WWII[11], in the 1950s Britain perceived the necessity to develop trade in the Continent. The British Conservative Party, so Lagrou goes, « was increasingly divided on international politics between the colonial lobby, unshakable in its imperial creed, and a younger generation of pro-European, pro-business politicians, comparing with envy and desolation British stagnation to the Continental economic miracle » (2009, pp.318-319). Colonies were seen and depicted as 'golden gooses' capable of making the motherland large, stronger, and richer (Stanard, 2009). The admiration for the imperial realm will inform the British debate also in the years to come, in the same process of 'ideological reworking' that will be further developed below.

In anticipation of the same dynamics that would resume some 65 years later, the lines that divided the pro-Empire from the pro-European were not the same that partitioned the benches in Parliament, since the Labour Party was also torn by the question of which ambitions to pursue. To some in the Labour Party, the Empire and the Commonwealth appeared as a more suitable realm for the post-war British role in global politics, while the Europe that was displayed in the 1950s was seen as « conservative, clerical, staunchly anti-communist and conformist » (Lagrou, 2009, p.319). Some of the 'Lexit' stances for Brexit might owe their origin to this historical sliding-door period, when some in the Labour Party already saw the

[11] The UK Parliament adopted the Import Duties Act in 1932, which marked the end of an era of free trade and imposed a 10 per cent tariff on most goods coming from countries that were not part of the Commonwealth.

European project as « the failure of hopes for participatory democracy, social emancipation and international solidarity » (Lagrou, 2009, p.319).

The turning point came in 1956 with the Suez crisis. Egypt's nationalization of the Suez Canal triggered the reaction of the United Kingdom, France and Israel who wanted to regain control on the area and who had to withdraw soon after the invasion under pressures of the international community – i.e., the USA. Derek Brown (2001a) describes the episode as 'Britain's last fling of the imperial dice' and he states that 'the end of the imperial era was greatly accelerated by the squalid little war in Egypt'. By then, the choice between the defence of the declining imperial dream (India, the 'brightest jewel in the imperial crown', had been lost for independence in 1947) and the newly born European project had to be resolved. The Suez Crisis convinced other European states that imperial ambitions were not a viable alternative anymore. It is no chance thus that the Treaty of Rome establishing the European Economic Community (EEC) was signed one year later. As for the British, Maccaferri (2019) speaks of the Suez crisis as a momentous event in the « formation of the post-imperial British national identity and its relationship with the idea of Europe » (p.3). Here we can find a first explanation of why Britain's imperial nostalgia links to Euroscepticism. In a moment when the former European empires were abandoning their colonial ambitions and turning instead to a project of European integration, Britain remain attached to its colonial past and ambitions.

> « Only Great Britain indulged in imperial nostalgia and refrained from drawing drastic conclusions from its military and economic decline. The fact that Britain never wholly abandoned the empire, the Commonwealth and the sterling zone explains its belated entry into the EEC in 1973 and its aloofness towards the common currency and later the euro. »[12]

After the humiliating retreat from Egypt, the other former empires surrendered to the idea of the fatal decline of imperial aspirations and started to build the bedrock for what will be the European Union, but the United Kingdom was not yet ready to waive the Commonwealth project and acknowledge the end of its great imperial past. When the country will finally resolve to become a major player in the European integration process, it was too late to influence the rules of the game.

[12] Lagrou, 2009, p.319.

2.2 The Second World War

Imperial legacy is not enough to explain how British collective identity informed the decision to leave the European Union. In fact, other European states like France, Belgium, Italy, Germany, Portugal, and The Netherlands have colonial roots and engaged in persistent imperialistic propaganda in the years between the two World Wars, in such a way that one can speak of a real 'European colonial culture' (Stanard, 2009). The attitude towards Britain's own imperial past is necessary to understand the role of history in cementing and explaining British Euroscepticism, but not sufficient to realize why the Country was *the* awkward partner. As previously mentioned, the advantage of choosing history as an explanatory variable for the Brexit vote is that it suggests that Brexit is unique and not replicable. Consequently, the logic must also detect those pieces of history that are uniquely British. The analysis will thus continue with an emphasis on the role of the United Kingdom in the Second World War as an exclusive discriminating factor that will finally put us on the right track to gain a full comprehension of the reasons behind the "awkward partnership" which finally culminated in Brexit.

The Second World War is key in the process of shaping British national identity (Beaumont, 2017), and it does so in two ways, which eventually result in a feeling of distrust or superiority with regards to the European states. The first is that Britain's martial past reawakens negative feelings and fears. Jon Stratton (2019) argues that three are the elements that link the English cultural imaginary with Euroscepticism: invasion, occupation, and loss of sovereignty, which taken together explain the psychological impact of WWII on the British people and thus the role of the War in shaping British collective identity (Stratton, 2019). In detail, Stratton (2019) argues that Hitler's plan to invade England resulted in a cultural trauma, which was prepared for and propagated by elements of popular culture, such as novels and later tv series and movies. Consistently, the theme of loss of sovereignty occupied a prominent position in the debates on Europe from the 1970s onwards. Mintchev and Moore (2019) confirm that Eurosceptic nationalist discourses played on the wish to recover a 'fantasy structure of the nation-state': « The experience of loss in turn serves to foreground the threat of others – immigrants, minorities, refugees, urban cosmopolitans, the political establishment, etc. » (p. 466).

Eventually, the fears which have been latent in British culture exploded in the Brexit debate, which is filled with war-related references. One above all, in a 'dramatic' interview with The Telegraph, leave campaigner Boris Johnson suggested that EU bureaucrats had the same goal of Hitler and Napoleon – i.e., unifying Europe under one single authority (Ross, 2016). In the debate over Europe, Eurosceptic discourse has often referred to war anecdotes. Eurosceptics

often associate the 'take back control' from Brussels slogan to defeating dictatorships in the Second World War, with leader of UKIP's Nigel Farage on top of this attitude (Beaumont, 2017). In the same fashion, but with the opposite aim, David Cameron in what will later be known as the 'World War III speech' (Shipman, 2017, p.239) claimed that peace and stability 'on our continent' cannot be guaranteed 'beyond any shadow of doubt' if the UK were to leave[13].

If Hitler's planned invasion has determined a « traumatisation of the fear of invasion which has surfaced in the rhetoric of those arguing for the United Kingdom to Leave the European Union. » (Stratton, 2019, p.13), this is mostly evident in the success of anti-immigration arguments by Brexiteers. Indeed, since the late 1940s the link between immigration and invasion became standardized in the press. (Stratton, 2019). Before that, the popular culture tended to represent an ethnically homogeneous British society in an allegedly idyllic 'Old England'.

> « In cultural trauma the anxiety and depression can manifest in, as Cartland puts it writing about the impact of Brexit in England, a retreat from Brexit anxiety into repetition and melancholy, a longing for a mythical idyllic past which existed before the traumatising event, in this case before the United Kingdom entered the Common Market/European Union and, indeed, before the Second World War, when things seemed to be simpler and better. »[14]

This first line of reasoning does not yet provide for a satisfactory explanation of why the UK was *the* awkward partner. It is very much likely that Second World War was a traumatising experience for other European states, which did not experience a 'fear of invasion', but a real invasion by the Nazis. The discriminating factor thus lies on the second effect that history has in cementing British national identity, which is that of instilling positive pride in the minds of the British. Indeed, Britain's vision of its past is highly influenced by those events occurring before the end of the Second World War, rather than after it (Daddow, 2006). From France's occupation to Dutch and Belgian infringed neutrality, the United Kingdom is the only European country that emerged from the rubble of the Second World War as a victor and a saviour. It is no chance that the six signatories of the Treaty of Rome (Italy, France, Germany, the Netherlands, Luxemburg and Belgium) all experienced the disruptive potential of nationalism, enemy occupation or both. Arguably, the very seeds of European integration and identity

[13] « PM speech on the UK's strength and security in the EU: 9 May 2016 ». Available at https://www.gov.uk/government/speeches/pm-speech-on-the-uks-strength-and-security-in-the-eu-9-may-2016 [last accessed on 24 May 2021].
[14] Stratton, 2019, p.17.

emerged from the common experience of loss and defeat in the Second World War. Britain, in contrast, had suffered none. At the end of WWII, the British could still be proud of their history and their patriotism:

> « not having suffered the shock of occupation or defeat, Britain drew very different lessons from the Second World War. For Britain, the war seemed to have shown not the weakness of nationalism and the need for supranational organizations; rather, it had shown the beneficent value of British patriotism. »[15]

Britain's perception of itself owes much to the experience of the Second World War, which has been repeatedly evoked in the popular culture with glorifying nuances. As a matter of fact, the press tends to refer to British history in the first half of the twentieth century as one of military successes, with a stress on the 'island status' of the Country which increasingly marks the difference between the United Kingdom and the continental combatants. Military history is one of the favourite British cultural genres, and the history industry is very often prone to depict belligerent episodes in a more captivating fashion (Daddow, 2006). « The dour signature ceremony in 1972 when Britain finally joined the EEC would hardly make for a spectacular visual accompaniment to a documentary film about Britain's relations with Europe since 1945 », he writes (Daddow, 2006, p.82).

Hence, this section presents the twofold effect of WWII on the Brexit affair. The first is negative and gained more importance on the weeks of the Brexit referendum campaign, when war-related references were used to trigger a latent fear of invasion in the British minds – be that from immigrants or from some authoritarian supranational authority. The second, instead, has a more positive outlook and served to make the British feel superior vis-à-vis the defeated nations of the Continent. This has determined the awkward partnership of the United Kingdom during the years of membership in the EU. This twofold significance of Britain's martial past in the twentieth century, coupled with an already fuelled pride for its imperial past which was boosted in the weeks of the referendum campaigns, are key in understanding the structural reasons for Brexit. Indeed, the ideological reworking that took place since the accession of Britain in the EEC contributed to cement a sense of distrust and Euroscepticism from the side of the British, which eventually culminated in the outcome of the EU 2016 referendum – Brexit.

[15] Bogdanor, 2019, p.5.

2.3 Temporal comparison theory

With the elements offered so far, the link between Britain's past and Euroscepticism can be easily detected. First, Britain's imperial legacy has determined a strong national identity in the manner described above. Second, the entry into the European integration process marked for the United Kingdom the failure of its cherished imperial aspirations and has thus been perceived negatively. Third, the cultural importance of WWII-related references keeps reminding the British that the threat of invasion comes the Continent, and that the country has been superior vis-à-vis other European states with which it ended up collaborating. Hence, British identity is seen in contraposition with the European one. If we assume that European collective identity was built on the common war experience, for example, it goes without saying the Britain should not be included in such identity. But these are just assumptions which – while plausible – still lack a theoretical support that definitively explains why English nationalism is linked with Euroscepticism and why the history of the United Kingdom eventually made the country suspicious towards the process of European integration.

In order to fill this gap, I shall introduce a psychological argument which bears the advantage of bridging the collective dimension of national identity and the individual voting behaviour at the EU 2016 referendum. The Social Identity Theory (SIT), an offshoot of the Social Comparison Theory, can be helpful in this respect. According to the concept of social identity first developed by the Polish social psychologist Henri Tajfel, individuals acknowledge that they belong to a certain group and attach to this membership some emotional significance (Hogg and Terry, 2000). The concept also rests on the idea that to strengthen ingroup cohesion, *comparison* with an outgroup will be performed to confirm or enhance ingroup distinctiveness and reinforce self-esteem (Mintchev and Moore, 2019; Hogg and Terry, 2000). Finally, it is the way in which the groups relate to each other that influence the way individuals pursue social identity (Hogg and Terry, 2000). This means that social identity is constructed both from social categories which an individual perceives he belongs to and from the results of the comparison with an outgroup. Furthermore, the SIT implies that individuals are often willing to renounce to economic gain to improve the status of their social group and thus generate pride (Beaumont, 2017). This explains why the so-called 'project fear' from the Remain camp did not appeal to a relevant number of voters.

These assumptions are confirmed by the analysis of Mintchev and Moore (2019), where they adopt a psychoanalytic approach to understand the reasons behind Brexit. In line with the previous reasoning, they argue that the individual dimension is highly intertwined with the

economic and cultural context. In the British case in particular, individuals were mainly divided along a new social cleavage, the one between 'nationals' and 'cosmopolitans', where the former group is mainly represented by Brexiteers (Mintchev and Moore, 2019). Following the reasoning of the SIT, the individuals belonging to each group reinforce their identity not only by common values shared within the community, but also by comparison with the outer group. As a matter of fact, the leavers perceive immigrants and Remainers (the 'cosmopolitans') as representing the pro-European 'liberal elite' (Mintchev and Moore, 2019). According to this view, imperial nostalgia is perceived by Leave supporters as a solution to contemporary economic and social changes which favour a cosmopolitan dimension rather than a nation-centred perspective.

With the SIT, Tajfel and Turner (1979) seek to present a theory on intergroup conflict drawing from the assumption that conflicts among group interests not only create competitive intergroup relations, but also reinforce the identity of the Self in accordance with his own ingroup. Their starting point is that intergroup comparisons are the main source for individual feeling of satisfaction or deprivation, which in turn is supposed to trigger different behaviours (Brown and Zagefka, 2006). The conflict arises – so the SIT argument goes – when a dominant and a subordinate group clash over an unequal distribution of scarce resources, but this only happens when the subordinate group rejects its position and strives to change the status quo in order to establish its positive group identity.

For the sake of this thesis, national identity is a relevant social category that shapes collective identity (Beaumont, 2017). Indeed, in writing about David Cameron's juxtaposition of British and European identities in his 2013 Bloomberg Speech, Ruth Wodak (2018) seems to confirm this insight when she writes that

> « "Nation" as defined by many politicians, also from right-wing populist parties, is a limited and sovereign community that exists and persists through time and is tied to a specific territory (space), inherently and essentially constructed through an in/out (member/non-member) opposition to its out-groups (Spiering 2015). Access to national identity/membership is defined via heritage and ancestry, also via "blood" (de Cleen 2012: 97). »[16]

In the following pages, I will use the theory to explain how the British choice to leave the EU was motivated by a comparison between the British ingroup and the European outgroup which triggered the willingness to reject the status quo and enhance positive distinctiveness within the

[16] Wodak, 2018, pp.38-39.

former. For this reasoning to hold, one must first of all understand why the comparison with the European outgroup resulted in the British perceiving themselves as the subordinate group. In the process of forming their social identity on their common national identity, a juxtaposition with the continental counterparts must have resulted in a sensation of inferiority, according to the SIT. Moreover, for the Brexit vote to be explained, Britons should negatively compare to Europeans in terms of sovereignty and control, which were presented as the main issues at stake, and thus the willingness to change the status quo in order to regain sovereignty and 'take back control' (Beaumont, 2017). With the information given thus far, it is unclear why such outcome would occur. The UK used to enjoy more opt-outs from European policies than any other European country. It was not part of the European Monetary Union, it was not a member of the Schengen area, and it opted out of the Charter of Fundamental Rights of the EU and the area of freedom, security, and justice. Arguably, the UK was the least integrated European country and could thus claim more control and sovereignty over its own affairs than any other EU member State. This should have resulted in a positive comparison with the European outgroup, and thus the willingness to reject the status quo is not explained (Beaumont, 2017). Alone, the SIT does not hold as an explanatory framework for the Brexit vote.

To overcome this, a temporal element must be introduced. While the SIT does not imply the possibility that « social identity could be maintained by comparing the ingroup's position over time » (Brown and Zagefka, 2006, p. 652), another offshoot of the Social Comparison Theory, the Temporal Comparison Theory (TCT), first proposed by Stuart Albert in 1977, suggests that individuals not only perform intergroup comparisons, but also comparison with the self at a different point in time (be it in the past or prospectively into the future) (Brown and Zagefka, 2006). To Albert, the reasons for temporal comparison are to be found in the individual desire to outperform the former Self and to show self-improvement over time (Beaumont, 2017). The importance of temporal comparisons in intergroup settings is underlined by Rupert Brown and Hanna Zagefka (2006), and Mark Alicke and Ethan Zell (2008) stress that social and temporal comparisons are fundamental sources for the evaluation of the Self.

Combining the horizontal social dimension of the SIT and the vertical temporal one of the TCT, one can sketch the path that led to British rooted Euroscepticism. The continuous references to British great past, so permeated in British cultural imaginary (Stratton 2019; Daddow, 2006), enhanced a sense of low self-esteem according to the TCT. Consequently, the comparison with the European outgroup explained by SIT resulted in a negative self-perception with respect to the Other, almost as if the comparison was not between Britain and Europe, but between Europe and Britain's former Self. This in turn resulted in a perception of the European integration

process as path towards subordination rather than cooperation (Beaumont, 2017). As a matter of fact, Wodak (2018) argues in accordance:

> « Spiering (2015: 17) mentions in much detail how essentialist ideas about British national identity go back several centuries, but most specifically to the 18th and 19th centuries. Thus, he maintains that "[a]t the root of British Euroscepticism lies a long-established tradition of contrasting the British Own with the European Other. British Euroscepticism is to a large extent defined and inspired by cultural exceptionalism" (2015: 18). »[17]

Consistently with demographic data of the Brexit vote, those who grew up with the Empire and experienced the aftermath of the Second World War were more likely to vote for leaving the EU. Furthermore, the top reasons voters gave for their support for the Leave alternative was that 'decisions about the UK should be taken in the UK', which sheds a light on the willingness to regain sovereignty. If, in line with the TCT, Britons tended to compare their role in the EU to their former position of rulers of the world, it goes straight that the result would be unsatisfactory. Moreover, one could even assume that in engaging in European integration, the UK has accepted to share sovereignty with those same powers it helped save (France) or defeated (Germany) in the Second World War. The nostalgic vision of the past is thus explained, being Euroscepticism a corollary. Hence, the decision to leave.

> « Two key features of Britain's identity narrative make it particularly susceptible to Eurosceptic arguments. Because Britain's mainstream national identity narrative relies upon glorifying its former empire (and lamenting its loss) together with fetishising the second world war, devolving power to the EU undermines nationalists' sense of progression and self-esteem. To a country that once boasted (and still learns) how "the sun never set" on its empire, the EU's practices of compromise compare poorly. »[18]

The motives for leaving explained through the Temporal Comparison Theory were arguably stimulated during the referendum campaign. As we shall see below, historical references pervaded much of political narrative of both the Leave and the Remain camp (Maccaferri, 2019). Having illustrated above the theoretical framework guiding this thesis, below I will provide for concrete examples of how the awkward partnership between the EU and the UK evolved through historical developments. Keeping a focus on history-related elements, I will first sketch Britain's slippery accession into the European project and then analyse a series of speeches and pieces of rhetoric that sustain the hypothesis that history played a major role in

[17] Wodak, 2018, p.39.
[18] Beaumont, 2019.

compromising the United Kingdom's relationship with the EU, in such a way that explains how history played a role in determining the outcome of the 2016 Brexit referendum.

2.4 A slippery accession

The conclusion we can draw from the previous section is that Britain's present is deeply entrenched in its past. This might seem obvious, but it is relevant to understand the flawed relationship between the United Kingdom and the European Union, which eventually led to Brexit. Traces of this can be identified through discourse analysis of some relevant speeches both during UK's permanence in the EU and in the years leading to the 2016 referendum. To further understand the assumption that the accession into the EEC was for the UK a source of humiliation rather than satisfaction (or subordination rather that cooperation), I shall briefly look at how 'Brentry' took place.

Quoting Benjamin Grob-Fitzgibbon, Kevin O'Rourke (2018) recalls that, consistently with what I illustrated thus far, « many British political leaders in 1945 thought of their country as being both European and imperial » (p.37). Sharing the same imperial history, European states had common roots that might have served as a basis for a common future, and perhaps the United Kingdom could be their leader. Indeed, it was Winston Churchill among the first to call for a 'United States of Europe', of which Great Britain and the British Commonwealth of Nations, among others, would be 'friends and sponsors'[19,20]. According to Stuart Croft (1988), the two years that followed saw the British government taking a leading role in creating a union of Western European states, aiming at setting up a system of intergovernmental cooperation. In 1947, for example, the Treaty of Dunkirk was signed between France and the United Kingdom to establish an alliance of mutual assistance and confirm 'cordial friendship and close association of interests'[21]. The following year, in order to provide a framework for military,

[19] September 19, 1946. University of Zurich. Full speech available at https://winstonchurchill.org/resources/speeches/1946-1963-elder-statesman/united-states-of-europe/ [last accessed on 24 May 2021].

[20] Churchill's favourable position on Europe must be used with caution. As a matter of fact, some say that his fervent support for the European integration project became more ambiguous in 1951 (Young, 1985) and debates over Churchill's Europhilia still flame British scholars and politicians (Wilks-Heeg, 2015). Perhaps, Churchill was in favour of European integration as far as the United Kingdom's place in the project would be that of 'friend and sponsor' – or as Thompson says quoting Michael Kenny and Nick Pearce, « Though Churchill spoke grandly of a United States of Europe, he "showed little inclination to involve Britain in this process" » (2019, p.174).

[21] Treaty of Alliance and Mutual Assistance between the United Kingdom and France (Dunkirk, 4 March 1947). Full text available at https://www.cvce.eu/en/education/unit-content/-/unit/026961fe-0d57-4314-a40a-a4ac066a1801/5d5a64ab-9c7c-4e19-b528-9e53f9ce937b/Resources#1fb9f4b5-64e2-4337-bc78-db7e1978de09_en&overlay [last accessed on 24 May 2021].

economic and social cooperation, the Treaty of Brussels was signed by the United Kingdom, France and the Benelux countries[22].

Despite Britain looking initially in favour of a European-wide project, when the governments of the Continent started talking about institutionalizing further unity that would go beyond the intergovernmental scope, the United Kingdom responded with fierce opposition. As Croft (1988) puts it, Britain hoped to lead the union of European states in order to i) secure economic recovery, and ii) prevent the extension of Soviet influence, both aims to be achieved with the resources provided by the United States. Yet, when the project of a *union* turned into dreams of a *unity* which « sought to go beyond the intergovernmental level towards West European federation » (Croft, 1988, p.617), the British Labour government (in office between 1945 and 1951) was rather reluctant to support such a plan. As already mentioned in the previous chapter, Labour politicians were committed to establishing a wide welfare state, the birth of the National Health Service being Labour's greatest monument (Brown, 2001b). They wanted to protect the extended powers of government, an aim which clashed with the idea of ceding sovereignty to a European supranational authority (Croft, 1988). Also, in a post-war Europe where socialist parties were not successfully reaching government positions, the British Labour Party was opposed to taking powers away from London.

The alternative to which Labourers were looking at was the Commonwealth (O'Rourke, 2018; Croft, 1988). When discussions begun within the Organisation for European Economic Co-operation (OEEC), born in 1948 as a strictly intergovernmental institution with Britain occupying a leading position, about creating a European customs union, the United Kingdom was fiercely against it. The reason was that entering a customs union would mean committing to a common external tariff policy, which was incompatible with the generous tariffs on goods arriving from the territories of the Commonwealth. Yet, remaining outside of it would mean economic damages for the English market. Here we encounter a first concrete example of what has been previously described as the United Kingdom post-war vacillation between its imperial past and a European-wide future.

The United Kingdom's view of an intergovernmental arrangement for the new European order was objected by those from across both the Atlantic Ocean and the English Channel. The government of the United States was in favour of European economic unity and was pressing for it to happen in order to guarantee the success of their European Recovery Program; on the other hand, European states with France at the head were pursuing a federalist view of European

[22] Full text available at https://www.nato.int/cps/en/natohq/official_texts_17072.htm [last accessed on 24 May 2021].

institutions. In May 1950, the French foreign minister Robert Schuman proposed the creation of a European Coal and Steel Community (ECSC) which implied the establishment of a supranational authority in charge of administering the pooled resources. Proponents of a European federation at the time were still hoping that the United Kingdom and France would lead the union, but they were faced with disappointment when the 1950 general elections in the United Kingdom focused on British themes linked to the future of the Empire, rather than on the European integration project (O'Rourke, 2018). Once again, while history was going on in the Continent, the UK was looking at its past.

In the meantime, Paris started looking at Germany rather than Britain for a leading companion of the West European union (Croft, 1988). This became mostly evident in the creation of the ECSC, which the British were invited to join – and thus accept its supranational dimension – without being able to enter the preliminary negotiations. Joining the Community was not acceptable to the UK. Key industries were increasingly being incorporated within the public sector and subjected to economic planning, including the nationalization of coalmines and the creation of the Nation Coal Board in 1947. Furthermore, again, the Community would impose the establishment of common tariffs, which were incompatible with Britain's willingness to pursue its own independent external policies with the countries of the Commonwealth. In the end, the United Kingdom remained excluded from the project.

The year 1950 can be seen as the watershed which turned Britain from the potential leader of a new Europe to one of the last wheels of the wagon – a metaphor that fits since even that last wheel, eventually, arrives where the wagon is supposed to be. Indeed, Britain did not retreat from the European project altogether, rather it remained at the borders of it. In the meantime, the English prominence in European affairs was starting to fade. As a matter of fact, eventually the European Economic Community (EEC) was established with the signature of the Treaty of Rome in 1957, which implied the creation not only of a customs union, but also of a common market. In Rome, France, Italy, West Germany, and the Benelux countries ('the Six') agreed on 'establishing a common market and progressively approximating the economic policies of Member States', by creating a system whereby States would eliminate customs duties and restrictions among each other, create a common commercial policy and customs tariffs towards thirds countries, and abolish between them obstacles to freedom of movement for persons, services and capital[23]. In response to the EEC, the United Kingdom, Denmark, Norway, Sweden, Austria, Switzerland, and Portugal (the 'Outer Seven' or the 'Other Six' plus Portugal)

[23] This translation of the 1957 Treaty of Rome refers to the one available at https://ec.europa.eu/romania/sites/default/files/tratatul_de_la_roma.pdf [last accessed on 24 May 2021].

agreed on the establishment of the European Free Trade Association (EFTA) in 1960, which had a purely intergovernmental fashion.

The aim was to bridge the EEC and eventually enlarge the free trade area to the other European states (O'Rourke), but the project was soon severed by the United Kingdom itself. In 1961 the Conservative Prime Minister Harold Macmillan asked for the country's accession into the EEC. Reasons for this were both economic and political. From an economic standpoint, Macmillan thought that involvement in the continental market would prove beneficial to British economy (Bogdanor, 2019). He had acknowledged the 'winds of change' that were blowing on the UK and Europe. First of all, as far as trade was concerned, the market of the EEC was more relevant to the UK than that of the EFTA. Secondly, trade with the Commonwealth was being reformed since colonies were gaining more and more independence. Macmillan himself, in a speech delivered in 1960 and later renamed the 'winds of change' speech, changed once and for all British policy in regards of African colonies:

> « Macmillan's speech of February 1960 […] abolished Britain's century-old support for white domination and resolved all doubt about Britain's future commitment to democracy in Africa. The speech is thus the center piece of the final chapter in the history of the British Empire. »[24]

Politically, Harold Macmillan was especially concerned with rebuilding the special relationship with the United States. After the Anglo-American clash over the Suez crisis in 1956, the American opposition to the EFTA and the preference for the EEC instead, and other detrimental geopolitical episodes (Ashton, 2005), Macmillan worked to rebuild the closeness between Washington and London.

Nevertheless, Britain's first request to join the EEC was vetoed by Charles De Gaulle's France, and so was the second in 1967.

> « "England in effect is insular, she is maritime, she is linked through her exchanges, her markets, her supply lines to the most diverse and often the most distant countries; she pursues essentially industrial and commercial activities, and only slight agricultural ones. She has in all her doings very marked and very original habits and traditions. In short, the nature, the structure, the very situation that are England's differ profoundly from those of the continentals." »[25]

[24] Myers, 2000, p.556.
[25] Charles de Gaulle, 1963, explaining his veto on British membership. Quoted by Carl et al, 2019, p.283.

Negotiations only started again three years later with the Europhile Conservative Prime Minister Ted Heath. The British society was still split on the issue, and so was Parliament. Indeed, in 1971, 244 Members of Parliament, among whom the majority of the Labour Party and one fifth of Conservative MPs, opposed to EEC membership. Pushed by economic necessities and eager to get out of its economic stagnation, fascinated and embarrassed by the early economic success given by European coordination, Britain eventually yielded and accessed the EC in 1973.

2.5 From Brentry to Brexit – an ideological reworking

As Pieter Lagrou (2009) puts it,

> « since the nineteenth century the UK had projected itself onto the Commonwealth for its economic development, military security and the survival of the cultural values of a long imperial tradition, but ended up in 1973 relying on the Common Market to a far greater extent. More importantly still, what occurred in the course of the 1950s and 1960s, was a genuine transfer from empire to Europe. »[26]

One of the reasons which convinced the UK to join the EEC was the poor economic English performance vis-à-vis the 'Golden Age' of the Continent, the latter boosted by American investments for post-war reconstruction and technological spill overs. The United Kingdom joined hoping to take advantage of the economic growth which marked the first decades of European integration. Yet, some months after British entry into the EEC the Golden Age came to an end and a period of slow economic growth and stagflation begun, with English inflation and unemployment rates being higher than in other developed countries, and its growth rate performing more poorly than in the Continent. The crisis was so severe that in 1976 the British government had to ask for an emergency loan to the International Monetary Fund (IMF), which was conditional to rigid spending cuts.

As previously mentioned, the crisis of the 1970s marked the end of the Keynesian macroeconomic model as the standard paradigm to understand and manage economic policies. This in turn led to the affirmation of the so-called neo-liberal model of development in the 1980s and 1990s, which entailed notions such as the creation of global markets, the liberalization of markets for goods and capital, privatization waves, and the erosion of the welfare dimension of the state. According to Fazi and Mitchell (2018), this design found its

[26] Lagrou, 2009, p.320.

maximum institutionalisation in the forms of European integration. If the rise of Keynesian economics is owed to the English economist John Maynard Keynes, it was another Englishman who certified its end. The Labour Prime Minister James Callaghan (in office from 1976 to 1979), in his speech to the Labour Party conference in 1976, said that Keynesian policies were no longer a viable alternative to bring the country out of recession (Fazi and Mitchell, 2018; Skidelsky, 1997).

The change in the way to look at the macroeconomic scenario was also reflected in English politics. In those years James Callaghan was leading the right-wing faction of the Labour Party, which advocated cuts of public spending, while the left wing of the party under Tony Benn proposed the so-called Alternative Economic Strategy, which implied the enlargement of the government competencies and most of all the withdrawal from the European Economic Community (Fazi and Mitchell, 2018). After the results of the 1975 EU referendum and the depreciation of the sterling, Tony Benn's ideas were marginalized within the party and Callaghan's line prevailed, and the country resorted to the IMF loan. This internal choice paved the way for the election of Margaret Thatcher, committed to neoliberal prescriptions of privatization and deregulation (Fazi and Mitchell, 2018; Mudge, 2018; O'Rourke, 2018).

The fact that Brentry was immediately coupled with stagflation and economic difficulties was certainly not a good starter for the relationship between the Continent and the archipelago, and Margaret Thatcher's rise to power shortly after did not help the Anglo-European partnership. Margaret Thatcher became Prime Minister in 1979, after having substituted the pro-European Ted Heath at the head of the Conservative Party in 1975. In the meantime, the Tories continued to be a largely pro-European party, while in 1980 the official policy of the Labour Party under Michael Foot became that of seeking British withdrawal, which pushed several Labour politicians to secede and form the Social Democratic Party in 1981. Soon after, a merger between the newly formed Social Democratic Party and the Liberals gave birth to the Liberal Democrats, the most pro-European British party today together with the Scottish National Party.

The Thatcher years were extremely relevant in the journey towards Brexit. First, Thatcher was openly against the European project, and this triggered the first moves of prominent Eurosceptic movements in the Country; secondly, the Conservative Party entered the Thatcher years as a pro-European party, but it will get over them in its way to becoming the 'party of Brexit' (Daddow et al, 2019). And yet, the Thatcher years were also fundamental for the creation of the European Union and the Single Market, a process which was very much favoured by the Conservative Party and by Thatcher herself. To understand how these two assumptions go together we must go back to where we left, i.e., the years of economic stagflation and crisis. As

it often happens, national responses to the crisis implied protectionist measures to shelter national industries. Strongly in favour of free market, Margaret Thatcher was actively involved in the negotiations to get rid of protectionist devices across the EEC. As a matter of fact, the European Commissioner for the Internal Market Arthur Cockfield, nominated by Thatcher, led the work for the writing of a White Paper published in 1985 which listed 297 economic barriers among Member States that had to be eliminated by 1992. Thatcher's free-trade vision for Europe took shape with the signature of the Single European Act (SEA) in 1986, with which European governments committed to the establishment of a single market by 1992, following the prescriptions of Cockfield's White Paper. And yet, the achievement they supported would become the main driver for Brexit appeals – and Thatcher herself will soon repent for the mechanism she helped create. Indeed, one of the major changes brought by the SEA was that decisions concerning the Single Market had to be made by qualified majority, thus removing individual veto power to Member States (which at the time were twelve, Portugal and Spain having joined in 1986 and Greece in 1981). Decisions on taxation and free movement of people still required unanimity. The step represented a momentous turn to a more supranational governance since Member States at that point would have to implement decisions with which they might disagree. Nevertheless, the British government still applauded the move that helped create a freer European-wide market.

The 1980s was a turning decade, from which the English political landscape on Europe came out more confused than ever. For the Labour Party, things changed after the 1983 general elections. While the Conservatives led by Margaret Thatcher won by a landslide majority, for the Labour Party the elections were disastrous. From fiercely opposing the European Communities, which were seen as a capitalist club, the Labour Party had to reconsider its official position and soften its attitudes towards the Continent. Key in this transformation was the 1988 Jacques Delors' speech at the British Trades Union Congress (O'Rourke, 2018), where he put forward a different view of the European Single Market[27]. Two themes of the speech were, in my view, key in changing the minds of the Labourers. First, by the end of his address Delors promised that « You, dear friends, will remain British. […] We will maintain our individual ways of life, and our valued traditions. […] We will succeed in preserving our identity and our culture. »[28] This in some way might have mitigated the fear of the Left that a European authority might excessively intervene in national affairs and that the Labour Party

[27] « 1992: the social dimension », address by president Delors at the Trades Union Congress - Bournemouth, 8 September 1988. Accessible at https://ec.europa.eu/commission/presscorner/api/files/document/print/en/speech_88_66/SPEECH_88_66_EN.pdf [last accessed on 24 May 2021].
[28] Ibid.

would remain able to pursue its social policy objectives. Secondly, he suggested that the SEA gave the European project a social dimension. In Delors' presentation the European dimension was depicted as a framework for social progress. The then President of the Commission guaranteed that the following principles would guide the definition and implementation of European rules:

> « First, measures adopted to complete a large market should not diminish the level of social protection already achieved in the Member States. Second, the internal market should be designed to benefit each and every citizen of the community. It is therefore necessary to improve workers' living and working conditions, and to provide better protection for their health and safety at work. Third, the measures to be taken will concern the area of collective bargaining and legislation. »[29]

By the 1990s, the Labour Party was largely a pro-European party, except for some hard-core leftists some of which we have encountered in the previous chapter.

The story of how the two main British parties swapped their positions on Europe is a story of two speeches. Let us imagine British politics as a Cartesian plane, with time on the x axis. On the positive side of the y axis, pro-European attitudes are measured, while going down vertically Euroscepticism increases. We can depict the Labour Party's attitude on Europe as an upward sloping line which starts from a given point along the Eurosceptic negative y axis and crosses the x axis in the point corresponding to September 1988, when Delors delivered his speech. On the other hand, the Conservative Euroscepticism-measuring line follows the exact opposite path. From being a pro-European party in the beginning of the European integration process, and initially survived to the paradox of having a Eurosceptic leader in the person of Margaret Thatcher who still made a pivotal contribution to the construction of a supranational Europe, the party ultimately crossed the x axis exactly in September 1988. The two major parties in British politics literally swapped on their attitude towards Europe, convincing some but leaving many others behind, hence creating a legacy for the politics to come that would resemble more to a scatter plot than to a coherent cross. This confusion, as already mentioned, will inform the political landscape around Brexit almost forty years later.

It only remains to understand what happened in September 1988 that became a watershed in Conservative policy on Europe. On September 20th,1988 Margaret Thatcher delivered a speech about the future of European integration at the College of Europe in Bruges, Belgium, which

[29] Ibid.

became known as the Bruges speech[30]. The occasion was seized to fiercely oppose Delors' view of European integration and to present a framing of British and European history in such a way as to propose an alternative view to manage the European question in British politics – 'history with a purpose' (Daddow et al, 2019, p.15) or ideological reworking. In the end, Daddow and colleagues (2019) calculated that one third of the Bruges speech was devoted to promoting such an alternative view. Themes that have been already mentioned, such as Britain's imperial past and its role in the Second World War, were presented in 'an Anglicized reading of British and European history' (Daddow et al, 2019, p.15). Eventually, the Bruges speech laid the fundamental arguments that would be further developed in the following decades by Eurosceptic actors. But it was also the foundation of the clashes over Europe within the Conservative Party:

> « The fundamental schisms that were to engulf the Conservative Party from Maastricht onwards emerged in nascent form in the tensions between the FCO[31] and Downing Street in drafting the Bruges speech. They demonstrate how a contemporary right-wing Euroscepticism began in the high politics of UK government leading to a breakdown of the governing consensus on Europe, before subsuming the Conservative Party and eventually, with Brexit, the wider political and public arenas »[32]

Through subtle references and conveyed images, the Bruges speech was a critique to the European project and a representation of an Anglicized narrative of British history (Daddow et al, 2019, p.4). Despite being in favour of a European-wide free market, Margaret Thatcher had a traditional conception of national sovereignty according to which the UK should be free to pursue its ambitions in an Anglo-American realm rather than in the European contexts (« To try to suppress nationhood and concentrate power at the centre of a European conglomerate would be highly damaging and would jeopardise the objectives we seek to achieve. »[33]). In detail, the most famous lines of the speech are the following:

> « But working more closely together does not require power to be centralised in Brussels or decisions to be taken by an appointed bureaucracy. […] *We have not successfully rolled back the frontiers of the state in Britain, only to see them re-imposed at a European level with a European super-state exercising a new dominance from Brussels*. Certainly we want to see Europe more united and with a greater sense of common purpose. But it must be in

[30] Speech to the College of Europe ("The Bruges Speech"), 1988, 20 September. Available at https://www.margaretthatcher.org/document/107332 [last accessed on 24 May 2021].
[31] Foreign and Commonwealth Office.
[32] Daddow et al, 2019, p.9.
[33] Speech to the College of Europe ("The Bruges Speech"), 1988, 20 September. Available at https://www.margaretthatcher.org/document/107332 [last accessed on 24 May 2021].

a way which preserves the different traditions, parliamentary powers and sense of national pride in one's own country; for these have been the source of Europe's vitality through the centuries.»[34]

Curiously, these lines resemble what the opposition MP Harold Macmillan (Prime Minister since 1957) said in 1950 to oppose to British membership of the European Coal and Steel Community: « We have not thrown the divine right of kings in order to fall down before the divine right of experts » (quoted in Bogdanor, 2019, p.27). Eventually, Harold Macmillan will first ask British accession to the EEC, and Margaret Thatcher will promote the decisive step towards the supranational fashion of European governance which the English have always loathed.

The Bruges speech was permeated with historical references grouped in three main themes: British exceptionalism; Britain's martial past; and the 'normative desirability of empire(s) and free trade' (Daddow et al, 2019, p.15). As for the first, Daddow and colleagues (2019) detected in the speech constant appeal to the alleged incompatibility between Britain and Europe, due to the fact that Britain could claim more ancient traditions of representative democracy. In doing so, Margaret Thatcher focused rather on the centrality of England rather than Britain, conveying an historical framing that was the English view of history (Daddow et al, 2019). Once again, in line with what has already been reported in these pages, Thatcher's framing anticipated « the strength of Eurosceptic sentiment amongst English-identifiers, as opposed to those who saw themselves as 'British' » (Daddow et al, 2019, p.16).

Then, references to the role of the British in the Second World War were aimed at stressing the special contribution of the Country in the outcome of the war (« It was British support to resistance movements throughout the last War that helped to keep alive the flame of liberty in so many countries until the day of liberation. […] And it was from our island fortress that the liberation of Europe itself was mounted. »[35]). This line of reasoning was designed to present the alternative view according to which after WWII peace was maintained in Europe not because of European integration, but because of NATO. Finally, as for the framing of free trade and imperial arrangements, the Bruges speech was filled with generic allusions to British imperial past which, without ever mentioning it directly, conveyed once again the idea that British exceptionalism was 'rooted in an Anglo-American rather than Europeanist tradition' (Daddow et al, 2019, p.18). Despite referring to the 'common experience' of Europe and Britain (« For instance, the story of how Europeans explored and colonised—and yes, without

[34] Ibid. Emphasis added.
[35] Ibid.

apology—civilised much of the world is an extraordinary tale of talent, skill and courage. »[36]) she quickly passed to underling the 'very special way' in which the British contributed to Europe:

> « Over the centuries we have fought to prevent Europe from falling under the dominance of a single power. We have fought and we have died for her freedom. […] Had it not been for that willingness to fight and to die, Europe would have been united long before now—but not in liberty, not in justice. »[37]

As briefly sketched in the previous chapter, the Bruges speech lit the Eurosceptic enthusiasm in Britain. It was the speech that encouraged the foundation of the Anti-Federalist League, the forerunner of the United Kingdom Independence Party, in 1991. It was the speech that triggered the idea behind the Referendum Party in 1994 (Daddow et al, 2019). But most of all, the first effect of the Bruges speech was the creation in 1989 of the first major Eurosceptic organization, the Bruges Group, which by 1991 counted 132 Tories backbenchers and Thatcher's supporters that challenged the idea of European federalism and centralization (Daddow et al, 2019).

After that, things went downhill. The battles over Europe within the Conservative Party in government harshly emerged over the question of whether the UK should join the Exchange Rate Mechanism (ERM), the first of a three-stage process leading eventually to a full European Monetary Union (EMU). Despite Thatcher's opposition, her ministers won the battle, and the British joined the ERM in October 1990. By the end of November, Thatcher was gone.

From 1990 to 1997 Conservative John Major led Downing Street. In these years, he signed the 1992 Maastricht Treaty, which was a definitive step in favour of European integration: it established the European Union, paved the way for EMU, and introduced the concept of European citizenship. The Treaty was initially welcomed as success in Britain (Todd, 2015), at least by some such as Boris Johnson (O'Rourke, 2018; Shipman, 2017). Major managed to guarantee the UK the opt-out from the EMU and from the social chapter. But we have already discussed in these pages how the Maastricht Treaty in fact represented a deep split within the Conservative Party, which has been divided over Europe ever since. The galaxy of Eurosceptic parties and organizations became progressively more influent since then. Amongst the doubts over the value of the contents of the Treaty, something else occurred in 1992 that strongly diminished pro-European credibility: the sterling was forced out of the ERM in September, hurting one of the main battles of Europhile Conservatives in the previous years.

[36] Ibid
[37] Ibid.

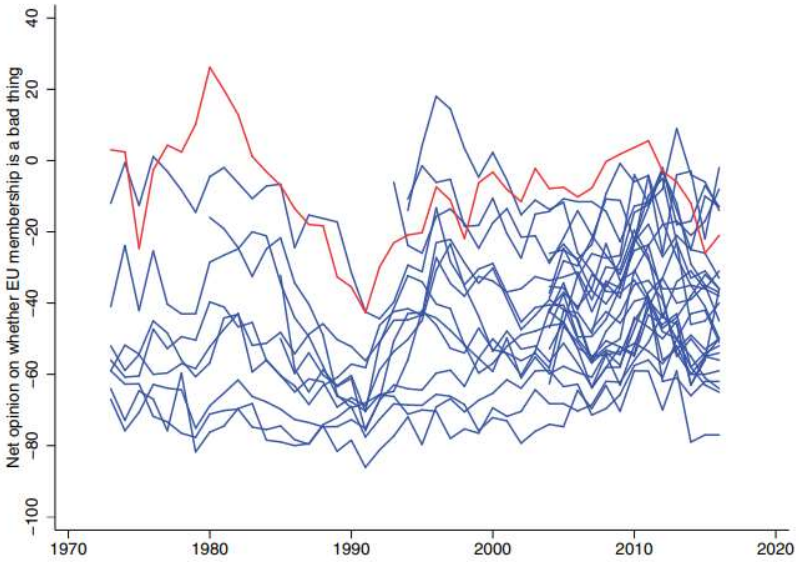

Figure 3 – Net opinion on whether EU membership is perceived as a 'bad thing' 1973-2016. The line for the UK is lighter. Data from Eurobarometer. Source: Carl et al, 2019, p.287.

According to Carl and his colleagues (2019) the ERM crisis, together with the signature of the Maastricht Treaty, and later the Eurozone crisis and migration influxes, were the four main developments that contributed to the rise of Eurosceptic feelings in Britain. Indeed, even if the United Kingdom has always been one of the most Eurosceptic countries in the European environment, the rate of distrust towards Europe have not been steady throughout the years. According to the elaboration of data by Carl et al (2019), over the last 40 years the British society has shown stronger Eurosceptic attitudes than any other European country. After reaching a peak in the 1980s, when Margaret Thatcher was Prime Minister, Euroscepticism kept decreasing until the early 1990s, when rates started again to grow (Figure 3). The same idea is conveyed perhaps more straightforwardly by Paul Beaumont's representation of the data (Figure 4).

In 1997, the pro-European 'New Labour' Party took office with the Prime Minister Tony Blair. Despite the decision not to bring the UK into the EMU, still Blair proved his Europhilia by opting into the European social chapter. By that time, the transformation of the Labour Party into a neoliberalist force was complete. Mudge (2018) quotes Colin Crouch to say that « Blair's New Labour government was the culmination of neoliberalism's "new hegemony."» (p. xiii), and Anne Applebaum (1997) reports that « Blair declared that he admires Margaret Thatcher for her reinvention of the right nearly 15 years ago, an unthinkable sentiment for any previous Labour leader. » (p.46).

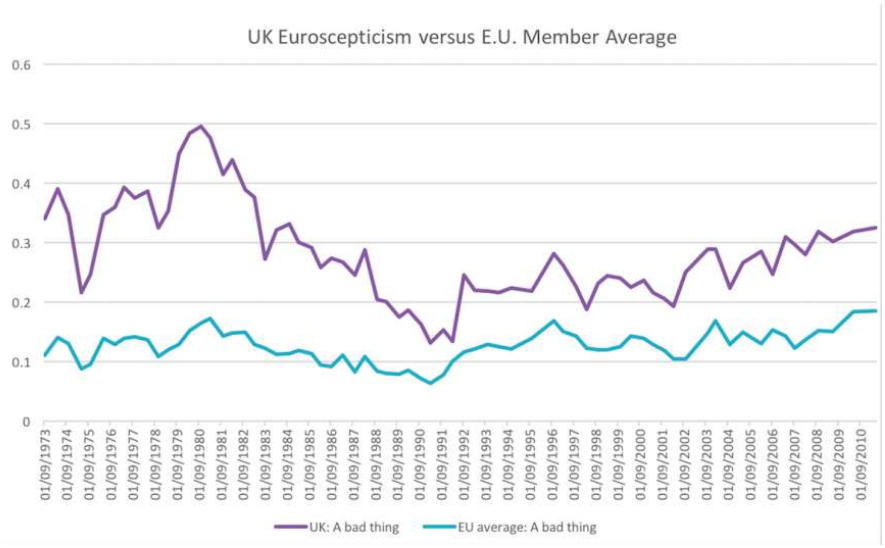

Figure 4 – UK data v. EU average on perception of the EU as a 'bad thing'. Data from Eurobarometer. Source: Beaumont, 2017, p.4.

Eventually, the Iraq War which started in 2003 was a major blow to Blair's credibility (as Oliver Daddow recalls quoting Ian Kershaw, « 'For Anthony Eden it was "Suez". For Blair, it will be "Iraq"' »[38]), and the 2008 financial crisis that begun only one year after Blair had resigned ensured Labour's failure at the following general election – « in 2010 Labour's share of vote declined to a level not seen since the early Thatcher's era » (Mudge, 2018, p.308). In 2010 Conservative David Cameron came to power, and the story I outlined in Chapter One begun.

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The turn of the 21st century did not prevent the British political debate from being permeated with history and references to British exceptionalism. Indeed, ideological reworking during the referendum campaign took the form of a 'discursive recontextualization' of traditional historical narratives (Maccaferri, 2019). Building on Discourse-Historical Analysis/Approach (DHA), Maccaferri (2019) concludes that the main narrative informing British Euroscepticism – but also the Remain arguments – is constructed around the idea of 'British exceptionalism' with has roots in British traditions. Indeed, history pervades the political narrative of both Eurosceptic and Europhile discourse, in an intertwining of 'competing conceptions of history'. According to Maccaferri (2019), the European question in the British debate has been framed along an 'historical construction', which determined that « the Brexit discourse was actually an ongoing 'recontextualization' of traditional historical narratives. This re-narration reproduced

[38] Daddow, 2009, p.547

historical arguments as well as reinterpreted dated clichés to finally create a new hierarchal discursive order » (p.2). For pro-Brexit arguments, this translated into a focus on material borders to stress the contrasting British and European environments and the need to 'take back control'; on the other hand, the Remain camp employed British exceptionalism in the fashion of historical borders in order to support the idea that democracy had to be reinvented within the EU, and thus Britain had to stay.

One relevant example of how history informed the Brexit debate, especially from the Leave camp, is the attitude shown by Brexiteers towards the imperial past of the country, especially in the form of praising a return to a Commonwealth-oriented trade policy. Stephen Ashe (2016) writes of a tendency by UKIP and Conservative Eurosceptics to re-imagine Britain's colonial past to make proposals for the future (such as, leaving the EU and set up trade with Commonwealth countries, instead). The origins of this rationale can be traced back to 1961, when Harold Macmillan's application to join the EEC pushed some Conservatives to form the Anti-Common Market league to gain support of politicians and activists (Lloyd, 2016). Paul Gilroy has referred to this as a 'postcolonial melancholia',

> « characterised by a mixture of guilt and pride which prevents Britain from being able to mourn its imperial history without facing up to the barbarity that this entailed. To compensate, the nation clings desperately to the memory of its 'finest hour' – victory in World War Two. »[39]

The concept is further explored by Neil Roberts (2008), who explains how Gilroy's assumption comes from the psychoanalytical theory by Alexander and Magarete Mitscherlich ('The inability to mourn'), which is expanded to explain Britain's inability to mourn the loss of its Empire. A consequence of this is that this postcolonial melancholia continues to influence British polity and politics. Indeed, many Brexiters advocate for the creation of CANZUK, a union of Canada, Australia, New Zealand and the UK (Bell and Vucetic, 2019), but proposals to create an incorporation or a federation of the British Empire are present from the late nineteenth century in the UK (Blick, 2019). The rationale behind the proposal is the same I already discussed in the previous paragraphs – namely, that these countries are bound by common traditions and organizational structures. It is in light of this insight, hence, that one must understand Farage's claim that he would prefer migrants from India and Australia, rather than from eastern Europe, since the former are more likely to speak English, understand the common law system and 'have a connection with country' (Mason, 2015). Or Boris Johnson's

[39] Ashe, 2016.

lamentation that joining the EEC 'we betrayed our relationships with Commonwealth countries such as Australia and New Zealand' (Johnson, 2013, quoted in Bell and Vucetic, 2019). As a matter of fact, Boris Johnson has been labelled 'the quintessential nostalgic leader' (Campanella, 2019).

Reviewing Michael Kenny's and Nick Pearce's *Shadows of Empire: The Anglosphere in British Politics*, Thompson (2019) explains that the authors « illuminate how generations of English Conservatives promoted an alternative vision of Britain's role in global politics—one centred on the wider English-speaking world, or "Anglosphere." » (p.174). Central to the Anglosphere's appeal in Eurosceptic argument is its ambiguity; there is no clear definition of what the Anglosphere is. It is assumed to be a group of English-speaking nations that share language, culture, and judiciary tradition (such as former dominions like Canada, Australia, and the United States), but it might also go so far as to include India, Hong Kong, and Singapore (Thompson, 2019). With roots dating back to the post-1870 period, the Anglosphere has proved its potential during the Second World War, and the strategic rationale for British development only changed in the second half of the twentieth century when, as already outlined, « "Europe was, often grudgingly, seen as a necessary choice" » (Thompson, 2019, p.174). Most importantly, Kenny and Pearce stress in their book that by the beginning of the 21st century a conservative "Eurosceptic Anglosphere" had developed, which draw inspiration from Margaret Thatcher's attitude and finally consolidated its position in 2010, when the Conservative David Cameron took office in Downing Street.

Finally, allusions about the Anglosphere came extremely useful in the toolbox of Eurosceptic figures of speech during the Brexit referendum campaign. The presumption that the historical reworking was a prerogative of the Eurosceptics is confirmed by Eoin Drea (2019), who speaks of a misinterpretation of British imperial history, designed with the purpose of promoting the primacy of the nation state over European pooling of sovereignty; indeed, he briefly describes a « certain Eurosceptic Tory interpretation of British and imperial history » (p.118). And yet, it is not only the Eurosceptics who used 'history with a purpose', but also those actors in the Remain camp (Maccaferri, 2019).

A pivotal example of how history was used to promote a Remain stance is represented by the famous 2013 Cameron's Bloomberg speech. Delivered on January 23rd, 2013, the speech can be considered as the 'starting point' for the EU 2016 referendum, for many arguments used by both camps during the referendum campaign can already be detected in Cameron's Bloomberg Speech (Todd, 2015). The assumption that arguments supporting opposite camps can come from the same speech appears counterintuitive. And yet, this ambivalence stresses once again

Cameron's ambiguity about the desirability of European integration. Indeed, despite Cameron stating that « I never want us to pull up the drawbridge and retreat from the world. I am not a British isolationist. », that he has « a positive vision for the future of the European Union. A future in which Britain wants, and should want, to play a committed and active part. », and that he does not want the British people to drift towards exit, Oliver Daddow (2015) maintains that the press coverage of the speech built a narrative whereby the EU was presented as the Other, which limits British sovereignty and freedoms. Through DHA Ruth Wodak (2018) shows how the Bloomberg speech stressed the contrast between national and European identity perceived by the British, with the aim of convincing auditors that the country should stay in the EU. Cameron did so by framing his conception of 'in- and out-groups' – the UK v. the EU, by defending the prominence of the need for strengthening economic ties rather than social and legal integration, and yet without ever mentioning the potential negative consequences of Brexit (Wodak, 2018). Consistently with Maccaferri's analysis (2019) concluding that British exceptionalism is employed by remainers to support a transformation of the EU from within, Wodak (2018) claims that David Cameron in the Bloomberg speech juxtaposes the British and European identities to suggest proposals for transformation of the EU to accommodate British needs. An example is:

> « I know that the United Kingdom is sometimes seen as an argumentative and rather strong-minded member of the family of European nations. And it's true that our geography has shaped our psychology. We have the character of an island nation - independent, forthright, passionate in defence of our sovereignty. We can no more change this British sensibility than we can drain the English Channel. And because of this sensibility, we come to the European Union with a frame of mind that is more practical than emotional. For us, the European Union is a means to an end - prosperity, stability, the anchor of freedom and democracy both within Europe and beyond her shores - not an end in itself. »[40]

Furthermore, Wodak (2018) underlines how in the Bloomberg Speech there's frequent employ of the « 'topos of history' which draws from Britain's salient role in WWII and during the cold war inasmuch as it always supported Europe during times of huge dangers. The process of transferring given elements to new contexts is labelled *recontextualization*. » (p.33). In doing so, Cameron is also performing a « discursive construction of a hegemonic British national identity » (ibid. p.45) by cultivating « a sense of belonging to a superior British nation, in the tradition of the British empire » (ibid. p.46). An example is:

[40] David Cameron's EU speech at Bloomberg, 23 January 2013. Available at https://www.gov.uk/government/speeches/eu-speech-at-bloomberg [last accessed on 24 May 2021].

« From Caesar's legions to the Napoleonic Wars. From the Reformation, the Enlightenment and the Industrial Revolution to the defeat of Nazism. We have helped to write European history, and Europe has helped write ours. Over the years, Britain has made her own, unique contribution to Europe. We have provided a haven to those fleeing tyranny and persecution. And in Europe's darkest hour, we helped keep the flame of liberty alight. Across the continent, in silent cemeteries, lie the hundreds of thousands of British servicemen who gave their lives for Europe's freedom. »[41]

2.6 The debate over Europe – a decades-long issue

Once understood the importance of history in informing British politics, and thus playing a role in the decision to remain aloof from the European integration project first, to then join it in the fashion of an "awkward partnership", and finally to reject it altogether in the 2016 referendum, it is interesting to look at concrete examples of how history informed parliamentary debates since the beginning of British participation in the European integration project. To do this, I shall draw in the next section from the study of John Todd (2015), who performs a discourse analysis of UK relationship with the Continent, highlighting the conflict between the British perceived identity vis-à-vis the European one. I will go through Todd's work with a particular focus on how history was used to frame different policy issues in the debate on Europe.

The discourse over European issues has always peppered English politics. The common standpoint that permeated the debate since at least the 1970s is the distinction between a British Self and a European Other, but recurring themes include issues of sovereignty and democracy, economy and prosperity, centralization and federalisation, and pro-European market stances versus trade with the Commonwealth.

During the first timespan under analysis, that is the 1975 referendum on Europe, one can detect a situation which was very similar to the one that brought to the 2016 referendum. The 1975 referendum took place under the Labour government of Harold Wilson, who had to settle the European question to overcome division within his party while taking care of urgent economic issues (Blick, 2019; Todd, 2015). This sounds similar to the situation David Cameron had to face in 2016 and which was described in the previous chapter. What both prime ministers have done was to promise renegotiations of the relationship with the EU and then hold a referendum on membership under new conditions. But the standpoints of the Labour and Conservative parties were very different in 1975, and actors of the debate held opposite positions vis-à-vis

[41] Ibid.

their 2016 stances. In 1975, the 'pro-Market' Conservative Party was still quite united in supporting EEC membership (Todd, 2015), even if not entirely convinced about it being a platform to fulfil their 'imperial mission in the world' (Grob-Fitzgibbon, quoted in O'Rourke, 2018, p.71). On the other hand, the Labour Party was deeply divided among those on the Left supporting leaving (the so-called 'anti-Marketeers' such as the already encountered Tony Benn) and the more centrist in favour of the European market. As David Cameron also did, collective Cabinet responsibility was suspended for the time of the 1975 referendum campaign to avoid the implosion of the governing party (Todd, 2015). Both prime ministers, *mutatis mutandis*, after renegotiations announced they would campaign in favour of British membership. Despite being at the head of a party that was mainly against EEC membership, the Labour PM Harold Wilson resolved to admit that « to remain in the Community is best for Britain, for Europe, for the Commonwealth, for the Third World and the wider world. All of us, whatever our approach, recognise that this debate and the decision to be taken in June is of a unique and historic character. »[42] The main difference between the 2016 and 1975 experiences, in regards of the positions of the two Prime Ministers in question, was the outcome (Blick, 2019), with Harold Wilson being successful and David Cameron having to resign immediately after the referendum humiliation.

The 1975 debate revolved around three major themes: Economy and jobs; Agriculture and Fisheries; and finally, Sovereignty and democracy. It goes without saying that the three themes are deeply interrelated; food trade can link the first two, while the connection was often made between economic well-being and sovereignty (Todd, 2015). Those against leaving the EEC in 1975 approached the theme of Economy and jobs with a risk-aversion rationale. The Conservative MP William Whitelaw spoke of withdrawing as « self-inflicted wound which would make the attainment of the objectives which he [Prime Minister Harold Wilson] has set out much more difficult and in many cases very hard indeed. »[43] It is worth remembering that these were years of low growth rates, high inflation and unemployment, hence leaving the EEC was depicted as a further risk not worth taking. On the other hand, those in favour of leaving used the same leverage to support the opposite argument – i.e., that leaving the EEC would be beneficial to British economy, and even more that the main cause for stagflation and crisis was the EEC itself, which the country had joined two years earlier. Both camps acknowledged the dismal economic performances of the country, they only differed in whom or what was to blame (Todd, 2015).

[42] Hansard, HC Deb 07 April 1975, vol 889, c.837
[43] Hansard, HC Deb 07 April 1975, vol 889, c.838

The second major theme of debate in 1975 was Agriculture and Fisheries, including the change in food prices, which acquires pivotal importance in the European context. Indeed, some claim that when France, in the person of Charles De Gaulle, vetoed Britain's accession into the EEC twice in the 1960s, it was because of the ongoing negotiations on the Common Agricultural Policy (CAP), which France wanted to be designed to serve French interests rather than British ones. When the United Kingdom finally joined, the CAP had already been decided upon, and De Gaulle was by then gone (Bogdanor, 2019; O'Rourke, 2018). Attempts to make the CAP more suitable for Britain were made in Harold Wilson's renegotiations, but with results that were not fully satisfying. Those campaigning for remain insisted on the newly acquired flexibility of the re-negotiated CAP, while the opposite side highlighted lack of fundamental change (Todd, 2015).

The most relevant for the purpose of this thesis is the debate on Europe concerning arguments about democracy and sovereignty. What the British had imagined for the setting up of a framework for European integration did not involve any substantial transfer of sovereignty to a supranational authority. Instead, they had insisted for an intergovernmental European governance, and it was precisely when the other states took the way leading to a deeper level of integration that the United Kingdom pulled out of the project. When they finally joined, the die had already been cast, and the 1975 debates show acknowledgement of a loss of sovereignty due to accession in the EEC. The two camps disagreed on whether this was for the best. Speaking of the risks in giving away sovereignty to the European institutions, Nigel Spearing (Labour) addressed the House of Commons in 1975 and said that

> « The threat to the House […] is the threat to the way we work as a Parliament. It is the threat to consent. It represents the people who are likely to coerce and have a hierarchical attitude. That is the way in which the Commission and the Council of Ministers work. That is the way in which any decent civil service works. In a democratic community such organisations should be at the behest and will of the people. In the Common Market they are not.
>
> […] I come to the question of the authority of this House. Even if it could be proved that there was an economic advantage in the Common Market, which I do not think there is, it would be a very doubtful advantage as against giving away some of the historic qualities of this House. I would defend that statement on a public platform. It is clear that the difficulties in the Community are primarily not economic but matters of consent. »[44]

[44] Hansard, HC Deb 07 April 1975, vol 889, c.915-917

These excerpts already summarize how the main issue with sovereignty and democracy is that membership of the EEC would entail a loss of power from the House of Commons, thus undermining its fundamental 'historic qualities'. What is contested is the democratic deficit of the EEC, which in 1975 did not have elected representatives in Parliament[45]. As already discussed, the 'topos of history' resurfaces both to stress the 'uniqueness' of the United Kingdom and to highlight historic incompatibility between the British system and the continental governance, and thus support the Leave stance. Enoch Powell said it clearly to the House of Commons:

> « I am a nationalist in the sense that I believe that a nation has a certain genius or character of its own and that its institutions conform themselves to that character or genius. I believe that they cannot be denied or renounced without danger and destruction to that nation itself, and that they cannot, for the same reason, merely be transferred to others whose genius is different. I believe that the Government of this country under a Parliament which has the sole right to legislate and to tax, with an unwritten constitution which leaves the whole defence of the subject as well as the welfare of the country in the hands of this House, corresponds uniquely to the genius of its people. »[46]

The quotes give a flavour of modern Eurosceptic arguments lamenting a loss of sovereignty because of EU membership. Indeed, the frequent appeals to historic traits of the British system suggest a 'temporal dimension of identity' (Todd, 2015, p.47), according to which « To accept this type of authoritarian rule is to go back on a democratic principle which has been taken for granted in this country for nearly three centuries; namely, that legislation must be approved by representatives of the people. »[47] In the same fashion, Teddy Taylor (Conservative) argues that « we have a long-term historic tradition of democratic control and decision making, and although certain European countries follow the British pattern they do not have the long-term commitment to democratic control, nor is this seen in the institutions of Europe. »[48]

Despite the fact that anti-Marketeers' position with regards to sovereignty was in a way more solid than their counterpart's, there were also attempts to deal with the issue of sovereignty from a pro-European standpoint. Roy Hattersley (Labour) does so by acknowledging that Britain's sovereignty is not lost due to EEC membership, but it was already gone when the

[45] Despite negotiations going on at the time, the first direct election of the European Parliament took place in 1979.
[46] Hansard, HC Deb 09 April 1975, vol 889, cc.1303-1304
[47] Douglas Jay (Labour), Hansard, HC Deb 07 April 1975, vol 889, c.861
[48] Hansard, HC Deb 07 April 1975, vol 889, c.903

country stopped being a world hegemon, and that the way to regain such sovereignty is to increase British economic influence:

> « I do not believe that when the people of Great Britain discuss sovereignty they are thinking of the rights and responsibilities of the House of Commons, whose literal and material powers have diminished as Great Britain has moved from the role of a world Power to the position of a medium-sized Power. Sovereignty is the right or the ability of the British Government to take what decisions seem right to them on behalf of the British people. Those decisions, and the ability to take them, are much more conditioned by economic power and our political influence in the world than by the procedures of this House. »[49]

From the Conservative benches, Geoffrey Howe agrees:

> « I believe that continued membership will act to the benefit of true sovereignty, sovereignty of the kind for which we have striven as elected representatives—namely, our power to influence our own destiny and our power, as elected representatives, to act on behalf of the people. That is what I mean by sovereignty. I believe that that will be enhanced rather than diminished by continued membership of the Community. »[50]

Let me open a brief parenthesis here. The two stances mentioned above on sovereignty are not incompatible. In fact, they are two side of the same coin. To understand that, one must look further into the meaning of 'sovereignty'. What the anti-Marketeers lamented was the loss of *parliamentary* sovereignty (what is been referred to as 'the rights and responsibilities of the House of Commons' in Hattersley's excerpt above). While pro-European integration supporters are in favour of sharing *national* sovereignty. Indeed, this was evident throughout debates in the House of Commons: « The Labour Party is not particularly worried about national sovereignty. So the problem must be, as we have been told, parliamentary sovereignty. […] Parliamentary sovereignty is what they really care for. »[51] While national sovereignty is a 'tradeable asset' that can be pooled if necessary, parliamentary sovereignty is 'like virginity': once it is lost, there is no going back (Bogdanor, 2019, p.29)[52]. This distinction is of utmost importance to understand the implications of Brexit on the British Constitution and will thus be addressed in detail in the next devoted chapter.

Another connection between the debate of 1975 and that of the more recent EU referendum is the theme of the Commonwealth. Harold Wilson declared that « my loyalties have always been

[49] Hansard, HC Deb 07 April 1975, vol 889, c.959
[50] Hansard, HC Deb 08 April 1975 vol 889 c.1139
[51] Brian Walden (Labour), Hansard, HC Deb 08 April 1975 vol 889 c.1037
[52] Indeed, in 1992 Tony Marlow (Conservative) will speak of a 'loss of innocence' to the « dark back streets of Brussels » (HC Deb 20 May 1992, vol 208, c.344)

much more to the Commonwealth concept than to any European concept. » but he used the loyalty argument to state that « practically the whole Commonwealth—and I have not heard of any dissentients—wants Britain to stay in, in their own national interest. »[53] Thus, being loyal to the Commonwealth would mean not leaving the EEC. But was it a paradox? Tellingly, it was not, since Harold Wilson pointed to the fact that the Commonwealth countries were already being included into the European integration project, at least from an economic perspective. The 1975 first Lomé Convention, for example, was a trade deal specifically designed to provide enhanced cooperation between the EEC and former European colonies, granting them privileged access to the European market. Those in favour of staying in the EEC at the time discredited the by then largely independent Commonwealth as an alternative for British space for development (« I should like to know what alternative the anti-Marketeers have in mind […] Certainly, it cannot be the Commonwealth. The Commonwealth has either signed up or is signing up with Europe. […] Nor will it be the other Asian countries of the Commonwealth […] There is no Commonwealth country which wants us out. »[54]).

War-related references were another element of continuity between the 1975 and the 2016 debates. References to the EEC as a peace-safeguarding environment were moved to convince the audience of the value of the European integration process. Indeed, the Second World War was used by pro-Marketeers to stress the value of the EEC in preventing conflicts to break out:

> « My father fought in the First World War, and I fought in the Second World War. My object in life is the maintenance of peace. I believe that Britain inside Europe, having lost an empire and having lost the imperial power it once had, can be a force—a force for prosperity, a force for stability and a force for peace—and peace is my overriding concern. »[55]

On the other hand, those against a united Europe claimed that British sovereignty was already well defended during the Second World War, and this kind of protection should continue in the same manner (Todd, 2015). Against this view, Anthony Meyer (Conservative) argues that

> « the idea of going it alone has great emotional appeal. It appeals to the folk memories of 1940 and to the fondly nurtured illusion that Britain, if not the head of a great empire, is still the centre of a world-wide Commonwealth. Against this "gut" feeling it has been an almost impossible task to bring the British people to accept their newly changed status and to go on from there to accept the need for a much closer and more systematic co-operation

[53] Hansard, HC Deb 07 April 1975, vol 889, c.833
[54] Jeremy Thorpe (Liberal), Hansard, HC Deb 07 April 1975, vol 889, c.851
[55] Kenneth Lomas (Labour), Hansard, HC Deb 07 April 1975, vol 889, c.907

> with Continental countries — Continental countries that had been either our brutal enemies or our unreliable allies in two world wars. » [56]

The debate over Europe was thus already informed with elements of nostalgia, nationalistic tones, and juxtaposition of the British identity with the European one. Indeed, the first seeds of what will later be known as the "awkward partner narrative" were already clear to those debating over Europe in 1975:

> « A major point that has been made […] is that if we remain a member we shall almost certainly be an irritant, because the Community was founded upon the needs of the original members. If we try to graft on to the Community our history, traditions, interests and economic and social structure we shall be a continuing irritant. Perhaps our relationships with members of the EEC would be more wholesome and better if we were not members than if we were in constant argument with them as members. »[57]

By now, a number of similarities with the 2016 debate and context should be evident: the references to the Second World War and to the willingness to avoid a third; the divisions within parties and the difficult tasks of their leaders; the ambivalence towards the desirability of a European-wide framework of reference; and the use of history to support one specific idea of the future. The 'project fear' strategy was also present: indeed, Todd (2015) concludes that pro-European integration stances in 1975 were mainly based on fears of economic catastrophe, shortages of goods, and progressive irrelevance of the Country in a global world, rather than on the good that the EEC might do to the Country itself. This might remind the reader of more recent trends, and rightly so.

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The second timespan analysed by Todd (2015) is the one revolving around the years 1992-1993, when parliamentary debates focused on the Maastricht Treaty and on the European Communities (Amendment) Bill, the Act of Parliament approved in 1993 that incorporated the provisions of the Maastricht Treaty into the British system. In this second interval, Agriculture and fisheries disappear as a major theme in the debate around Europe, for being substituted by issues like Centralisation, Federalisation and Subsidiarity. Todd (2015) observes that the discourse on Europe in the early 1990s was much more intricate than in 1975: the major themes present in the debate are more interlinked and framed in terms of one another. Moreover, if in 1975 one could detect a clear-cut division between the pro-Marketeers and the Eurosceptics, in

[56] Hansard, HC Deb 07 April 1975, vol 889, cc.909-910
[57] Nigel Spearing (Labour), Hansard, HC Deb 07 April 1975, vol 889, c.914

the 1990s this distinction is enriched with a third standpoint offered by Government actors trying to bridge the two opposite factions. Finally, for the developments that have been described above, the 1990s debate over Europe witnesses more sceptical voices from the Conservative side than from the Labour Party.

One of the major themes of the debate around Europe in this period is European trends towards centralisation. Those arguing in favour of the Maastricht Treaty claimed that the introduction of the principle of subsidiarity was a step that would reverse such trends, that had been unsettled since the signature of the Treaty of Rome. Indeed, John Major, Conservative Prime Minister, supported this stance:

> « The Maastricht Treaty marks the point at which, for the first time, we have begun to reverse that centralising trend. We have moved decision taking back towards the member states in areas where Community law need not and should not apply. […] We have secured a legally binding text on subsidiarity. »[58]

And so did his Secretary for Foreign and Commonwealth Affairs Douglas Hurd, who argued that « Maastricht was an important step away from an increasingly centralised, and therefore arthritic, Community towards a new Europe in which Britain has a central place. »[59]

From the opposite side, those who were unsatisfied with the Maastricht arrangements argued that the subsidiarity principle was not enough to hamper the shift towards the centralization of decision-making processes. Iain Duncan-Smith (Conservative) claimed that « My chief worry is that […] we remain locked into what I see as a continuing progression towards a European super-state. »[60]

And thirdly, there were also those that spoke in favour of centralization, as the preferred framework to deal with common challenges:

> « Let us talk about the future rather than about the past. A number of us believe strongly that many of the world's future problems can be addressed only on a European basis. […] As a concept, "centralism" is a bit of a dirty word, but how other than through a centralist approach does one approach the problem of the ozone layer, on which I had an Adjournment Debate on 4 March? »[61]

[58] Hansard, HC Deb 20 May 1992, vol 208, cc.265-266
[59] Hansard, HC Deb 21 May 1992, vol 208, c.519
[60] Hansard, HC Deb 20 May 1992, vol 208, c.354
[61] Tam Dalyell (Labour), Hansard, HC Deb 20 May 1992, vol 208, c.342

Once more, references to the history of Great Britain are widely used. Allusions to the experience in the Second World War, for instance, are used to justify anti-centralization stances:

> « I am not a nationalist […] I am in favour of a commonwealth of Europe. […] The ultimate consent must come stage by stage and step by step from member states within the framework of their understanding of how fast they can go. […] We have had two world wars. Everyone in Britain lost people in them. I lost an uncle in the first world war and a brother and friends in the second world war. Everyone wants a peaceful Europe. But the House should not think that enforced centralisation produces peace. »[62]

> « Let us not forget that the concept of a European union was first suggested by King Henry of Navarre in 1600, when his great Minister, Sully, proposed a union of 15 states. The only history that we were ever taught in Scotland, as happens in England, was the history of Europe, which is a history of attempted confederations and associations—whether Attila the Hun, Caesar or the Austro-Hungarian empire—and super-states attempted by tyranny or agreement. […] Europe has a wonderful culture, civilisation and history, with a rich tapestry of philosophy and religion, but the history of Europe is of conflict, disintegration, difference and constant change. I do not believe that merely trying to glue it together as an imaginary unit will achieve the inevitable integration of a false confederation. »[63]

But history is also used by those who are in favour of European integration, with appeals to the peace-maintaining potential of the European project.

> « The Members meeting in Parliament in 1945 were determined to end the divisions of Europe based on the extreme nationalism that had caused two catastrophic world wars. Like many others in a similar situation, my father volunteered to fight in the second world war on his 18th birthday. When he came to Strasbourg shortly after my election to the European Parliament, he said how much better what I was doing was than what he and millions of others had had to do in the second world war. »[64]

> « The European Community is not a state or a super-state but a new kind of political organisation which, along with the Union, has certain supranational features. It is all very well to talk in terms of unions of sovereign states, but the great lesson of the high commands of the first world war—separated between France and ourselves—was that it was vastly superior to have an allied supreme command. »[65]

[62] Tony Benn (Labour), Hansard, HC Deb 20 May 1992, vol 208, cc.316-319
[63] Nicholas Fairbairn (Conservative), Hansard, HC Deb 20 May 1992, vol 208, cc.445-446
[64] Geoffrey Hoon (Labour), Hansard, HC Deb 20 May 1992, vol 208, c.365
[65] Roger Evans (Conservative), Hansard, HC Deb 20 May 1992, vol 208, c.437

As in 1975, sovereignty and democracy are a pivotal concern for the Members of Parliament at the time of discussion over the merits and flaws of the Maastricht Treaty. Excerpts below will show that in this regard, too, history is employed to convey the position of the speaker. Tony Benn (Labour) appeals to history in outlining his worries about the Parliament losing sovereignty to Brussels: « The Prime Minister […] can agree to laws in Brussels at the Council of Ministers, which take precedence over laws passed by the House. For the first time since 1649, the prerogative controls the House, instead of the House controlling the prerogative. »[66] Interestingly, Michael Lord (Conservative) adopts the figure of speech of the 'island nation' in a metonymical fashion to imply that differences between the United Kingdom and the Continent are immediately visible from the map, but in fact are far deeper (« We are all aware of the history of the House, […] We shall be voting on our country's identity and on our right to govern ourselves as an island nation. »[67]); as we know, David Cameron will use the same device in 2013 to suggest the same idea, but with the opposite aim of proposing Britain's continuing membership to the EU.

Then, there also those who think pooling of sovereignty is the good strategy to get ready to face the issues of the future, criticizing those who think in terms of the national dimension of being anachronistic. Here, too, the discourse over the values of European integration is framed in historical terms:

> « I am not worried about losing sovereignty. The day of the nation state in western Europe is finished, [and] we are moving towards supranational organisations. Nationalism is a curse […] This is our chance, for the first time in history, to redraw the map of Europe peacefully. »[68]

> « We are meeting in this historic debate to confess that we now accept that sovereignty is a myth, that national independence is an illusion and that a love of parliamentary democracy is the fashionable excuse of those who so long for yesterday that they cannot face tomorrow. Tonight, we begin to draw a veil over parliamentary democracy as we have known it since 1832; tomorrow, we begin to unveil a new democracy. Our powerful, over-arching and over-centralised system of government is about to give way to a devolved European pluralism. »[69]

Finally, in terms of sovereignty there is the middle-way position of the government, which tries to mediate between the two antagonistic stances and supports the idea that the national

[66] Hansard, HC Deb 20 May 1992, vol 208, c.268
[67] Michael Lord (Conservative), Hansard, HC Deb 20 May 1992, vol 208, c.438
[68] Tony Banks (Labour), Hansard, HC Deb 21 May 1992 vol 208 c.568
[69] Brian Sedgemore (Labour), Hansard, HC Deb 21 May 1992 vol 208 c.571

dimension remains the preferred framework of reference, but it is not menaced by the provisions contained in the Treaty of Maastricht.

> « We in this generation have the opportunity and the responsibility for managing the biggest transition to democracy in our continent in its entire history. […] If we had to point towards one endeavour that can consolidate European democracy, boost our collective European economic prosperity and enhance our collective international influence, it is the European Community. »[70]

> « The treaty of Maastricht reinforces the position of national Parliaments, which, as far as I am aware, is a new development in the history of European treaties. »[71]

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Finally, the last period analysed by Todd (2015) is the year 2013, after Cameron's announcement of a second referendum on Europe[72]. Having already discussed of the significance of the Bloomberg speech in the debate over Europe in the following years, I will detect references to history in the parliamentary debates of the time.

Once again, one of main themes of the 2013 'proto-referendum debate' (in the lexicon of Todd, 2015) is sovereignty and democracy. Strong Eurosceptics such as William Cash (Conservative) draw on the history of the United Kingdom to deliver the idea that control must be took back from Brussels:

> « People have fought and died. The only reason we live in the United Kingdom in peace and prosperity is because, in the second and first world wars, we stood up for that freedom and democracy. Churchill galvanised the British people to stand up for the very principles that are now at stake. »[73]

Todd (2015) identifies a strong connection between the 2013 discourses and the tendencies of the two previous timespans, with the EU being depicted as a threat to the independence of the UK.

During debates on the European Union (Referendum) Bill, later discharged and substituted with the European Union Referendum Act 2015, many Members of Parliament evoke the history of the Country with the aim of underlying the contrasting nature between the UK and the European states – be it for defending the European cause of discrediting it.

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[70] Prime Minister John Major (Conservative), Hansard, HC Deb 20 May 1992, vol 208, c.273
[71] Secretary of State for Foreign and Commonwealth Affairs Douglas Hurd, Hansard, HC Deb 21 May 1992 vol 208 c.517
[72] See chapter One.
[73] William Cash (Conservative), Hansard, HC Deb 5 July 2013 vol 565 c.1210

> « Since 1975, Britain's relationship with Europe has changed beyond all recognition, and in a way that no one in this country could have envisaged. Had I known then that Britain was embarking on a 38-year journey of political integration, I would sooner have cut off my right arm than vote yes. I am sure that many other people of my generation feel the same way. It is inconceivable that only 30 years after the end of the second world war, the British people would have willingly embarked on a programme to hand over swathes of their hard-won sovereignty to another state, and let us be clear: that is what the European Union aspires to be. »[74]

Further evidence of the employment of history in the parliamentary debates can also be detected in the following years, after the 2015 general elections when it became clear that David Cameron had to fulfil his promise and start negotiations for a renewed partnership with the EU, and then forward the matter to the people. Thus, discussions about actually having a referendum gained momentum in the House of Commons, and history was again invoked to underline the different characters of the EU and the UK.

> « We in this country are different from our European partners in many ways. That does not mean that we are in any sense better, but we are different. We have a very different concept of sovereignty that is deeply entrenched in our history. We have a different concept of what our democracy is and how it operates and we are one of the few countries, perhaps the only country, in the European Union that never felt the need to bury our 20th-century history in a pan-European project. »[75]

References to history are constant, both to stress the need to divorce from the EU and to underline that the European dimension is intertwined with the history of the Country:

> « Conservatives for Britain, which now has up to 60 members, neglects Britain's interests in remaining in the European Union. […] Our place in Europe is about Britain being an outward-looking nation, […] not an inward-looking Britain, which is what is suggested when some Members hark back to the days when we had an empire and then a commonwealth. Some Government Members give the impression that they still wish we had that empire, and some do not seem to have realised that the second world war is over and that the Germans are no longer the enemy. […] This debate is a very historic occasion: we will soon have a referendum on our future. »[76]

> « For many of us, membership cannot simply be reduced to statistics without regard to the history of war after war in Europe before 1945 and peace through dialogue, co-operation

[74] Gordon Henderson (Conservative), Hansard, HC Deb 5 July 2013 vol 565 c.1232
[75] Liam Fox (Conservative), Hansard, HC Deb 9 June 2015, vol 596 c.1097
[76] Mark Hendrik (Labour), Hansard, HC Deb 9 June 2015 vol.596 cc.1123-1124

> and more unity since. […] Now a united Germany plays the fullest part in the European Union, remembers its history and needs Britain as an ally now and in the future. »[77]

As in the early 1990s, in the parliamentary debates of the second decade of the 21st century one can again detect a middle way followed by the government, which strives to find a compromise between those who support the European project and those who reject it altogether. The then Secretary of State for Foreign and Commonwealth Affairs Philip Hammond argued that

> « the British people have particular concerns, borne of our history and circumstances. For example, we are not part of the single currency and, so long as there is a Conservative Government, we never will be. […] we need to agree a framework with our partners that will allow further integration of the eurozone while protecting Britain's interests and those of the other "euro-outs" within the EU. »[78]

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The excerpts I quoted above provide for evidence that over the last five decades, in the debate within British politics, the relationship between the UK and Europe has been framed with some degree of coherence – namely, by stressing the historical and constitutional differences between the United Kingdom and the Continent, that in turn are at the basis for the narrative of the "awkward partner". This was done either to support - paradoxically - British presence in the European integration process or to oppose it, but I suggest that in the end this had the long-term effect of making the British people perceive their Country as inherently different from its European allies. The constant juxtaposition of British history and identity with that of the Europeans resulted in a rooted feeling of aloofness – one could say even superiority, which eventually created a fertile ground for the contingent propaganda that in 2016 proved successful in convincing the majority of the British people towards the Leave alternative in the EU referendum. In the previous pages I have only marginally mentioned the role of the press in fuelling this narrative, but plenty of evidence confirms that popular British newspapers have aligned to the rhetoric presented above through pieces of parliamentary debates (Maccaferri, 2019; Todd, 2015) – and eventually, press coverage in 2016 was depicting European integration more negatively than positively (Blick, 2019; Beaumont, 2017).

The conclusion one can draw from this last section is that British distinct identity has permeated the debate over Europe throughout the entire timespan when the country was a member of the EU. Data and examples presented above, which give flavour of the rhetoric according to which

[77] Paul Farrelly (Labour), Hansard, HC Deb 9 June 2015, vol 596 c.1126
[78] Hansard, HC Deb 9 June 2015, vol 596 c.1049

the United Kingdom has been an "awkward partner" to the EU since immediately after its accession – if not even from before Brentry, show clearly how Britain's attachment to its past is helpful in making sense of the popular decision to leave the EU in 2016. And yet, I wish to recall once again that Brexit was not inevitable. Even if the way in which the UK has dealt with its past (attachment to the idea of the Empire, the obsession with its glorious martial past) has created a suitable platform for Eurosceptic discourse in 2016, other short-term factors have given the coup de grace – such as the migration and financial crises, some false moves by prominent politicians, waves of populism, fake news via social networks, and even the choice to fix the referendum rules in the way they did[79].

Overall, it is the concurrence of historical and contemporary elements that delivered the Brexit vote. In this chapter I focused on the former, with the aim of stressing that the journey towards Brexit has started a long time ago, even before the UK actually became a member of the EEC. In the next and last chapter, I will focus on an element that not only has its roots in Britain's history, and thus fits the theme of this thesis, but which also has the potential of influencing the Country's future and it will surely be a heated theme for debate, as articles and papers already suggest. The element I am referring to is the Constitution of the United Kingdom. Indeed, concerns over the Constitutions have played a role in debates over Europe, as I started to illustrate in this chapter. Thus, among the "historical reasons" which this thesis deal with one could list constitutional issues that have made actors of English politics reluctant to cede sovereignty to a supranational European authority (e.g., the Labour party in the 1950s-70s). These will be studied in detail in the following pages, with the addendum of the "constitutional consequences" that the Brexit episode entails.

[79] See chapter Three.

Chapter Three – The constitutional conundrum

By discussing the historical reasons which led to Brexit, it is hard not to mention the UK constitution. Indeed, in the quest for unique historical features that made the UK inherently different from its continental counterparts, and which thus played a role in fostering a tendency towards aloofness which eventually informed the Brexit episode, a look at the UK constitution can prove extremely helpful. By its very nature, the United Kingdom's uncodified constitution is « a product of history » (Leyland, 2016, p.23), or « a continuous historical process » (Hennessy, 1996, p.24) since it has evolved over the centuries in response to specific events in British history. Preliminary remarks about the UK constitution underline once again stark differences between the UK system and the Continental states, which can ultimately provide for a framework to reinforce the rationale behind the "awkward partner" narrative explored in the previous chapter. First of all, the UK constitution is not the result of a single triggering event that has called for the need to have a codified set of superior norms, and this is why the British constitution has not yet been recollected in a single document with supreme authority over the other sources of law. For many European states, all having codified and entrenched constitutions, the Hamiltonian moment was WWII and the experience of dictatorships, which the UK has not witnessed.

Furthermore, the UK constitution is not entrenched which means that constitutional norms are flexible and can be amended with ordinary legislation (Leyland, 2016). This feature is important to understand the Brexit affair, since to withdraw from the European Union significant constitutional changes could be easily made in whatever way was deemed necessary to pursue the final aim of withdrawing from the EU. The only alleged safeguard the British constitution has rests upon the House of Lords, which is supposed to act as a 'constitutional guardian' (Blick, 2019, p.178), but whose powers and willingness to use them have declined since the late nineteenth century (Weill, 2003). Andrew Blick (2019) stresses that the fact that other Member States lack this constitutional flexibility is one of the reasons why none of them has tried to leave the European Union thus far.

Finally, another major differentiating factor which also proved key in influencing the way Brexit was handled is the party system (Blick, 2019). Arendt Lijphart describes the UK as a pure majoritarian democracy, where the Cabinet is in a position of power for the state is unitary and the constitution flexible (Baldini et al, 2020). The first-past-the-post (FPTP) method – a single-member plurality electoral system – shapes the party system in a way that is intrinsically

different from that of the other European states. First, the FPTP, according to a classic paradigm labelled 'the Duverger's law', produces a stable two-party system. This, in turn, constitutes an incentive to keep broad parties together, despite serious differences within them, such as those arisen throughout decades over the issue of Europe. Secondly, the majoritarian electoral rule ensures that a single party comes to dominate the House of Commons from which the governing party is drawn. Thus, single-party governments are easily formed, and they are able to win the majority of the House of Commons on almost all their legislative proposals – in such a way that the executive dominance, one of the main features of the British constitution, has been referred to as an 'elective dictatorship' (Leyland, 2016). For the Brexit episode, this was significant since a government elected with a minority of votes was able to win a majority in the Commons, and impose the holding of a referendum despite loud internal dissonant voices (Blick, 2019).

One last unique concept that plays a pivotal role in understanding the British constitution, and which is at the core of any discussions regarding Brexit, is that of parliamentary sovereignty. According to AV Dicey, whose study on the British constitution is one of the dominant sources for its understanding, the legal sovereignty of Parliament is *the* founding principle of the UK constitutional system (Leyland, 2016). After all, in a country where no constitutional text has been codified and where the courts are deemed to be no constitutional safeguard (at least before access into the EEC in 1973), parliamentary sovereignty must be the rule of recognition – that is,

> « the ultimate rule of the legal system. It provides for authoritative criteria by which one can recognize and identify its legal rules. In countries with codified constitutions, the constitution is generally the rule of recognition. In Britain, until its entry into the European Communities, it had been the sovereignty of Parliament. »[1]

The concept of parliamentary sovereignty entails that Parliament (and the House of Commons in particular) can make or unmake any law whatsoever without any legal limit. There is one major limitation, that is that Parliament cannot bind its successors (Leyland, 2016). Thus, Parliament must always have the power to change laws enacted by previous parliaments (see *implied repeal* below). The European Communities and the European Union have put a constraint on this principle, introducing in the British system the concept of the supremacy of Community law which is to be enforced in courts. Ideally, Brexit aims at reverting this process and put full sovereignty back upon Parliament. But this, as we shall see below, is not a straightforward process. First, it is not only the European context that mined the supremacy of

[1] Bogdanor, 2019, pp.83-84

the British parliament, but also domestic initiatives implemented during the years of EU membership that were aimed at taking power away from Parliament and giving it to the Cabinet, the people, or the devolved bodies (Bogdanor, 2019). Second, the interconnectedness between the British and European legal systems cannot be cancelled just because the people expressed the will of doing so. Indeed, EU law has over the years created fundamental rights that became part of the British constitution, and cutting legal ties without breaking them will not be easy (Martinico and Simoncini, 2021): « EU membership has created a constitutional legacy in the UK that will not be cancelled: it is a legal knot that cannot easily be cut. » (Martinico and Simoncini, 2021, p.28). Thus, it is highly unlikely that Brexit will be a return to the status quo ante 1973, as Vernon Bogdanor (2019) concludes in his thorough analysis of Brexit.

Any discussion about the constitutional consequences of Brexit must entail an analysis of the impact of the accession in the EEC on the British constitution. To depict an overall image of how the UK Constitution has changed *after* accession the EEC (but not necessarily *because of* accession), and might change after leaving the EU, I shall focus on three main British constitutional features that have deeply changed over the past decades. These are: human rights and the enforcement of those in courts; the new role acquired by popular sovereignty and the conflict between it and the concept of supremacy of Parliament; and the territorial constitution of the United Kingdom. The main rationale guiding the analysis of these three aspects is that without the European 'safety net' the United Kingdom will have to address a number of constitutional questions arising with Brexit, whose best solution would be to codify some of the norms that have hitherto been left to the uncodified constitutional tradition. The need to replace the constitutional rules which the European Union used to provide might eventually result in a first comprehensive codification of the British fundamental norms. This is the position held by many authors and commentators quoted in this section. Nevertheless, towards the end of the chapter I will try present an overall picture of the recent debates about codification, with pros and cons of such a move.

3.1 Human rights protection and the role of the courts

One of the most evident effects of British entry into the EEC, later the EU, is the new role acquired by domestic courts. This is also one of the starkest challenges to the concept of parliamentary sovereignty the UK has experienced since it chose to become part of the European integration project. Indeed, since the adoption by Parliament of the European Communities Act 1972, which incorporated the provisions stemming from the Treaty of Rome

into UK law, and subsequent acts such as the European Union (Amendment) Act 2008 which assimilated the Treaty of Lisbon, the British Parliament has consciously decided to cede its sovereignty in those matters covered by EU law. When the 1972 Act was adopted, the scale of change was not immediately evident for the British. As already mentioned in these pages, MPs, academics, and lawmakers tended to confuse parliamentary sovereignty with national sovereignty, and thus the challenge to the former posed by EEC membership was not immediately perceived (Bogdanor, 2019). And yet, the elements to understand the extent to which parliamentary sovereignty would be limited were already there, in the form of two landmark decisions by the European Court of Justice which had made clear how different the EEC was from other international organizations. In 1963, in the *Van Gend en Loos* case[2], and in 1964, with the *Costa/ENEL* ruling[3], the European Court established the doctrines of direct effect and primacy of Community law, respectively. These two principles, which the UK accepted in 1972, meant that domestic courts were in charge of ensuring that Community law was respected by governments, for it had direct effect upon the legislative framework of the Member States. Furthermore, according to the doctrine of primacy of Community law, whenever national legislation is in conflict with a European norm, the latter shall prevail. Overall, this meant that domestic courts would become constitutional courts (Bogdanor, 2019), insofar as they had the duty to enforce rights and duties emanating from the European framework.

In a country where there is no entrenched constitution, and thus no constitutional court, this development was a major change. According to the doctrine of parliamentary sovereignty, Parliament is the supreme authority, it can enact any law whatsoever without the limits of a judicial review. But with the limitation of parliamentary supremacy enshrined in the acceptance of the EEC/EU treaties, the British Parliament renounced to this power. Indeed, the doctrine of supremacy of EU law also limited another corollary of the doctrine of parliamentary sovereignty – namely, the doctrine of *implied repeal*, according to which when acts of Parliament conflict with each other, the later one should prevail for it would implicitly repeal the older one. But this could not be true for the European Communities Act 1972, which was impossible to repeal – at least implicitly[4] – given the primacy of Community law over domestic law. The dilemma was solved by the *Macarthys* 1979 ruling[5], which established that EC law would eventually prevail over domestic law in case of conflict, and thus it was not subject to

[2] *Van Gend en Loos v. Nederlandse Administratie der Belastingen (Case 26/62)* [1963].
[3] *Flaminio Costa v ENEL (Case 6/64)* [1964].
[4] See Bogdanor, 2019, chapter 2.
[5] *Macarthys Ltd v Smith (Case 129/79)* [1979]

implied repeal (Bogdanor, 2019). But the most game-changing judicial decision came in 1991 with the second *Factortame* case[6] where the European Court of Justice (ECJ), to which the issue was forwarded by the House of Lords[7], ruled not only that Community law was supreme and that implied repeal would not apply, but also that domestic courts had to « ensure observance by setting aside obstructive national rules » (Leyland, 2016, p.53). The idea that there would be an authority in Britain with the power of 'disapplying' Acts passed by the sovereign Parliament, in case they conflicted with European law, was a major shock to the doctrine of parliamentary sovereignty, and the most evident signal that the UK constitutional system had been fundamentally changed by the EEC legal framework.

The new role given by the ECJ to domestic courts and the consequent changes in the constitutional equilibrium of the UK system had a huge impact on the perception of fundamental rights. In *Thoburn v Sunderland City Council*[8] [2003] a landmark distinction was made between 'ordinary' and 'constitutional' statutes, the latter creating fundamental rights with a special status which – it was suggested – would prevent them from being subject to implied repeal. This amounted to a domestic acknowledgement that there is a higher order of laws adopted by Parliament (Leyland, 2016).

Indeed, entry into the EEC subjected Britain for the first time to a bill of rights[9], the European Charter of Fundamental Rights, « and to the judicial review of primary legislation for compatibility with those rights » (Bogdanor, 2019, p.136). As a matter of fact, human rights had entered the UK constitutional system with the Human Rights Act (HRA) 1998, which incorporated the Council of Europe's European Convention of Human Rights, but without making them enforceable by the British courts. Under the HRA 1998, tribunals could only issue a declaration of incompatibility which had no legal effect and gave the Parliament leeway to amend the incompatible legislation only if it chose to do so. In the UK system, where Parliament is sovereign, it was generally accepted that rights were better protected by the legislators rather than the courts. But the European Charter gave the British judges the power to disapply Acts of Parliament in conflict with human rights provision, thus limiting parliamentary sovereignty. As a matter of fact, since the entry of the UK into the EEC, the journey with respect to fundamental

[6] *Regina v. Secretary of State for Transport ex parte Factortame Limited (No 2) (Case C-213/89)* [1991].
[7] Which used to be the Supreme judicial authority in Britain, in the persons of the Law Lords, until the Constitutional Reform Act 2005 establishing the creation of a Supreme Court, active since 1 October 2009.
[8] *Thoburn v Sunderland City Council* [2002] EWHC 195 (Admin).
[9] There is, indeed, the English Bill of Rights of 1689, but it was not aimed at limiting the power of the Parliament with respect to the protection of rights, rather it was conceived to limit the power of the monarch to the benefit of Parliament (Bogdanor, 2019).

rights had been one towards a 'constitutional state', whereby the judiciary, and not Parliament, is in charge of protecting a new range of fundamental norms (Bogdanor, 2019).

With Brexit this framework will be much less regulated and safeguarded. When the UK left the EU, the Charter ceased to apply, leaving the country without a codification of rights protected by the reviewing power of the courts. The fact that the UK chose not to retain the provisions of the Charter after Brexit is hardly surprising. Despite some proposed amendments – then withdrawn – to include a provision in European Union (Withdrawal) Act 2018 to retain the Charter, the UK has a conflictual history with the document. When it became part of the EU law in 2008 with the Treaty of Lisbon, the UK together with Poland secured an opt-out from the Charter enshrined in the so-called Protocol 30[10]. The Protocol certified that « The Charter does not extend the ability of the Court of Justice of the European Union, or any court or tribunal of Poland or of the United Kingdom, to find that the laws, […] of Poland or of the United Kingdom are inconsistent with the fundamental rights, freedoms and principles that it reaffirms. »[11] and that the Charter « shall only apply to Poland or the United Kingdom to the extent that the rights or principles that it contains are recognised in the law or practices of Poland or of the United Kingdom. »[12] Nevertheless, the Court of Justice has later clarified that « the Protocol 'does not call into question the applicability of the Charter in the United Kingdom […] Thus […] the Charter must be applied and interpreted by the courts » (Bogdanor, 2019, p.148). In this respect, Parliament will return sovereign after Brexit, thus in power to amend or delete the rights of the citizens formerly secured by the Charter. This is one of the reasons why Vernon Bogdanor (2018), a leading British scholar, speaks of Brexit as the first attempt in modern history to withdraw « from a protected constitution into an unprotected one. » (p.6).

The implications of this are self-evident, but the most interesting one are perhaps those that intertwine with features of the British territorial constitution. In effect, one of the most impressive consequences might arise in Northern Ireland, for the 1998 Belfast Agreement provides for parity of rights between the citizens of Northern Ireland and the Republic of Ireland. This equilibrium has been easily achieved when both parties were members of the European Union and subject to its Charter of Fundamental Rights. But since the Charter is not retained, Brexit will cause a curtailment of rights in Northern Ireland. The disparity could be solved by incorporating into Northern Irish law – and thus potentially in Scottish law, too –

[10] Protocol (No 30) on the application of the Charter of Fundamental Rights of the European Union to Poland and to the United Kingdom. Available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008E%2FPRO%2F30 [last accessed on 24 May 2021].
[11] Ibid.
[12] Ibid.

those parts of the Charter which fall within the scope of devolved matters. But in so doing, there would be different rights regimes both across the United Kingdom, which might jeopardize its unity, and among those matters that fall within the scope of devolved bodies and those that do not. Also, if the Charter ceases to apply in Northern Ireland, those citizens that choose to take up Irish citizenship (as allowed for by the Belfast Agreement) will in facts be European citizens, but without the chance to see their rights enforced domestically.

The messy situation Brexit has caused seems to call for a British codification of the rights of the citizens in the form of a home-grown entrenched Bill of Rights (Bogdanor, 2019). A consequence of this would be a further erosion of parliamentary sovereignty insofar as judges would be in charge of protecting the rights of the citizens by enforcing them in courts. In so doing, parliamentary sovereignty could be substituted by rule of law as the new rule of recognition.

3.2 A new sovereign: the People

If the new power acquired by the judiciary after Britain's accession in the EEC was expressly enshrined in courts' decisions, one indirect consequence of UK's involvement in the European integration project was the introduction in the British system of the concept of popular sovereignty (Bogdanor, 2019). It is hard to imagine how two sovereignties can coexist within the same system, thus the sovereignty of the people must necessarily clash with that of the Parliament. Indeed, the role of popular sovereignty vis-à-vis the rule of recognition of parliamentary sovereignty is especially important when dealing with Brexit, for the triggering factor was precisely a consultation with the British people.

In the British tradition Parliament has always been looked at as the supreme authority on any kind of matter, from constitutional changes to the regulation of the water environment. In effect, Vernon Bogdanor (2018) quotes Alexis de Tocqueville's *Democracy in America* to stress that « '[…] the [British] Parliament is at once a legislative and constituent assembly' » (p.38). Thus, the fact that the people might have the final say on some issues clashes with the doctrine of parliamentary sovereignty. And yet, in a provocative fashion, I suggest that this might be counterintuitive. The concept of parliamentary supremacy ultimately refers to the supremacy of the House of Commons, which derives its legitimacy from the fact that it is an institution elected by the people. As a consequence, one could dare saying that parliamentary sovereignty is ultimately an emanation of popular sovereignty – and thus the two concepts are not necessarily in contrast with each other.

One leading theorist of the British Constitution, AV Dicey, illustrated a formula according to which popular sovereignty could act as a complementary factor to parliamentary sovereignty and not as a competitor (Weill, 2003). Dicey distinguished between the *legal* sovereignty of parliament and the *political* sovereignty of the people, a people whose will would eventually prevail in the long run through elections. Dicey admits that people are not to be consulted on specific day-to-day issues – for which Parliament remains the unchallenged authority, but when it comes to constitutional changes people should have the final say (Weill, 2003). It is important to note that at the beginning Dicey did not imply the need for a referendum, but rather he thought that general elections could serve the same function of the referendum. For this mechanism to work, the veto power of the House of Lords was fundamental in that the Lords could oppose to a constitutional change by triggering the dissolution of Parliament and therefore new elections revolving around a sensitive constitutional issue - so that the winning party could defend his plan for on constitutional reform in the House of Commons with the claim of having a popular mandate. According to this view, popular sovereignty does not clash with parliamentary sovereignty, but rather complements it.

Nevertheless, at some point Dicey did accept the idea of the referendum in response to changes in the constitutional balance within Parliament. Since the power of the House of Lords to veto constitutional changes was weakened in the late nineteenth century, and since the franchise was being enlarged and the party system was growing in influence and importance over decision-making processes (Weill, 2003), Dicey saw Parliament disempowered to the benefit of the Cabinet on the one hand, and of the people on the other (Hennessy, 1996). But this was not necessarily a decline for Dicey, according to interpretation of Rivka Weill (2003). As already stressed, Dicey thought that popular sovereignty could counterbalance the power of Parliament of passing major constitutional changes. When parliamentary sovereignty increasingly became sovereignty of the House of Commons in the second half of the nineteenth century, with the House of Lords losing its veto power on an increasing number of issues, Dicey feared that constitutional change would occur circumventing the consultation of the people. Only at this point he started to propose the referendum as an ad-hoc instrument for guaranteeing the people's consent on constitutional change and thus making the people the official the *legal* sovereign of Britain (Weill, 2003). In a nutshell, it has been said already that the House of Lords is seen as a constitutional safeguard, since there is no constitutional document providing for one. But since the upper chamber started being disempowered, the people started to be seen as an alternative constitutional check. More on this has been written by Andrew Blick (2019, see chapter 4), who outlines how the restriction of the authority of the Lords with the Parliament

Act 1911 was perceived as a move that would lead not to the supremacy of the Commons, but rather to a potentially autocratic Cabinet, to which the British electoral system guarantees a majority within the House of Commons (see above). Referring to the model proposed by JA Hobson, Blick (2019) precises that « The referendum […] was a means of preventing the misuse or abuse of this [the executive] power » (p.153). Dicey, too, specifically intended the referendum as a means to prevent change and to put a limit on the power of the House of Commons.

Despite these niche interpretations of the relationship between popular and parliamentary sovereignty, the mainstream perception has always been that the Parliament was supreme over any other authority, which made the referendum impracticable and incompatible with the constitutional tradition of the UK (Bogdanor, 2019; Wodak, 2018). The referendum only became an established tool within the British constitution after accession into the EEC in 1973, but the question of the referendum within the UK system continued to remain a heated issue in the British debate. The problem with popular sovereignty in the UK is that if Parliament is the supreme authority, the people cannot force it into one or another direction. And even if a referendum is held, it can only be advisory, unless Parliament specifically states that the consultation is binding in the Act constituting the legal basis for the referendum itself. Thus, the people cannot bind Parliament, only Parliament can bind itself to the will of the people. This is the formula used so far in the UK to solve the perceived clash between popular and parliamentary sovereignty, according to which the limitation of the latter is *consensual*, meaning that Parliament can limit its sovereignty if it so chooses, even if this implies binding future Parliaments (Ewing, 2017). And yet, this is in itself an infringement of parliamentary sovereignty, which in its classical understanding entails that Parliament cannot bind itself in the future. Notwithstanding the paradox, a review of the concept of the sovereignty of Parliament in order to admit the possibility of future self-imposed constraints was necessary to accommodate the incoming changes with the respect to the role of the people. As Bogdanor (2019) stresses, the most exemplifying evidence of this change is the 2011 European Union Act. Despite reaffirming the centrality of parliamentary sovereignty, the Act in fact bound future Parliaments insofar as any future changes of the European Treaties, or any further transfer of power from the domestic to the supranational level, had to pass the referendum test[13].

The 2016 EU referendum stretched the relationship between popular and parliamentary sovereignty even further. Even if it was formally advisory, the Brexit consultation ended up infringing the sovereignty of Parliament. It is true that the legal bases for the EU referendum

[13] The European Union Act 2011 was repealed by the European Union (Withdrawal) Act 2018.

were enshrined in an act of Parliament (European Union Referendum Act 2015). And it is also true that Parliament was specifically given the power to accomplish the will of the people – and thus authorise (or not authorise) the government to trigger article 50 to withdraw from the EU – by the UK Supreme Court with the *Miller* ruling[14]. This decision was crucial as it confirmed that popular sovereignty as expressed in the result of a referendum had not replaced the legal sovereignty of Parliament.

Nevertheless, Brexit infringed the sovereignty of Parliament since Parliament did not want Brexit (Blick, 2019; Bogdanor, 2019). The majority of MPs after the referendum were in favour of Remain. And yet they had to pass a legislation which would trigger the process to leave. The fact that Parliament (and Cabinet) felt constrained to do something they did not want to certified the existence of a new principle of the British constitution, that of the sovereignty of the people, with the referendum being perhaps « the only form of constitutional protection that is possible in a country without an entrenched constitution » (Bogdanor, 2019, p.98).

The problems that arose after the Brexit referendum were mainly linked to the fact that the referendum is not a clearly regulated tool in the UK system. The legislation on the referendum is enacted on a case-by-case basis (Ewing, 2017), and in 2016 it was rather weak. Andrew Blick (2019) analyses the limits of European Union Referendum Act 2015, which failed to deal with important issues such as whether the value of the referendum should be determined by the turnout, the size of the majority required and the territorial voting patterns; the consequences of the result in either direction, meaning that the Act did not specify what 'Leave' actually implied; and the authority in charge of implementing the final decision (a matter which was settled by the courts in 2017[15]).

Proposals to regulate the use of the referendum tool have already been put forward. Ironically, one of those who advocated for stricter rules for plebiscites was David Davis, the Brexit minister for the May government. Speaking in 2002, David Davis stressed that the referendum is justified when dealing with major constitutional changes. He added that when voters are called to express themselves on a particular issue, they must be given all the necessary information to fully understand the implications of their choice. Thus, legislation should first be debated in Parliament, and then put forward to the public – in order to ensure that the plebiscite is not a substitute to the parliamentary process, but an additional step. The contrast with what happened with Brexit is evident, for the consequences attached to the 'Leave'

[14] *R (on the application of Miller and another) v Secretary of State for Exiting the European Union* [2017] UKSC 5.
[15] Ibid. Available at http://www.bailii.org/uk/cases/UKSC/2017/5.html [last accessed on 24 May 2021].

alternative in 2016 were not only unknown, but also hardly foreseeable. There were no precedents in relation to what happens when a country wishes to leave the European Union, and the Act providing for the legal bases of the referendum lacked any detailed description of what the result of the referendum would mean for the UK. The 'Davis criteria' also aimed at ensuring that the 'settled will' of the people is established. To do this, Davis called for thresholds to be applied according to the constitutional significance of the issue, as was the case in the 1979 on devolution in Scotland and Wales, when a minimum of 40% of the *electorate* in favour was required to implement the measure. Had the 40% threshold been adopted in 2016, Brexit would have been rejected, for only 37.4% of registered electors pronounced in favour of leaving (Blick, 2019).

By this brief presentation of how popular sovereignty was introduced in the UK constitutional system after accession into the EEC, I want to suggest that the United Kingdom must come to terms with its new domestic state of affairs. For if, when the people is involved, Parliament is not truly sovereign, as the 2016 referendum shows, then perhaps it would be better to detach from the cherished idea of parliamentary sovereignty and acknowledge a new reality which requires precise rules over the handling of the referendum tool. And that is another reason why Brexit might eventually prove to be a constitutional moment which will convince the UK to codify at least some major constitutional arrangements such as in regard to the role of popular sovereignty, and therefore acknowledging a limitation of the sovereignty of parliament. « A new sovereign, 'The people', has now displaced the old. », the constitutional expert Anthony Barnett (2016a) has commented.

3.3 Territorial constitution under pressure

As this thesis has tried to stress in the previous chapter, Brexit was mostly made in England, with Northern Ireland and Scotland delivering a majority in favour of remain at the 2016 referendum. Moreover, over the decades the European Union has acted as an 'external support' to precarious devolution arrangements within the UK by providing for some uniform policy frameworks valid throughout the whole Union. For example, when in 2014 the Scottish voted at the referendum for independence, the possibility of the Union splitting was attenuated by the fact that both units would remain within the European framework (Keating, 2021). Brexit has removed this support.

Furthermore, the fact that the UK emerged as a split Union after the Brexit referendum has put considerable stress on its territorial constitution, whose governance was already fractured

(Kenny et al, 2021). The very dealing of the post-referendum management of Brexit reflected the ruptures and flaws of the territorial governance of the UK since devolution was implemented in the 1990s. The existing machinery for intra-UK governance proved insufficient to accommodate the claims of the devolved bodies to be involved in the response to the referendum result. Despite Prime Minister Theresa May's initial attempts to incorporate devolved executives, and despite the largely unnoticed collaboration in the development of plans for a no-deal Brexit scenario (Kenny et al, 2021), the different views of the actors were incompatible with each other from the start. The Scottish and Welsh governments wanted the UK to remain at least in the Single Market (Kenny et al, 2021), but May soon after the referendum spelled out very strict red lines that would guide the UK in the negotiations to come, and these included the rejection of the Single Market altogether (O'Rourke, 2018). Northern Ireland, which was be one of most delicate and contentious points during and after the Brexit negotiations, was at the time silenced by the collapse of the power-sharing executive arrangements, which from January 2017 to January 2020 held the region without devolved ministers, but only civil servants to represent its interests.

Another deterioration of the relationship between London's central government and the devolved executives arose in the courts on the issue of the degree of ideal involvement of the devolved legislatures in triggering the withdrawal from the European Union. After the referendum, Brexiteers and the government claimed that it was a prerogative of the executive to activate article 50 of the Treaty on European Union (TEU), which allows for « Any Member State […] to withdraw from the Union in accordance with its own constitutional requirements »[16]. The claim was reinforced politically by the fact that in its 2015 electoral manifesto, the Conservative Party committed itself to the result of the referendum, and legally by the absence in the European Union Referendum Act 2015 of any indication about whom would be in charge of implementing the outcome of the public consultation (see above). Nevertheless, Remainers sought to reaffirm the centrality of Parliament stressing that triggering article 50 had to follow the parliamentary process. Moreover, devolved figures in Northern Ireland and Scotland further argued that not only Westminster had to give its consent, but also the devolved legislatures had a right of approval, given that Brexit would forcefully touch upon devolved competences and that the majority of the public in these territories had expressed in favour of Remain (Ewing, 2017).

[16] Article 50 of the Treaty on European Union, paragraph 1.

In January 2017, the UK Supreme Court delivered a momentous judgment in the *Miller* case[17], where on the one hand it reasserted the principle of parliamentary sovereignty in executing the UK's withdrawal from the EU, and on the other rejected the claim that there was a legal obligation to guarantee a veto power to the devolved legislatures. The claimants' strength was allegedly rooted in the so-called Sewel convention, according to which the UK government does not *normally* « legislate on devolved matters without the consent of the devolved legislatures » (Kenny et al, 2021, p.26). And yet, the Court affirmed that the convention was just such, a political convention, on whose 'policing and scope' judges were not entitled to rule (Bogdanor, 2019, p.218), and which thus they had no power to enforce (Ewing, 2017).

Further practical complexities arose with regard to the powers that Brexit would repatriate from the EU, and that fall within the scope of devolved competencies. In the original wording of the European Union Withdrawal Bill, all powers to be repatriated were to be conferred upon the central government, which would then evaluate which ones could be retained by Westminster, the remainder then be given back to the devolved bodies. This 'unilateral power grab' (Bogdanor, 2019, p.215) was justified out of the necessity to « preserve the stability of cross-UK law » and « protect the integrity of the UK's internal market » (Kenny et al, 2021, p.27). And yet the move was opposed by Holyrood Palace in Edinburgh and the Senedd building in Cardiff, so much that the final European Union Withdrawal Act 2018 stated that most repatriated powers be retained by devolved authorities, with the exception of those necessary to guarantee the integrity of the British single market. These were thought to be 24 out of 153 repatriated devolved competency areas, and would include agriculture, environment, fisheries, and food safety (Bogdanor, 2019).

Here, again, the lack of an entrenched constitution influences the way in which power is shared among the centre and the territorial layers of the United Kingdom. Already with the Act of Union with Scotland in 1707, the provisions of the Act, which merged the English and Scottish parliaments, were seen by the Scottish difficult to reconcile with the supremacy of the Parliament of London. If repatriated competencies that would normally belong to the devolved powers will be managed within a system of shared governance between the central and devolved authorities, as Vernon Bogdanor predicts (2019, see chapter 6), it is difficult to see how this system – be what may – could be reconciled with the doctrine of absolute supremacy of Parliament without implying that Scottish, Welsh and Northern Irish autonomy are malleable arrangements dependent upon the will of Westminster. Furthermore, without a codified

[17] *R (on the application of Miller and another) v Secretary of State for Exiting the European Union* [2017] UKSC 5.

constitution from which rights stem that the courts can enforce, it is hard to imagine how a stable balance between the 'power to be different' (i.e., devolution) and the need for British unity and uniformity can be reached with full satisfaction of London, Edinburgh, Cardiff, and Belfast. In his analysis on the impact of Brexit on the territorial constitution of the United Kingom, Bogdanor (2019) reaches two relevant conclusions: first, that « Perhaps it is the very principle of the sovereignty of Parliament, a principle hardly appropriate to the government of a multinational state, which renders the devolution settlement insecure » (Bogdanor, 2019, p.222); second, that

> « Brexit and the strains that it is imposing upon the devolution settlement are likely to increase the pressure for Britain to follow almost every other democracy by enacting a codified constitution. Indeed, the idea of such a constitution seems implicit in the logic of devolution. For the process of devolution […] raises in a very profound form the issue of the extent of territorial divergence which is tolerable within a state and how best to balance the conflict between a system of benefits and burdens based on geography with the basic principle of the welfare state, that benefits and burdens should be determined by need. That balance I best expressed in a codified constitution. »[18]

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Pushes for devolution in the UK have been there since the 1970s (Leyland, 2016), but devolution legislation was only implemented in 1998 with the Scotland Act, the Government of Wales Act, and the Belfast Agreement, which formed the basis for the Northern Ireland Act 1998. After some 15 years of smooth devolution settlement, whose functioning was facilitated by the laws and provisions stemming from the European Union framework, the first attempt to break the British territorial constitution came in 2014 when Scotland called for an independence referendum. The history of support for Scottish nationalism is intertwined with UK membership in the EEC/EU. On the one hand, an independent Scotland within Europe would fully benefit from European funding and would possess its own veto power to protect its interests (Leyland, 2016). On the other hand, though, UK membership in the European Union had been used in 2014 by unionist parties to defend the stance that being part of the United Kingdom meant also being within the European Union. Scottish nationalists, instead, were defending the claim that after leaving the UK the process to join the EU as an independent nation would be triggered. Despite the majority of Scots choosing to remain in the Union in 2014 (55.3% v. 44.7% - Leyland, 2016), Brexit has significantly changed the rules of the game. First, the claim that staying in the UK means being in the EU is no longer valid. Second, Brexit was expressly made

[18] Bogdanor, 2019, pp.244-245.

against the will of the Scottish people, whose majority sided with remain at the 2016 referendum.

Notwithstanding the general claim that Brexit will make Scottish independence more likely, Vernon Bogdanor (2019) adopts a critical perspective suggesting that « Brexit is likely to make the cause of Scottish independence more difficult to argue, not less. » (p.208). Even if Scotland might comply with the EU's 'Copenhagen criteria' for accession spelled out in Article 49 of the TEU (stable democratic institutions, rule of law, human rights respect[19]), there are some practical implications that might hinder Scotland's straightforward attempt to join as an independent nation. First of all, Bogdanor (2019) says, Brussels might insist on Scotland adopting the Euro as currency, which might also be an obligatory passage since the Bank of England would not allow the use of the sterling in a country outside the UK (Bonini at al, 2021). But this would also imply Scottish compliance with the 'Maastricht criteria' according to which Member States' government deficit must not exceed 3% of gross domestic product (GDP). Current projections amid uncertainties predict that in 2020-2021 Scotland's budget deficit reached some value between 22% and 25%, due to spending measures linked to the coronavirus pandemic which were not outweighed by an equivalent increase in tax revenues (Phillips, 2021). The need to adjust public finances to comply with European convergence criteria, which could anyway be mitigated in future negotiations (Gordon, 2021), will require the Scottish independent nation to adopt austerity measures of tax raises and spending cuts.

Moreover, an independent Scotland after Brexit will have to cope with the border with England. According to a report by the Institute for Government think tank, the relationship between an independent Scottish European Member State and the rest of the UK would be regulated by the EU-UK Trade and Cooperation Agreement (TCA) signed in December 2020[20], which would imply the creation of a regulatory frontier between Scotland and England, with customs checks among the two countries (Jack et al, 2021). The prospect of a border with England will likely undermine the claims for an independent Scotland within the EU (Webber, 2021), at least in the short-term when the memory of long lines of trucks waiting to cross the Anglo-European border due to Brexit red-tape is still vivid in mind.

Still, at the May 2021 local elections, the Scottish National Party and the Greens, the two Scottish parties in favour of independence, won the majority of seats. The electoral victory

[19] Article 49 and 6(1) of the Treaty on European Union.
[20] *Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part*, available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22020A1231(01)&from=EN [last accessed on 24 May 2021].

might boost the cause for Scottish independence, and gave the First Minister Nicola Sturgeon a strong popular mandate to ask London for a second referendum. Only time will tell how the Anglo-Scottish struggle over Scotland's independence will unfold, but the general sensation is, as Sturgeon has clarified, that the referendum on an independent Scotland is not a matter of if, but of when (Shirbon, 2021).

Northern Ireland is yet another contentious point for the post-Brexit devolution settlement. The Brexit negotiations were highly concerned with the maintenance of stability in the island of Ireland, so much that any future agreement between the UK and the EU could not harm the peaceful relations between the Republic of Ireland and Northern Ireland by introducing a hard border between the two. The main alternative to hard Irish-Northern Iris border was to introduce regulatory border between Northern Ireland and the rest of the UK, but this solution was opposed by unionist forces in Northern Ireland for it would mean a « breach of their imagined national community, which is the UK as a whole » (Keating, 2021, p.13). The conundrum was then solved by accepting the idea of the 'Irish Backstop' contained in the Northern Ireland Protocol of the 2018 withdrawal agreement, which accounted for a regulatory border in the Irish sea, and which placed Northern Ireland within the British customs union, but with free access to the European and Irish market. Nevertheless, matters were later complicated by the fact that, on the one hand, the British government led by Boris Johnson issued an Internal Market Bill which provided for the possibility for UK ministers to derogate from the Withdrawal Agreement (Martinico and Simoncini, 2021); the bill was later withdrawn after European insurgence and the activation of the infringement procedure in October 2020 (Keating, 2021). On the other hand, the post-Brexit arrangement was further stressed by waves of street violence in Northern Ireland in March-April 2021, partly related to the discontent by the unionists for the Irish Sea Border (Hirst, 2021).

The Northern Irish question is extremely sensitive due to the history of the region, which was deeply torn by community conflicts among unionists – in favour of Northern Ireland as part of the United Kingdom – and nationalists – supporting the stance for a united Ireland. The violence only ended in 1998 with the Belfast Agreement, or Good Friday Agreement, which established a form of shared governance in Northern Ireland between representatives of both communities (Bogdanor, 2019). The Agreement also ensured that the border between the Republic of Ireland and Norther Ireland was recognised by both parties for the first time since partition in 1922 (Keating, 2021). That is why the question of the Irish border was so delicate in the Brexit negotiations. Northern Ireland is now formally within the UK, but from the point of view of trade arrangements is also part of the European market. Tensions arising from this new state of

affairs might complicate the equilibrium even further, to the extent that many, especially in Dublin, have started to think that « reunification might become politically inescapable » (Keating, 2021, p.8).

3.4 Towards a codified constitution?

Several authors (Ackerman, 2018; Blick, 2019; Blick and Hennessy, 2019; Bogdanor, 2019) and commentators (Barker, 2017; Barnett, 2016b; Colley, 2021) support the stance that the United Kingdom is now in need of a codified constitution. Brexit, in this respect, is the 'constitutional dynamite' (Barnett, 2016b), but the fuse has deeper roots that penetrate the very core of the British system. Indeed, the reasons why the above-mentioned writers are in favour of a codification of the British fundamental texts are not external factors, but endogenous features of the UK Constitution that after Brexit have become glaring and hard to ignore. The main reason why Brexit has shed a light on the flaws of the British uncodified constitution is perhaps that, in a quite unprecedented move,

> « we are moving from a codified and protected constitutional system to an uncodified and unprotected one based on the sovereignty of Parliament. We are also moving from a system in which our rights have been enlarged to one where some of our rights will in effect have been abolished, as a result of a deliberate decision on the part of the government. »[21]

Human rights are, in effect, one of the major concerns for the post-Brexit UK constitutional settlement, and their protection is one of the reasons appealed to when defending the stances for a codified British constitution, as already outlined in one of the previous sections of this chapter. Anthony Barnett (2016b) claims that « A new and democratic constitution is now essential, one that rests on popular sovereignty but protects the rights of all. » Popular sovereignty is arguably a second element that enters the discussion over a codified constitution for the United Kingdom, and it is addressed from two different perspectives. The first lies on the assumption that the Brexit affair has unveiled the paradox according to which the quest for parliamentary sovereignty to be restored by reclaiming it from Brussels has in effect resulted in the imposition of the sovereignty of the people. This, in turn, paves the way for the need of codified rules that does rest on popular sovereignty, but also protects the rights of all in order to prevent the sovereignty of the people to become a dictatorship of the majority. The second standpoint from which popular sovereignty is treated stems from the claim that « Parliamentary sovereignty must be replaced by Popular Sovereignty, in the form of a written constitution »

[21] Bogdanor, 2018, p.7

(Barker, 2017). Parliament's legally unlimited power is presented as a threat to democratic accountability, for in its current shape, with power of the Lords sensibly weakened, the absence of a constitutional court and the dominance of the executive, Members of Parliament are more likely to respond to the will of the executive, rather than the people, in a fashion that has already been labelled as 'elective dictatorship' (see above).

The need to put a constitutional brake on the governing power – be it the executive or the legislative – is a third point of concern when discussing on the potential benefits of a constitutional codification for Britain. Indeed, Peter Leyland (2016), in his ante-Brexit referendum work on the British constitution, deals extensively with the « shortcomings in constitutional accountability mechanisms » (p.302). The author lists three potential reasons for this, such as i) the electoral system and the failure to reform it in a more proportional fashion; ii) the split of the House of Commons into governing and opposition parties, which does not encourage an exchange of opinions among a wider range of actors; and iii) the failure to provide the House of Lords with more legitimacy and territorial representation. Linda Colley (2021), instead, points to the changes in the nature of the British executive which since Margaret Thatcher has become 'more presidential in style and behaviour'. This, coupled with absence of enforceable norms, give the executive massive freedom of manoeuvre, and leaves Parliament with scarce limiting power. To Walter Bagehot, writing in the 1860s, the Cabinet could efficiently regulate the British system even without a parliamentary check (Colley, 2021). Indeed, when parliamentary sovereignty is the core principle of the constitution, and no authority is above Parliament, one of the bonding elements that keep the structure together is 'confidence' (Hennessy, 1996, p.41) on the ability of politicians to self-restrain and behave (Blick and Hennessy, 2019). The label used by Andrew Blick and Peter Hennessy (2019) to describe this system is 'chapocracy':

> « We have long assumed that those who rise to high office will be 'good chaps', knowing what the unwritten rules are and wanting to adhere to them, even if doing so might frustrate the attainment of their policy objectives, party political goals, or personal ambitions – the argument being that 'good chaps' (of different sexes) know where the undrawn lines lie and come nowhere near to crossing them: hence 'the good chap theory of government.' » (Blick and Hennessy, 2019, pp.5-6)

And yet, to the authors, 'chapocracy' has failed, perhaps due to the changed circumstances – among which Brexit has played the most destabilizing role – which have made it harder for politicians to establish the most appropriate way to behave. Whatever the reason why 'chaps' are not that 'good' nowadays, the consequence is that key constitutional principles are called

into question. « It may be a source of regret for some, but certain elements of the venerable perhaps romantic ‘good chap’ state of mind need now to be codified in cold hard prose. » (Blick and Hennessy, 2019, p.32).

Devolution is a further point of debate when supporting the necessity of a constitutional codification. Being a multinational – and not explicitly federal – state, the relationship between the four parts of the United Kingdom is asymmetrical in nature (Bogdanor, 2019). Bruce Ackerman (2018) refers to this state of affair as ‘asymmetric federalism’, which is both spatial, meaning that less populated parts such as Northern Ireland, Wales and Scotland are granted home rule, while the much more inhabited England is not, and qualitative, for the degree of home rule which the three devolved parts enjoy is significantly different. The precarious equipoise on which the system has hitherto been based, which potentially allows the sovereign Parliament to malleate the terms of federation rather undisturbed, paves the way for a danger of ‘mutual alienation’ (Ackerman, 2018). Transforming Britain into a full federal state, with rights and duties strongly entrenched in constitutional arrangements, might, according to Ackerman (2018), mitigate increasing pushes for autonomy or independence from the side of the devolved units.

Without expressly endorsing the need for a fundamental constitutional change – and yet acknowledging the popularity of the argument among politicians and commentators – Michael Kenny and colleagues (2021) formulate a series of likely insufficient but nevertheless necessary practical steps which could be adopted to « improve the ways in which it [the centre] approaches and institutionalises its relationships with other governments within the UK » (p.37). First of all, the underpinning rationale of such reform must start with the shift from the idea of ‘self-rule’ by the devolved executives to one of ‘shared-rule’ by the four units of the United Kingdom, especially in light of the issue of the post-Brexit repatriated competences. Stemming from this, « A new culture of consultation and engagement – and an ethos of inter-governmental partnership – needs to percolate right across central government » (Kenny et al, 2021, p.38). Furthermore, the authors highlight the need for a « functioning and legitimate machinery to bring the UK’s governments together on a regular basis. » (Ibid, p.39), for the Joint Ministerial Committee introduced with devolution has proved insufficient to address the recent constitutional challenges. Finally, Kenny and colleagues (2021) claim that the political culture should be instilled with a greater knowledge on the legal and historical framework of the post-devolution British state, « enabling civil servants working in each government to spend time on learning about how the other governments work » (p.40).

Peter Leyland (2016), too, admits that many advocate for a codification of the British constitution to address the constitutional flaws presented above. Advantages would be, to reiterate, greater clarity in the rules that govern the society, a deeper separation of powers, and a home-made bill of rights that would go far beyond the Human Rights Act 1998. And yet, it would also entail the risk of shifting the power from democratically elected branches of government to the judiciary (Barber, 2008; Leyland, 2016). According to some, it is not upon the judges to decide how constitutional rights are to be interpreted. Rather, it should be either the « special expertise of the government » or « a structure that delivers appropriate forms of accountability to wider citizenry », according to Albie Sachs and Professor Adam Tomkins, respectively (Leyland, 2016, p.304). Moreover, judges are not always deemed capable of taking decisions of a political nature. In a formulation of his ideas that resembles much other quotations cited in this thesis, Lord Bingham said that « The British people have not repelled the extraneous power of the papacy in spiritual matters and the pretensions of the royal power in temporal [matters] in order to subject themselves to the unchallenged rulings of unelected judges » (quoted in Leyland, 2016, p.306).

A further difficulty entailed in the concept of an entrenched constitution is that it would be hard to amend. This, as illustrated above, would have made the Brexit process extremely difficult for the UK to implement. Moreover, codification is not essential since statute laws already provide many details about the UK's constitutional order, and many provisions which remain uncodified have been incorporated into other texts such as the Cabinet Manual and the House of Commons Standing Orders (Barber, 2008; Helen et al, 2015). In a nutshell, much of Britain's constitution is already written down somewhere (Lay, 2020). Other parts still uncodified, such as the relationship between the legislature and the executive, are regulated by well-established conventions, thus further codification will not impact significantly day-to-day politics (Helen et al, 2015). Even more, in stark opposition with the positions of authors such as Vernon Bogdanor (2019) and Andrew Blick (2019), Professor Adam Tomkins claims that Brexit, far from proving that the UK needs a codification of superior norms, has shown that the British constitution is 'working well' (Douglas-Scott and Tomkins, 2019). The reasons he put forward are the following. First, a strong constitution is one that spreads power over different authorities – and Brexit has proved that the UK constitution does precisely so, by involving in the process Parliament, the executive, and the judiciary. On the contrary, a written constitution would concentrate power upon the courts. Hence, a codified constitution for the UK would undermine the balance of power, to put in a leading position unelected judges. Second, the current British constitution does not need codification of the division of

powers or protection of human rights, because the former is already 'very clear' and there is no need for a constitution to clarify; and the latter is already enshrined i) in legislation, and ii) by common law. Third, entrenchment and codification mean 'freezing' « that balance according to the prejudices of a particular moment, whereas the unwritten British constitution continues to adapt to the changing needs of the nation. »[22], in accordance with its evolutionary nature (see above). In conclusion, Brexit did shed a light on 'unresolved tensions' within the UK constitution (the most palpable one being the constitutional status of the referendum tool), but these shall be resolved with legislation, not with constitutional codification.

Given the above-mentioned obstacles and the lack of consensus about a codification of the British constitution, writing just before the 2016 EU referendum, Peter Leyland (2016) concluded that « constitutional codification might be imposed by a cataclysmic event such as the break up of the United Kingdom » (p.307). Perhaps he could not foresee that Brexit was going to be such a turbulence. Or perhaps he will be proved right, and Brexit will not be the constitutional moment Britain was waiting for to start the codification process. But it might also be that Brexit will be the indirect cause for the 'cataclysmic event' Leyland had hypothesised – that is, the splitting up of the United Kingdom. By looking at the history of devolution, one could go so far as to predict how such event will unfold. The rise of the Scottish and the Welsh nationalist parties in the 1960s and 1970s forced the government in London to adopt a devolution strategy, which was then rejected by the voters in referenda held in Scotland and Wales[23]. After that, the 18 years of conservative governments put the devolution question aside, which in turn fostered the pressure for change (Leyland, 2016). When in 1997 the Labour went back to power, devolution legislation was implemented the following year. From then on, modifications on the devolution settlement have occurred in an ad hoc manner, in response to contingent political challenges but without a clear constitutional overall design and mainly to contain nationalist forces (Bogdanor, 2019). In the months and weeks before the 2014 Scottish referendum for independence, the Prime Minister David Cameron committed to conceding more powers to the devolved authorities in case of rejection of secession. And this is how they got to the 2016 Scotland Act. Thus, one could predict that in case the Scottish government manages to obtain another referendum on independence, the government of London will do whatever in its power to avoid a 'Scoxit'. And this might entail a promise of a more nuanced federal system, engraved in a codified and entrenched document.

[22] Douglas-Scott and Tomkins, 2019.
[23] Devolution was favoured by a slight majority of Scottish voters, but the final result did not meet the threshold imposed of 40% of the electorate being in favour (see above).

Conclusion

We can now give a comprehensive answer to the research question which guided this thesis: "How can British history explain the outcome of the Brexit 2016 referendum?". The elements analysed in the previous pages tell us that British history does play an important role in shaping how the British people perceive their country, and in turn how this perception inform the understanding of the relationship with Europe. The first element to start with is the largely evidenced Euroscepticism which is observed in the United Kingdom more than in any other European country. I argue that the reasons for such widespread distrust towards the European dimension lie in the unique historical traits that make the European Union a constant term of comparison for the people of the UK. Bound by a collective identity which is deeply rooted in Britain's former *grandeur*, the British people perceive the relationship with Europe as one of subordination rather than cooperation (Beaumont, 2017). This is because, according to a reasoning built on the assumptions of the Social Identity Theory (SIT) and the Temporal Comparison Theory (TCT), in the process of individual and social identity building, Britons tend to compare Britain's former self with its current position within the EU.

The introduction of the temporal dimension of the TCT lies at the heart of the answer to my research question. Saying that history played a role in determining the outcome of the Brexit referendum is not enough, for one should also be able to say *why* it was so. The conflict that arises from the outcome of such comparison, which inevitably results in the UK being worse off now vis-à-vis the times of imperial greatness, has fuelled the distrust towards the European project. This also explains why many authors quoted in this thesis write of an "imperial nostalgia" (Lagrou, 2009), of a "postcolonial melancholia" (Ashe, 2016), and of a struggle for 'taking back control' (Beaumont, 2017).

If the imperial past is still engraved in the collective unconscious of the British people, this is even more true for the Second World War. The UK emerged from the ruins of the war as the saviour of Europe, the 'island nation' that not only defeated Hitler and Nazism, but was arguably the only country which suffered neither dictatorship nor foreign invasion. On the one hand, this boosted British nationalism even more. On the other, the 'cultural trauma' determined by the fear of invasion has survived the decades until now, which partly explains the effectiveness of anti-immigration arguments so largely deployed in the Brexit referendum campaign.

Speaking of the past surviving in the present, the imperial nostalgia, too, found its expression in contemporary terms. The allegations that the Commonwealth, the former territories of the empire, or even a new CANZUK (the union of Canada, Australia, New Zealand and the UK) would be a better alternative to the European partnership is largely present in the debate around Europe and Brexit. One of the most prominent figures of the Brexit campaign, the leader of UKIP Nigel Farage, openly advocated for such a shift of alliances.

In the thesis I also address the question of how such historical references remained vivid in the minds of the British people throughout the centuries. Here, the press and the public debate play a pivotal role. Indeed, many scholars detect a tendency towards a "misinterpretation of British imperial history" (Drea, 2019) and the use of "history with a purpose" (Daddow et al, 2019). The images of former greatness have stood the test of time because they became an integral part of the common cultural imaginary. And they did so in a way which emphasised the martial glory of the British people, especially during WWII, which inevitably bore the consequences of stressing the differences – if not the superiority – vis-à-vis the other European states which were now at an equal footing in the context of the European Union. The imperial past is vivid in the cultural imaginary of the British through national liturgies which keep reminding the population about the lost *grandeur*, such as the Commonwealth Day which is the natural evolution of the former Empire Day.

Overall, taking inspiration from the Discourse-Historical Analyses by Daddow (2015), Wodak (2018), and Maccaferri (2019), we can conclude that the main narrative informing British Euroscepticism is constructed around the idea of 'British exceptionalism' which has roots in the unique history of the United Kingdom.

There is another concrete and special example of how British history influenced the Brexit affair, and that is how the British constitutional framework eased the path towards divorce. Being a product of history, the study of the role of the British constitution in the Brexit affair provided an extremely interesting insight of a) how the UK system adapted to the European framework, b) how the peculiarities of UK constitution allowed for Brexit to happen, and c) how Brexit might affect the British system. As for the first element, the entry into the European Union brought relevant changes in how the UK deals with popular sovereignty and the role of the courts. The second - namely, how the British constitution made Brexit possible, is even more interesting. According to Andrew Blick (2019), some peculiarities of the UK constitutional framework such as the electoral system and the fact that Britain has no codified and entrenched superior norms, is among the reasons why Brexit is a unique episode that has not been replicated in other countries so far. The third point address specifically the issue of the

"constitutional consequences" of Brexit. Indeed, as many authors cited in this thesis argue, Brexit could be the constitutional moment Britain has not yet experienced. The main argument in favour of this claim is that Brexit means that for the first time in modern history a country will move from a protected to an unprotected constitutional framework (Bogdanor, 2018). This, either directly or indirectly, might finally push the United Kingdom towards a full codification of its constitution. I say indirectly because in light of the challenges Brexit posed on the territorial constitution of the UK, the strains put on the weak devolution arrangements might eventually call for a definitive codification of the norms and rules which govern the relationship between the centre and the devolved legislatures of the United Kingdom.

If Brexit in itself will not be a 'constitutional dynamite' (Barnett, 2016b), the pressures that are already identifiable in Scotland and Northern Ireland might threaten the unity of Britain to the extent that the only viable solution would be engraving the territorial constitution in a single written and entrenched document.

This thesis aims at assessing that Brexit has deeper roots than one would be tempted to think. At the same time, if Brexit goes back centuries in the past, its consequences are likely to percolate long in the future. Further research might investigate the long-term effects of the Euro-British divorce, not only for the UK but even for the EU itself. Martinico and Simoncini (2020; 2021) already made a first step in this latter direction by assessing the impact of Brexit on the European legal order.

Riassunto

Il 23 giugno 2016 il Regno Unito ha votato per lasciare l'Unione europea in un referendum destinato a lasciare una traccia indelebile nella storia del paese e dell'UE. In quasi tutte le regioni, la maggioranza dei votanti si è espressa a favore dell'uscita: solo a Londra (59,9%), in Scozia (62%) e in Irlanda del Nord (55,8%) ha prevalso l'alternativa *Remain*. Nel complesso, il 51,9% della popolazione ha votato per lasciare il blocco comunitario, con un'affluenza del 72,2%. Il risultato del referendum sull'Unione europea ha segnato l'inizio del cosiddetto "psicodramma Brexit", che è culminato nel divorzio ufficiale tra il Regno Unito e l'UE il 31 gennaio 2020. Successivamente, è iniziato un periodo di transizione per permettere alle due parti di concordare un nuovo accordo di commercio e cooperazione entrato ufficialmente in vigore il 31 dicembre 2020.

Secondo diversi osservatori, il 2016 è stato l'anno che ha sancito il successo del populismo in Occidente. Non solo il referendum sulla Brexit, ma anche l'elezione di Donald Trump come 45° presidente degli Stati Uniti, sono stati visti come sottoprodotti degli sforzi dei partiti populisti per minare l'ordine liberale, favorendo i sentimenti anti-establishment e incanalandoli contro un nemico comune: "Loro". Nel caso del referendum sulla Brexit, l'Unione europea era "Loro". Ci sono due spiegazioni principali per il sostegno di massa al populismo, che ha raggiunto il suo picco nel 2016. La prima è la tesi dell'insicurezza economica, che si concentra sulle profonde conseguenze della globalizzazione che ha cambiato le società post-industriali, lasciando importanti fette della popolazione escluse dal processo di crescita; la seconda è la teoria del backlash culturale, secondo la quale il sostegno ai partiti antisistema è una reazione contro il progressivo cambiamento culturale (Inglehart e Norris, 2016).

Per quanto riguarda la decisione del Regno Unito di lasciare l'UE, lo scopo di questa tesi è sostenere che esiste una terza possibile spiegazione che risiede nella storia del paese. Potremmo forse etichettarla come "la teoria dell'eredità storica". Ripercorrendo i passi che hanno portato gli inglesi nelle Comunità europee, e la travagliata esperienza del Paese durante i 47 anni di appartenenza, cercherò di dare un senso al risultato del referendum sulla Brexit sostenendo che non si tratti né di un errore storico, né semplicemente del frutto della propaganda populista degli ultimi anni. Al contrario, la decisione di uscire dall'Unione europea si può leggere sulla scia di una certa coerenza storica da parte del Regno Unito, che è passato dall'essere il più grande e influente impero del mondo all'alba del XX secolo (Hobsbawm, 1994), a essere in qualche modo costretto a rinunciare alla propria sovranità per unirsi al processo di integrazione europea negli anni Settanta, per poi essere un "partner scomodo" fino a quando ha infine deciso di

lasciare l'UE (Ludlow, 2019; Baár e van Trigt, 2019). L'obiettivo della mia ricerca è dunque rispondere alla seguente domanda: "Come può la storia del Regno Unito spiegare l'esito del referendum sulla Brexit?".

L'ipotesi è che il mito dell'eccezionalismo britannico (Mölder, 2018) è la ragione principale dietro la scelta del Paese di lasciare l'Unione europea. Nella tesi cerco quindi di indagare le radici di questo sentimento e capire come esso abbia influenzato l'esito del referendum del 2016. Tuttavia, non è mia intenzione suggerire che la Brexit fosse inevitabile. Sostengo infatti che il tempismo è stato fondamentale nel determinare l'esito del referendum, insieme a una serie di errori politici commessi dai principali attori in gioco, tra cui la scelta di mettere gli interessi dei partiti al primo posto.

Inserire la Brexit in un contesto storico più ampio implica un vantaggio rispetto a quelle teorie che privilegiano l'influenza del populismo. Concentrandosi su quest'ultimo, infatti, si corre il rischio di suggerire che il fenomeno possa replicarsi in altre nazioni, che hanno assistito all'emergere di partiti populisti in egual misura, e talvolta maggiore, rispetto al Regno Unito. Invece, studiando il percorso storico unico e le sue caratteristiche istituzionali distintive del Paese britannico, è più facile a) capire perché nessun altro Paese ha finora avviato il processo di lasciare l'Unione europea, e b) suggerire che l'UE non è necessariamente destinata a fallire, poiché secondo questo ragionamento la Brexit sarebbe un caso isolato. "È questo l'inizio della fine dell'Unione europea? ", ha chiesto Katya Adler della BBC al presidente della Commissione europea, Jean-Claude Juncker, nel 2016. "No", è l'unica risposta che ha ottenuto.

Pur collocando la Brexit in prospettiva storica, alcuni autori si sono focalizzati sui 47 anni di appartenenza britannica all'Unione. Benché sia ricco di esempi dello scarso interesse da parte del Regno Unito verso una maggiore integrazione europea, questo periodo limitato non fornisce una comprensione completa del *perché* i britannici si sono dimostrati un partner così riluttante. Per questo, la mia tesi mira a investigare le origini più profonde dell'euroscetticismo tipico degli inglesi. È proprio il senso di unicità ed eccezionalismo, che affonda le sue radici nella storia del Regno Unito, ad aver compromesso fin dall'inizio una collaborazione costruttiva tra il Regno Unito e il continente.

Nel primo capitolo della mia tesi fornisco gli strumenti per comprendere appieno cosa sia stato il referendum sulla Brexit, quali siano stati gli argomenti per il *Leave* e il *Remain*, e quali avvenimenti politici abbiano portato alla consultazione popolare. Già nel corso di questa prima sezione, che fornisce la cornice per capire appieno quanto sarà approfondito in seguito, introduco alcuni elementi che saranno sviluppati successivamente, come l'attaccamento di

alcuni dei principali politici protagonisti della campagna referendaria all'idea un passato britannico glorioso, intaccato dalla partecipazione all'integrazione europea, e a cui bisogna ambire a ritornare (non a caso, lo slogan simbolo dei *Brexiteers* è "riprendere il controllo", a suggerire che si può e si deve ritornare a un momento in cui il Paese era realmente sovrano). Il secondo capitolo va più nel dettaglio per spiegare il punto principale della mia tesi, cioè che per dare un senso alla Brexit bisogna guardare alla storia del Regno Unito. Mi concentro su due aspetti principali: l'età dell'impero britannico e l'esperienza della Seconda guerra mondiale. Invece di fare uno sterile resoconto storico di quanto accaduto, la tesi si focalizza su come questi due episodi, che rendono la storia Regno Unito intrinsecamente diversa da quella delle altre nazioni europee, siano sopravvissuti nell'immaginario culturale del popolo britannico. L'idea di eccezionalismo britannico permea la narrazione mediatica e il dibattito politico, e ha contribuito a presentare il Regno Unito come radicalmente diverso dagli stati continentali. I britannici sono l'unico popolo europeo a poter affermare di aver vinto la Seconda guerra mondiale senza conoscere la dittatura o l'invasione da parte di un paese straniero; inoltre, nessun'altra nazione in Europa può rivendicare la stessa grandezza dell'ex impero britannico. Infine, il crollo dell'impero contemporaneo ai primi passi dell'integrazione europea, e la crisi economica che colpì il Regno Unito subito dopo il suo ingresso nelle Comunità europee nel 1973, contribuirono ad alimentare un senso di diffidenza nei confronti del progetto europeo.

Nel terzo e ultimo capitolo analizzo un prodotto specifico della storia britannica che ancora una volta ha messo il Regno Unito in una posizione molto diversa rispetto agli altri paesi europei: la costituzione cosiddetta "non scritta". Il discorso sulla costituzione segue due linee di ragionamento, parallele e complementari. La prima mira a spiegare come il sistema costituzionale del Regno Unito abbia facilitato la Brexit; la seconda si concentra sulle conseguenze dell'uscita dall'UE sulla costituzione inglese. Un simile ragionamento, inoltre, non può evitare di rendere conto degli effetti della *Brentry* sull'apparato costituzionale del Regno Unito, per poi sostenere che la rimozione della rete europea ha lasciato il sistema britannico "senza protezione" (Bogdanor, 2018; Bogdanor, 2019). Per colmare questa lacuna, alcuni autori sostengono che la Brexit si rivelerà essere il "momento costituzionale" che il Regno Unito non ha mai vissuto, e che fornisce l'impulso definitivo a una codificazione definitiva delle leggi costituzionali. L'espressione "conseguenze costituzionali" presente nel titolo di questa tesi si riferisce proprio alle argomentazioni a favore della Brexit - o degli sviluppi correlati - come il punto di svolta costituzionale che la Gran Bretagna non ha mai avuto.

Come, dunque, può la storia britannica spiegare l'esito del referendum del 2016 sulla Brexit? Gli elementi analizzati nelle pagine della mia tesi forniscono prove a sufficienza che la storia del Regno Unito continua a influenzare il modo in cui gli inglesi percepiscono il proprio Paese, e a sua volta questa percezione influisce sulla comprensione del rapporto con l'Europa.

Il primo elemento da cui partire è l'euroscetticismo ampiamente documentato, che si osserva nel Regno Unito più che in qualsiasi altro Paese europeo. Nella tesi sostengo che le ragioni di una sfiducia così diffusa verso la dimensione europea risiedono nei tratti storici unici che rendono l'UE un termine di paragone costante per il popolo del Regno Unito. Legati da un'identità collettiva profondamente radicata nell'antica grandezza della Gran Bretagna, i britannici percepiscono il rapporto con l'Europa come un rapporto di subordinazione piuttosto che di cooperazione (Beaumont, 2017). Questo perché, secondo un ragionamento costruito sui presupposti della *Social Identity Theory* (SIT) e della *Temporal Comparison Theory* (TCT), nel processo di costruzione dell'identità individuale e sociale, i britannici tendono a confrontare la posizione del Regno Unito nel passato con quella attuale all'interno dell'UE.

L'introduzione della dimensione temporale della TCT è al centro della risposta alla domanda che guida questa tesi. Dire che la storia ha giocato un ruolo nel determinare l'esito del referendum sulla Brexit non è sufficiente, poiché l'obiettivo finale è capirne il *perché*. La *Social Identity Theory* spiega come le identità individuale e collettiva si costruiscono attraverso un processo di confronto con l'"altro" (SIT). Se questo confronto risulta in una auto-percezione di inferiorità, colui che si percepisce come inferiore agirà con l'obiettivo di sovvertire l'ordine delle cose. Il referendum sulla Brexit può essere letto in tal senso. Tuttavia, nel caso di un confronto tra Regno Unito e Unione europea, non è chiaro perché i britannici dovrebbero percepirsi in una posizione svantaggiata. La *Temporal Comparison Theory* arricchisce la SIT assumendo che il confronto motore della costruzione dell'identità non è solo tra due elementi distinti, ma anche tra due versioni dello stesso elemento lontane nel tempo. Perciò, il paragone non è necessariamente tra l'Europa e il Regno Unito di oggi, ma tra l'UE e una versione passata del Regno Unito, quando ancora era una potenza imperiale mondiale e sconfiggeva i nazisti nel continente. Questo spiega anche perché molti autori citati in questa tesi scrivono di una "nostalgia imperiale" (Lagrou, 2009), di una "malinconia postcoloniale" (Ashe, 2016), e di una lotta per "riprendere il controllo" (Beaumont, 2017).

Il Regno Unito è emerso dalle rovine della Seconda guerra mondiale come il salvatore d'Europa, la nazione che non solo ha sconfitto Hitler e il nazismo, ma che è stata anche l'unica che non ha subito né dittatura né invasione straniera. Da un lato, questo ha rafforzato ancora di più il nazionalismo britannico, che a differenza degli altri nazionalismi non doveva fare i conti

con l'onta di una deriva autoritaria. Dall'altro, però, il "trauma culturale" (Stratton, 2019) determinato dalla paura dell'invasione tedesca è sopravvissuto nei decenni fino ad oggi, il che spiega in parte l'efficacia degli argomenti anti-immigrazione così largamente impiegati nella campagna referendaria della Brexit.

Anche la nostalgia imperiale ha trovato la sua espressione in termini contemporanei. Le affermazioni che il Commonwealth, gli ex territori dell'impero, o anche un nuovo CANZUK (l'unione di Canada, Australia, Nuova Zelanda e Regno Unito) sarebbero un'alternativa migliore al partenariato europeo è ampiamente presente nel dibattito sull'Europa e sulla Brexit. Una delle figure più importanti della campagna per la Brexit, il leader dell'UKIP Nigel Farage, ha apertamente sostenuto un tale cambiamento di alleanze.

Nella tesi affronto anche la questione di come tali riferimenti storici siano rimasti vividi nella mente del popolo britannico nel corso dei secoli. In questo senso, la stampa e il dibattito pubblico giocano un ruolo fondamentale. Molti studiosi rilevano una tendenza verso una "errata interpretazione della storia imperiale britannica" (Drea, 2019) e l'uso della "storia con uno scopo" (Daddow et al, 2019). Le immagini della passata grandezza del Regno Unito hanno resistito alla prova del tempo perché sono diventate parte integrante dell'immaginario culturale comune. E lo hanno fatto in un modo che enfatizzava la gloria marziale del popolo britannico, soprattutto durante la Seconda guerra mondiale. Questa narrazione che porta inevitabilmente a sottolineare le differenze - se non la superiorità - nei confronti degli altri stati europei ormai alla pari nel contesto dell'Unione Europea. Il passato imperiale rimane vivido nell'immaginario culturale dei britannici attraverso liturgie nazionali che continuano a ricordare alla popolazione la grandezza perduta, come il *Commonwealth Day* che è la naturale evoluzione del precedente *Empire Day*.

Nel complesso, prendendo spunto dalle analisi storico-discorsive di Daddow (2015), Wodak (2018) e Maccaferri (2019), possiamo concludere che la principale narrazione che informa l'euroscetticismo britannico è costruita intorno all'idea di "eccezionalismo britannico" che ha radici nella storia unica del Regno Unito.

C'è un altro esempio concreto di come la storia britannica abbia influenzato la vicenda della Brexit. Si tratta di come la costituzione inglese abbia facilitato il percorso verso il divorzio con l'UE. Essendo un prodotto della storia, lo studio della costituzione nell'affare Brexit ha fornito una visione estremamente interessante di a) come il sistema britannico si è adattato al quadro europeo, b) come le peculiarità della costituzione britannica hanno facilitato lo svolgimento della Brexit, e c) come la Brexit potrebbe a sua volta influenzare il sistema costituzionale

britannico. Per quanto riguarda il primo elemento, l'entrata nell'Unione Europea ha portato cambiamenti rilevanti nel modo in cui il Regno Unito percepisce concetti come la sovranità popolare e del ruolo del sistema giudiziario. Il secondo - cioè come la costituzione britannica abbia reso possibile la Brexit, è ancora più interessante. Secondo Andrew Blick (2019), alcune peculiarità del quadro costituzionale britannico, come il sistema elettorale e il fatto che la Gran Bretagna non abbia norme superiori codificate e radicate, è tra le ragioni per cui la Brexit è un episodio unico che finora non è stato replicato in altri paesi. Il terzo punto affronta specificamente la questione delle "conseguenze costituzionali" della Brexit. Infatti, come sostengono molti autori citati in questa tesi, la Brexit potrebbe essere il momento costituzionale che i britannici non hanno mai vissuto. Il principale argomento a favore di questa affermazione è che la Brexit per la prima volta nella storia moderna porta un paese da un quadro costituzionale protetto a uno non protetto (Bogdanor, 2018). Questo, direttamente o indirettamente, la Brexit potrebbe spingere il Regno Unito verso una piena codificazione della sua costituzione. Dico indirettamente perché, alla luce delle sfide poste dalla Brexit alla costituzione territoriale del Regno Unito, le tensioni poste sui deboli accordi di *devolution* potrebbero alla fine richiedere una codificazione definitiva delle norme e delle regole che governano il rapporto tra il centro e le legislature devolute del Regno Unito.

Se la Brexit di per sé non sarà una "dinamite costituzionale" (Barnett, 2016b), le pressioni già identificabili in Scozia e Irlanda del Nord potrebbero minacciare l'unità del Regno Unito al punto che l'unica soluzione praticabile sarebbe incidere la costituzione territoriale in un unico documento scritto e radicato.

Questa tesi sostiene che la Brexit ha radici più profonde di quanto si sarebbe tentati di pensare. Allo stesso tempo, se la Brexit è l'evoluzione di un processo cominciato secoli fa, è probabile che le sue conseguenze percolino a lungo nel futuro. Ulteriori ricerche potrebbero indagare gli effetti a lungo termine del divorzio euro-britannico, non solo per il Regno Unito, ma anche per la stessa UE. Martinico e Simoncini (2020; 2021) hanno già compiuto un primo passo in quest'ultima direzione, valutando l'impatto della Brexit sull'ordine giuridico europeo.

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