1. Introduction to the European Union and Brexit

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Much of the already vast literature on Brexit focuses on the UK, and on a rather unitary conception of it. But Brexit is also hugely important for the European Union; for single countries within and beyond Europe; and, indeed, for the international system. Even within the UK, Brexit means different things to different social groups; to different generations; to the different tribes (Nicolaïdis 2019) of leave and remain created by the 2016 referendum, and to the different territories and peoples of England, Scotland, Wales and Northern Ireland. Brexit even means different things to those who wanted it, especially to those who wanted it.

Nor is that necessarily a criticism or even much of a surprise. It is perhaps of the nature of pluralist democratic politics in complex societies that winning coalitions – such as those which won the 2016 referendum and the 2019 election which most recently endorsed a specific approach to Brexit – are heterogeneous agglomerations of those who want the same thing for different and even contradictory reasons.

Some things in the Brexit story are, in any case, clear enough. In January 2013 David Cameron committed the Conservative Party to an in-out referendum on the UK’s continued membership of the European Union. The Conservatives unexpectedly won an overall majority in the 2015 election (albeit with only 36.9 per cent of the vote). On 23 June 2016 voters were asked to vote on the following question: Should the United Kingdom remain a member of the European Union or leave the European Union? On a turnout of 72.2 per cent the UK public voted 51.9 per cent to leave and 48.1 to remain. On 27 March 2017 the UK used Article 50 of the Treaty on European Union to notify its intention to leave.

After some extensions of a procedure that was meant to be completed within two years the UK left the Union on 31 January 2020 after 47 years of membership that had often been troubled and turbulent but which had also done much to shape the contemporary Union. However, the Union insisted that the withdrawal agreement (WA) should only cover the bare essentials of the UK’s exit: citizens’ rights, financial liabilities and the Northern Ireland border. Anything further in the UK’s future relationship would need to be negotiated later, once the UK was a non-member. On 31 December 2020, the UK agreed a Trade and Cooperation (TCA) with the EU. This consists of a free trade area in goods and a wider association agreement that creates a framework for multiple further forms of cooperation, as well as a shared governance structure with a partnership council and a mechanism for resolving disputes. The TCA – or other relationships – could turn out to be sparse or ambitious depending on the EU and future British Governments.

Throughout, Brexit has been handled by Conservative Governments, just as, incidentally, it was a Conservative Government that took the UK into the EU (1973) and a Conservative Government that first applied to join (1961). But the three Conservative Governments since 2015 have been quite different from one another. The briefly re-elected Cameron Government (2015–16) hoped to remain in the EU but exorcise divisions on Europe from the Conservative Party. The May Government (2016–19) sought doggedly to implement an instruction from the voters to leave the EU. But it had no clear majority for any one approach to Brexit, especially
in the 2017–19 Parliament. Its own proposals were voted down by majorities of 230, 149 and 58. Yet indicative votes failed to get a parliamentary majority for any other solution. In contrast, the Johnson Government (2019) was elected with a clear majority to ‘get Brexit done’. Even more so than the May Government, the Johnson Government claimed that Brexit is not a simple matter of subtracting the UK from the EU. Rather, it is also a means of transforming the UK’s economy, society and international relations.

May was much derided for proclaiming that ‘Brexit means Brexit’ when determining the meaning of Brexit was precisely the problem. The referendum had only decided that the UK should leave the EU. It had not decided how the UK should leave. The referendum decided a great deal and very little. It constrained the form of any Brexit whilst leaving unanswered many questions needed to specify Brexit. Throughout, a hard Brexit was contrasted to a softer Brexit. Since a soft Brexit was defined as remaining in some form of single market or customs union with the EU, a hard Brexit assumed that the UK should go no further than a free trade area with the EU. The point needs labouring – since it is so often forgotten – that a free trade area is quite different to a single market. The first only involves the removal of ‘at-border’ restrictions to trade such as tariffs. Only a single market attempts to remove the multiple ‘behind border’ restrictions that form the main obstacles to trade in modern service economies: different regulations, uncompetitive public procurement, aids and tax breaks to favoured producers or providers and so on. Tackling those ‘behind border’ restrictions means that a single market is a large undertaking in shared law-making. Hence, what really made different versions of Brexit hard and soft was not just that they involved quite different trading relationships. They also had contrasting implications for how law would be made and power exercised after Brexit.

If, though, they were largely agreed in wanting to avoid shared law-making with the EU, hard Brexeters differed in how and how far they wanted to use Brexit to transform the UK internally and externally. Here we need to be careful. To suggest that domestic and international transformation was the preserve of hard Brexeters is to assume what many remainers most bitterly contest; namely, that domestic and international change was not possible as long as the UK remained within the EU. Conceivably many changes that are now used to justify a hard Brexit – a fairer society and more global forms of cooperation and competition – could have been even more feasible as a member, let alone as part of a soft Brexit. But that does not alter the point that different ideas of Brexit have contrasting implications for what kind of a state, political system, legal order, international actor, economy and society the UK is likely to be outside the EU. So, choosing one version of Brexit over another – let alone choosing leaving over remaining – is a huge exercise in political power. Even if taken by democratic majorities, decisions about the nature of Brexit involve fundamental choices that many would rather have been decided otherwise. Later, we will briefly discuss how far the British political system has the means of resolving disagreements inherent to Brexit.

A further unknown was that much in Brexit depended on the EU and not just the UK. Even if exiting the EU involves less than breaking or seceding from a state, the UK is, none the less, exiting a distinctive political and legal order to which its own constitution, law and economy had adapted over 47 years. Even the procedure for UK withdrawal was defined and constrained by EU Treaties (Hillion 2015). Just one condition the EU required for a withdrawal agreement has shaped alternative versions of Brexit: namely, that Brexit should not disrupt the peace process in Northern Ireland or create a physical border between Northern Ireland and the Republic of Ireland. Their contrasting solutions to that problem was one reason why
the Brexits agreed by the May and Johnson Governments were so different. The EU has also constrained Brexit more generally. To an extent that is not always well understood in the UK, the EU is also constrained in the kind of relationships it can offer non-members. We will come back to that.

A final unknown is that the full meaning of Brexit will remain unclear until the UK settles the question of exit to what: until it fully decides what other relationships, if any, will replace its membership of the EU. Of course that could include relationships with the EU itself. But alternative relationships will also depend on many other states and international bodies with goals, beliefs and constraints of their own. Obvious examples are suggestions that the UK should seek ambitious trade agreements with the US or China or join multilateral frameworks such as the US-Mexico-Canada trade agreement (USMCA) or Trans Pacific Partnership (TPP). In so far as any one version of Brexit depends on such relationships for its own domestic or international ambitions, Brexit is not fully owned or controlled by the UK.

RIPPLE OR RUPTURE?

As the foregoing suggests, only a multi-perspectival approach can identify the many different meanings, implications, problems and solutions to Brexit within and beyond the UK. This Handbook responds to that challenge. Its first part begins with an overview of the literature with regard to the causes of Brexit, proceeds with chapters on voters, parties and the territorial parts of the UK, and ends with one chapter on the role of economic ideas in the Brexit story and one chapter on the political economy of Brexit. Its second part turns to the role in Brexit of different EU institutions, the European Council, the European Commission, the European Parliament, EU agencies and the Committee of the Regions (COR). The third part considers implications of Brexit for different countries within the EU, including Ireland as the most directly affected EU member as well as some of the most powerful member states (France, Germany and Poland), and ends with a chapter on regions as clusters of member states. The fourth part considers some countries that have long demonstrated the problems and possibilities of being a European democracy without being a member of the EU (Liechtenstein, Norway and Switzerland). The fifth part focuses on some non-European countries that have also been identified as models for how the UK might relate to the EU from the outside (Canada and Australia), and some of the world’s most powerful states, the US and China. A sixth and final part focuses on some of the many issues of legitimacy brought up by the Brexit process.

The remainder of this introduction frames the rest of the Handbook by briefly discussing the origins of Brexit in UK politics; by suggesting a framework for distinguishing the likely implications of different forms of Brexit; and by identifying options and constraints in the EU’s own responses to Brexit. The chapter concludes with brief chapter summaries of all the book’s contributions.

A core question that is important from all perspectives is how far Brexit is likely to be a rupture for the UK, for the EU, or even the international system. Just before the referendum, Andrew Moravcsik (Financial Times 8 April 2016) argued that ‘regardless’ of its result, Britain would under no circumstances ... leave Europe ... Europe is real because globalisation means every day more British people rely on the EU to secure and stabilise trade, investment, travel, litigation, national security and political values. So the same politicians who lead a majority of Britons down the path to leave Europe would lead them back up again.
On that understanding, closely interconnected economies and societies need to cooperate; and there are functional and political limits to how far any one state can determine the terms of that cooperation. The UK and EU might continue to cooperate in ways that limit the impact of Brexit, now or in the future. First, the UK could, one day, simply rejoin. It could variously be a non-member state, an ex-member state and a future ‘second-time lucky’ member state. Second, the UK could participate in some EU policies as a non-member state. Xavier Bettel, Prime Minister of Luxembourg, has joked that, for many years, the UK has been a member seeking opt-outs. Now it will be a non-member seeking opt-ins. Moving from internal differentiated integration (where a member state does not participate in all Union policies) to external differentiated integration (where a non-member seeks at least some policies) could conceivably leave the UK in much the same place in terms of policy participation. Third, the UK and EU could cooperate *sotto voce* through a complex mix of bilateral understandings and unilateral approximations. Its supporters seem keenly aware of what, for them, would be the dangers of disguised, partial or minimal forms of Brexit. Johnson dismissed May’s Brexit as remaining in the EU’s orbit. Other versions of Brexit, including perhaps his own, contain elements that seem to burn bridges or to signal a determination not to drift quietly back to forms of cooperation that might amount to membership without membership.

Whilst, though, it is too soon to tell whether Brexit will be a ripple or a rupture, we can begin to discuss the questions that make the one or the other more probable. Why did Brexit happen? How far is there a coherent core to Brexit that rules some things in and some things out? Can we identify what must be involved in transitioning from being a state that was once organized for being a member of the EU to one that is now organized for leaving it? And, interacting with all of that, how far are different versions of Brexit likely to be constrained or enabled by different relationships that the EU, or others internationally, can offer the UK?

**ORIGINS OF BREXIT**

Accounts vary in how far they attribute Brexit to contingent happenings; to deeper problems in British politics, economy and society; to flaws and contradictions in the UK’s membership of the EU; or to a wider crisis in democratic politics. To Dominic Cummings (2017), director of the leave campaign, much in Brexit was ‘non-linear’ or part of a ‘branching history’ in which events and individual calculations tilted an otherwise fine balance between factors making for a continuation or termination of British membership of the EU. Cummings continues as follows:

There are strong psychological pressures that lead people to create *post facto* stories that seem to add up to ‘I always said X and X happened’ … The big event must have had an equally big cause … If about 600,000 people – just over 1 per cent of registered voters – had decided differently, IN would have won. This is a small enough margin that it could easily have happened if quite a few specific events and decisions had turned out differently. If just one person had behaved differently the dominant story now would be ‘the economy was *always* going to trumps a revolt against the elites … For example, if Michael Gove had stayed out of the campaign then *Vote Leave* would almost certainly have either collapsed (which it nearly did anyway) or been forced into fighting the campaign on a losing message like ‘Go Global’ … Without Boris, Farage would have been a much more prominent face on TV during the crucial final weeks, probably the most prominent face … It is extremely plausible that this would have lost us over 600,000 vital middle class votes. (Cummings 2017)
A second account focuses on the politics of the Conservative Party. Until the 1980s the Conservatives claimed to be ‘the party of Europe’ (see campaign guide for the European elections in 1984). In his *Official History of Britain and the European Community*, Stephen Wall (2019: 289) presents the single market as ‘Thatcherism on a European Scale’. Whether intentionally or not, the EU’s single market programme – and, therefore, UK membership of the Union – constrained how radically any Labour Government could reverse the market solutions chosen by the Conservative Party for the UK’s economy and society after 1979. Yet, from the 1990s the Conservatives increasingly split on questions of European integration. By the time they returned to government in 2010, the rise of the United Kingdom Independence Party (UKIP) faced the Conservatives with the added problem of an anti-European and anti-immigration party to their right. Interviews for the Brexit archive recorded by the UK in a changing Europe programme argue that, had Cameron done nothing, his successor would probably have had to commit to leaving the Union as the price of winning the leadership of the Conservative Party. For its defenders, a referendum was the best chance of pre-empting that possibility; and, therefore, of keeping the UK inside the Union. Yet, it remains unclear how far there was a public demand for a referendum beyond the needs of the Conservative Party to ensure its internal cohesion and to compete with other parties. The EU had rarely been popular with the public. But it had rarely been salient either. EU questions usually ranked low in surveys of issues most important to the public. The 2016 referendum was not required to resolve deep divisions amongst the public on the UK’s membership of the Union. It created those divisions.

A third account attributes Brexit to inequalities and injustices in British society. As Cummings (2017) also puts it: ‘we voted to leave because so many British people had been left behind economically and culturally for so long and they were furious about it’. One question that raises is how far the referendum – or even Brexit more generally – had really been about the European Union. Was the EU, and the UK’s membership of it, just collateral damage in a protest against decades of neglect that originated in domestic politics and policy? Was the EU really an obstacle to regenerating ‘left behind’ parts of the UK? Membership of the EU had not obstructed the far larger task of regenerating East Germany between 1990 and 2020. Maybe, though, the EU’s commitment to free movement was partly at fault in helping British Governments to operate a growth model that was likely to lead to inequality. As soon as earnings rose for the ‘left behind’, they could be brought back down again by using free movement to recruit from elsewhere in the Union. Famously the number of EU citizens resident in the UK rose to at least 4 million. Meanwhile the real earnings of the lowest income groups fell by about 25 per cent after the financial crisis with little recovery before the 2016 referendum. Once again, it is unclear whether these were problems that could not have been resolved by domestic policies on minimum wages or retraining. But what mattered was the perception, not the reality, of the link between EU membership, free movement and declining earnings.

A fourth account sees Brexit as an unravelling of the particular form of membership that the UK developed after the Treaty on European Union (1992). The UK had opted out of Monetary Union and large parts of Justice and Home Affairs (JHA) whilst keeping the Common Foreign and Security Policy (CFSP) largely intergovernmental. So extraordinary was its ability to construct what often seemed its own private form of membership that – even after opting out of JHA – the UK was able to opt back into 130 JHA measures. Yet, on one matter, the UK was firmly on the side of uniformity. It sought neither exception nor differentiation from the single market; and insisted none should be given to others. The UK’s Permanent Representative to
the EU, Sir Ivan Rogers (2017), described the UK as having a largely ‘single market only’ membership.

Yet that configuration was unstable. In one way, the UK was anything but a monetary union ‘out’. London developed as the financial centre for the euro without being in the euro (Jones 2015). It dominated euro currency and bond trading. It headquarterd most non-EU banks with access to the Union’s single financial market. Hence, British Governments worried about institutional incongruence between the European Union and its monetary union. For sure the UK participated in making single market rules that governed its paradoxical role as banker of the Eurozone (EZ). However, with its widening to 19 members, the EZ approximated on its own to a qualified majority of 55 per cent of member states representing 65 per cent of the Union population. The EZ could potentially dominate single market decisions on which rules regulating the UK’s financial sector depended. The difficulty became acute with the financial crisis. For EZ countries, the survival of the euro depended on their being able to insist on conditions for safe banking in the Union’s own currency. Yet measures needed to make the EZ safe could be deeply harmful to the UK. Financial sectors are creations of rules: as Rogers (2017) has also put it ‘a successful financial sector cannot be a rule-taker’. The EZ needed to control the rules of any single financial market in its own currency. London needed to control the rules of any single financial market on which its own financial sector depended.

Even if such arcana are far from voter concerns, they contributed to difficulties in the UK’s membership that occasioned the referendum. Incongruence between the UK’s participation in the single market and its absence from the single currency is an important explanation for why there was a referendum even if it was unimportant to voter behaviour in the referendum.

Such were the domestic constraints posed by Eurosceptics in his own party and by UKIP that Cameron felt obliged in 2011 to veto a Fiscal Compact aimed at alleviating the euro crisis. However, the other members persisted with the Fiscal Compact by international treaty. But, what if Conservative Governments were constrained by their own party to block every major change where the UK still had a veto; and what if other members responded by merely acting outside the EU Treaties? Wouldn’t that mean the slow death of British membership, at once self-excluded from new initiatives and at risk of being outvoted in the single market matters at the core of its existing membership. Cameron concluded that he needed a referendum to settle the UK’s future in the EU if he was to regain sufficient control from his own party to bargain successfully at the European level.

According to a fifth account, things did not just go wrong in the last years of British membership. EU membership had always been hard to reconcile with British conceptions of identity, sovereignty and democratic self-rule. Both the UK and European integration changed fundamentally between 1950 and 2016.

But the British Governments of the 1950s that declined participation in the early stages of European integration would have recognized the argument of the leave campaign in 2016 that the UK could not be a part of a body in which it did not have full control of its own laws (Lord 1996, 2020). Not only might the UK be obliged to adopt laws that had not been approved and could not be changed by the Westminster Parliament. Membership also involved a commitment to cumulative integration. For sure, the 1975 referendum to leave or remain demonstrated how UK membership could be reframed as autonomy-gained or sovereignty-pooled rather than sovereignty-lost (Saunders 2018). Then and later cooperating with others through the European Communities was often defended as a way of enlarging the UK’s ability to make
choices and reducing its need to follow the choices of others. What was the use of the UK having the final say if, on its own, it had little say?2

Still, the sovereignty of the UK Parliament and the primacy of EU laws always had potential to become a tale of two colliding absolutisms (Bogdanor 2019). The tying of assumptions about justified political authority so closely and so absolutely to the sovereignty of the UK’s Parliament (Milward 2002: 79) and low identification with the Union at best made UK membership transactional. At worst, they meant that the Union was more likely to be understood as an alien and imposed political order, rather than a form of joint decision-making in which the UK itself participated.

The UK itself then supported the development of the Union in ways that made sovereignty conflicts more likely. As seen, a single market is a massive undertaking in shared law-making. It was largely through the single market that the EU and its law became so important to how the UK and its public were governed. It was precisely its claims to legal supremacy that made the EU uniquely suited to constructing a multi-state internal market. The priority of EU law and the monopoly final interpretation of EU law by its Court facilitated certainty and coherence in the rules needed to create a single market. Yet, by creating a large body of law that the UK could not easily change alone, the single market made it plausible to argue that the UK could only regain full control of its own laws by exiting the Union. That suggests something quite different to a widely held view that it was the post-Maastricht European Union – and its creation of a single currency of which the UK was not a part – that undermined UK membership. Rather, it was the pooling of sovereignty to which British Governments had earlier bound themselves by so enthusiastically promoting a single market.

A sixth interpretation sees Brexit as part of a wider crisis in government and representative democracy; or of what Schonfeld and Winter-Levy (2019) call a ‘wider populist upsurge across the western world’. The Brexit referendum and the election of Trump are often bracketed as twin events of 2016. Voters for both had similar sociological profiles: older, less skilled, less likely to have a university education, more likely to have suffered years of stagnant earnings, more threatened by immigration (Sobolewska and Ford 2020). Those similarities suggest something of a new cleavage in advanced democracies that has fed off a drastic loss of trust in political authority and a mobilization of ‘the people’ against elites. For populists, representatives are turned into unrepresentative and unaccountable elites by the very process of representation. By forming a European Freedom and Direct Democracy Group in the European Parliament, UKIP alluded to a critique of representative democracy that was increasingly a part of its case for Brexit. Still, support for Brexit only overlapped with populist ideas. The two were by no means identical. It is to the complexity of the Brexit coalition that we now turn.

THE CORE OF BREXIT?

The accounts of its origins set out in the last section are oddly limited in how much they tell us about Brexit. That is because Brexit has been heavily endogenous. It has changed and evolved through the very process of deciding Brexit. As seen, it was the referendum itself that divided the British public into tribes of leavers and remainers. Above all, what has ultimately decided the nature of Brexit has not just been the factors making for it; but, rather, the distinctive ways those factors were then combined into winning coalitions by the leave campaign and then the
Johnson Government. Leave could have made more of economic arguments, more of global Britain and less of arguments about sovereignty and control. However, once it mobilized votes by emphasizing sovereignty and control, the leave campaign changed what counted as delivering Brexit.

Holding together a winning coalition then created a form of Brexit that few would have predicted in 2016. Looked at from the outside, the UK has made a hard Brexit. With the exception of Northern Ireland, the UK has insisted on a complete exit from the EU’s political and legal order and, therefore, from any single market or customs union. Yet looked at from the inside, Brexit has been soft to the point of attempting a new social compromise. Brexit has been a move to the right externally that has emphasized sovereignty, national identity and global markets. Yet Brexit has been a move to the left internally on questions of distribution and state responsibility for the UK’s own economy and society. This section briefly retraces how Brexit had to reinvent itself to win and then survive.

Leave is often accused of being an inconsistent coalition. Many of its donors, policy entrepreneurs or advocates saw Brexit as an opportunity to turn the UK into a radically deregulated and globalized economy. Twelve days after the Brexit referendum the former chair of the leave campaign told the House of Lords that Brexit was an ‘opportunity to finish the job that Margaret Thatcher started’ (House of Lords Debates 5 July 2016). Yet, as seen, for many of its voters, Brexit was a protest of left-behind communities or threatened identities against Europeanization, let alone globalization. There would have been no majority for Brexit without the support of those ‘left behind’ by the marketization, Europeanization and globalization of British economy and society. Their demand was not for a Brexit that would complete the Thatcher revolution but for a revolution that would roll it back. So, some of its supporters understand Brexit as an opportunity to create a kind of Singapore-on-Thames: a radically deregulated and maximally open economy with a minimal state. Others understand it as an opportunity to create a more communitarian economy and society or at least a new social compromise. For some, a hard Brexit means a hard break from the EU as a form of economic governance and regulation. For others, a hard Brexit means being hard on immigration. Still others argued for a ‘Lexit’; or, in other words, a left-wing form of Brexit aimed at more redistribution, social justice and public support for developing the means of economic production than would be possible under EU rules (Bickerton and Tuck 2017). Given the closeness of the vote to leave the Union, each of the foregoing ideologies of Brexit has some claim to being essential to it. However, those versions of Brexit differ hugely in the beliefs about economy and society they use to justify withdrawal from the EU.

Yet, whatever their other contradictions, most who voted for Brexit agreed with some part of the idea that the UK had insufficient ‘control’ of its laws, money and borders. In a huge survey (Ashcroft 2016) of 12,639 voters on referendum day itself, the idea of ‘regaining control’ dominated any other reason for voting to leave the EU; 49 per cent of those who voted leave said their main reason for doing so was ‘the principle that decisions about the UK should be taken by the UK’; and an overlapping group of 33 per cent said their main reason was that the UK should ‘regain control of immigration and its own borders’. When a subsequent YouGov poll asked respondents to pick ‘two or three of the most important issues when deciding on Britain’s future relationship with the EU’, 54 per cent of all leave voters chose ‘ensuring Britain has control over its own laws’ as an answer. In contrast, that response was chosen by only 17 per cent of remain voters. Hobolt et al. (2020), accordingly, classify the Brexit vote as a ‘sovereignty referendum’.
However, we cannot understand the leave vote without understanding that component of it that saw itself as doing something more than return powers transferred to the European Union. They also saw themselves as taking back their share of control within the UK’s own system of government. Communities neglected for decades by a political system that normally encourages political competition for just 10 per cent of the vote in 10 per cent of constituencies made themselves pivotal to the referendum outcome. They remained pivotal in the 2019 election as the UK realigned along a leave/remain cleavage. The result has been the lumping together of the contrasting economic and social ideologies of Brexit discussed earlier. Before discussing prospects of satisfying those different elements, we must first discuss what Brexit means to the EU and, therefore, to the relationships the EU can offer the UK.

**BREXIT AND THE EUROPEAN UNION**

It is not enough to trace evolutions of Brexit within British politics. As said, the shape of Brexit will also depend on the EU. For the first time the EU has lost a member. That raises at least the following questions. Is Brexit part of a process of disintegration? Is it a sign that something has gone very wrong with the Union; that it is losing popular support or failing to meet the needs of its member states? Does Brexit create new perils for the EU? Or has the EU lost a member that constrained its further development? Could it even be the Union, and not the UK, that gets to have its cake and eat it? Could the UK end up having to align with EU policies and rules without the Union having to incur the ‘decision-costs’ of accommodating an awkward partner (George 1998)? Or could the EU and UK both benefit from replacing a dysfunctional relationship with mutually advantageous forms of policy competition? Whatever happens, Catherine De Vries (2017) is surely right that Brexit has created a ‘counterfactual’: a clearer means of evaluating membership against an example of non-membership.

A key question is how far the choices of both the EU and the UK will now depend on the choices of the other; and will any interdependence then be symmetric or asymmetric? Will one side dominate if only by virtue of being able to get by however the other decides? Some clues might be found in how the EU has managed Brexit so far. Apart from the Union being unsentimental – often seeming to treat Brexit as largely an administrative question of identifying what needs to be done technically to withdraw a member from the Union – member states have been disciplined in holding to a multilateral approach to negotiation and foregoing temptations to get a better deal for themselves by bargaining bilaterally with the UK. That is crucial, since, of course, the EU’s position as the larger player depends on its being a block negotiator.

Another key question is how far Brexit is likely to create novel ways of organizing relations between the EU and European democracies that are not members of the Union. Michel Barnier was fond of a chart that arranged the EU’s relations with non-members on a staircase. Just one step down from membership were the European Economic Area (EEA) countries: Norway, Iceland and Liechtenstein. Two steps down was Switzerland. Furthest away were those without any relationship with the EU beyond shared membership of other international bodies such as the World Trade Organization. Yet Barnier’s staircase assumed what many Brexeters disputed: namely, that existing arrangements exhausted all possible ways of organizing relations with non-members or that it made sense to compare the UK with any existing example of a European state that is not a member of the EU. In their view, the UK is unique in its size as the world’s fifth largest single state economy; in its membership of the United
Nations Security Council; in its status as a nuclear power; and in its privileged access to US intelligence. Even the fact that it has been a member of the European Union might count in its favour. The UK will be able to choose where to do things differently whilst benefiting from many other ways in which it starts off aligned with the EU (Legatum Institute 2016).

There are different versions of the argument that the UK will find its own Sonderweg as a non-member state. One assumes that, even if the UK would be better off with a relationship with the EU than without one, it could get by without any relationship at all. A second assumes the UK needs a relationship with the EU but no more than vice versa. A third is cautious of any relationship that is not strictly on the UK’s terms. Leaving was the idea of leaving. No agreement should involve any constraint on the UK; and, anyway, Europeanization was the past. Globalization should be the UK’s future. Not only will the UK be a different kind of non-member state. Brexit is also happening at a distinct historical juncture in which transformations in economy and society are opening up new possibilities, and, with them, new ways of cooperating between states and democracies. Two of those arguments assume that the UK could sit comfortably at the bottom of Barnier’s staircase without much relationship with the Union beyond the wider rules and relationships of the international system. All three suggest scope for the UK to coax the Union into better and more balanced relationships with non-member European democracies.

However those arguments turn out, there will, of course, be one way in which the UK will be one of a kind: it will be the one non-member state that is also an ex-member state. The European Free Trade Association (EFTA) and EEA countries have, as it were, developed ‘coming together’ forms of non-membership: forms of non-membership that involve more cooperation and inclusion. Any relationship the UK forms with the European Union will likely be a ‘falling apart’ form of non-membership: an arrangement that will involve less integration than before to the policies, institutions and laws of the Union. Both sides are also likely to be wary of any form of non-membership that repeats the difficulties of UK membership.

Still the Union itself may have an interest in viable forms of ex-membership. Ease of exit is a defining feature of any political order (Hirschman 1970); and even a rather paradoxical factor in their legitimacy. In the case of the EU, the more its undertakings constrain it to insist on the supremacy of its law, the more its legitimacy with its member states may depend on their ultimate right to ‘regain control’ of their laws by leaving the Union (Garben 2019). Yet, ease of exit depends on the availability of alternatives.

Still, when the Union says that it is constrained in the relationships it can offer non-members it is not just being stubborn or unimaginative, nor is it necessarily trying to dominate anyone or drive a hard bargain. The Union cannot offer non-members the benefits and rights of membership without the costs and obligations. Only by excluding free-riders can the Union work as a club for managing externalities and solving collective action problems between its members; and only by insisting that degrees of inclusion are linked to rights and values can it operate internally as a community of rights and values. The most the EU can offer a non-member is participation in the preparation or implementation of decisions. Only members can have decision-rights and, therefore, votes or vetoes, if the benefits of membership are to be restricted to those prepared to contribute to the costs of membership. In that sense the EU is a ‘vulnerable hegemon’ (Fossum et al. 2021), constrained to insist on the hegemonic exclusion of outsiders from full decision-rights by its own vulnerability to what would follow from according those rights for free. It is here that we begin to understand the vast difference between membership and non-membership. It is possible to imagine a non-member participating or approximating
unilaterally to so many Union policies that its citizens’ lives are affected in much the same way as they would be if their country was a full member. But, still, there would be a fundamental difference in being outside the Union’s political and legal order: in being outside the EU’s supremacy and direct effect and correlative political decision-rights.

FROM MEMBER STATE TO BREXIT STATE

We have sketched what winning coalitions within the UK might demand from Brexit, as well as the relationships the EU and others may be able to supply. Only by considering the demand and supply sides of Brexit in combination can we now identify what might make it a ripple or a rupture.

As Christopher Bickerton (2012) has argued, states that are members of the Union are particular kinds of state: namely, states that are organized for participation in the policies, institutions and rule-making of the EU. Within each member state that has profound implications for relations between governments and parliaments, for public administration, and for its own internal legal order, which has to adapt to the priority of EU law. To be a member state is also to be a different kind of democracy that makes some of its decisions with other democracies whilst accepting some limits on what can be determined by democratic choice, competition and compromise within its own democracy. Membership creates new ways of cooperating to manage externalities and solve collective action problems. But it also constrains what economic and social models are possible within member states (see Fossum’s chapter in this volume). To be a member is also to be a certain kind of international actor. The EU constrains what its members can do and agree internationally. Finally, free movement constrains how member states can manage their boundaries and decide who can live and work on their territory.

If membership transforms so much, we might expect withdrawing from the Union to be a rupture. But not so fast. Non-members can also be significantly organized for relations with the EU. The EEA countries – and to a lesser extent Switzerland – are examples. A leaving state might, conversely, choose to magnify, rather than smooth, differences between its future goals and its past membership. Either way, structural factors, imperfectly understood, may mean that a withdrawing state ends up diverging less or more than it intends. Whilst, though, the range of possibilities is wide we can anticipate some choices the UK will have to make in any transition from member state to what we might call the ‘Brexit state’: from being a state organized for membership of the Union to being a state organized for leaving the Union. The ‘Brexit state’ will presumably need to do at least the following:

1. Deliver on the outcome of the referendum. As well as leaving the EU Treaties, the Brexit state may need to develop concepts and practices of sovereignty and statehood that credibly deliver on a mandate to regain control of the UK’s own laws, borders and money.
2. The Brexit state will need to review everything in the UK’s own political and legal order that presupposes membership of the EU. That will require much more than merely subtracting the UK from the Union’s Treaties, supremacy, direct effect and decision-rules. As Vernon Bogdanor (2019) observes, the starting point for Brexit is the UK’s Europeanized constitution. The UK’s political and legal order has itself been fundamentally changed by membership of the EU. Rights, law, territoriality and government – or, in other words,
many of the fundamentals of political order – all evolved between 1973 and 2016 in ways that assumed membership of the European Union. The Brexit state will need to review those parts of the UK’s political and legal order that depend on EU membership either discarding them or giving them some other foundation.

Attempting to do that by simply reasserting UK parliamentary sovereignty as the basic norm and organizing principle of the British political and legal order may only risk multiple, acute, overlapping sovereignty conflicts within the UK itself (Bickerton 2019). First, between parliamentary and constitutional sovereignty as forms of rights protections. Second, as we will see, between the sovereignty of the UK Parliament and the sovereignty of the parliaments and peoples of the UK. Third, between different forms of sovereignty – parliamentary and popular – favoured by different varieties of Brexit. Is Brexit better understood as a rediscovery of parliamentary sovereignty or an innovation in popular sovereignty? A critique of unrepresentative elites plainly contributed to the no vote. But that complaint was directed at British parliamentary and political elites, and not just the European Union. More than return powers transferred to the European Union, some leave voters saw themselves as taking back their share of control within the UK’s own system of government.

3. As Michael Keating discusses in this volume, the Brexit state will need to choose between exiting as one demos or many. Northern Ireland and Scotland voted to remain. For some, the idea that a majority of the whole of the UK should trump majorities in its parts in determining the nature of Brexit has already begged the very question of whether the UK should decide fundamental questions as a democratic people or a democracy of more than one democratic people. For some of that view, the referendum has not been a legitimating moment. It has been used to impose Brexit on parts of the UK that should have had a larger role in discussing and deciding it. Even others who accept the final say belongs with a majority of the UK as a whole might feel that more should have been done to hear, accommodate and respect majorities of the parts in deciding the nature of any Brexit. Another acute difficulty is that the same constraints on the sovereignty of the British state that convinced many Brexiteers of the need to leave the European Union were understood by many in Northern Ireland and Scotland as necessary protections if they were to be guaranteed roles in governing themselves within their parts of the UK. In Brendan O’Leary’s view (2018: 234), Brexit ‘brutally re-advertised’ ‘the inability of the English to establish entrenched constitutional arrangements with others’. Northern Ireland and Scotland remain unresolved questions of Brexit.

4. The Brexit state will need to choose between the contrasting ideologies of Brexit discussed earlier. As seen, contrasting ideas that Brexit should lead to radical marketization or to social protection and reconstruction can both claim to be essential to the winning coalition in the referendum. There may be some scope to apply contrasting solutions to different regions, social groups or sectors. But perhaps the key question is whether Brexit will generate a sufficient economic surplus to pay its political debts. For many of its supporters Brexit releases the UK from the ponderous European Union just at the moment that new technologies – such as Artificial Intelligence – offer huge new possibilities to fast movers. But the gamble is huge. Hopes that technological transformation will make it as easy to trade with any other part of the world will need to compensate for any downside to UK trade within the European region. So a lot rides on the assumption that the world is changing from one in which countries are much more likely to trade with their neighbours,
especially those with similar GNPs and, therefore, similar patterns of supply and demand. The UK trades more with Ireland (with a population of 5 million) than with India (with a population of 1 billion). Such trade data may even understate economic interdependence within the European area. It is one thing to trade huge quantities of *finished* goods and services. Interdependence is quite different where supply chains and processes of producing key goods and services are themselves integrated across borders. Processes of production are often physically distributed across European states. Another difficulty is that the UK is really two economies. As Mark Blythe (2021: 23) points out, the rest of the UK detracts from GDP (it is ‘value added’ negative and therefore partially dependent on ‘central transfers) outside London and the South East. Brexit may, therefore, rest on an implicit assumption that London can pay for Brexit. Yet, perhaps the largest economic unknown is what Brexit will mean for London with its special dependence on finance, services and free movement of labour and capital. Finally, Brexit does not just free the UK from the EU. It also frees the EU from the UK. As long as it was a member, the UK only needed to persuade a few other member states to hold the EU to a largely neoliberal interpretation of the single market. What if the EU now pivots to a more social market economy? Could that affect decisions on standards and equivalence in ways that make it harder for the UK to sell into the single market?

5. The Brexit state will need to choose between the different relationships that can be negotiated with the EU or others. Large though the difference is between membership and non-membership, there are, as seen, many varieties of non-membership (Eriksen and Fossum 2015; Gstöhl 2015) that vary in how far they approximate or deviate from what it is to be member state. At one end of a range, non-members can aim at dynamic or ‘real-time’ convergence through regular and institutionalized participation in the shaping of Union policies and laws, rather than merely approximating unilaterally and case-by-case. At the other end of the range of options, non-members can have little relationship with the EU beyond common membership of third bodies such as the World Trade Organization. Hence, in discussing whether Brexit is likely to be a ripple or rupture we need to be careful to distinguish two factors: first, the large difference between membership and any form of non-membership; second, the fact that Brexit will nonetheless be defined by the difference between the highly distinctive form of membership the UK is giving up and the specific form of non-membership(s) it ultimately develops.

Choices between alternative forms of non-membership will also greatly affect the kind of international actor the Brexit state is likely to be. In vetoing the UK’s membership of the European Communities in 1963, De Gaulle spoke of a British preference for the Open Sea over European commitments. Yet, even the UK’s ability to ignore Europe has historically depended on Europe: on an absence of European problems that the UK itself wants a hand in solving. As remainers have often taunted, the UK inescapably shares a continent with the European Union; and, as some leavers have replied, they aim only to leave the European Union, not Europe. All that raises a problem to which we will return: does taking back control confer control or does control in the modern world depend on the pooling of sovereignty rather than its hoarding?

It is not hard to see how withdrawing from the European Union may require the Brexit state to confront deep and difficult questions about its sovereignty, autonomy, constitution, law, territoriality, rights protections, political order, economy, society and international relations. Hence, deciding the form of Brexit will unavoidably be a huge exercise of political power.
over fundamental questions of politics. Whilst, though, disagreements on such matters are only to be expected, that need not be a problem if there is agreement on procedures by which the Brexit state can resolve its disagreements. Where Brexit ends up on a continuum from Singapore-on-Thames to Lexit, how far the UK exits as one or several territorial units, and how far it repools some sovereignty through a Brexit of varying softness or other international cooperations are all questions that can be decided by elections and referendums over time.

At least two difficulties need to be anticipated. One is that prospects of agreement on the exact nature of Brexit have already been weakened by the referendum itself. Maybe it was never fully tested – not even in the 2019 election which was decided by a mere plurality – whether one way of leaving the European Union was a Condorcet winner; that is to say, a choice that would have been preferred to all other possible choices had those also been put to the public (Weale 2017: 178). Hence, the referendum sowed division. Leavers saw a clear mandate to leave. Remainers saw an unspecified mandate and some other choices that might have defeated a hard Brexit. Choices should perhaps have been more thoroughly deliberated in relation to one another before being narrowed to just those most likely to produce a majority that could beat all other possible majorities (Miller 1996). A second difficulty is with the nature of the UK’s electoral system. Here it needs to be stressed that it is the electoral system that will be crucial to deciding the fundamentals of the Brexit state and resolving disagreements over time. Even future referendums would need to be authorized by prior elections (Lord 2021). Whilst, however, much of the British public has a certain affection for the UK’s electoral system, the latter is famously adversarial and prone to rather arbitrary outcomes. That may limit its ability to resolve disagreements left over from Brexit.

TAKING BACK CONTROL

We can doubt how far voters – or even democratic peoples – normally get to choose and control the systems under which they live (Dunn 2000). Yet, remaining or leaving the European Union has been a fundamental choice over the laws, institutions and economic and social systems under which British citizens live their lives. The same might be said of choices between different versions of Brexit, different ways of relating to the EU from the outside and different ways of substituting for relationships with the Union.

But it is less clear that Brexit is a convincing answer to its own question of what it is for individual citizens or whole democratic peoples to control their own laws. Future historians may amuse themselves by debating how many crises the European Union faced between 2008 and 2022. Financial Crisis. Migration crisis. Geopolitical crisis. A Pandemic. A Membership crisis, including Brexit. Pluri-crisis has been the context of Brexit. That raises the question not just of how people should govern themselves in their individual democracies. But of how they should govern themselves in an interconnected world. Indeed, the first question is unanswerable without the second. As Philip Pettit (2010) has argued, highly interconnected democracies can only control their own laws by deciding how they should be internationally ordered for non-domination within and between themselves.

For sure, international organizations and international treaties have proliferated globally (Zürn 2018). Neither Europe nor the European Union have a monopoly on the means of coordination needed to solve collective action problems under conditions of interdependence. Yet Europe has become by far the most ‘internationally governed’ region in the world.
International cooperations within Europe have also overwhelmingly tended to concentrate on the European Union: even where cooperations have started outside the Union, they have tended to gravitate towards it. Tiresome though the cliché may be, it really is hard to play cricket when others want to play football. Whether they are members or non-members of the Union there are limits to how far any single European democracy can choose the frameworks by which all European democracies manage their interdependence.

It may also be structurally difficult to arrange relations between European democracies that are and are not members of the Union so that all those democracies and their citizens can fully control all of their own laws as equals. Thus, it is not just choices between joining, remaining or leaving the European Union that have profound implications for what it is to be a self-governing democratic people in contemporary Europe. So do choices between the different ways of not being a member of the Union. A European democracy outside the European Union is unlikely to free itself from any need to consider how its internal political order and system of democratic rule are affected by its relationship with the EU. Exiting just raises that question in new ways.

Yet individual European democracies can have some shared control (Lindseth 2010) over the constraints by which they are themselves constrained. That, though, implies a pooling of sovereignty. Democracies have collective action problems they cannot solve individually, so they reciprocally commit to using their sovereignty together and in ways that change how each uses its own sovereignty (Keohane and Hoffman 1991; Keohane 2002). But, if the pooling of sovereignty is a requirement of control, and not its abdication, it is unclear that the Brexit state has taken back control.

PLAN OF THE BOOK

Part I: The UK and Brexit

The first part focuses specifically on the UK. It starts with a chapter by James Dennison which provides an overview and brief assessment of those causes of Brexit that the literature has brought forth thus far. Dennison finds that possible explanations highlight historical and identity factors with emphasis on the UK’s awkward relationship with the EU. Further, there are socio-political explanations that highlight such issues as marginalization, changes in the party system and the rise of populism; these are found across advanced democracies, although Brexit represented a unique opportunity for their articulation. Finally are explanations that see the referendum as a proxy for other issues than the UK’s EU relationship. Dennison concludes by highlighting several important underexplored themes. Julie Smith’s chapter focuses on the Brexit referendum. The chapter starts by providing a historical background that includes the UK’s 1975 referendum, which failed to lay the question of membership to rest. The next section discusses the implications of the UK’s not holding a referendum on the Lisbon Treaty as a possible ‘safety-valve’. The remainder of the chapter documents the process leading up to the referendum, the government’s preparations (including Cameron’s effort to renegotiate some of the UK’s terms of EU membership), and the different sides’ handling of the referendum, where the leave side played their cards better than the remain side. The chapter by Andrew Glencross and Monika Brusenbauch Meislová complements Smith’s chapter by focusing on how UK political parties defined themselves in relation to Brexit. They move
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beyond a binary for or against and focus on how internal tensions especially within the Labour and Conservative Parties drove the Brexit process, and document the important changes to the landscape of UK politics that this process has unleashed. The authors show how territorial politics and the question of the future of the UK is bound up with party politics. The territorial dimension is the focus of Michael Keating’s chapter. His point of departure is that there is no single agreed-upon interpretation of the UK as a polity but rather two, one that sees the UK as a homogeneous nation-state, the other that sees the UK as a plurinational union. Brexit brought these two interpretations to a head, given that ‘taking back control’ drew its sustenance from the former unitary account, which draws on a classical Bodinian notion of sovereignty. The second account is steeped in a post-sovereign account wherein devolution and the UK’s plurinational character are compatible with the EU’s transformation of sovereignty. Keating discusses the territorial implications of the Brexit decision, with regard to the process of devolution, the Irish conundrum and the future of the UK as a union. Brexit was not only a contestation over different conceptions of the UK as a polity; it was equally a contestation over the UK’s role in the world, and as Ben Rosamond has noted, ‘the referendum result was delivered through an alliance between hyperglobalist neoliberals and nativist economic nationalists’ (Rosamond 2019: 414). In his chapter Craig Parsons examines the role of economic ideas in the Brexit story, given the importance attached to the role of ideology in driving the Brexit process. Parsons re-examines Thatcher’s neoliberal position and notes that contrary to what is frequently stated that ‘Thatcherites consistently rejected the notion that robust European institutions were desirable, even for liberalisation’ (italic in original), Parsons proceeds to examine how this early and consistent antipathy to EU institutions, a rather peculiar version of neoliberalism, came about and concludes by noting that the EU’s insistence on the indivisibility of the single market represented another version of neoliberalism. The Brexit process thus pitted two different versions of neoliberalism against each other. In her chapter on the political economy of Brexit, Amy Verdun notes that TCA even if far from solidified gives us some sense of how future EU-UK relations will be structured. Through Brexit, the UK has sought to de-link itself from the EU institutions, and especially the EU’s attempt to deepen European integration. That certainly applies to the area of economic and monetary union. On financial matters, and in terms of the single market, there has been a greater interest both on the part of the UK government and certainly on the part of the business community and among voters, to be more closely aligned with the EU. These relations are, however, likely to be affected by the rather unstable situation surrounding the Northern Ireland Protocol. Brexit itself may have implications for the UK’s constitutional make-up. With regard to the EU it is interesting that it managed to stay united during the negotiations. For the period post-Brexit, the EU must ensure that the EU-UK relationship is not considered so favourable as to entice other states to leave the EU. The relationship the EU has with the UK is not so comfortable that Eurosceptics may more easily point to the UK situation as one that is desirable. She concludes by noting that ‘for the foreseeable future, both sides have some incentive in demonstrating that the relationship with the EU and the UK will remain somewhat rocky’.

Part II: Brexit and the European Union Institutions

Contributions to the next two parts turn to Brexit within the EU context; The second part of the Handbook deals with EU institutions. The third with EU member states. The second part starts with an overview of the legal aspects of the EU-UK negotiations. It then shifts the focus to
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a selection of EU institutions (the European Council, the European Commission, the European Parliament, EU agencies and the EU’s regional dimension).

The part on the institutions starts with a chapter by Jean-Claude Piris, former Director General of the Legal Service of the EU Council. His experience places him in a unique position to outline key legal issues and challenges associated with Brexit. He starts the chapter by outlining the UK’s distinct legal position in the EU with regard to rights and obligations. He then proceeds to chronicle the process of negotiations with regard to the negotiation procedures and the different stages, the UK’s initial stance of keeping single market benefits, the Withdrawal Agreement, the UK’s Internal Market Bill (2020), the Protocol on Northern Ireland, and the Trade and Cooperation Agreement (TCA). He underlines that the UK’s main aim was national independence and sovereignty, not economic benefits. Thus, ‘the aim of the TCA was not, as it is usual for a FTA, to reduce obstacles to trade, but to try and reduce the obstacles to trade created by the exit of the UK from the EU’. In this context the TCA is a framework for further negotiations not a final settlement. The next chapter by Birgit Bujard and Wolfgang Wessels focuses on the European Council, the EU’s august body composed of the heads of states and government. Article 15(1) TEU states that the European Council’s main purpose is to set out the EU’s general political directions and priorities thereof. The authors underline the central role of the European Council in outlining the UK’s role and status in the EU whilst a member, and it is the EU body that was in charge of setting out the details of the Brexit process and in terms of hammering out the EU-UK relationship. The authors use process-tracing to detail the European Council’s involvement in the Brexit process and conclude by spelling out what they see as the EU’s ‘exit doctrine’. The next chapter by Christopher Lord is on the world’s first and most significant supranational legislature, the European Parliament. Lord notes that the European Parliament (EP) has an important treaty-based role to play in international agreements (Article 218 TFEU). The EP’s approval was needed for the Withdrawal Agreement (WA) and for the TCA. Lord argues that the EP can function as ‘an informal agenda setter and an informal source of amendments even where it has neither of those powers formally’. The EP played an important role in sustaining EU coherence during the negotiations of both the WA and TCA. In his chapter Hussein Kassim uses extensive interviews with key practitioners to explore the role of the European Commission in the negotiation of the Withdrawal and Trade Cooperation agreements. The findings confirm the crucial importance of the expertise of the Commission as the one body that could identify the possible consequences of Brexit across the range of the Union’s policies and powers. However much less known is how far the Commission developed its role in continuous communication with the member states. That was helped by trust in Barnier. It was also an important reason why the EU maintained its powerful position as a bloc negotiator throughout, without fragmentation, as many had feared, into a series of competing bilateral discussions with the UK. In the next chapter, Michael Kaeding focuses on EU agencies and Brexit. An important aspect of EU integration is ‘agencification’, or the formation of EU decentralized agencies. Kaeding notes that the EU at present has 34 such agencies spread across 22 EU member states. An interesting and explicitly Brexit-relevant fact is that EU agencies are open for participation from third countries. Kaeding notes that the UK during its EU membership was an important contributor to the EU’s agencies. Post-Brexit the UK’s role has changed to third country and what is notable is that the TCA only covers seven EU agencies. The political declaration initially envisaged cooperation also in foreign policy, external security and defence, but the UK walked away from this. The final chapter of this part is the chapter by Justus Schönlau, which considers
Brexit from the vantage-point of the European Committee of the Regions. The point of departure is that European integration has fostered the development of a dense network of vertical and horizontal relationships among national subunits within the EU, making the EU a highly complex and composite multilevel entity. Schönlau in his chapter discusses the implications of Brexit from the vantage-point of the Committee of the Regions which is a political assembly composed of locally and regionally elected representatives from the EU’s member states. The chapter underlines that Brexit will likely have repercussions for the relations between levels of governance within individual member states and within the broader context of EU multilevel governance (Keating’s chapter pointed to the possible effects for the subnational level within the UK). Further, the EU will feel the loss of a net contributor to its cohesion policy. Finally, Schönlau notes that the territorial effects of Brexit are likely to be asymmetrically distributed across regions.

**Part III: Member States and Brexit**

The third part of the book covers chapters on central member states, that is, Ireland, Germany, France and Poland. Brigid Laffan notes that ‘(f)or the Irish state, Brexit was an existential matter involving high politics and geopolitics’. History and geography ensured that Ireland was the EU member state that would be the most affected by Brexit, perhaps even more so than the UK itself. Laffan in her chapter discusses what Ireland as a small state could do under such circumstances. She notes that ‘(a)rguably there was far more analysis of Brexit in Ireland than there was across the entire UK administrative system prior to the referendum’. This is hardly surprising given the implications Brexit could have not only for the Northern Ireland peace process but for the entire island. Laffan shows how Ireland mobilized state capacity and sought to ensure domestic elite cohesion and support from the EU and the US as two external protectors. The EU’s support and coherent stance meant that Ireland could relate to the UK from a position of strength rather than weakness. Nevertheless, the Northern Ireland issue has not been laid to rest.

In his chapter on Brexit and Germany, Uwe Puetter notes that despite diverging on their long-term objectives for the EU integration process, the two countries have collaborated on a wide range of important EU projects, notably the single market. Puetter labels the period 1990s to 2010s as a transition from engagement to disengagement. With regard to Brexit, Puetter points to ‘the striking absence of Germany as an independent voice in the Brexit negotiations. There is almost no evidence of the country seeking to secure particular relative advantages for its export-oriented economy.’ In a similar vein, there is no evidence that Germany sought to control the Brexit process. Germany’s main aim was EU unity; hence, it was comfortable with attributing a central negotiating role to the European Commission. Puetter examines the prospects for UK-German bilateralism post-Brexit and finds that these are quite limited. In her chapter on France and Brexit, Helen Drake notes that France was among those bent on imposing hard terms on the UK. Drake notes that both the UK and France have been labelled as ‘awkward’ member states, the UK for its penchant for semi-detached membership and France for its insistence on retaining sovereignty. She notes, however, that France has continued to support the pooling and sharing of sovereignty that is taking place within the ambit of the EU. Through Brexit, France as well as Germany faced a choice between pursuing a bilateral France-UK relationship or EU unity. As Germany opted for the latter. Brexit thus drove a wedge into the well-entrenched Franco-British Bilateral Relationship (FBBR) which
had existed for almost 50 years. Drake notes that France is experiencing an ongoing political crisis of lack of trust that may dwarf the role of Brexit. In his chapter on Poland, Rafał Riedel starts by noting how Brexit increases asymmetrical power relations within the EU in favour of Germany. Riedel examines whether Brexit served to give impetus to or stymie the Polish PiS party government’s sovereignty pursuit. Nevertheless, there is an important difference between the Euroscepticism that is found in the UK and Poland’s view of the EU. Poland is generally speaking very positive towards the European Union, but Poles are against specific policies, and in particular supranational monetary integration. Brexit may, if the UK is perceived to be a success outside the EU, tilt the balance towards a more sovereigntist stance against Brussels. The last two chapters in this part focus on two aspects of the regional dimension within the EU. Ian Cooper and Federico Fabbrini focus on regions as clusters of member states, or what they term bottom-up regional groups (BURGs) of cooperation within the EU. This phenomenon has received very little attention in the scholarly literature on European integration. The authors identify 13 such groups and note that every EU member state is involved in at least one of these (pre-Brexit examples are the bilateral UK-Ireland relationship, the New Hanseatic League, the Three Seas Initiative and the Baltic Assembly). The chapter clarifies the different forms of cooperation involved in the various BURGs, and discusses the implications of this form of EU differentiation for relations post-Brexit. The authors find that BURGs may represent a means for re-including the UK, along various BURG-inspired arrangements.

Part IV: Brexit and Affiliated Non-Members in Europe

The fourth part considers implications of Brexit for closely affiliated non-member countries in Europe. It starts with a chapter by Sieglinde Gstöhl that examines what pattern(s) of affiliations the EU has developed with its neighbouring countries. This overview of affiliations includes the EEA model (which includes the three EEA-EFTA states Iceland, Liechtenstein and Norway and the EU’s 27 member states); the Swiss model; the Turkish model; the small states Andorra, Monaco and Marino; the Ukrainian model; sectoral communities; and the British model, including the special case of Northern Ireland. These affiliations vary considerably in substance and depth but there is an overall pattern: the broader and deeper the substance of the arrangement, the stronger the governance arrangements, and the more these countries are included in the EU’s decision-making processes. This is labelled a form of decision-shaping, not decision-making because third countries do not participate in the EU’s main law-making bodies. In this context, the substance of the UK’s TCA is quite narrow, and is ‘more inspired by FTAs [free trade agreements] with countries further afar than those with EU neighbours’. The next chapter by Sandra Lavenex and Alexandre Veuthey discusses the Swiss model, which was a frequently referred to model in the Brexit debate. The authors start by tracing the trajectory of this model of bilateral agreements, which they label as a side-street because the Swiss in a popular referendum in 1992 rejected EEA accession. This arrangement the authors note has run into problems in particular with regard to freedom of movement. The failure to reach an agreement for five current and all future agreements means that the model has over time moved from a ‘side-street’ to a ‘dead-end’. Thereafter the authors discuss Brexit and Swiss-EU relations, the role of the Swiss model in the Brexit debates and Brexit’s impact on Swiss-EU relations. They note that Brexit has reinforced EU pressure on the Swiss model. They conclude that ‘beyond the specific case of Switzerland and Brexit, the developments in this chapter highlight a new approach in the EU’s relations with third countries, in which the homogeneity of the
single market and the balance of benefits and obligations predominate over economic or other functional interests in promoting integration below the threshold of membership’. In the next chapter John Erik Fossum discusses the Norwegian model, which also figured in the Brexit debate. Fossum’s point of departure is that there are at least three different readings of the Norway model: two steeped in law; the third steeped in distinct socio-economic and political conditions associated with the Nordic model. The Nordic region has historically speaking been a carrier of a distinct socio-economic structure embedded in and upheld by political parties and state institutions (including tripartite cooperation and concertation). Thus, the Norway model is not only a legal mode of affiliation; it is also steeped in distinct socio-economic conditions with stronger social democratic anchorage than the UK’s neoliberalized socio-economic structure. Fossum argues that despite the fact that Norway is not an EU member it has been heavily Europeanized; hence there are few grounds for seeing Norway as a particularly strong carrier of the Nordic model. Nevertheless, ‘in order to establish how distinctive the Norway Model is as a mode of EU affiliation, it may be more important to clarify how extensively the Nordic region has been Europeanized than to look at the distinctive traits of Norway’s legal affiliation with the EU’. In the next chapter, Christian Frommelt focuses on Liechtenstein’s relations with the EU in the context of Brexit. Liechtenstein is a very small state, which raises questions of autonomy, recognition and how to manage the extreme asymmetry that marks the relationship with the EU. In this context, as Frommelt notes, EEA membership, in contrast to how it is discussed in Norway, was for Liechtenstein seen as a step to independence and recognition. Liechtenstein has then also obtained a range of exceptions unique to it. Some of these were discussed in the context of Brexit. Frommelt explains that Liechtenstein’s path to the EEA was contested. Concerns were raised pertaining to administrative capacity, immigration, democratic deficit and financial pressures. Liechtenstein, as the other EEA states, has a host of additional arrangements with the EU. At the same time, Liechtenstein has a very close relationship with Switzerland which places it in a precarious position when as now Swiss-EU relations are at a low. In the context of Brexit, Frommelt discusses how Liechtenstein should relate to the UK. Liechtenstein was part of the agreement between the EEA-EFTA states and the UK. For technical reasons to do with free movement, Liechtenstein also needed to be a part of the bilateral agreement between the UK and Switzerland. The instance of Brexit meant that those states that are closely affiliated with the EU faced a new dynamic when the UK left the EU: how to manage the new triangular dynamics EU-UK-EEA-EFTA? The development of EU-UK relations obviously matters a lot here.

Part V: Brexit Beyond Europe

The fifth part of the book focuses on the implications of Brexit beyond Europe, including some of the most powerful players in the international system (the US and China), and Canada and Australia, the former as a possible template for the UK’s post-Brexit EU affiliation; the latter as an intrinsic element of the ‘global Britain’ notion. In her chapter on Canada, Nanette Neuwahl focuses on whether or the extent to which the EU-UK Trade and Commerce Act is a Canada-style agreement; in other words, resemblant of the Comprehensive Economic and Trade Agreement with Canada (CETA), or whether an agreement between a regional organization such as the EU and a former member state such as the UK may in fact be in a category of its own. Neuwahl assesses the TCA in terms of its substantive remit, institutional features (including dispute settlement) and dynamics of alignment and compares the TCA with the
CETA on these counts. She finds that ‘in many fields the TCA resembles a new generation deep trade agreement like CETA’, and its forging benefited from the EU’s experience with developing the latter. In the next chapter Roy H. Ginsberg discusses the impact of Brexit on EU-US political relations and NATO. Ginsberg notes that ‘Brexit is not an advantageous development in EU-US and transatlantic relations, at least in the short-term. It complicates and divides the European pillar of the western security alliance.’ In the chapter Ginsberg chronicles the Brexit process thus far with reference to the first 3–4 years as ‘the parting’ and projects the future EU-UK and EU-US relations as ‘together apart’. He concludes by offering two future scenarios for a multipolar world wherein China will play a more prominent role. The first is an EU-UK association agreement that would strengthen the European pillar of NATO, the other is a trilateral cooperation scenario that focuses on EU-UK-US consultation and cooperation (under the heading of an EU-US FTA) bent on countering Chinese influence. In the next chapter, Russell Solomon focuses on what Australia might offer the EU and the UK in the post-Brexit period. Some of the Brexiteers saw UK-Australia relations as an intrinsic part of the Brexit slogan of ‘global Britain’. Such a view might be consonant with Solomon’s observation to the effect that ‘(h)istorically, Australia’s relations with the EU have been the converse of those with the UK where antagonism and only episodic engagement with the EU was in contrast to a deep ongoing and often close one with the UK’. In this context, Australia felt betrayed when the UK joined the EU in the early 1970s because Australia conceived of the EU as an obstacle to the liberalization of trade, mainly due to the EU’s common agricultural policy. Solomon notes that Australia has developed a global trade outlook with a natural gravitational pull towards markets closer to home, such as China. Nevertheless, Australia recognizes the need to branch out, and the EU figures significantly, as evidenced by the negotiations over an Australia-EU FTA. It is notable that Brexit might serve to institutionalize rather than undermine EU-Australia relations. In the final chapter of this part, Biao Zhang and Shaohua Yan examine how China views Brexit. The authors draw on a wide range of Chinese sources to analyse how Chinese scholars and policy-makers assess Brexit’s impact on the UK; how the Chinese assess Brexit’s effects on China-UK relations; what impacts Brexit will have on China-EU relations; and more indirect effects pertaining to Brexit’s implications for what the authors term ‘great power relations’. The authors provide a comprehensive and very nuanced overview. The main points are with regard to the first, that the general view in China appears to be that Brexit will harm the UK. On the second, Chinese assessments are more positive in terms of how Brexit will affect China-UK relations, even if these assessments are also somewhat mixed. On the third, Chinese assessments with regard to Brexit’s effects on China-EU relations in general are negative. On the final dimension, Chinese assessments are that Brexit will render the UK vulnerable to US influence; it will likely move the UK closer to Japan; and (prior to the Russian invasion of Ukraine) may improve EU-Russia relations.

Part VI: Brexit and Questions of Legitimacy

The sixth and final part contains two chapters that deal with aspects of Brexit and questions of legitimacy. In his chapter, Albert Weale starts by noting that the Brexit decision brings up a number of important questions pertaining to political legitimacy. These range from the role of referendums in settling core constitutional questions, including in terms of holding a referendum, the conduct of the referendum, and ‘the authority of the result and its implications for the conduct of government and the obligations of citizens’. Weale provides a careful assessment
of these points and notes that whereas there were problems on all counts, that does not amount to stating that Brexit was illegitimate. At the same time, he notes on the question of citizens’ obligations that ‘(t)here is no inconsistency in supposing that the referendum was a genuine act of authorization, on the basis of which the government could pursue a policy of leaving the EU and continuing to campaign for a reversal of that decision’. Weale also addresses legitimacy in the context of inter-state relations, in terms of the UK’s external conduct. The critical issue is the UK’s willingness to abide by the agreements it has entered into, especially with regard to the Northern Ireland Protocol. Finally, Weale also discusses the issue of legitimacy in relation to the future integrity of the UK state, especially given the distribution of support and the issue of Scottish separation. In the next chapter, Richard Bellamy discusses Brexit in the light of political constitutionalism and referendums. Bellamy notes that Brexit brought up two views of political constitutionalism and its relationship to referendums. One is that referendums are deviations from representative democracy and serve to disfigure democracy, given that ‘they deny the pluralism and tolerance of true democratic decision-making by emphasizing the existence of a mythical and singular people’s will’. The other position highlights the need for referendums as a means for correcting the elitist character of political constitutionalism. Bellamy’s position is that ‘referendums can play a valid constitutional role as part of a system of checks and balances on executive authority so long as they are appropriately embedded with a system of representative democracy’. Bellamy therefore sees referendums as complementary to representative democracy. The Handbook ends with a ‘postscript in the guise of a conclusion’. Kalypso Nicolaïdis reflects on many of the narratives of Brexit and on the role of the scholar in studying it. One, already difficult, role is just to make sense of what has happened ‘when the moment under scrutiny is so pregnant with historical resonance and yet so entwined with everyday life’. Yet the study of Brexit may also have a role in contributing to the ‘exceptional synthesis’ that would be needed for ‘the British tribes (of leave and remain) to learn again to walk together’. When our world keeps coming back to the same ‘globally recurring dilemmas’ doesn’t it reveal that behind many differences is a shared ambivalence? Many of us are ambivalent on ‘fundamental questions of cooperation and control. Who truly is simply sovereigntist or cosmopolitan?’ So, ‘perhaps then Brexit boils down to the contrasting connotation of one word: bond. Bond as bondage or servitude for some, bond as the ties that bind for others. Shackles vs Sharing.’

NOTES

1. The research that went into this chapter has received support from the EU’s Horizon 2020 programme (Societal Challenges 6: ‘Europe in a Changing World – Inclusive, Innovative and Reflective Societies’) under Grant Agreement No. 822419).
2. See, for example, the UK Government’s White Paper, The United Kingdom and the European Communities, Command 4715 of 1971. Also, various speeches by the Minister in charge of the Negotiations, Geoffrey Rippon, in the RIIA (Chatham House) press collection.
REFERENCES


