A Long and Winding Road towards the Exit? The 'Referendum Factor' in British EU Politics

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Introduction

Since Britain joined the EU in 1973, the country's "semi-detachment (George, 1992) towards European integration is an essential part of academic discussion on Britain's relationship to "Europe". According to numerous studies the country's image as an "awkward partner" (George 1990) in the European Union seems to become even more transparent since the conservative-liberal coalition came to power in 2010 (Allen 2011; Federal Trust 2012; Parkes 2012). Some observers even state a new mixture of continuity and change in the government's attempts to fundamentally redefine the rules for British EU membership (Miller 2011; Buller 2012). In this context, three developments seem to be important: on the *diplomatic level,* Prime Minister David Cameron offensively makes British interests heard, although his positions may not be shared by other member states or may be supported only by a minority of EU partners. Latest examples are his protests against some measures to overcome the European financial crisis, the election of Jean Claude Juncker as president of the European Commission or the additional British contribution to the EU-budget in autumn 2014.[1] On the *"constitutional" level,* the (Conservative part of the) coalition regards it as essential to regain control over policies which were influenced or even dominated by supranational institutions for a considerable period of time. Especially the working-time directive and other elements of EU social policy are regarded to break principles of national sovereignty and are therefore to be dealt with within the British policy arena. At the same time *Downing Street* often protests against

[1] The EU Commission asked the UK to contribute with an additional £ 1,7 billion (approximately 2 billion Euros) to the EU budget since the performance of the British economy improved faster than expected. During the press conference after the European Council in October 2014 David Cameron said: 'It is an unacceptable way for this organisation to work, to suddenly present a bill like this for such a vast sum of money with so little time to pay it [by 1 December 2014, G. W.] and it is an unacceptable way to treat one of the biggest contributors to the European Union.' http://www.gov.uk/government/speeches/european-council-october-2014-david-cameron [10 November 2014].

what it regards as the expansive nature of supranational politics. In the Prime Minister's opinion the formula of an "ever closer union" as laid down in the Lisbon Treaty should largely be replaced by an intergovernmental approach in order to stop the transfer of power from London to Brussels.[2] In this respect, British European policy is presently dominated by attempts to *restrict and reduce* the influence of supranational institutions in order to make Britain's political and economic interests more visible in Europe and the world. On the level of *legitimizing British EU policy* the European Union Act (EUA) of 2011 is supposed to serve as an additional tool to increase responsiveness of British EU policy in the domestic policy arena. The EUA allows referendums on fundamental supranational affairs and codifies a new balance between the parliamentarian and 'grass roots' dimension of British EU policy.

Since 1975, when the British decided to stay in the EU by a ratio of 2:1, the "referendum question" remains a decisive factor in public discourse on Britain's future in "Europe". Since then, debates about the pros and cons of referendums on aspects of European integration were far from homogeneous (House of Lords 2010) As outlined on the following pages the controversies mainly focused on possible challenges for the British political system (especially for sovereignty of Parliament), the role of referendums for party politics and their potential to shape constellations of power on the national and supranational policy level. In the following, the "referendum debate" is therefore analysed from a functionalist perspective. The study focuses on the meaning of referendums for the British political system in general and the attitudes of various British governments towards a more plebiscite-oriented style in dealing with EU affairs. On this basis, the question of "Brexit" (Britain leaving the EU) is linked with other topics high on the agenda of British politics such as the Scottish referendum on inde-

[2] In his speech to the C(onfederation of)B(ritish)I(ndustry) Annual Conference 2014 David Cameron said: "I want to make sure we belong to a Europe that is about the common market and cooperation and not about an ever closer union (...)" https://www.gov.uk.government/speeches/cbi-annual-conference-2014-prime-minister, [15 November 2014]. See also Georg Weinmann, Deciphering Europe. European Integration and the Foreign Policy Debate in Britain since 1973, in: Christian Haase (ed.), *Debating Foreign Affairs. The Public and British Foreign Policy since 1867* (Berlin/Wien: Philo, 2003), 183-203 and William E. Paterson, *Solidarity versus Sovereignty. The British View*, in: Klaus Brummer/Heinrich Pehle (eds.), *Analysen nationaler und internationaler Politik* (Opladen/Berlin/Toronto: Barbara Budrich, 2013), 221-228.

pendence and the campaigns in the run-up to the House of Commons election in 2015.

Referendums and the Westminster Model of Government

In April 2010, the Select Committee on the Constitution published a study entitled 'Referendums in the United Kingdom' on behalf of the House of Lords (House of Lords 2010). At that time all major parties had already committed themselves to a more responsive style of government should they come to power in May 2010. Although not at the centre, aspects of direct democracy were part of all manifestos. The Labour Party, for example, promised to let the people decide whether they are in favour of a reformed voting system or not. The Liberal Party announced similar steps. It even expanded the scope for referendums to a membership of Britain in the European Monetary Union (EMU) and the introduction of a written constitution. The Conservative Party also favoured a fundamental approach. Referendums were regarded as a sine qua non if the balance of power between Brussels and London was to be altered (Ibid, 12).

However, the study tried to go beyond an analysis of manifestos. It also focused on the role referendums could play in the British Westminster style of government. The experts heard were far from sharing similar views (Ibid, 14). Supporters of a more "plebiscite" style of government regard referendums as a means for making the voice of the people heard more often and more clearly. From their point of view, this approach may contribute to an increased support for political institutions and policy measures. Although referendums are of consultative nature only, the government could use them an indicator for protest and/or changing moods in the country. From their point of view, referendums can also serve as a trigger to draw the public's attention to a particular issue and may lead to a mobilization in the political camps as well as in the broader public. Supporters of a greater role of referendums in Britain therefore interpret them as an additional tool in the set of policy instruments rather than a substitute for traditional modi of British politics, especially with regard to the outstanding role of Parliament.

On the other side, critics often point out that referendums might be used as an instrument to steer the political process in a way that pleases the government in power. In order to stabilize its position, referendums might be organized at a time when public opinion is in favour of government performance. Referendums could therefore be of affirma-

tive nature and emphasize loyalty towards a government in general rather than expressing an opinion with regard to a particular policy issue. From this point of view, competing interests in the policy arena are also reflected in the run-up to a referendum and could be a decisive factor for the outcome. So the contest-driven result of a vote may not only reflect the "political will" of the "ordinary man in the street" but of powerful actors within the political elite.

Critics also point out that referendums as a political tool do not always seem to be the adequate way for finding sustainable policy solutions. The transformation of a policy issue into a "Yes" or "No" vote option may lead to a simplification of complex political affairs. As a consequence, wrong ideas of 'how politics work' could occur and lead to frustration among the electorate instead to increased participation. Beyond that, critics also state that holding referendums could be interpreted as a sign of inability to find adequate solutions within the parliamentary sphere. Votes of that kind are rather regarded as a way to slow down the process of decision-making and therefore reduce the grade of efficiency in political institutions. In the critics' opinion the antagonism between legitimacy and efficiency should be overcome by making the work of Westminster more effective rather than using a tool which is – especially with respect to "Europe" – hardly part of the traditional British understanding of government. Moreover, organisational and financial aspects could lead to additional burdens should referendums be enforced more frequently in the future.

In sum, the report concludes that the range of political issues to which referendums apply as an adequate means of politics is restricted. Furthermore, the study emphasises the Parliament's vital role in preparing and implementing referendums as well as in interpreting their results. With regard to European integration affairs referendum supporters as well as their critics refer to examples from various member states. That kind of ambivalence is also reflected by the controversies on EU votes in the British policy arena since the country joined "the club" in 1973.

U-Turns and Cross-Party Alliances

In the past, political actors in the UK had very different attitudes towards EU referendums in Britain. In 1970, in the course of the pre-election campaigns, representatives of all major political parties were against a referendum on Britain's accession to what was then called the European Community (EC). The situation changed when the terms of

entry – negotiated by the conservative Heath-government – were increasingly criticised by the public and especially the Labour Party. Its politicians demanded 'a better deal for Britain' and promised a referendum after the terms of entry would have been renegotiated by an incoming Labour government in 1974. After Parliament had adopted the new membership conditions, the consultative referendum took place on 5 June 1975. The support for remaining in the EC gained a majority of 67% (Gay 2011). Since then, every further step towards deeper European integration was passionately discussed and the question whether new treaties need the agreement of the British people became a leitmotif of the political debate. From a long-term perspective one can see that volatility, adaptability and flexibility dominate the discussions. The antagonistic nature of British politics seems to play a major part in this respect. The Conservative Party, for example, voted against a referendum after the terms of entry were renegotiated under a Labour government. But also ideological and tactical reasons seem to be of considerable importance. As Prime Minister (1979-1990) Margaret Thatcher favoured the ratification of the Single European Act (SEA) without having it confirmed or rejected by the electorate. However, she supported a referendum when the Maastricht Treaty (1993) was to be adopted, although her successor, John Major, excluded that option. Paradoxically, Thatcher therefore became an ally of the Labour Party opposition and openly showed the disunity of the Conservative Party at that time. William Hague, leader of the conservative opposition after Tony Blair was elected Prime Minister, also demanded a referendum in order to legitimize the Amsterdam Treaty. This claim, however, was rejected by the Labour Government. It also denied a referendum when Parliament adopted the Nice Treaty. In both cases, the opposition reacted harshly and accused the Labour government of neglecting the far-reaching consequences both treaties would have for Britain.

With regard to the Lisbon Treaty the political controversy on the pros and cons of referendums in EU matters reached a new dimension. Parts of the political elite demanded a referendum on the question whether the United Kingdom should become a member of the Euro zone. This issue was flanked by the controversy whether the 'ordinary people' should have a say in European affairs at all. Prime Minister Tony Blair emphasized that there was no need for a referendum on the "Euro question". On 20 April 2004, however, he declared himself ready to enforce a vote on EMU (Heindrichs 2006). Nevertheless, the refer-

endum was not implemented, because Blair's successor, Gordon Brown, didn't consider the time to be ripe. He emphasized that Britain's membership in the European Monetary Union depended on a sound and stable development of all economies involved; a requirement which was – from the British government's point of view – not fulfilled at that time (Pilkington 2001, 22). David Cameron also denied the need for a referendum to adopt the Lisbon Treaty. He regarded further talks on the future of Europe as a better way to get "what is best for Britain" (Cameron 2012). In his opinion the Lisbon Treaty was only an intermediate stop on the way to build a European Union the UK could more identify with.

The look back illustrates that the debate on EU referendums in Britain has been highly controversial since 1973. Cross-party alliances and volatile positions of key decision makers can be identified in the Labour Party as well as in the Conservative Party. The controversies had been embedded in different political circumstances at European and at national level. The dynamic in both policy arenas increased the demand for flexibility and pragmatism. However, two questions seem to be dominating the discussions until the present day: 1. "British EU membership: Yes or No, and if Yes, what are the terms?" 2. "Does Britain benefit from particular steps towards a deeper union (such as monetary union) or does it seem to be more appropriate to negotiate "opt-outs" in order to emphasize its national sovereignty and remain a member of "the club" at the same time"?

European Integration: A 'Constitutional Issue' for Britain?

Since Britain's the accession to the European Union the debates on EU referendums had various functions (Oppermann 2012). Some of them seem to be of major importance. Andrew Geddes, for example, regards the 1975 referendum as a way for the Labour Government to reduce pressure within the party, since the left was deeply divided over the country's membership in the EU and the new terms agreed (Geddes 2004, 76). For the sake of a stable government he regards the 1975 referendum as *ultima ratio* to prevent a premature end of Labour rule. While being in power, Margaret Thatcher had a different view on the issue. She thought of referendums to be unnecessary since Britain was in the position to shape the European integration process in a way that reflects essential British interests. Beyond that she was convinced that the Single European Act (SEA) did not challenge fundamentals of the British constitution (Young 1998, 333; Buller 2012, 81). The Maastricht

Treaty, however, was in the perception of the "Iron Lady" a "constitutional issue" indeed. The fact, that she shared this view with the Labour Party shows the weak position of Prime Minister John Major at that time (Young 1998, 487). For him, weak public support, a small majority in Parliament and a sceptic mood towards European integration in his party were important reasons to exclude a referendum as a policy option. In the House of Commons debate on 21 February 1992, however, representatives of the government followed a different strategy. They argued that neither Government nor Parliament could pass on the responsibility for the Maastricht Treaty to the British people. In doing so the "parliamentary style of democracy" would be challenged. Furthermore, a vote was not regarded as an useful means to legitimize the Maastricht Treaty in Britain for pragmatic reasons: "There is no single question that could adequately sum up the Maastricht Treaty" (Gay and Winetrobe 1995, 12). From a Labour Party perspective, these arguments were plausible only to a very limited extent. Representatives of the opposition accused the Prime Minister to act against Britain's interests and to alienate himself from the electorate (Geddes 2004, 75).

After the Labour victory in 1997 Tony Blair also adapted his attitude towards an EU referendum in Britain to changing circumstances. During the talks on a constitutional treaty for "Europe" Blair diplomatically as well as passionately held on to "red lines" and successfully insisted on numerous "opt-outs" for Britain. Since the discussion on referendums gained momentum in other EU member states such as France or The Netherlands the Prime Minister saw himself confronted with a similar controversy at home. Although not completely convinced himself (Bulmer 2006, 562) he eventually decided for a vote in order to meet strong expectations of the British public and parts of his party. The risky decision turned out to be without severe consequences for Blair's power base: the constitutional treaty for Europe was rejected by the people in countries like France or the Republic of Ireland. Results of this kind paralysed the European integration process and initiated the 'phase of reflection'. So time was on Tony Blair's side, and for him a referendum on 'Europe' became a low-ranking issue. In his memoirs he confesses: "I was off the hook" (Blair 2010, 531).

Blair's successor, Gordon Brown, also had to face a difficult situation in terms of dealing with new developments on the supranational policy level. In order to make the Lisbon treaty acceptable for Britain he insisted on numerous "opt-outs", too. These were the reason why he

classified the new basis for European integration as not relevant for a referendum. 'Lisbon', in his opinion, was no fundamental challenge for the British political system and did not have the status of an European constitution. Brown therefore favoured the parliamentary adoption without an additional vote by the British people.

While the last Prime Minister of the Labour Party had to react to a further step towards European integration David Cameron tries to take the lead in reforming the European Union with a stronger emphasis on subsidiarity. He relies on "tactic and strategic patience" (Cameron 2012) to reach this aim. As his predecessors, he is well aware of the potential for conflict which goes along with the "referendum question". The European Union Act is his government's answer to the controversies of the past. More or less clear ideas on what has to be regarded as a "constitutional issue" are supposed to help to decide whether a referendum has to be enforced or not. This approach turns the logic of the past debates upside down: Since 1973 large parts of British society perceived European integration as a "constitutional issue" which challenged national sovereignty. A referendum would have served to legitimize this new balance of power. Since 2011, when the European Union Act was passed, the electorate can also decide whether the UK should (re-)gain more responsibility from the supranational level. This paradigm shift supports David Cameron's attempt to roll back the frontiers of what he regards a European superstate.

Outlook – A New Dynamic?

After Scotland's "No" to independence in 2014 the debate on referendums as a means to shape British European policy continued. The controversy even intensified in the run-up to the election in 2015. David Cameron promised a vote on Britain's EU membership in 2017 should he lead the country for another term of office. His plans included a new basis for EU-UK relations before the referendum is to take place. According to the European Union Act the vote of the people then is a sine qua non since a "constitutional issue" is to be decided on.

Should, however, the negotiations with Brussels and the other member states lead to a new treaty for European integration, countries like the Republic of Ireland will have to enforce a referendum as well. As can be seen from the cases of France and Holland, the dynamics of campaigns and the outcome of referendums can hardly be controlled and might not develop in the governments' favour (Weinmann 2013, 236). In his speeches David Cameron therefore talks of "a proper choice

about staying in a reformed European Union or opting not to belong to it." (Cameron 2012). At the present stage it seems to be a long way to convince all member states that the EU mainly is an overloaded policy maker who needs relief from the nation states. Some countries even claim more supranational engagement in order to find common solutions for common problems. The fact that the Prime Minister made immigration and free movement within the European Union a key issue in his approach to "Europe" is often perceived as a reaction to the successes of his relatively new political rival, the United Kingdom Independence Party (UKIP). By "nationalizing" European issues and "europeanizing" national concerns David Cameron hopes to convince the electorate at home and to create a 'critical mass' for reforms in the European Union. Should this strategy be successful at the ballot box and on the supranational level, the wording of the question and the timing of the campaign seem to be essential for the outcome of the referendum in 2017. So far, the Prime Ministers' rhetoric is dominated by a diplomatic tone, emphasizing the gains and losses should Britain leave the EU. In this respect, the "referendum factor" is of considerable importance for British domestic politics. But it also shows that the country is still in search for its place in Europe and the role it wants to play there in the future.

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