

Brexit: Is no-deal inevitable?

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Over three years ago, in June 2016, the British people voted to leave the European Union. They were presented with a complex range of Brexit options. These ranged from soft forms of Brexit that maintained much of the existing relationship with the EU, to hard Brexits that dissolved elements of that relationship and gave Britain a freer hand on the international stage. Economists were largely unanimous in arguing that the harder the Brexit, the greater the economic damage it would inflict on the UK. At the time of the referendum, nobody campaigned for the hardest of hard Brexits, taking the UK out of the EU with no deal at all. A common metaphor used for this no-deal Brexit was of Britain going ‘over a cliff’. Analysts warned that this sudden annulment of legal frameworks regulating Britain’s relations with the rest of Europe would lead to lorries queuing for kilometres at Channel ports, shortages of medicines and fresh vegetables in the UK and planes unable to land at airports. Nevertheless, the new Prime Minister (PM), Boris Johnson, now appears to be driving toward a no-deal Brexit. This paper explains how we got to this point, why, and finally, whether no-deal is inevitable.

Johnson’s predecessor as Conservative Party PM, Theresa May, began the official process to leave the EU in March 2017. According to EU Treaty rules, this meant that the UK should leave by March 2019 and therefore had two years to negotiate a withdrawal treaty. Fearing that her slim majority of just ten votes was not enough to guarantee smooth passage of the treaty through a deeply divided parliament, May promptly called a general election. However, instead of gaining seats, she lost her majority entirely. To remain in power, she had to ally with the Democratic Unionist Party (DUP) of Northern Ireland, led by Arlene Foster. This was a fateful alliance, as Northern Irish politics, to the surprise of most British people and politicians, became central to controversies over Brexit. May agreed the withdrawal deal with the European Commission in December 2018 and put it to the House of Commons three times in January and March 2019. Each time, it was defeated by substantial majorities. The first parliamentary defeat, by 432 to 202, was the worst ever suffered by a British government. Parliamentarians refused to accept the deal but were equally opposed to a no-deal Brexit. Wresting control of the organisation of Commons business from the government, they passed legislation that forced May to ask the EU to extend the Brexit deadline from 29 March to 31 October. With her key policy in ruins, she resigned, and Boris Johnson replaced her as Conservative Party leader and PM in July 2019.

Why this shambles? I put forward two kinds of explanation. First, most immediately, what became known as the Irish Backstop was the key reason for parliament’s rejection of the May withdrawal deal. May’s tiny majority could not survive the opposition of pro-Brexit Conservative MPs to the Backstop. They objected because the Backstop kept the UK in the EU’s Customs Union. This is the agreement, dating from the 1960s, that removes all customs barriers among EU member states. Pro-Brexit politicians objected to Customs Union membership because it establishes common external trade policies, including common tariffs, against all non-EU members. These have to be set at EU level, so the European Trade Commissioner is responsible for negotiating free trade agreements with non-members on behalf of the bloc as a whole. Remaining in the Customs Union would therefore severely limit the UK’s ability to strike trade deals independently. This ability is one of the very few

economic arguments for Brexit that has even a slight shred of credibility. In addition, pro-Brexit politicians argued that remaining in the Customs Union but not the EU rendered the post-Brexit UK a 'slave state', subject to trade rules that it no longer helped to formulate.

The Backstop kept the UK in the Customs Union in order to support the fragile peace agreement in Northern Ireland. Until brought to an end by the Good Friday Agreement in 1998, three decades of terrorist civil war between pro-British and pro-Irish nationalists had killed 3,532 people in the tiny province. An open border between Northern Ireland and the Republic of Ireland, an EU member with which it shares the island of Ireland, is an important part of the peace agreement. The Backstop was included in the Withdrawal Agreement because of widespread understanding in the UK, Ireland and Europe that a customs border would undermine peace by requiring checks on goods crossing the border. It guaranteed that even if the EU and UK were unable to agree a post-Brexit customs deal, the Irish border would automatically remain free of customs checks. The initial understanding was that any new customs border would separate Northern Ireland from the rest of the UK. However in a dramatic intervention while Theresa May was in Brussels to sign a key interim agreement in December 2017, the DUP blocked this option. As extreme British nationalists, they could not tolerate any border that divided them from the island of Britain. Theresa May therefore accepted that the Backstop would apply to the UK as a whole, in essence guaranteeing that the country would remain inside the EU's Customs Union.

This does not suffice to explain the chaos in Parliament however. Solely remaining in the EU's Customs Union would have been quite a hard Brexit option for a country where barely over half the voters opted to leave the EU. My second explanation for the deadlock in parliament is that compromise was made impossible by the emergence of a new political cleavage in a party system that was still organised according to the old one. The political scientists Martin Lipset and Stein Rokkan put forward cleavage theory in the 1960s, arguing that the cleavage of parties along a left-right spectrum was then the fundamental organising principle of politics. This is certainly the case for Britain's long established centre-right Conservative and centre-left Labour parties. Although most smaller parties in parliament had firm pro or anti-Brexit positions, these two big parties, which had alternated in power since 1922, were both divided on Brexit. Even though a series of free votes in March and April 2019 suggest that the government could probably have put together a coalition in favour of the UK remaining in the EU Customs Union, this was blocked by the stranglehold of the traditional left-right political organisation. When Theresa May became Conservative Party leader after the Brexit referendum, she opted for an extreme hard Brexit position rather than compromise. This was presumably to prevent the virulently pro-Brexit wing of her party from rebelling against her and potentially tearing the party apart. Similarly, these rebels opposed May on Brexit but supported the Conservative government. Over a third of Conservative MPs voted against her withdrawal deal but supported her a day later, when Labour called a vote of no confidence in her government. This traditional party loyalty prevented the realignment of parliament along pro and anti-Brexit lines, with the result that the chief political issue of the day could not be resolved.

I argue however that this realignment has gradually been taking place. In the 2017 general election, 82% of voters supported the Conservatives and Labour, two parties with confused messages on Brexit and whose voters and MPs were spread out across the Brexit spectrum. Only 14.5% supported the smaller parties, which had clear Brexit positions. Two years later

in the May 2019 European Election, 74% of voters voted for the parties with clear messages on Brexit. In July 2019, Boris Johnson was elected leader by Conservative Party members, a group which polls suggest would favour Brexit even if it destroyed the economy, the Conservative Party and the union with Scotland and Northern Ireland. Johnson has since governed as an ultra-hard pro-Brexiteer, signalling his readiness to accept a no-deal Brexit. His government claims to aim for a deal with the EU but demands that the Backstop be abolished, which is completely unacceptable for Brussels and Dublin.

The opposition is similarly coalescing around an anti-Brexit position. Labour has gradually withdrawn from its formerly ambiguity. Along with other opposition parties, it now openly demands a second referendum on Brexit and says it will campaign for remain. Taking control of parliament, the united opposition passed a law forcing the PM to ask the EU for another extension of the Brexit deadline if no-deal was in prospect. In response, Johnson expelled 21 anti-Brexit rebel MPs from the Conservative party on 4 September. By contrast, Theresa May had been desperate to preserve the old Conservative broad church, despite numerous rebellions by Johnson and his allies.

Manoeuvres such as proroguing (closing down) parliament for more than half of its remaining sitting days before Brexit signal that Johnson and his ministers will use every available stratagem, playing fast and loose with Britain's unwritten constitution. They even hint that they may ignore the Brexit extension law, despite risking prison if they do not. The opposition are playing almost as dirty, refusing to give Johnson the general election he demands.

The outcome of this struggle depends heavily on how far British politics can realign along the Brexit cleavage. A vote of no confidence could install an anti-Brexit coalition, but is blocked by a final remnant of the old left-right cleavage. The Labour leader, Jeremy Corbyn, demands to be installed as PM, but is too far left for his potential coalition allies to stomach. If there is a general election meanwhile, Britain's voting system means that close inter-party collaboration within pro and anti-Brexit alliances will largely decide the outcome.