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Negotiating Brexit: The Cultural Sources of British Hard Bargaining

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Abstract

Though the UK is weaker than the EU on key metrics of bargaining power, the British approach to the first phase of the Brexit negotiations has been characterised by hard bargaining. Efforts to explain this puzzle have focused on constraints at the domestic level, but have not engaged with the cultural sources of bargaining style highlighted by constructivist scholars. Drawing on a series of interviews, this article suggests a number of cultural factors have influenced the UK's decision to adopt a hard bargaining strategy, including the country's majoritarian institutional culture, its weak socialisation into the EU, overstated perceptions of its own capabilities, the prevailing conservative political ideology, and a longstanding preference for 'divide and rule' diplomatic strategies. Our findings suggest not only that the UK’s choice of negotiating strategy is sub-optimal but also that theories of bargaining need to pay attention to cultural factors predisposing actors to particular strategies.

Keywords

Negotiations; bargaining theory; Brexit; United Kingdom; constructivism; ideology
Introduction

The UK entered the Brexit negotiations the weaker actor in a number of respects. Yet the British approach to the first round of talks has been characterised by all the hallmarks of ‘hard bargaining’. This is puzzling, since most of the bargaining literature holds that such strategies make sense only when accompanied by relative advantages in power. Scholarly explanations for British hard bargaining have focused on the domestic constraints operating on the government from hard-line Brexit supporters, but these can only partially explain the UK’s choice of strategy. Drawing upon a series of elite interviews conducted in late 2017 with politicians, civil servants, and think tankers close to the negotiations, this article suggests that cultural factors have contributed to the UK’s decision to adopt a hard bargaining strategy. Our analysis thus helps explain a key part of a contemporary empirical puzzle—namely, why the UK adopted an adversarial bargaining approach from a position of weakness. Theoretically it lends support to constructivist theories of bargaining which foreground cultural and ideational factors, showing that a number of non-material factors can also impinge on the choice of a specific bargaining strategy. In terms of policy implications, it helps us understand the consequences of hard bargaining from a position of weakness, and suggests such a strategy is neither optimal nor cost-free. We begin by discussing the context of the Brexit negotiations and the power differential between the UK and the EU, situating the puzzle of the UK’s hard negotiating strategy within the literature on power and bargaining. In the next section we discuss existing scholarly explanations for British hard bargaining, noting that these explanations are incomplete without a parallel consideration of the cultural sources of hard bargaining, and highlighting the limitations that follow from considering domestic politics in isolation. We then examine the contribution of a number of distinct cultural and ideational factors on the articulation of the British bargaining strategy, drawing on insights from our interviewees. We conclude by summarising our findings and noting the implications of our argument for bargaining theory and the lessons for policymakers as we enter the next stage in the negotiations.

The Brexit Puzzle: Hard Bargaining from a Weak Position

Hard bargaining is associated with a number of behaviours, including: aggressive representations of the other party, a lack of willingness to compromise (McKibben, 2010: p. 695), setting unrealistic expectations (Dür and Mateo, 2010a: p. 562), resort to threats (Dür and Mateo, 2010b: p. 562-564), depiction of the stakes in zero-sum terms (Da Conceição-Heldt 2006, 147-148, Elgström and Jönsson 2011, 685), failing to offer justification and argumentation (Naurin 2011, Reinhard 2012, Risse and Kleine 2010), and the withholding of information (Neimann 2004, 383; Smolinski 2008, 251). It is a recurrent finding in the literature on international negotiations that strategies involving hard bargaining are practiced by those actors which possess greater bargaining power (Dür and Mateo, 2010a; ibid, 2010b; Naurin, 2015; Reinhard, 2012; Zahariadis, 2017). Such strategies are avoided by weaker parties because they come with a number of costs not incurred by more powerful actors. First, hard strategies are less credible when the actor is weaker, and therefore offer little in the way of
bargaining advantage. Second, the loss of credibility itself creates reputational problems vis-à-vis current and future negotiating partners (Moravcsik, 1993: p. 31). Third, hard bargaining risks the stronger actor retaliating in kind under asymmetric bargaining conditions likely to result in greater harm to the weaker party (Dür and Mateo, 2010a: p. 564). Fourth, hard bargaining and brinksmanship makes it less likely that an agreeable outcome will be reached, for which however the weaker actor has a greater need (Neale and Bazerman, 1985). Fifth, hard bargaining makes ratification harder since it establishes unrealistic expectations on behalf of domestic constituencies.

Various categories of power are utilised by those seeking to explain bargaining approaches, but the link between strength and hard strategies holds across each. For a number of scholars, bargaining power is associated with the possession of resources and capabilities, including voting power, economic clout, and military and demographic capabilities (e.g. Bailer, 2010; Schneider et al., 2010, p. 87). Reinhard (2012: p. 1343) finds that EU member states with high levels of economic and political power are less likely to use normative arguments in negotiations, a key indicator of soft bargaining. Indeed, Naurin (2015: p. 731) finds that the strongest member states in the Council are “strikingly unwilling” to make concessions to others. Bargaining power is also a function of actor preferences – and where these are positioned relative to the other actors – as well as the availability and value of alternatives (Axelrod 1970; Garrett & Tsebelis 1996). The better the available alternatives, the more credible is an actor’s ability to forego agreement, and therefore the more power they are able to exercise (Zahariadis, 2017: p. 680). This has a direct impact on the choice of bargaining strategy. As McKibben has demonstrated, using a dataset on EU bargaining, states with more costly outside options are more “likely to be observed offering concessions in order to bring about bargaining agreements” (McKibben, 2013: p. 415). Bargaining power is also a produce of domestic constraints, which – as the Schelling conjecture has it – can serve as a source of bargaining leverage when credibly cited by negotiators as preventing them from moving closer to the other party’s position (e.g. Dür and Mateo, 2010a: p. 566; König and Slapin, 2004: p. 359; Pahre, 1997: p. 147; Putnam, 1988: p. 440; Schelling, 1961). Indeed, Zahariadis’s study of the 2010–15 Greek bailout negotiations suggests that governments with “fewer domestic constraints are more likely to follow a soft bargaining strategy” (Zahariadis, 2017: p. 675).

There is thus good evidence that hard bargaining is practiced by actors with greater bargaining power. Yet the British approach to the Brexit negotiations confounds these expectations. In terms of resources, the British economy is equal to one-sixth of that of the combined EU27 (Eurostat, 2017). Moreover, the economic effects of withdrawal are asymmetric; while the UK would stand to lose between 1.3 and 2.7 per cent of GDP – depending on the model of association post-Brexit – these figures for the EU are 0.1 and 0.8, respectively (Hix, 2018: pp. 14-15). Meanwhile, the UK’s military capabilities cannot be leveraged, since the coterminuity of interests makes any threat to withdraw the security commitment to Europe non-credible (Durrant et al., 2019: pp. 19-20). In terms of other options, the UK has few alternatives to a deal with the EU. The ‘global Britain’ alternative based on “a bolder embrace of free trade with the wider world” (HM Government, 2017) understates the UK’s dependence on the EU (e.g. House of Commons, 2018; Daddow, 2019) and overstates demand from the rest of the world.
to seek FTAs with the UK post-Brexit (e.g. Oliver, 2017: p. 529; Yu, 2017: p. 109). Finally, in terms of domestic constraints, the UK lacks the ability to translate opposition to the government’s Brexit agenda into meaningful influence. Though the government likes to speak of a clear mandate from ‘the people’ (Freeden, 2017: pp. 7–8; Weale, 2018: pp. 31–32), this mandate is extremely broad, and public opinion is deeply divided (Hobolt, 2016: p. 1263). As the series of ‘indicative votes’ in the British Parliament demonstrated, there exists no majority for any of the tabled options. In any case, the UK’s domestic constraints will do less damage to the EU than they will to the UK.

Despite these limitations to its bargaining power, there is little denying that the UK has opted for a hard bargaining strategy with the EU27. The UK has represented the negotiations in confrontational terms, accusing the EU of bullying (BBC News 2017) and choosing an often negative overall tone (Durrant et al., 2019: p. 37). The UK has been averse to compromise, tabling no concessions and reluctant climbdowns on sequencing or budgetary contributions occurring only after initial insistence that no compromise would be offered (Schimmelfennig, 2018: p. 1155). Prior to the talks, May set out a number of ‘red lines’ which were irreconcilable with the level of market access she aspired to, leading observers to speak of Britain’s unrealistic expectations (Hobolt, 2018: p. 9). Frequent threats have also emanated from the UK side, including a recourse to no deal (The Guardian, 2017), competitive deregulation (HM Government, 2017), downgrading the security and intelligence relationship (Schimmelfennig, 2018: p. 1168), reneging on the £39 billion ‘divorce bill’ (The Times, 2018), and even exiting the talks altogether. Dominic Raab claimed recently that: “If we cannot close this deal on reasonable terms we need to be very honest with the country that […] we will walk away” (The Guardian, 2018). British politicians also framed the talks in zero-sum terms, leading Barnier’s chief advisor Stefaan De Rynck to caution that “negotiations are about finding common ground…not about crushing an opponent but about respecting the other party” (De Rynck, 2018). The UK has also been reluctant to share information, failing to outline its desired endgame and communicate the putative benefits of its demands to the EU (Durrant et al., 2019, 37). May’s approach was one of “strict confidentiality” (Heide & Worthy, 2019), claiming that “those who urge us to reveal more…will not be acting in the national interest” (HM Government, 2017).

Consequently, this first phase of the Brexit negotiations has exhibited a number of problems associated with bargaining hard from a weak position. First, the UK’s threats have achieved little and contributed to further diminution of the UK’s credibility (Jones, 2019: p. 12). The Withdrawal Agreement follows the Union’s preferred process and includes key provisions designed to assuage specific concerns of Brussels (Schimmelfennig, 2018: p. 1168). Second, the British approach to the talks has raised concerns about the reputational cost, with claims that the UK is now perceived as a “laughing stock”, abounding (The Guardian, 2019). Third, the perception that the UK could not be trusted has led the EU to take an increasingly less cooperative stance of its own (Hagemann, 2017: p. 159). And finally, hard bargaining has blighted ratification of the Withdrawal Agreement – rejected three times by Parliament – since its contents do not match the scale of promised concessions (Heide and Worthy, 2019).
Accounting for British Hard Bargaining: Domestic and Constructivist Perspectives

Existing scholarly explanations for British hard bargaining stress the role of domestic constraints on the executive, especially those from right-wing Conservative eurosceptics. Allen has noted the Prime Minister’s reliance “on the support of the most ardent Leavers in her party” (Allen, 2018: 118). Jones argues that May was forced to focus “on securing the short-term political survival of her government amidst turbulent and fractious domestic politics, over negotiations with the EU27”, thus failing to “forge a negotiating position around which a majority of UK politicians could rally” (Jones, 2019: pp. 2-3). Similarly, Lloyd has claimed that in order to “keep her divided government intact, the Prime Minister has delayed critical decisions until the last possible moment […] for fear of triggering mass resignations on either side of the Cabinet fissure” (Lloyd, 2019: p. 8). James and Quaglia (2018: p. 562), moreover, have argued that “Theresa May calculated that she had to adopt a hawkish position on Brexit to secure the support of her eurosceptic backbenchers”, claiming that “domestic political constraints stemming from the government’s parliamentary position…forced UK negotiators to adopt an early hawkish position [on financial services]”.

And yet the seeming absence of a strategic rationale for a given approach to bargaining need not lead us directly down the domestic politics route, since this is not the only source of explanations for sub-optimal bargaining strategies. Constructivist accounts in particular have long focused on the cultural and ideational sources of negotiating behaviour and the potential for deviation from the rationalist baseline that accompanies these. Constructivists suggest the choice between hard and soft bargaining strategies is rooted in the specific cultural, ideological, or identity-based attributes of the actor in question and not solely in their preferences, their structural position, or in the balance of domestic forces (e.g. Mastenbroek, 2002; Salacuse, 1998; Smolinski, 2008; Zartman, 1999). Different accounts have highlighted, variously, the impact on the choice of bargaining strategy of institutional culture (Dür and Mateo, 2010b), political ideology and partisanship (Gelfand and Dyer, 2000; Rathbun, 2014), socialisation and the existence of a common culture (Lewis, 1998; Heisenberg, 2005), perceptions and cognitive biases (Kahneman & Renshon, 2007), and identity and national role-conceptions (Faure, 1999).

But to date there has been no systematic appraisal of the role these factors played in the choice of British bargaining strategy. Partly this is a consequence of the swift recourse to domestic political explanations – no doubt influenced by the salience of parliamentary and intra-party opposition to May’s interpretation of the Brexit mandate – and partly it is the result of the general absence of theoretical discussion on the sources of British bargaining. This is a shame, because ideational factors can potentially contribute much to our understanding of why the UK bargains as it does. Indeed, those factors highlighted by constructivist negotiation scholars as increasing an actor’s propensity for hard bargaining – the presence of majoritarian institutions; weak levels of socialisation; misperceptions of power; individualist ideological traditions; and historical reliance on ‘harder’ strategies (Dür and Mateo, 2010b) – are precisely those attributes which characterise British politics and which set the country apart from its European neighbours. Constructivist accounts of bargaining thus point to a number of key respects in which the UK differs from the EU27, and these in turn form the basis for a number of alternative explanations for British hard bargaining.
On the face of it, ideational sources of hard bargaining identified by constructivist scholars offer a plausible set of explanations that differ substantially from those domestic factors on which the existing literature has focused. For this reason alone, the ideational sources of hard bargaining deserve greater attention. Moreover, constructivist explanations can also help account for some of the blind spots in domestic accounts, most notably by accounting for how leaders framed the negotiations and devised strategies they believed most likely to be successful. This is important because domestic constraints hardened long after the UK has set itself on a hard bargaining course (notably after the 2017 general election) and because leaders have incentives other than catering to the short-term demands of domestic audiences, not least devising a strategy that can obtain sufficient concessions to enable domestic ratification. Domestic accounts have said little about these kind of incentives. And a discussion of ideational factors can also contribute to domestic politics explanations by showing how national-level ideational factors (cultural, ideological) transpose into demands for hard bargaining as well as how majoritarian institutions can foster conflictual politics both internally and externally, as has been in much evidence since the Brexit vote.

This article examines the role played by cultural and ideational factors in the British decision to adopt a hard bargaining strategy in the Brexit negotiations. A preliminary enquiry into the key empirical and theoretical puzzle at hand, it draws on elite interviews conducted in late 2017 in Brussels and London with policymakers and politicians, members of the EU negotiating team and the House of Commons’ Brexit committee, observers with direct experience of previous negotiations, and experts from specialised think tanks. We asked interviewees a series of questions designed to compare the bargaining styles of both the UK and the EU, specifically: (1) Are the negotiations viewed in the same terms on both sides? (2) How much flexibility have the negotiators been afforded by their political masters? (3) Are both sides approaching the negotiations with the same sense of timing? (4) Are the negotiations seen as an emotional or pragmatic issue? (5) How does each side conceive of the environment in which the negotiations will take place? (6) How open have they been to compromise and conciliation over certain issues? (7) To what extent do you think either side understands the interests, and the actions, of the other? We supplemented these with questions aimed at explaining the sources of identified variation. Instead of focusing on what went on ‘in the room’, those we spoke to offered insights into the higher-level framing of the negotiations, the aims of political masters, and the overall tone of the negotiations.

With this interview data, we do not seek to establish a temporally sequential, causal relationship between ideational factors and political action. Rather, the narrative allows us to understand how certain norms and ideas both constitute and constrain actors by imbuing political realities with meaning and setting expectations for political behaviour. If we accept that social norms create standards of appropriate behaviour for actors with a given identity (e.g. Katzenstein, 1996), then actors’ beliefs in and perceptions of what kind of behaviour is appropriate is empirically relevant. According to this ‘logic of appropriateness’ (March and Olsen 1998: 951–952), our empirical data may not affirm causality, but adds validity to claims that, in contradistinction to the expectations of the dominant theoretical paradigm, predispositions and perceptions have contributed to the articulation of Britain’s hard bargaining strategy.
Culture and Negotiating Style: Insights from the Brexit Talks

This section sets out the predicted effects of ideational factors on the choice between hard and soft bargaining strategies as identified by constructivist scholars of negotiations. Empirically this section draws upon elite interviews conducted in 2017-18 with prominent UK and EU policymakers and diplomats in order to show that these factors played a role in British hard bargaining. Our aim is to highlight a distinct discourse within elite circles that regarded cultural aspects associated with British politics as an important factor contributing to the country’s bargaining approach. While our interviewees spoke at times of the role of domestic constraints, they also highlighted the role of numerous ideational factors contributing to British hard bargaining, including the culture fostered by the UK’s political institutions, its weak socialisation into European norms, the UK’s perception of its own capabilities, the dominance of (small-c) conservative ideology, and the British penchant for a divide-and-rule approach to negotiations. We structure our discussion in accordance with these five recurring themes.

Institutional Culture

We argue that the choice of bargaining style is influenced by institutional culture. Majoritarian systems are characterised by their use of single-member district plurality (SMDP) electoral systems, which translates majorities at the constituency level into individual seats in the legislature. These tend to result in a small number of broad parties and the ubiquity of single-party governments (Lijphart, 1999: pp. 10–15). Consensus systems, on the other hand, allocate seats according to the proportion of the vote received by individual parties, which results in smaller and more ideologically homogenous parties and coalition government. The institutional culture of majoritarian political systems socialises actors into more conflictual political norms. Since competition is of the ‘all or nothing’ variety, and parties rarely need to govern together in coalition, majoritarian systems reward confrontational over compromise-seeking political strategies. Indeed, there is evidence that “consensus democracies are more likely to engage in soft bargaining than majoritarian democracies in international negotiations” (Dür and Mateo, 2010b: p. 687). Since the Westminster model is one of the few ideal-typical majoritarian democracies among the EU member states, many of which have adopted more proportional systems with the corresponding propensity for coalition government, it offers one explanation predisposing British political actors to opt for hard bargaining.

Our interviewees certainly highlighted the divergent ‘rules of the game’ of politics in Brussels, London, and the capitals of the EU27. As one British MEP put it: “[Brussels] is very different from the UK. It works completely on consensus. When I first started I found it a massive culture shock because we’re so used to confrontation. Not just politics. The way we run a lot of our institutions is like that. It’s just an Anglo-Saxon way of doing things. And it just isn’t like that in Europe…other governments use some form of Proportional Representation [PR] to elect
their governments. So by and large there is some version of a coalition”.1 The link between proportional systems and consensus politics arose frequently. “I think that PR…makes for more need to build bridges, less confrontational by definition”,2 noted one interviewee, while another depicted politics in the UK as “a lot more adversarial and a lot more to do with that relationship between the government and opposition, and as a result, it focuses a lot more on conflict and division and who is won over [by] the other party, whereas here [in the EU], I would say it is much more consensus-based, it has to be, because no one has a majority”.3 Others highlighted the linguistic and architectural mechanisms that reinforce consensus politics in the EU, noting: “the UK system is designed to have that sort of government–opposition mentality; it is even physically designed as a parliament to look like that. Whereas [in the EU], the system is the complete opposite, no one ever has a majority, either in parliament or in the council, there's just not…the same sort of mentality, and I think the language makes a difference as well, because in the UK, the system, the politics, the debate can move very quickly, lot of sparring, shouting at each other, and you just can't do that here because everyone's wearing headphones. So the second you start to … intervene, the interpreter system slows things down a bit and makes the debate a bit sort of calmer (some people would say more boring)”.4

Socialisation

We also argue that socialisation establishes preferences for soft bargaining. In communities based on trust, power plays a diminished role (e.g. Naurin, 2011; Risse, 2000), while the ‘shadow of the future’, i.e. expected future interaction with community members (Axelrod and Keohane, 1985), is increased. This is supported by evidence from the EU, itself the subject of reasonably deep levels of socialisation (Checkel, 2001: p. 563). Evidence points to the prevalence of “a shared commitment to finding solutions” (Lewis, 1998) among EU member states. Heisenberg (2005: p. 67) argues that integration has been driven by a powerful culture of consensus, such that Council decision-making “involves less ‘hard nosed bargaining’ and more ‘setting aside national interests to move legislation forward’”. Naurin (2015: p. 727) speaks of a ‘common narrative’ of the EU as “a communitarian ‘soft-bargaining’ anomaly among international organisations”, although he is sceptical of the ability of norm socialisation to overcome power asymmetries between larger and smaller member states. Weak socialisation into European norms thus offers another divergent hypothesis in relation to British hard bargaining. Dür and Mateo (2010b: p. 687) have suggested “countries that recently acceded to the EU are more likely to use hard bargaining tactics than older member countries”. While the UK has been a member of the EEC/EU since 1973 and has an enviable record implementing and complying with EU rules (Mastenbroek, 2005: p. 1109), it remained an ‘awkward partner’ (George, 1998). Its preference for intergovernmentalism and Atlanticism, and the instrumental

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1 Interview with British MEP, London, 2 October 2017
2 Interview, Brussels, 18 July 2017
3 Interview, Brussels, 19 July 2017
4 Interview, Brussels, 19 July 2017
manner in which Europe is treated in British political discourse (Cram, 2012: p. 73) are key cases in point.

Interviewees pointed out that the UK never internalised European identity as its continental partners did. According to one, “For Britain…the EU has always only been pragmatic and transactional. For 99 percent of the British political class, the EU was never something to which they had any emotional attachment to”. 5 Another claimed that the EU “might be a matter of life and death economically but people don’t view it like that, in fact they’ve always viewed the EU as a bit of an alien institution”. 6 One Brussels-based observer claimed “the British government don't really understand that the EU is not merely transactional. It is not just about widgets and selling cars. It is a part of a wider identity concept of working together”. 7 The consequences include “a rather strong culture in the UK which kind of expects the EU to be difficult” 8 and a blame reflex whereby “every time [there] has been something which is a difficult issue to resolve politically, the tendency has been to say it’s not my fault, it’s all to do with Brussels”. 9 Some argued the reasons for this went “back to the Second World War and this whole thing that the British hold on to, you know, ‘we won the war’…Continental countries that went through it all, they see it all very much as a source for peace…and working together”. 10 In addition, it was argued, “no prime minister has explained to the British people in a positive sense why the European Union is in the British interest”. 11 In their conjunction, these factors arguably affected the UK’s bargaining approach. Not only is there a “belief within the British political establishment that anything is negotiable”. 12 There is also a “genuine misunderstanding between EU politicians and UK politicians about the negotiability of principles of the single market”. 13 This, another interviewee noted, extends to misalignment of long-term aims, as “the UK’s style of negotiation is about tit-for-tat, not appreciating what they gain from the overall relationship”. 14

Perceptions

Recent work in social psychology and foreign policy has highlighted the role played by perceptions of states’ own capabilities and the power of others in influencing their decisions (e.g. Jervis, 1976; Van Evera, 1999). In IR neoclassical realist research (e.g. Johnson, 2004), the principal theoretical claim too is that we “cannot understand power without reference to what happens within states and how people think and what they believe” (Rathbun, 2008: p. 301). Indeed, psychological biases “incline national leaders to exaggerate the evil intentions of adversaries, to misjudge how adversaries perceive them, to be overly sanguine when

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5 Interview, Brussels, 18 July 2017
6 Interview with British MEP, London, 2 October 2017
7 Interview, Brussels, 18 July 2017
8 Telephone interview, Brussels, 24 July 2017
9 Interview with crossbench peer, London, 24 July 2017
10 Interview with crossbench peer, London, 24 July 2017
11 Interview with crossbench peer, London, 24 July 2017
12 Interview, London, 20 July 2017
13 Interview, London, 20 July 2017
14 Telephone interview, Brussels, 24 July 2017
hostilities start, and overly reluctant to make necessary concessions in negotiations” (Kahneman and Renshon, 2007: p. 36). Similarly, “leaders and their advisors (under certain conditions) overestimate their own capabilities relative to their adversaries” (Renshon, 2009: p. 115). Both such biases push actors towards harder bargaining strategies. While some see overestimation of power as a generalizable phenomenon (e.g. Johnson, 2004; Kahneman and Renshon, 2007), others point to several factors responsible for influencing biases, including links between overestimation and status seeking (Öniş & Kutlay, 2017: p. 169) or a history of great power status (Morris, 2011). In line with this literature, we suggest that the UK – as an actor with a great power identity and a history of global engagement – has been prone to overestimating its capabilities.

This is borne out in a number of our interviewees, which noted a marked tendency to overstate the UK’s bargaining power. One interviewee spoke of “a fundamental misunderstanding of how important the UK is to the EU and how important is EU to the UK”, claiming “our politicians believe that UK is much more important to the EU that the EU politicians believe, so we believe they are going to blink”. A Brussels-based observer claimed similarly that Britain “thinks that if they leave this is going to be very bad for the EU”. Yet many interviewees thought these ostensible strengths exaggerated. As a member of the House of Lords put it: “I think the British delude themselves and certainly the right-wing delude themselves if [they] think somehow or another Britain has got the upper hand in the negotiations. It doesn't”. Misperceptions were also noted in relation to the other facets of bargaining power, including the availability of alternatives. Interviewees spoke of a persistent belief that the UK had other options to a deal with the EU, not only through signing Free Trade Agreements with other countries (the Commonwealth, the US and ‘emerging markets’) but also that the UK would be able to withstand a no deal scenario, even prosper from it. Yet many interviewees were sceptical, with one for instance suggesting the EU, not the UK, would be “much more attractive for third countries to do FTAs [with]”. The result of the mismatch between power and perceptions was described as one of surprise from the British “as they realise they don't have that many cards to play”.

Political Ideology

Britain is often thought to possess a greater individualist streak than many European democracies, especially since the emergence of ‘new right’ thinking in the late 1970s. Individualist ideologies place the rational, utility-maximising actor at the centre of their explanations of politics – and, consequently, of their account of how individuals should behave in strategic settings (e.g. Dür and Mateo, 2010b: p. 686; Gelfand and Dyer, 2000). This is why

15 Interview, London, 20 July 2017
16 Interview, Brussels, 20 July 2017
17 Interview with crossbench peer, London, 24 July 2017
18 Interview, Brussels, 18 July 2017
19 Interview with crossbench peer, London, 24 July 2017
20 Interview, Brussels, 18 July 2017
21 Interview, Brussels, 18 July 2017
individualist political ideologies have been associated with a preference for hard bargaining. Collectivist ideologies, on the other hand, tend towards softer forms of bargaining (Gelfand and Dyer, 2000: p. 65). International Relations (IR) scholarship, too, regards the uncompromising preferences of (neo-)conservatism in international negotiations, since it is associated with a realist worldview emphasising the lack of guarantees in the anarchic international system, the untrustworthiness of states, and the importance of power (Ish-Shalom, 2006: p. 442; Rathbun, 2004: p. 20). Political ideology thus offers another set of plausible hypotheses for explaining the variation in the UK case.

Many interviewees indeed stressed the role of ideology in explaining bargaining behaviour. One suggested not only that for the UK, Brexit is “about ideology, it’s about our sovereignty, it’s about having the ECJ interfering and we don’t want that anymore, we want again to be a big nation on our own” 22, while another called it “sort of patriotic – take back control, sovereignty, that sort of thing, which are obviously very emotional concepts”. 23 Interviewees also noted the link between right-wing constituencies within the Conservative party and demands that May threaten to walk away from the table, speaking of sections of the party that “will surely want to argue that they would walk away as they would see this strengthening our hand in the negotiation”. 24 Interestingly, in Brussels this was perceived to be entirely out of place: “[i]t seems to be so counterintuitive in this place to put ideology first”, one interviewee argued. 25 Indeed, the “ideological drive of the Brexiteers” was mentioned as a factor preventing both sides reaching a compromise. 26 Theresa May’s party conference speech – characterised as “very stridenty, very aggressive, anti-European” may have been “just for the domestic, conservative party audience” but served to widen the gap, and asymmetry, between the negotiation partners. 27 Increasingly, the perception within the EU has been of a politically conservative ideology overriding all else: “The whole Europe thing for a very long time seems to have been to sort out what’s going on in the Conservative party and it feels as if the negotiations are being done in exactly the same way for exactly the same purpose”. 28

Diplomatic Culture

British diplomacy has been variously associated with with competence and integrity, with deviousness and superciliousness, and with problem-solving and an ability to think ‘outside the box’ (Bailes, 2004: p. 196; Dür and Mateo, 2010b: p. 687). While some of these norms are associated with the Foreign Office specifically, diplomatic norms and practices seep into the higher echelons of British politics also. This is of interest in the context of IR scholarship, which identifies both a common diplomatic culture in world politics (Bull, 1977; Wiseman, 2005), and diplomatic cultures in the plural, particular to individual countries (Arora, 2006;
Cogan, 2003). These can be understood as styles which “become…part of the professional culture of diplomats from that country” (Dür and Mateo, 2010b: p. 687). Diplomatic cultures embed distinctive practices in the collective memory of actors, making particular actions appear logical and appropriate, or contributing to the development of shared assumptions about techniques or other actors. A number of facets of diplomatic culture implicate the choice between hard and soft bargaining, and the concept offers a further set of potential explanations for the distinctiveness of the UK’s approach to the Brexit negotiations. Countries with more collaborative cultures and styles are, ceteris paribus, more likely to engage in softer bargaining.

What emerges from our interviews is a recourse to familiar ‘divide and conquer’ strategies preferred by the British, as well as the deleterious effects of political red-lines in eroding the UK’s reputation for cautious diplomacy. According to one interviewee, British ministers assumed “this will be a piece of cake. We are going around national capitals and we will be able to split and divide and rule. […] So there was a sort of thinking that the 27 wouldn’t hold a line”.29 Indeed, the UK government “regularly tried to go around Michel Barnier and his negotiating team, and lobby member state governments directly. This was often seen as an attempt to ‘divide and rule’ the EU, and was not appreciated by the EU institutions or member states” (Durrant et al., 2019, 23). Rather, it seemed to have the reverse effect. Whereas the institutions and member states are routinely at loggerheads, the British approach welded them together as “there is an existential threat to the project, somebody ditching, what they consider to be a disruptive and selfish act”.30 There were also suggestions that the UK was not sensitive enough to the changed environment. As one observer put it, the British “just don’t seem to be engaging on any sort of common territory. Which is a bit like Britain has conducted previous relationship with the EU…There’s always been this view in Britain that you can get something out of the EU if you just threaten to go away, just storm out of meetings”.31 Repeatedly, interviewees characterised UK bargaining as a result of “years of framing of all EU negotiations as ultimatum politics”, of seeing it as an exclusively “zero-sum approach” – which makes the very concept of compromise, of a win-win outcome, a harder sell.32 In fact, the rigidity of the British approach contradicted its formidable reputation, according to another observer: “what shocks me it is that Britain is supposed to be known for its diplomacy, its planning”.33

Conclusion

Our discussion above has highlighted a number of ideational factors, broadly specific to the UK, which can be said to have contributed to the British decision to adopt a hard bargaining strategy, including an individualist ideology, adversarial political culture, weak socialization into European norms, misperceptions of bargaining power, and pre-existing divide and rule routines. First, the nature of the UK’s democratic institutions and, in particular, the

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29 Interview, Brussels, 18 July 2017
30 Interview, Brussels, 18 July 2017
31 Interview with British MEP, London, 2 October 2017
32 Telephone interview, Brussels, 24 July 2017
33 Interview with British peer, London, 18 July 2017
‘Westminster model’ of parliamentary democracy inculcates an adversarial form of politics which – when it impinges on international negotiations – works against the British ‘norm’ of cautious diplomacy. Second, neither the British elite nor public have internalised the normative aspects of European identity, leading to a widespread and pervasive view of the EU – and to the negotiations – as a transactional and zero-sum endeavour. Third, perceptions of Britain’s bargaining power have been far greater than an objective rendering of UK capabilities would endorse, reinforcing the belief that hard bargaining is an appropriate strategy. Indeed, the misestimation is clear in multiple respects impinging on power: British influence is routinely overstated, unviable alternatives to a deal regularly cited, and the extent of domestic cohesion over-emphasised. Fourth, partisanship matters, and the conservative ideology of statecraft, ascendant in British politics in the aftermath of the referendum has favoured forceful bargaining strategies and valorised the perception of strength as tools for achieving a distributionally beneficial outcome. Fifth, the negotiations have been characterised by a fall-back on pre-existing routines based around the success of divide-and-rule strategies in previous rounds of negotiations, reinforced by a belief that EU unity would fail to hold.

Our argument is that British hard bargaining cannot be explained by reference to domestic constraints alone since specific ideational features associated with British politics also contribute to hard bargaining. Broadly speaking, our findings lend support to constructivist accounts of negotiation, which highlight a number of ways in which hard bargaining comes to be viewed as an appropriate response for conducting successful negotiations. They seem to confirm a number of hypotheses regarding the cultural sources of bargaining, namely that majoritarian institutional cultures, right-wing ideologies, and weak socialization are all associated with harder bargaining strategies (Dür & Mateo 2010b: p. 687). But we caution against any ‘test’ of domestic and ideational assumptions, since the approaches can never be wholly separated from one another. Indeed, our findings also contribute to our understanding of domestic constraints themselves by highlighting how distinct cultural factors (ideology, perceptions, institutional cultures) are linked to a propensity to advocate harder bargaining strategies. And, lastly, our analysis suggests that perceptions of power may sometimes matter more than underlying capabilities, given the extent to which British hard bargaining is associated with overstatement of the UK’s bargaining power. This is one area where integrating constructivist and rationalist approaches to bargaining can pay dividends, given the respective claims from these theories regarding perceptions and bargaining power as the determinants of bargaining strategies.

There are policy implications, too. Britain and the EU27 will be at the negotiating table for years to come. Success in these talks will require workable strategies and the ability to learn from past mistakes. We have suggested that many of the problems faced by the UK were a consequence of the mismatch between the British position of power and its choice of bargaining – rather than an asymmetry of power per se. The failure to communicate openly infuriated the EU27 (Grant, 2019: p. 1), unrealistic ‘red lines’ boxed the UK into unachievable commitments it could not credibly relinquish, framing concessions as defeats undermined public support and harmed ratification prospects, the failure to compromise led the EU27 to include additional safeguards, and Britain’s approach to the talks undermined its reputation abroad. Indeed, our
interviews highlighted considerable surprise on behalf of the EU27 that a country famed for its cautious diplomacy could behave so unreasonably. But it need not be this way. Establishing realistic expectations, identifying areas of meaningful compromise, limiting hand-tying to achievable aims, and safeguarding the UK’s reputation as a reasonable diplomatic actor – all these are things which would increase the likelihood of Britain getting what it wants out of future talks. That said, trends in British politics continue to venerate hard bargaining, with Theresa May’s successor, Boris Johnson, vocally committed to driving an even harder bargain. It thus offers little hope that the lessons from the first phase of the Brexit talks will be incorporated into the UK’s approach anytime soon. *Plus ça change, plus c’est la même chose?*

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**Bibliography**


Ilott, O. (2017) ‘In Brexit, Transparency is a Tool—and Europe is Using it’. *Institute for Government Comment*. Available at:


Reinhard, J. (2012) ‘“Because We Are All Europeans!” When do EU Member States Use Normative Arguments?’ *Journal of European Public Policy,* 19(9), pp. 1336–1356.


