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Could it be 'Brexpulsion' rather than 'Brexit'?

Abstract

The UK government will hold an in-out referendum on EU membership by the end of 2017, which could result in the UK choosing to leave the EU – 'Brexit'. Prime Minister David Cameron's strategy is to renegotiate the terms of UK membership, then to recommend a 'yes' vote for remaining in the EU. The scope for securing new exemptions for the UK is, however, limited, not least because the list of those already in place is long and growing, while the number of countries which resist deeper integration in key policy areas is shrinking. Although some of the UK's closer allies in the EU are receptive to some of the reforms Cameron advocates, there have already been several instances when, faced with a choice between siding with the UK or favouring the wider European interest, they have chosen the latter. This conjunction raises tricky dilemmas around the UK's continued participation in the EU and the prospect that, if the UK is repeatedly rebuffed or is seen as wanting too many exceptions, there will be a de facto push towards the exit door. 'Brexpulsion', rather than a UK choice for 'Brexit', may not be imminent, but is an outcome that cannot be dismissed.

1 Introduction

There is a presumption that the possibility of the UK leaving the EU (Brexit) is a choice for the British people alone. They will assess the new deal that Cameron is able to achieve and decide whether it is enough to allay concerns about continued membership of the EU. Implicitly, it will mean a looser relationship based on a somewhat shallower form of integration. What this narrative overlooks is that the momentum on the other side of the English Channel is towards deeper integration. It is most visible in the wide-ranging efforts to complete economic and monetary union, plainly most so for the Eurozone, but with others also willing to take part in, for example, aspects of banking union. There is also evidence of a desire for more extensive common policies in other areas, again with differing degrees of enthusiasm, such as migration, internal security and justice, or energy security.

The upshot is that the UK is increasingly the exception to common policies, a stance that is a source of growing irritation in other EU capitals. If that irritation intensifies further, there may come a stage where others say 'enough is enough' and start to ask whether the EU would be better without the UK. As things stand, 'Brexpulsion' rather than 'Brexit' may appear unlikely, but if more and more demands for exceptions are advanced, it could well come on to the agenda. This European Policy Analysis examines the background, what more the UK wants, and speculates on what other Member States and the EU institutions need to consider in dealing with the UK.

2 The Background

The election victory won by David Cameron has to be recognised as a personal triumph, because many in the Conservative party that he leads would have liked him to

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fail so that they could revert to more ideologically pure conservatism ... and to more overt euro-scepticism. Had Cameron failed to gain enough seats to remain Prime Minister, the knife would already have been stuck between his shoulder blades and he would be gone.

The mere fact of his win has already changed the UK debate on Europe and, probably, lowered the chances of the UK leaving the EU. Nevertheless, the promises made both before and during the 2015 election campaign mean that an in-out referendum on EU membership will now take place in the UK before the end of 2017. As many political leaders have been dismayed to discover, referenda can have unexpected outcomes, but despite the evidence from recent polls that UK voters have become more supportive of EU membership, it is far from obvious that Cameron can obtain the result he wants (or appears to want), namely a conclusive 'yes' vote after a renegotiation of the UK terms of membership.

We have been here before. In the referendum held in 1975, an episode with uncanny similarities to what is now envisaged, Harold Wilson (the Prime Minister and leader of a Labour party containing a substantial number of euro-sceptics) achieved some marginal changes in the terms of EEC (the European Economic Community) membership and successfully secured a yes vote for remaining 'in'. There are lessons to be learned from the 1975 referendum, many of which risk being ignored. The first is that the renegotiation consumed a lot of political capital for little return, while a second, as Emmanuel Mourlon-Druol shows in an interesting new analysis for *Bruegel*, is that it 'undermined the UK's standing in Europe'.¹ He also recalls that in 1975, internal divisions within the government, as well as the governing party and the country as a whole, greatly complicated the renegotiation. More fundamentally, the exercise signally failed to resolve the underlying political tensions about Britain in Europe. Indeed, one of the reasons for the Conservative Party's increased hostility to the EU over the years is that it is blamed for the political defenestration of Margaret Thatcher and the subsequent internal strife in the party.

Since 1975, a common complaint in the UK has had two strands: first that, while membership had been approved, it was for participation in a customs union (as the EEC was then seen, at least through British eyes) and not in the much more political union that the EU has become; and second that the only referendum was forty years ago, which means that most voters have never had a say on the EU. The fact that no similar referenda have been held

on other major constitutional matters, with the exception of devolution votes (confined to voters in Scotland and Wales, but with no say for English or Northern Irish voters) and one during the last parliament on a change of voting system, is glibly ignored in these complaints, as is the fact that European Parliament elections, however flawed, offer at least some scope for democratic input.

That the UK has always been a relatively unenthusiastic European is hardly news, although a more accurate characterisation would be that the UK is keenest on the economic dimension of integration and instinctively suspicious of the political dimensions. The prospect of reconciliation between traditional enemies that convinced the founding fathers to launch the European integration project in 1950 and progressively to tie the countries into an 'ever closer union' has never really resonated in the UK and exempting the UK from this aspiration has surfaced as one of Cameron's key renegotiation demands. Even today, the word federalism in relation to the EU is profoundly toxic in UK discourse, despite the irony that a federalisation of the UK is looking increasingly likely in the aftermath of the 2014 Scottish referendum.

Instead, the UK approach to the EU is largely rooted in a 'cost-benefit' mentality: would we be net beneficiaries from this or that initiative at EU level? If so, then we will support it, but if not then others should feel free to go ahead, but should not expect us to participate. The UK stance on the euro typifies this approach, with the Blair government setting its five economic tests in 1997, then conducting a very extensive empirical analysis in 2003, in both cases with the weight of evidence adjudged to be against. Sweden, too, conducted a careful empirical analysis and it is intriguing to note, with the benefit of hindsight, that the two countries which studied the case for membership most closely and were most dubious about the euro project in any case both said no.

The UK government line, well-reflected in Cameron's January 2013 Bloomberg speech, continues to be that the single market is the principal justification for UK membership of the EU. While most EU documents similarly stress the virtues of the single market, the significant economic governance changes introduced to deal with the euro crisis will lead to deeper economic integration in ways that exclude the UK, but which are also likely increasingly to detach the UK from the other non-Eurozone countries. The latter are sometimes apprehensive about what the Eurozone is up to, but have taken the view that it is better to be involved, so as to have the opportunity to shape institutions and practices that they may be subject

¹ <http://www.bruegel.org/publications/publication-detail/publication/884-the-uks-eu-vote-the-1975-precedent-and-todays-negotiations/>

to in due course, notably if and when they accede to the euro. By contrast, the UK response has been a clear rejection of participation in these new governance mechanisms, in other words to opt out of closer integration, but to push instead for the right to object to how measures are framed.

Another influence on UK opinion is the lack of recovery in the Eurozone and the continuing inability to deal rapidly, and sufficiently comprehensively with the euro crisis. Soft eurosceptics, in particular, are persuaded by the argument articulated by the likes of former Chancellor of the Exchequer, Lord Lawson, that the time has come for Britain to shift its focus from the comfortable, but stagnating single European market to the dynamic emerging markets in Asia and South America. As Lawson put it: 'too much of British business and industry feels similarly secure in the warm embrace of the European single market and is failing to recognise that today's great export opportunities lie in the developing world, particularly in Asia'.² Moreover, although big business is routinely assumed to be strongly behind continued EU membership, there are many companies, including some large ones (for example, in the retail sector) which regard the single market more as a source of over-bearing regulation than as a market opportunity. The point is emphasised in publications from *Business for Britain*, a body which has adopted a 'change or go' initiative.³

3 What does the UK want?

There has been much speculation on what the UK wants to change, what the other Member States of the EU and the European Institutions will be prepared to concede or (for certain like-minded countries) even to endorse, and what are the 'red lines' that the respective parties will refuse to cross. Prior to the European Council meeting of 25/26th June 2015, Cameron undertook a whistle-stop tour of national capitals, a key aim of which was to gauge the extent of both support and opposition to some of his likely demands. He has been reluctant to publish a list of those demands, no doubt because he does not want to find that a failure to achieve some of them will then be used against him when the referendum campaign starts in earnest.

However, certain themes have emerged as central to the renegotiation. Today, a curb on immigration from EU partner countries is the most high-profile issue, with the focus latterly having been on using restrictions on in-work benefits to deter immigrants. A broader interpretation is that the UK wants to stop anything that leads in the direction of political union, implicit in 'ever closer

union', and to reassert national autonomy in the EU, notably by giving national parliaments a 'red card' to halt EU measures they deem unacceptable. Better regulation and a greater focus on Europe in the world are British objectives to which several Member States are sympathetic, although it is far from easy to group countries generally according to whether they are likely to back the UK, if only because each one will have its own distinctive preferences and red lines. France, for example, has become more receptive to British (as well as Dutch, German and Swedish) calls for a more restrained EU budget since itself becoming a net contributor, but remains a resolute supporter of the Common Agricultural Policy.

In practice, the pitch that David Cameron is making to the rest of the UK contains two very different messages. The first, already prominent in his Bloomberg speech in which his opening sentence states 'I want to talk about the future of Europe', is that a successful EU requires reform, particularly to meet the intensifying competition from emerging markets. He also notes 'a growing frustration that the EU is seen as something that is done to people rather than acting on their behalf'. There are many in Europe who sympathise with these sentiments and, while not agreeing with all his prescriptions – especially the use in the speech of expressions such as 'competitiveness' or 'flexibility' which raise hackles in countries suspicious of so-called neo-liberalism – would accept that there is a debate to be had on these themes. The audience for these demands is EU countries frustrated (for whatever reason) with 'Brussels', economic actors who want a more effective, nimble and, often, limited EU, and the national leaders most concerned about Europe in the world, such as the Swedish and Dutch Prime Ministers.

It is the second dimension of Cameron's case that is more challenging, not least because his principal target audience here is domestic and mainly composed of mild euro-sceptics. By seeking, via re-negotiation to change the terms of UK membership of the EU, he is trying to pave the way for the waverers in a referendum to vote 'yes'. He knows that the hard-line euro-sceptics are pretty much a lost cause and will vote 'no' regardless of what goodies he brings back from his tour d' Europe. At the other end of the spectrum he also faces the rather ironic difficulty that some of the changes he wants will diminish the attractiveness of the EU for staunch pro-Europeans. Taking the UK out of social provisions, such as the working-time directive, may be attractive to business leaders, but much less so to their employees. Some of the more ardent federalists in the UK may even be reluctant to forgo 'ever closer union'.

² <http://www.ft.com/cms/s/2/6add8da0-7468-11e2-80a7-00144feabdc0.html#axzz3eSk67BKm>

³ <http://businessforbritain.org/change-or-go/>

4 Exceptions

The evolution of the policy areas in which the UK already has, or insists on, being different is instructive. Starting with the Euro, the tally was 11 in and 4 out in 1999 when the single currency was launched and became 12 to 3 shortly thereafter when Greece was admitted. After the 2004 and 2007 enlargements, the arithmetic shifted in favour of the 'outs', but as more countries have made the transition, the UK is in a minority that is not only shrinking, but is also likely to dwindle further before very long, even though some of those initially expected to join fairly quickly (for example, Poland) are biding their time.

For historic reasons as well as security and cultural reasons, the UK chose not to participate in the Schengen free movement area, taking Ireland with it, but in spite of the recent pressures emanating from the Mediterranean migrant crisis, the UK could soon find itself down again to minority of two or three. At present the only other non-participants are Bulgaria and Romania, both of which hope to convince the EU to admit them within a couple of years, and Cyprus which is still constrained by the lack of a solution to the long-running problems associated with the division of the island.

More recently, the UK has chosen not to join the banking union or the fiscal compact, the latter initially in a minority of just two (along with the Czechs) and now reduced

to one. There are many elements to banking union, but to take one key dimension of it, only Sweden joined the UK in choosing not to participate in the funding of the single resolution fund. A report by the Danish Ministry issued at the end of April 2015 cleared the way for the country to join the banking union without holding a referendum. Whether a new Danish government, following the defeat of the left of centre coalition in June 2015, takes the country into the banking union, let alone full monetary union, remains to be seen. However, it is telling that the only country other than the UK to have a formal opt-out from euro membership, has not only shadowed the euro in its monetary policy through membership of the exchange rate mechanism, but is prepared to sign-up to two of the euro-deepening initiatives in the fiscal compact and the banking union. Sweden is manifestly much more cautious about the banking union, but unlike the UK, is not home to Europe's principal financial centre – the City of London.

In the area of justice and home affairs, the UK went through a process of opting-out of a range of measures, then opting back in to a selection of those with which the British are at ease, such as the European arrest warrant. In British politics, resort of this kind to à la carte integration is applauded, but it can rankle with partner countries. This year, the UK has also signalled an unwillingness to accept a share of the migrants arriving on the EU's south-

FIGURE 1 EUROPE: UNITED IN DIVERSITY

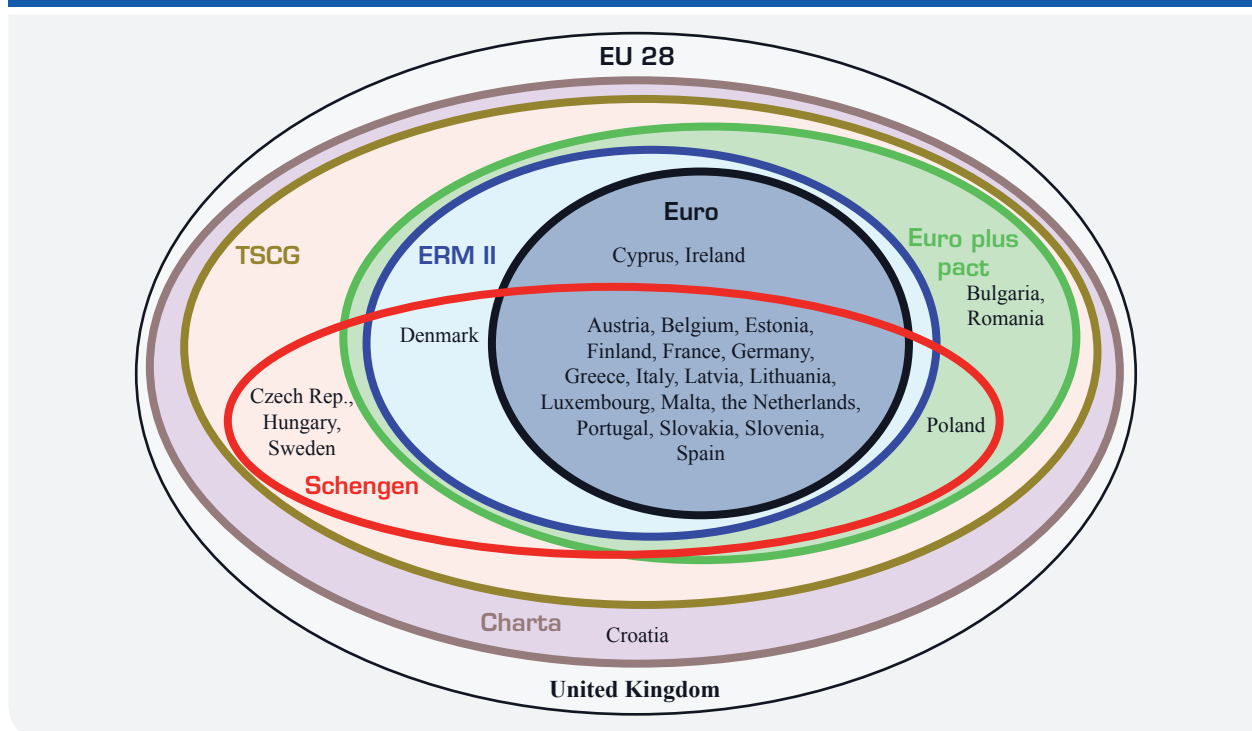


Figure adapted from Tekin, F., 2012, *Differentiated Integration at Work*, Baden-Baden: Nomos.

ern shores and in Hungary and opted out of the voluntary agreement reached by the European Council on June 25th 2015. Given the febrile debate in the UK on immigration, it would have been politically very hard for the UK government to do otherwise and there is also opposition from a number of the countries of central and Eastern Europe to mandatory burden-sharing.

On the other side of the account, it is much more unusual to find the UK taking the lead in common initiatives at EU level. It is a supporter of the Transatlantic Trade and Investment Package (TTIP), although it is worth noting that trade is a competence fully delegated to the EU level, consistent with the logic of a customs union. The UK has, too, been fairly receptive to some pooling, though mainly through cooperation between governments, in external security and foreign policy.

What this overview of UK exceptionalism reveals is that although no single dossier is crucial, it is their proliferation that is striking. Attempts to construct Venn diagrams to show who participates in what highlight the extent to which the UK is outside the core, and as the foregoing discussion shows, the number of exceptions is growing, making the topology of the Venn diagrams ever harder. A simplified version of the chart proposed by Funda Tekin is presented on the previous page.

5 How should partner countries and their leaders react?

The presumption today is still that the strategic objective for Cameron is to achieve enough from his ‘renegotiation’ to enable him to advocate and then secure a yes vote

in the referendum and, by so doing, to put to bed an issue that has haunted – and often traumatised – his party since the mid-1980s. Cameron’s political capital is currently at a peak, but is bound to diminish as his government moves towards mid-term (in late 2017) and also because he has already announced that he will not seek a third term. Reports circulating after the June 2015 European Council suggest that Cameron wants to keep the UK in the EU and that his approach is to achieve enough by his renegotiation efforts to be able to persuade the UK electorate to vote yes. But Cameron faces a balancing act which is bound to be tricky. The delicacy of his position can even be seen in the two versions of the concluding sections of the ‘Bloomberg’ speech shown in Figure 2, below.

Knowing this, other EU leaders face some tricky choices and also have to be aware that defeat for Cameron makes Brexit a virtual certainty, with little chance that a change of heart could be achieved in a second referendum as happened twice in Ireland. It is likely, nevertheless, to be the countries most aligned with the UK overall that will most often have to choose between supporting the UK and deferring to the wider EU interest. There have, indeed, already been a number of occasions where such a choice has had to be confronted, particularly by the Germans. For example, following the European Parliament elections in May 2014, the UK objected to the imposition of the Parliament’s preferred candidate (the so-called *spitzenkandidat*) as President of the European Commission. To judge by the briefings at the time, David Cameron clearly thought he had secured the backing of the German Chancellor, Angela Merkel, to block Jean-

FIGURE 2 THE TWO VERSIONS OF CAMERON’S BLOOMBERG SPEECH

With courage and conviction I believe we can achieve a new settlement in which Britain can be comfortable and all our countries can thrive.

And when the referendum comes let me say now that if we can negotiate such an arrangement, I will campaign for it with all my heart and soul.

Because I believe something very deeply. That Britain’s national interest is best served in a flexible, adaptable and open European Union and that such a European Union is best with Britain in it.

David Cameron’s Bloomberg speech, as delivered

With courage and conviction I believe we can achieve a new settlement in which Britain can be comfortable and all our countries can thrive.

[Political content removed]

Because I believe something very deeply. That Britain’s national interest is best served in a flexible, adaptable and open European Union and that such a European Union is best with Britain in it.

David Cameron’s Bloomberg speech, transcript as downloaded from the 10 Downing Street web site on 30th June 2015

Claude Juncker's elevation to the Commission role, only to be swiftly disabused when Merkel realised that there would be significant objections on the grounds of democratic principle, both within Germany and elsewhere. Merkel could have backed Britain and would have influenced many others, but ultimately chose not to, and in the end, only Viktor Orbán of Hungary joined the Cameron camp in opposing Juncker.

Similarly, concerns about the impact of migrants are prominent in German politics, leading Cameron to believe that he would find allies in Berlin in his quest to curb freedom of movement of labour. Again, however, he was firmly rebuffed on the grounds that so fundamental a principle was not, and could not, become negotiable. At a joint press conference with David Cameron in London in January 2015, Angela Merkel stressed that while she does not want the UK to exit the EU, the principle of free movement could not be compromised.⁴

The circumstances of the fiscal compact veto by Cameron plainly caused dismay among the leading Eurozone countries, exemplified by the television image of French President Nicolas Sarkozy theatrically refusing to shake Cameron's hand, partly because of the very late tabling during the late-night negotiations of British demands for protections for the City of London from proposed regulatory reforms. The solution of a separate inter-governmental Treaty on Stability, Coordination and Governance (TSCG) allowed the rest of the EU to proceed, but at the cost of complicating matters. It is interesting that the final article in that treaty states that, within five years of the treaty entering into force,

the necessary steps shall be taken, in accordance with the Treaty on the European Union and the Treaty on the Functioning of the European Union, with the aim of incorporating the substance of this Treaty into the legal framework of the European Union.
[Art. 16, TSCG]

Although legal experts consulted by the author played down the significance of this provision and compliance for non-euro countries is voluntary, the Five Presidents' report⁵ on completing EMU, published on June 22nd 2015 also refers to the need to integrate 'inter-governmental arrangements [...] created during the crisis' into the legal framework of the European Union, suggesting that it is a proposition likely to gather some momentum. The TSCG came into force in 2012, so that the five years will be up in 2017, Cameron's deadline for a referendum. As well as being a year in which France and Germany hold general elections, the UK is scheduled to take over the rotating presidency of the Council in the second semester, with

the intriguing prospect that the presidency will have on its agenda how to integrate provisions it robustly opposes into the EU legal order.

In considering how to proceed, the two strands of the British demands should be approached separately. The more enlightened leaders and decision-makers in the EU should ask themselves not just whether they support many of Cameron's stated ambitions for reform, but whether they can make progress on them rapidly enough to be central to the UK outcome. Some will identify scope for win-win solutions which can deliver a victory that Cameron can use while also advancing their own preferences. Equally, where a country is uncomfortable with a proposed reform, it would still be better to achieve a quick compromise than drag out the timetable.

When it comes to potential new exceptions for the UK there are two sorts of concerns. One is that once concessions start to be made, it will be hard to prevent more being sought, whether by the UK or other Member States: Pandora's box will have been opened. The more political one is that many other leaders fail to see why they should be cajoled – some might even say coerced or blackmailed – into changing the rules of European integration. The double quandary is that repeatedly being told 'no' will play badly in the UK, while giving-in to UK demands risks being badly interpreted in the domestic politics of partner countries.

6 The dilemmas resulting from the UK stance

Since the UK elections, there has clearly been a major effort by the UK to establish what other Member States might be prepared to countenance and enough evidence has emerged of a willingness to look favourably on UK demands on the part of key actors, not least Germany and the Commission. Equally, others have expressed their reservations, with the implication that the room for true manoeuvre may prove to be pretty limited. The initial discussion of the UK position foreseen on the agenda of the June 25th/26th European Council was curtailed because the more urgent crises over Greece and migration dominated proceedings, eliciting some mutterings of discontent from media commentators and a number of politicians. The way the UK is approaching the issue has elicited both incomprehension and, on occasion mockery. A good example is provided in Figure 3 on the next page.

Three dilemmas will nevertheless have to be faced. The first, underlying one is that the UK is on a quest for shallower integration at a time when, in one way or another,

⁴ <http://www.telegraph.co.uk/news/worldnews/europe/germany/angela-merkel/11331589/Angela-Merkel-I-would-very-much-like-Britain-to-stay-in-the-EU.html>

⁵ http://ec.europa.eu/priorities/economic-monetary-union/docs/5-presidents-report_en.pdf

FIGURE 3 WHEN SATIRE CAPTURES REALITY

In a satirical piece,[†] published on June 25th, just ahead of the June 2015 European Council, Robert Shrimmsley of the Financial Times imagines a pre-meeting telephone conversation between David Cameron and Jean-Claude Juncker in which the latter tries to establish how the UK might help to resolve the Greek crisis, with the following spoof exchange:

- DC: *We are not paying a penny. This is a Eurozone crisis and it is for the Eurozone to resolve.*
JCJ: *Yes, that should certainly win you some allies.*
DC: *Alright, let me put it this way. We stand shoulder to shoulder with our friends, the Germans, in their demands for greater fiscal responsibility from Athens.*
JCJ: *Shoulder to shoulder with Germany, very good. But German shoulders have borne rather a large proportion of the burden. I don't know I would characterise their position as "not a penny". What is that phrase you used to like using in Britain: "We are all in this together"?*
DC: *I'm sorry J-C, but that was a different "this". When it comes to this this, you are on your own.*

The dialogue then moves on to what the UK wants, leading to this exchange:

- JCJ: *So you want us to help you get a better deal for Britain, and you don't feel like helping on any of our other major issues.*
DC: *I guess you could put it that way.*

[†] <http://www.ft.com/cms/s/0/82c72a0e-1a86-11e5-8201-cbdb03d71480.html#axzz3eSk67BKm>

the other Member States, though clearly to differing degrees, are more receptive to a deeper EU, at least in areas such as economic governance. As depicted in Figure 4 on the next page, the logic behind the range of measures taken since 2010 is to deepen the governance of EMU, something that UK government ministers have publicly supported as necessary to make the euro more effective, the result, though, is to widen the gap not only between the UK and the Eurozone, but also between the UK and the other euro 'outs'. To the extent that a similar widening of the gap occurs in other policy domains, the UK will look increasingly out of step.

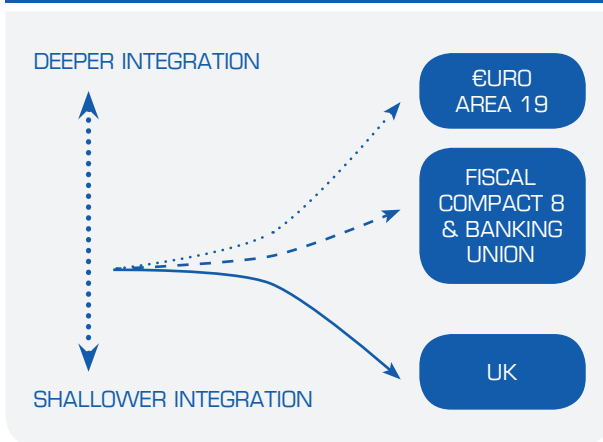
Warnings have been sounded by ministers from other countries that the UK cannot count on persistent special treatment, even if the new governments in Denmark and Finland have voiced concerns similar to those of the UK. For example French Economy Minister Emmanuel Macron, observed in an interview with the BBC just before the June 2015 European Council meeting that it is unreasonable to expect to pick and choose only the elements of European integration that give advantages while being unwilling to share some of the risks.⁶ Some of Cameron's renegotiation ambitions are, in addition, already eliciting resistance: press reports suggested, for example, that he made little headway with Polish Prime Minister Ewa Kopacz on the issue of curbing in-work benefits paid to migrant workers.

The second dilemma is whether UK antagonism to deepening – even where the UK ostensibly encourages the process, despite insisting on being outside it – has become an obstacle to achieving some of the changes considered necessary to enable the EU overall, and certainly the Eurozone to function effectively. Inter-governmental solutions have been cobbled together for several recent initiatives, such as the fiscal compact or the single resolution fund, but are viewed as a 'second-best' solution. So long as a substantial minority of Member States do not participate, as with the euro, the need for differentiated solutions will persist, but once the minority shrinks to two or three in addition to the UK, the pressure to revert to uniformity in policies will intensify. As noted above, within two or three years, for example, it may be only the UK and Ireland (maybe also Cyprus) outside the Schengen area. For the Irish, the uncertainty about whether the UK is on a path to exiting the EU will also, at some stage, lead to a difficult debate about retaining the existing free movement agreement.

The longer-run implications for the EU constitute a third dilemma. Should the UK be regarded as one of a kind, or will further concessions to the UK trigger a series of demands from other Member States for their own exceptions? If so, the shift from a two (or multi) speed model of integration towards the same objectives will be replaced by an à la carte model which many Member States would

⁶ <http://www.bbc.co.uk/news/world-europe-33251040>

FIGURE 4 THE UNDERLYING DILEMMA



find unappealing. An answer may lie in two-tier EU membership status. Former British MEP Andrew Duff, for example, has argued that an answer may be for a new form of associate membership for countries unwilling or not allowed to have full membership. His proposed model could offer ‘a spring board for full accession; for others, a long stay parking place; and for yet others a decent alternative to leaving the Union altogether’.⁷

7 Conclusions

In resolving each of these dilemmas, the same question crops up: is retaining the UK in the EU worth the price that has to be paid? So far, the answer has been a qualified ‘yes’, albeit with clear signals that unrealistic demands will not be accommodated. Cameron seems to have recognised that he cannot go too far, although as Charles Grant of the Centre for European Reform points out, he is skewered between two mutually incompatible

audiences: his EU partners and his eurosceptics.⁸ If the answer veers towards ‘no’, then the UK will be repeatedly rebuffed and that, in turn, will fan the fires of British euro-scepticism.

In UK labour law there is a concept of ‘constructive dismissal’ which refers to circumstances in which the employer makes life so unpleasant for the worker – for example by giving them demeaning tasks, excluding them from customary decision-making or subjecting them to forms of bullying – that the latter quits. Where it is proven in an industrial tribunal, the employer becomes liable for having unfairly dismissed the employee, even though an actual firing did not occur. This concept may be useful in examining how a Brexpulsion might occur. If the UK repeatedly finds its position on key political or policy issues rebuffed, or is excluded from decisions, it may be the Brits who pull out, but it will be for reasons akin to constructive dismissal. The UK government’s advice to employees who think they have a case for constructive dismissal therefore makes interesting reading:⁹

If you do have a case for constructive dismissal, you should leave your job immediately – your employer may argue that, by staying, you accepted the conduct or treatment’.

If the constructive dismissal parallel holds, the implication may well be that the UK should jump out of the EU before being pushed, but there should be no doubt that it would still constitute Brexpulsion, rather than a reasoned choice to exit, because the patience of the UK’s partners will have become exhausted. We are still some way from such a scenario, but the illusion that the forthcoming referendum on Brexit is a choice for the UK voters alone needs to be dispelled. We have to talk about it.

⁷ <http://blogs.lse.ac.uk/europpblog/2013/03/06/associate-eu-membership/>

⁸ <http://www.cer.org.uk/insights/britain%E2%80%99s-eu-referendum-cameron-cannot-please-two-audiences-any-longer>

⁹ <https://www.gov.uk/dismissal/unfair-and-constructive-dismissal>