Chapter One: Introduction

In his autobiography *Interesting Times*, the economic historian Eric Hobsbawm used an unforgettable image when he spoke of writing books. He referred to 'the desert island on which we usually sat, writing messages for unknown recipients in unknown destinations to be launched across the oceans in bottles shaped like books.'[1] It has been so hard to get *A Tale of Two Unions* published, that I feel like someone whose bottle is launched only to be washed back to the shore by a perpetually incoming tide, however hard I try to throw it. Perhaps it would have been easier if I had been prepared to see Brexit as a tale of one union, the European Union, but as the more insightful commentators have recognised, it is not. It is as much a tale of the British Union as of the European Union.

Some seven years ago I published a book entitled *The EU: An Introduction*. It was written just before the referendum on whether Scotland would stay inside the UK and two years before the referendum in which the UK voted to leave the EU. If I can be forgiven for quoting myself, I wrote as follows in 2014.

> Like the proverbial Pushmi-pullyu of Hugh Lofting's Doctor Dolittle stories, Westminster feels itself pulled in two directions at once by two different 'heads'. One minute it worries about losing powers to Brussels. The next minute it worries about losing powers to Edinburgh. One minute it talks about a referendum on whether the UK stays in the EU. The next minute it agrees to a referendum on whether Scotland should stay in the UK. Caught between the two centres of power it sometimes seems to be paralysed. When the Scots claim that they can stay in the EU after leaving the UK, the Prime Minister is the first to warn them that this may not be so. But when they hear his stern lectures to the EU and about a possible 'Brexit' (British exit), they may well feel that leaving the UK is actually the only way of

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1   Hobsbawm, *Interesting Times*, p. 300.

ensuring that they stay in the EU. Paradoxically, the more UKIP (the United Kingdom Independence Party) calls for the UK to leave the EU, the more Scots may feel that their safest bet is to leave the UK, leaving UKIP presumably to campaign as the Former United Kingdom Independence Party, a situation which at the very least will give it an unfortunate acronym.[2]

It seemed to me then, and seems even clearer now, that the story of the UK and the European Union is the story of two unions, not one, and that both are put at some risk by the events of the last decade. In the immediate aftermath of the vote to leave the EU in 2016, the emphasis was largely upon whether the EU would survive. Would 'Brexit' have a domino effect? Would the Netherlands be the next to go (Nexit?) Or perhaps, for very different reasons, Hungary (Hexit?). It was hardly a surprise when 2016 saw the respected writer on European Integration John Gillingham produce a book entitled *The EU: An Obituary*.

Six years on, Gillingham's work seems rather out-of-date. For one thing, his hostility towards the EU was always underpinned by a free-market ideology which is much less persuasive than it once was. *In the EU: An Obituary* he wrote:

The US and China, followed by others, have adapted successfully to the new conditions of a neo-liberal global economy. Europe has not: command and control methods have remained a constant in a world of dynamic change.[3]

In 2023, that 'neo-liberal global economy' seems less like a world of 'dynamic change' than one lurching from pillar to post. The 'command and control' (not quite so absent as Gillingham appears to think from the Chinese economy) mechanisms in Europe seem more like sane management. For Gillingham, Brexit was a chance for the UK to become more like the United States, and there has always been a substantial body of opinion in the UK wanting to do that. But much has changed in the last six years, not least the Trump presidency, the challenge of Covid and Russian expansionism. Institutional arrangements that might have seemed cumbersome and bureaucratic in 2016 seem defensible in the more uncertain and dangerous environment of the 2020s.

Partly because of the political developments just mentioned, the emphasis in the post-Brexit world has been shifting towards the future of that other union, the UK, and the prospect that this might be the union whose obituary

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2   Corner, *The EU: An Introduction*, p. 91.
3   Gillingham *The EU: An Obituary*, p. 240.

comes to be written. It is a perspective reflected in the title of a recent book by Gavin Esler, *How Britain Ends: English Nationalism and the rebirth of four nations*.

As the title of Esler's book implies, there has been increasing emphasis upon these so-called 'four nations' in recent political discourse, not least when it comes to dealing in different ways with the problems of COVID-19. But 'four nations' talk hardly deals with the problems that arise when all four are meant to co-inhere within a single nation-state. As will be examined in more detail below, it is difficult to see how such language could apply to Northern Ireland. Sinn Fein would certainly not want to think of the 'six counties' as being a nation separate from the Republic, while the DUP would hardly welcome the idea that Northern Ireland was a nation separate from Britain – in the context of present debates about the so-called Northern Ireland Protocol, they would see that as accentuating the danger of a border in the Irish Sea cutting them off from the mainland. It would be salutary to recall the so-called 'doomsday plan'[4] for Northern Ireland entertained by Harold Wilson after the collapse of the Sunningdale Agreement in 1973. He considered the possibility of Northern Ireland becoming an independent state like the other former 'dominions', though without being part of the Commonwealth. The plan was abandoned when a shocked reaction on both sides of the border warned him that the consequence would be a catastrophic civil war. The 'four in one' scenario, almost casually adopted in the last couple of years, perhaps with the confidence that too much theory about constitutions was unnecessary and even alien to a British spirit of compromise and muddling through, looks highly problematic on closer scrutiny.

End of the unions?

Both unions, British and European, have had their critics, and many people would like to see the end of one or both of them. This has long been clear in the case of the European Union, which if one includes its predecessor the European Economic Community (EEC) has been a subject of debate for at least three generations (or one lifetime). In 1975, now nearly half a century ago, there was a referendum on whether the UK should remain inside the EEC (European Economic Community), which though carried by a clear 2:1 majority did

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4   See the BBC News report on September 11th 2008 http://news.bbc.co.uk/2/hi/uk_news/politics/7610750.stm

nothing to end the debate about Britain's role in Europe. But the 'Europe issue' goes back further than that. UK resistance to any form of cooperation between nation states that involved the pooling or sharing of sovereignty was evident during the previous twenty-five years, following the Schuman Declaration of 9th May 1950 and the creation of the first sovereignty-sharing body, the Coal and Steel Community. It was even apparent in the immediate post-war period when the UK alongside other European nations was discussing how they might receive assistance from the American Marshall Plan. This is discussed in a later chapter, though in a way that recognises it is ground that has been well covered already.

Where that other union, the UK, is concerned, the desire to end (or at least modify) it goes back even further. Where the intricacies of devolution are concerned, it is worth bearing in mind that in 1886 the Liberal Unionist Joseph Chamberlainproposed the idea of 'Home Rule All Round' and the notion was subsequently backed by the Earl of Rosebery, Liberal Prime Minister, in 1895 (as it was at the time by the Welsh MP and future Prime Minister David Lloyd George). It was Joseph Chamberlain who as Colonial Secretary struggled to find a way of bringing together a disparate Empire under the banner of 'Empire Free Trade'. He sought to unite an Empire (and particularly the so-called 'dominions' which were controlled by white settlers) initially around a common defence policy and then, when that failed, around a common economic policy, anticipating the route which the founders of the European Economic Community took in the 1950s when the plan for a European Defence Community collapsed in the face of French opposition. This was a British Union that was at the same time a global union built around a huge empire. Yet it failed to take off and Chamberlain's ideas were never carried to fruition.

Home Rule All Round was therefore a spin-off from a much more ambitious design, and it too proved unsuccessful. To some extent, it represented the Westminster government trying to offer more autonomy than it would have liked to the Scots and Welsh in order to offer less autonomy to the Irish than it feared they would demand. When most of Ireland ended up with more autonomy than even Westminster had feared, the result was to encourage the view that devolution was a half measure that was bound to lead to something more and that it was best not to whet the appetite of the parts of the UK outside England. The 'thin end of the wedge' argument that was often heard during discussions of devolution in the 1970s was simply repeating arguments that had been heard fifty years earlier in the aftermath of the creation of the Irish Free State.

Unsurprisingly, then, many took – and take – the view that the history of devolution will always be a process of trying and failing to create a halfway house short of independence. They therefore conclude that creating new independent nation-states is the only way forward towards resolving the difficulties inside the British Union. Whether or not the European Union comes apart, they argue, the British Union certainly should.

A Tale of Two Unions has two concerns about this viewpoint. In the first place, it presumes that the existence of several hundred nation-states vying for position in the world represents the workings of an inherently stable system. It does not. It simply leaves in place an anarchic system of unrestrained competition – and conflict- between nation-states whose actions are subject to no effective constraints at an international level. In an earlier book, *The Binding of Nations: From European Union to World Union*, I suggested that the pooling of sovereignty, that is to say the willingness of nation-states jointly to be bound by the decisions of bodies that they themselves create, is the only effective way of bringing some order to the chaos of international relations, which continues to cost so many lives. It is worth quoting the words of the current President of the Commission, Ursula von der Leyen, when she announced the EU-UK Trade and Cooperation Agreement to the media at a press conference in Brussels on Christmas Eve, 2020. The agreement was designed to establish a way of working together after Brexit, and the issue of sovereignty intruded time and time again into the discussions. Van der Leyen remarked:

> Of course, this whole debate has always been about sovereignty. But we should cut through the soundbites and ask ourselves what sovereignty actually means in the twenty-first century. For me, it is about being able to seamlessly work, travel, study and do business in twenty-seven countries. It is about pooling our strength and speaking together in a world full of great powers. And in a time of crisis it is about pulling each other up – instead of trying to get back on your feet alone. [5]

The words cut little ice with the UK delegation. Within a month the Prime Minister, Boris Johnson, would be crowing about being first in the race to get everyone vaccinated. His 'political sherpa', David Frost, tweeted that the agreement 'restores Britain's sovereignty in full...our country begins a new journey

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5   Quoted in Duff, *Britain and the Puzzle of European Union*, pp. 102–3. These remarks were made on Christmas Eve 2020 by President of the Commission Ursula van der Leyen at a press conference on the outcome of the EU-UK negotiations concerning Brexit.

as a fully independent country once again…"[6] Nevertheless, the two years that have followed, with the ongoing pandemic, the Russian invasion of Ukraine and its continuing fall-out in Europe, make van der Leyen's comments even more pertinent. Frost thought that it was all about finding your feet again as an independent nation. But the last two years have demonstrated the urgent need for cooperation between nations that cannot hope to deal effectively with crises by acting alone. Frost's buoyant 'with one bound we are free' mentality, like Gillingham's enthusiasm for the dynamic change powered by a neo-liberal global order, appears painfully out of place in these troubled times.

This remains the perspective from which I regard the European Union as a pioneer of what may eventually be an effective means of managing the 200 or so nations that currently relate to one another without any effective constraints on what they do. It should be noted that this Union is a body which all the countries who may eventually leave the United Kingdom will probably want to join. The Republic of Ireland is already a member, so a re-united Ireland will simply continue to be part of the European Union in the way that a reunited Germany was accepted overnight as part of the EEC in 1990. The Scottish National Party, which in the earlier referendum on the EEC in 1975 was the only party to campaign for a 'leave' vote, has come down firmly on the side of remaining in or re-joining the EU. Wales, though it narrowly voted to leave the EU in 2016, might well wish to join were it to become an independent nation-state. Only England itself, whether or not it will feel quite as self-assured on its own as supporters of English independence claim, may choose to go down a different route.

My second concern with the view that the problems of the British Union can be resolved by creating four new independent nation-states is that it doesn't examine the potential of maintaining the UK with a far greater degree of devolution than has been shown so far. The central argument of this book is that ironically it is precisely the sort of mechanisms that the UK resisted when it was a member of the EU that can prevent it from imploding now as the UK. Even more ironically, the mechanisms which might upset the English as part of a British Union are precisely those which inside the EU protect the rights of individual member-states. They prevent the sort of loss of freedom that the UK so consistently complained about when it was part of the European Union.

Hence the book tries to suggest what a British Union might look like if it was to have a chance of survival after Brexit. It will suggest that as in the EU

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6   Ibid.

itself, there should be policy areas inside a British Union where any member state has an effective veto. Inside the EU, for instance, no new treaty can be passed without the unanimous consent of existing members. If the UK had been managed on such lines, it would have been unthinkable that Scotland could have voted to stay in the EU and yet the UK be able to insist on Scotland being dragged out of it on the basis of votes in England and Wales. Later chapters will examine what form a British Union might take in more detail. The general point is that, as Chesterton said of Christianity, it is not that devolution has been tried and found wanting; it has been found difficult and therefore not tried.

In trying to look carefully at what a more extensive commitment to devolution would look like, this book is indebted to the writings of Vernon Bogdanor, and in particular to *Beyond Brexit: Towards a British Constitution*, where he suggests that some of the constitutional reforms that were at best *implicit* while the UK was a member of the European Union, might have to become *explicit* in a reformed British Union. It may well be that in the 2020s such an approach increasingly has the look of trying to close the stable door after the horse has bolted. Many in Wales, Scotland and Northern Ireland may feel that the UK is beyond repair, however much the process of devolution was to be extended in ways that have hardly been explored so far. Nevertheless, it is a worthwhile exercise, if only to try to see why these nations, even if they have despaired of the future of the UK, are not unwilling to become part of the EU.

As I began writing the book in 2021, I expected that in the light of Brexit there would be serious consideration in the UK of how a constitution might be developed in a manner that could help to strengthen the nature of the British Union. There were some books that made an attempt to do so, and some serious consideration has been given to the subject by politicians (for instance the Labour leader Mark Drakeford's interesting proposals as leader of the Welsh *Senedd*, published in 2019 and then revised in 2021). All the same, I soon realised that I should not under-estimate the influence of those for whom leaving the EU is only the first part of a process whereby England leaves the UK and even finally emerges in all its glory as a fully independent nation-state. Moreover, this seems to be a view evidenced on both sides of the political spectrum. On the Right it is seen as England asserting its virile nationhood. On the Left it is seen as England waking up from imperial delusions (including imperialism at home in its treatment of the other nations inside the UK). Norman Davies, author of highly influential tomes on Europe and 'The Isles' (the UK and the Republic of Ireland), insisted in his later book *Vanished Kingdoms*

that the collapse of the United Kingdom 'is a foregone conclusion.'[7] Davies recalls that one of the more moderate leaders of Sinn Fein, Arthur Griffith, had called for a 'dual Kingdom' solution to Ireland's search for independence on the model of Austria-Hungary. Yet such an outcome never materialised in either case. The Austro-Hungarian Empire imploded after the First World War, and the United Kingdom had to come to terms with the Irish Free State coming into being four years later, removing proportionately more territory from the UK than Germany had lost at the end of the war. Davies suggests a similar implosion for what might be regarded as an internal British Empire, namely what has remained of the United Kingdom for the last century.

Another more recent example is Anthony Barnett's introduction (written in 2021) to the third edition of Tom Nairn's *The Break-Up of Britain* (originally written in 1977). Barnett writes that 'by making British sovereignty the measure of the country's freedom, the English who backed Brexit have turned the UK into a prison for its smaller nations' His reaction is to call for what he calls 'the only exit' from the breakdown of the UK, which he describes as 'a course of action that shatters the spell of the Brexiteers', namely for 'the English to insist on the break-up of Britain.'[8] These are not the words of an English nationalist but of an anti-imperialist who has come to the conclusion that the smaller nations are 'imprisoned' inside the United Kingdom.

However, there is another way of looking at it. If the English were to put together a proposal for a new constitution such as the later chapters of this book try to describe in more detail, then they would shatter the spell of the Brexiteers far more effectively by showing how the sovereignty-sharing that was at the heart of the EU project can be at the heart of the UK project too. Barnett does not seem to recognise that a sizeable slice of the Brexiteers would love to move on from trying to break up the European Union to trying to break up the British Union. Having rejected supranationalism without, supporters of an English nation-state would see it as only logical to reject supranationalism within. The David Frost language about 'a new journey as a fully independent country' would apply to the 'four nations', disentangled at last and able to make their own way in the world. The trouble is that Right and Left combine in thinking that the unregulated nation-state is the only kid on the block. The Right thinks that this is a matter of national pride. The Left thinks it is a matter of becoming free from control by other, larger nations or empires. But

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7   Davies, *Vanished Kingdoms*, p. 679.
8   Nairn, *Break-up of Britain*, p. xxiii.

the result is to have an even higher number of nation-states in an essentially anarchic environment where nation-states are bound by no effective control mechanism. There is only one exception to this rule – the European Union in which nation-states have voluntarily agreed to be bound by a legal system that they have jointly created. It is a unique system to whose merits many on both Right and Left of the political spectrum appear to be oblivious.

The book concludes that the pooling of sovereignty remains the vital ingredient of an international order that is not going to end up in chaos. The last century has seen huge loss of life following the descent of nations into open warfare with one another. Encouraging them to consent to the formation of institutions by whose decisions they jointly agree to be bound remains a crucial part of the process of making warfare a thing of the past, something that has happened in parts of Europe but not, as the tragic events of 2022–3 have shown only too well, the whole of it. It may not be a familiar approach to international relations, and it may express itself through the formation of institutions that are unlike those which apply at the national level, but this does not make such a system unworkable. Nor does it automatically make it elitist, as if it was more susceptible to the formation of undemocratic bodies.

Outline of the book

The first part of the book outlines the process by which the United Kingdom joined the European Economic Community and then left the European Union forty years later. It is very aware of the fact that this is a story that has been told many times before, so it focuses on the key concept of sovereignty-sharing and why it was both fundamental to the so-called 'European Project' and anathema to successive British governments. This then paves the way, in the second half of the book, for a suggestion of how it is precisely this principle, which was consistently rejected by the UK, that is essential to its capacity to maintain itself as a United Kingdom. At the same time, it gives consideration to those who are pressing for a less elitist form of government both at the EU and at the UK level. In conclusion, it examines what prospects there are for a real reform of the constitutional status of the United Kingdom. It is notable that in a recent book Michael Keating[9] argues that the EU and the UK are both highly compat-

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9   Keating, Michael. *The Fractured Union.*

ible plurinational unions. This book seeks to explore further the nature of that claimed compatibility.

Whether what is proposed here will prove helpful I have no idea. The one thing that seems clear to me is that leaving the European Union and then breaking up the British Union will not solve the UK's problems but make them even worse. The undoing that began with Brexit is in danger of being only half-complete. The question now is whether it can be stopped from going any further. It is perfectly possible that the candle could burn once again at both ends of the political spectrum in order to facilitate a breaking-up of the British Union, just as it facilitated the withdrawal of the UK from the European Union. English nationalism on the Right could be joined by a desire on the Left to unravel the Empire 'at home' and give independence to what would be seen as the colonised parts of the United Kingdom, just as independence was given to the British Empire abroad. In a recent Podcast Professor Edgerton declared that an independent England was an 'unfortunate necessity', the 'only way out of this mess' (he meant Brexit) and even a way of 're-enabling' democracy in the UK.[10] Thus, the same combination threatens as that which led to Brexit – English nationalism on the right and on the Left a sense that there is unfinished business to be done which means getting rid of the 'Empire within', much as in the last century the UK got rid of the 'Empire without'. For both ends of the political spectrum, Brexit has become a halfway house towards the final dismantling of the United Kingdom into its constituent parts. This book is intended to show why that is not a desirable outcome and that it can be avoided by recognising the value of what has been and is being done to hold together the European Union. In that case the centre may be able to reassert itself against the destructive forces which, having tried and failed to pull the European Union apart, now seek to do the same with the British Union.

When Elizabeth II died in 2022, many commentators at once brought up the prospect of former 'dominions' following Barbados in the direction of declaring themselves republics. They were less willing to address the question of how far Charles III would be a less effective head of the British Union than his predecessor. They reminded us that an earlier Charles, Charles I, lost his head, but were less aware of the fact that he fought what is now often called

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10   Edgerton, Podcast entitled 'Disunited Kingdom', 28/1/2020, https://shows.acast.com/opinionhasit/episodes/60dc5b861f5e91001249f664.

a 'War of Three Kingdoms' rather than an 'English Civil War'.[11] The future of the British Union, not to mention its long-lasting fragility, was still far away at the back of their minds. It may not be able to stay there for long. Justifying the sub-title of his recent book, *The Fractured Union*, Professor Michael Keating wrote that: 'The United Kingdom has not, at the time of writing (July 2020) suffered a complete break, but the Union is subject to increasing stress.'[12] That is still a reasonable assessment of a union that remains strained, but not quite yet to breaking-point.

This chapter began with Hobsbawm's imagery of launching a message in a bottle and the difficulties of getting *A Tale of Two Unions* published. I would like to thank transcript publishing for launching this particular message in a bottle, and in particular Dr Mirjam Galley for her painstaking editorial assistance in the preparation of the book.

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11 See, for example, Trevor Royle's *Civil War: The Wars of the Three Kingdoms 1638–1660*, originally published by Little, Brown in 2004 and then re-published in 2014 by Palgrave Macmillan under the slightly different title *The British Civil War: The Wars of the Three Kingdoms 1638–1660*.

12 Keating, *The Fractured Union*, p. viii.