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Cultures of Negotiation: Explaining Britain's hard bargaining in the Brexit negotiations

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Abstract

The Brexit negotiations present a puzzle for scholars of international bargaining, who tend to assume hard bargaining follows from advantages in bargaining power. In spite of its relative weakness vis-à-vis the EU27, however, the UK's negotiating strategy bears all the hallmarks of hard bargaining. Drawing upon a series of elite interviews conducted in late 2017, this working paper argues that British hard bargaining is a consequence of three ideational factors particular to the UK case: the dominance of a conservative ideology of statecraft, a majoritarian institutional culture, and weak socialisation into European structures. These three factors not only predisposed UK policymakers to favour harder bargaining strategies, ceteris paribus, but also contributed to a misperception that Britain possessed more bargaining power than was actually the case. This paper argues that the UK's bargaining strategy comes with a high risk of immediate failure, as well as longer term self-harm.

1. Introduction

The Brexit negotiations present a puzzle for scholars of international bargaining. Received wisdom has it that hard bargaining strategies make sense only when accompanied by a significant advantage in bargaining power—conceived in terms of material capabilities, viable alternatives, and credible domestic constraints. When such conditions do not obtain, it is argued, hard bargaining creates reputational costs, diminishes credibility, and decreases the chance of a deal. Yet, the United Kingdom has undeniably pursued a hard bargaining strategy from a position of relative weakness. While the UK is a major economic and political actor, it is weaker in every measure of material capability compared to the EU27. Its alternatives to a trade deal with the EU—likely to have fewer and certainly not immediate advantages—are limited and, while domestic constraints are high, they are neither sufficiently unified nor credible to afford leverage to Britain. In spite of this, the UK position shows all the hallmarks of hard bargaining: a negative portrayal of the 'other', unwillingness to make concessions, the issuing of unrealistic demands, frequent threats to exit the talks, zero-sum assumptions, the absence of argumentation, and minimal communication. The UK's hard-bargaining stance is thus difficult to explain from the perspective of existing theories of negotiation behaviour.

Drawing upon a series of elite interviews conducted in late 2017 with politicians, civil servants, and think tankers close to the negotiations, this paper argues the UK's strategy of hard bargaining is a consequence of underlying cultural and ideational factors. These include the (small-c) conservative ideology of statecraft that dominates British politics, the UK's majoritarian political system, and Britain's history of dominant interaction with the EU27. These three factors, we argue, contribute to the UK's hard bargaining approach in two respects. First, they predispose British policymakers to more confrontational strategies: conservative ideology valorised a tough approach to the negotiations, Britain's institutional culture socialised actors into viewing politics in zero-sum terms, and Britain's weak socialisation into European structures led policymakers to enter negotiations on adversarial terms. Second, they contributed to an overstatement of bargaining power by foregrounding Britain's status as a great global power, constructing 'alternative' options geared around Commonwealth and Atlanticist ties, and situating the 'popular will' as an immovable constraint on its room for manoeuvre vis-à-vis the EU. It is thus the culturally prefigured perception of its own capabilities, options, and constraints, we argue, that shaped the UK's negotiation style in the initial withdrawal negotiations.

Our findings help to explain a key empirical puzzle in the ongoing Brexit negotiations—namely, why the UK adopted an adversarial bargaining approach from a position of weakness. We demonstrate not only that policymakers were predisposed to such hard-bargaining strategies by virtue of distinct yet readily discernible cultural factors, but also that these factors contributed to an overstatement of British bargaining power such that hard bargaining appeared, for some, the most rational option. In our model, rationalist assumptions are endogenised, and result from prior cultural beliefs. Theoretically our findings speak to the ongoing debate between rationalist and constructivist theories of bargaining, since we show that cultural factors are integral intervening

variables, responsible for mediating between bargaining power and the choice of negotiating style. Rationalist explanations that fail to take into account perceptions of power thus risk excluding a crucial component while existing constructivist explanations are underspecified to the extent that they underestimate the extent of actors' purported strategic behaviour. There are also important policy recommendations that follow from our argument. Policymakers would do well to reflect upon the underlying basis of their estimations of bargaining power prior to determining their negotiating style and, where possible, to establish objective metrics for each element. To fail in doing so may lead to sacrificing much for little.

Our argument proceeds as follows: We begin with a discussion of the Brexit negotiations, situating the talks within a broader context and noting the British propensity for hard bargaining from a position of relative weakness. Demonstrating why this is puzzling from the perspective of mainstream theories of bargaining strategy, we then turn to constructivist accounts of bargaining as a source of hypotheses for explaining the puzzle. We emphasise the role played by three ideational factors—ideology, institutional culture, and socialisation—and detail the mechanisms through which these contributed to the hard bargaining outcome. After summarising our methods of data collection and analysis as well as our measurements of hard and soft negotiating styles, we finally survey our empirical findings.

While the UK is a major economic and political actor, it is weaker in every measure of material capabilities compared to the EU27.

2. The Brexit Puzzle: Hard bargaining from a position of weakness

Following the vote to leave the EU on 23 June 2016, Theresa May's Conservative government pledged to implement the mandate established by the plebiscite and take the UK out of the Union: "Brexit means Brexit". After securing parliamentary approval, May triggered Article 50 on 29 March 2017, firing the starting gun for the two-year period allowed by the Treaty of Lisbon for negotiating the terms of withdrawal. The EU stipulated a phased process in which initial talks would deal with problems raised by withdrawal itself—budgetary contributions, citizens' rights, the Irish border—followed by negotiations on the nature of the future relationship. With Brexit minister David Davis leading on the British side and Michel Barnier representing the Commission, negotiations began in July 2017 and continued in a series of four-weekly 'rounds' throughout the year. A draft withdrawal agreement was announced at the beginning of December 2017, but negotiations continued on the elements of the text that remained contentious. As a number of media sources noted (The Guardian, 2018a), the British negotiation stance showed all the hallmarks of an archetypal hard-bargaining strategy from the very beginning. This included aggressive portrayals of the EU, unwillingness to compromise, unrealistic expectations, frequent resort to

threats, the depiction of the negotiations in zero-sum terms, not offering justification or evidence-based argumentation to make a case for its position, and a notable reluctance to communicate its position to the public or its negotiating partner.

The UK's hard bargaining strategy is puzzling when set against the underlying assumptions of mainstream theories of international negotiations. These posit that weaker actors are—*ceteris paribus*—likely to favour softer bargaining strategies. One of the most robust findings in the literature is that hard strategies are chosen by actors who possess greater bargaining power than their negotiation partners (Dür and Mateo, 2010a; ibid, 2010b; Naurin, 2015; Reinhard, 2012; Zahariadis, 2017). This finding is generally associated with rationalist institutionalist work on the choice of bargaining strategy, which assumes governments act strategically in order to maximise their utility—defined in terms of fixed preferences—in response to the 'rules of the game' established by domestic institutions and the structure of the negotiations (Scully, 2006: pp. 19–21; Shepsle 2006, 24).

There exists no agreement on the kind of deal UK veto players wish to see.

Indeed, a number of recent empirical works have noted this tendency. 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, since to do so would require them to abstain from uncooperative bargaining strategies (Reinhard, 2012: p. 1350). Naurin, in his study of member-state bargaining in the Council of the European Union, finds that the strongest member states are "strikingly unwilling" to make concessions to other member states (Naurin, 2015: p. 731). More recently, Zahariadis's study of the 2010–15 Greek bailout negotiations notes that states with "fewer power resources, worse best alternatives…and fewer domestic constraints are more likely to follow a soft bargaining strategy" (Zahariadis, 2017: p. 675). Moreover, the proposition that a credible domestic constraint affords actors the opportunity to drive a harder bargain is empirically documented by König and Slapin (2004: p. 388) in their account of the Treaty of Amsterdam.

Bargaining power has three components: first, the material resources of a country, whether these attributes are economic, military, demographic, or territorial; second, the availability of alternative options (Dür and Mateo, 2010a: p. 566); third, the credibility and extent of domestic constraints on the government's ability to accept a particular deal (König and Slapin, 2004: p. 359; Putnam, 1988: p. 440; Schelling, 1961). The UK is demonstrably weaker on each of these criteria than is the EU. While the UK is a prosperous member state—its GDP in 2016 was equivalent to that of the EU's 19 smallest member states combined (Eurostat, 2017)—the British economy is only one-sixth that of the combined EU27. Moreover, the effects of withdrawal are more concentrated in the UK: leaving the single market will have a detrimental effect on British services exports (Schelkle, 2018: p. 129), while exporters in the EU27 are predicted to be less negatively affected. Meanwhile, the one

area in which the UK holds a comparative advantage, security and defence, has been kept off the negotiating table at the insistence of the European capitals and by virtue of the dominance of non-EU actors (especially NATO) in this field (Hill, 2018).

The UK also has fewer alternatives to a deal with the EU. It has already rejected a number of forms of association—the Swiss and Norway models included—and the Article 50 process means that a 'no deal' scenario would result in a cliff-edge rather than a reversion to the status quo (Eeckhout and Frantziou, 2017). In spite of the talk of a 'global Britain' alternative based on "a bolder embrace of free trade with the wider world" (HM Government, 2017), the concept has been criticised for insufficient clarity (House of Commons, 2018) and is likely to be constrained by the UK's diminished capabilities after Brexit (ten Brinke et al, 2018: pp. 1–2). Finally, although Theresa May's government does not hold a parliamentary majority, there exists no agreement within or between UK veto players on the kind of deal they wish to see. May could claim, legitimately, that she could not sell that she could not sell at home any deal viewed as disadvantageous to British interests at home. But she is unlikely to sell any alternative agreement either, given the precarious balance of political forces. In any case, the only alternative to an agreement between the two sides is the heavily asymmetric effects of a cliff-edge scenario (Martill, 2018). With the opposition deeply divided and cross-party attempts to enhance Parliament's role unsuccessful, May will likely receive legislative assent for her deal (The Guardian, 2018b).

Weaker countries—including, in this situation, the UK—are expected to favour soft bargaining strategies for three reasons. First, soft strategies are the expected preference where hard bargaining will not be credible, and where untenable positions create problems both domestically and with other actors. Second, soft strategies avoid the risk of the stronger actor responding with retaliatory measures under asymmetric bargaining conditions favouring the stronger party (Dür and Mateo, 2010a: p. 564). Third, soft strategies make an agreement more likely—an outcome the weaker party has a greater interest in securing (Kahneman and Renshon, 2009; Neale and Bazerman, 1985) —because a situation in which both sides make concessions increases the probability that the win sets—the set of all possible agreements between the two parties that would receive the necessary level of support from the respective domestic audiences—will overlap, thereby facilitating a workable outcome (Putnam, 1988: pp. 435–438; Tsebelis, 1995). For these reasons, mainstream theoretical accounts of rational bargaining strategies would expect the UK to favour softer strategies. To do otherwise would be to jeopardise an agreement it has more interest in obtaining than the EU does, to lose valuable credibility in the eyes of domestic and international actors, and to risk damaging retaliatory measures from the EU in response to perceived British intransigence.

A number of countervailing rationales for the UK's hard bargaining approach present themselves and warrant a brief discussion—if hard bargaining is a "weapon of the weak" (Dür and Mateo, 2010b: p. 684) then the UK's strategy is less puzzling. The UK, it may be claimed, could be attempting to "tear down the house", as the Greek finance minister Yanis Varoufakis famously threatened in 2015, in spite of the clear power asymmetry between the EU and Greece (see

Varoufakis, 2017). But the harshness of Varoufakis's negotiating position only made sense because of the acute interdependence of the eurozone economies and the severe damage a Greek default would cause for the system as a whole. While a 'no deal' Brexit would damage the EU, it inflict far more damage on the UK. As such, both EU and British politicians at the highest level have not deemed it a credible threat. Moreover, it may be claimed that the UK, backed into a corner by Brussels, has no alternative but to fight (read: bargaining hard) in order to come out on top. But notions of the UK 'lashing out' conflate metaphor with strategic rationale, and thus fail to account for the value of pursuing a hard-bargaining strategy. Finally, it might also be suggested that hard bargaining offers a means for the UK to demonstrate its power and resolve and to thereby achieve a more equitable distribution from any outcome. But once again the question of credibility is crucial, since it is not clear the other side will be convinced by the UK's demonstration of force and offer concessions accordingly.

Put simply, while there are convincing reasons for weaker parties to eschew hard bargaining, the purported rationales for adopting such a strategy under conditions of asymmetric power rely on unconvincing metaphorical and analogical reasoning. Why the UK has not followed the path of a softer bargaining strategy is, therefore, at once an important empirical and theoretical puzzle.

3. How Ideas Influence the Choice of Bargaining Strategy

This article accounts for the puzzle inherent in UK bargaining by drawing on constructivist theories of international negotiations to develop an account of the perception of power. Constructivist approaches, while not quite as prominent as their rationalist counterparts, have become more established in the literature on international bargaining in recent years, as rationalist explanations have failed to account for real-world outcomes (Checkel, 1998; Finnemore and Sikkink, 2001). Constructivist accounts are distinguished by their emphasis on the "socially transmitted behaviour patterns, norms, beliefs and values of a given community" (Salacuse, 1998: p. 222). The choice between hard and soft bargaining strategies, constructivists argue, is thus rooted in the specific cultural, ideological, or identity-based attributes of the actor in question more than in their structural position (e.g. Smolinski, 2008, Salacuse, 1998, Mastenbroek, 2002, Zartman, 1999). Unlike rationalist approaches, constructivist works argue that actors' interests and preferences are mediated through interpretation, practice, and legitimation, and cannot be derived independently of these factors (e.g. Campbell, 1998: p. 398; Pechová, 2012; Schäfer, 2016).

The constructivist approach has drawn attention to a number of key explanatory factors that enable scholars to go beyond mainstream approaches. Within the literature on bargaining, particular emphasis has been placed on ideology, identity, institutional culture, and socialisation into a common lifeworld (Dür and Mateo, 2010b). Countries where 'individualist' ideologies based on self-reliance dominate are considered more likely to adopt hard-bargaining strategies, since they respect the values of competition, individual success, and utility maximisation (Dür and Mateo, 2010b: p. 686; Gelfand and Dyer, 2000: p. 65). National identity is also often heralded as an

important determinant of bargaining strategy, with national role-conceptions based on strength and prestige more likely to lead to the adoption of hard-bargaining strategies (e.g. Faure, 1999; Gelfand and Dyer, 2000: p. 69; Kahneman and Renshon, 2009: p. 80; Metcalf et al., 2007; Zahariadis, 2016: p. 478). In terms of domestic institutional cultures, there is considerable evidence that majoritarian political systems inculcate more conflictual values while consensus systems place greater emphasis on compromise and conciliation, leading to a preference for hard and soft bargaining, respectively (Dür and Mateo, 2010b: p. 687). Moreover, the sharing of a 'common lifeworld' is considered by many to be a facilitator of logics of 'persuasion' taking precedence, redolent of a softer approach to bargaining. Actors who are weakly socialised into prevailing normative structures may thus be less likely to engage in soft bargaining strategies (e.g. Checkel, 2001: p. 563; Risse and Kleine, 2010; Ulbert et al., 2004).

The potential breadth of the constructivist research programme calls for specificity in the selection of determinate variables. A number of readily identifiable ideational factors specific to the UK are plausible explanations for Britain's hard bargaining strategy. We argue that three such factors present in the UK case—the conservative ideology of statecraft, a majoritarian institutional culture, and weak socialisation into European structures—all contributed to the UK's hard-bargaining stance through the distinct but mutually reinforcing mechanisms of predispositions and perceptions.

Predispositions are reflexes that push actors to adopt particular strategies over others in relation to a general class of events. In this instance, we propose that actors viewing international affairs through a realist lens, defined by a zero-sum majoritarian culture, and in a weakly socialised external environment, have a preference for harder bargaining strategies hardwired into their 'operational codes' (e.g. George, 1969). Perceptions, on the other hand, refer to the ways in which actors views themselves and their relation to other actors within the environment in which they operate (e.g. Jervis, 1976; Van Evera, 1999). Recent work in social psychology and foreign policy (e.g. Johnson, 2004; Kahneman and Renshon, 2007; Van Evera, 1999) has highlighted—among other findings—the extent to which "leaders and their advisors (under certain conditions) overestimate their own capabilities relative to their adversaries" (Renshon, 2009: p. 115). Moreover, actors may also misperceive the value placed on them by other actors, as well as the coherence of their own domestic environment (Jervis, 1976: pp. 330, 343). Misperceptions of capabilities, available options, and domestic constraints contribute to the view that harder bargaining strategies objectively suit the situation at hand. Both predispositions and perceptions are important determinants of strategy and both operate (simultaneously) on distinct planes of social reality. Moreover, both mechanisms can be observed empirically in the Brexit case and are irreducible to one another, hence their treatment here as distinct factors.

Constructivist approaches have become more established as rationalist explanations have failed to account for real-world outcomes.

3.1 Predispositions

Regarding predispositions, we highlight three factors in particular that are important for understanding the disposition among British elites towards hard bargaining, drawing upon a number of the 'cultural factors' identified by Dür and Mateo (2010b: pp. 685–687).

The first is the dominance of conservative ideology in the United Kingdom since the end of the 1970s, which has been well charted by scholars. Within Europe at least, the UK has been distinguished from similar countries by its embrace of the Anglo-Saxon strand of neo-liberalism and its accompanying views of the international domain and the dictates of the national interest (Beech, 2011; Gamble, 1988; Hall and Soskice, 2001; Heffernan, 1999). While individualist values predispose actors towards competitive behaviours in general (Dür and Mateo, 2010b: p. 686), the conservative ideology of statecraft reflects the agglomeration of these tendencies at the national level, and is associated with a more uncompromising diplomatic style (Rathbun, 2008; ibid, 2014;

Britain's relatively weak socialisation into the European project has contributed to engagement with European partners on more conflictual terms.

Thérien and Nöel, 2008). Conservative ideologies of statecraft—similar those of the realist canon in IR theory (Ish-Shalom, 2006: p. 442)—view the international system as a dangerous environment, are sceptical about the prospects of trust and cooperation, regard power as the fundamental currency of international politics, and accordingly regard the threat of force (or the application of other forms of power) as the best way to influence other actors (Nau, 2008; Rathbun, 2004: p. 20).

We argue that conservative ideologies of statecraft, ascendant in British politics in the aftermath of the referendum, favoured forceful bargaining strategies and valorised the perception of strength above all else in achieving a distributionally beneficial outcome. This isn't to say that all big-C Conservative leaders and politicians view the world in this way, but rather that those who view power as the principal currency of the international system will be predisposed to find hard bargaining rational.

The second factor predisposing British policymakers to hard bargaining is the nature of the UK's democratic institutions and, in particular, the 'Westminster model' of parliamentary democracy. The Westminster model is distinguished primarily by its use of the single-member district plurality (SMDP) electoral system (colloquially: 'first-past-the-post'). SMDP systems are characterised by a small number of broad-based political parties and by a ubiquity of single-party governments (Lijphart, 1999: pp. 10–15). The institutional culture of Westminster is said to socialise actors into more conflictual political norms, since competition is of the 'all or nothing' variety, and since parties rarely experience the need to govern together in coalition (or to compromise accordingly) (Dür and Mateo, 2010b: p. 687). The norm—though not the rule—in continental Europe, by contrast, is for the use of more-proportional electoral systems, which tend to result in systems characterised by a greater number of smaller, ideologically cohesive parties and a correspondingly

increased chance of coalition government. The institutional norms generated by these systems, in contrast to those in the UK, embed norms of trust and compromise, without which the requisite collaboration for a functioning multiparty government would likely not be achieved.

The Westminster model, we argue, entrenches a view of politics as a confrontational, zero-sum game in which concessions must be wrung out of opponents rather than negotiated, and in which concessions are associated with losses rather than potential future gains. This leads, in turn, to a predisposition for hard bargaining as a natural form of political interaction.

The third factor concerns the degree of socialisation into regional (European) norms and modes of international conduct. Countries whose interactions are more regular and based on shared understandings and normative beliefs have been shown to engage in more cooperative behaviours towards one another (Axelrod and Keohane, 1985). Being part of a 'common worldview', moreover, is said to decrease instances of hard bargaining between states (Naurin, 2011; Risse, 2000). Britain, we argue, is more weakly 'socialised' into the prevailing norms that characterise European politics, owing to its instrumental accession to the then European Economic Community, its self-identity as an Atlantic (or global) power, and its interaction with other EU member states from a position of relative dominance. Britain has always sought to maintain the EU as only one facet of its global alignments (Hadfield, 2018) and it is widely believed that support for European integration is primarily instrumental and thus not deeply internalised (De Búrca, 2018).

Of course, the UK is not the only country to view the EU in instrumental terms; affinity for Europe is declining in many member states and each region has distinct 'images' of Europe (Bottici and Challand, 2013; Nicolaïdis, 2004: p. 102), some of which lend themselves more easily to instrumentalisation than others. But this tendency in the UK has been noted by scholars and practitioners as being particularly pronounced (e.g. Cram, 2012: p. 73). Britain's relatively weak socialisation into the normative elements of the European project over the decades has, we argue, contributed to the UK's engagement with European partners on more conflictual terms (as adversaries rather than as friends) while its position of power within the EU has led to expectations of positive outcomes and concessions in response to flexing its muscle vis-à-vis the other member states.

3.2 Perceptions

Importantly, however, the various ideational factors shaping British predispositions in the negotiations also contributed to distinct perceptions of the UK's bargaining power, which influenced the choice of bargaining strategy and offers a second, distinct mechanism through which cultural factors can be said to have influenced the outcome. Positive impressions of British power and its global relevance, we argue, contributed to a misperception that Britain was in a stronger position than it actually was, making hard bargaining appear a rational strategy. Perceptions in the UK were skewed on each of the three common elements of bargaining power: capabilities, available options, and domestic constraint. We discuss these factors in turn below.

First, there is a widespread belief that the UK—as a prestigious member of the international community—could be nothing less than a strong negotiator and constitutes a more powerful actor than its material capabilities would suggest. This is reinforced by nostalgic conceptions of Britain's global, imperial past and its influence in many parts of the world (Younge, 2018b), as well as by masculinist norms valorising strength in the face of adversaries (Achilleos-Sarll and Martill, forthcoming; Hozić and True, 2017). Because it is believed that Britain is a powerful international actor, it is also assumed that its capabilities—military, economic, cultural—may be brought to bear on the negotiations. The greater the assumption of British power and prestige, which is itself, unsurprisingly, correlated with Eurosceptic attitudes, the greater the tendency to overstate the UK's capabilities vis-à-vis the EU and the greater the corresponding propensity to see hard bargaining as a workable strategy.

Second, it has been commonly held that Britain's power position is advantaged by the alternative options it has to trade with other regions of the world. As Siles-Brügge (2018: p. 5) notes, "the growing Thatcherite wing in the Conservative party—which played a key role in the 'Vote Leave' campaign and in the UK Government post-referendum—has increasingly…embraced a geographic imaginary premised on the Anglosphere (with echoes of both 'Anglo-America' and the Commonwealth)". This belief has reinforced perceptions of a viable alternative to close association with the EU (Kenny and Pearce, 2018: p. 127), seemingly allowing the UK to forego a deal with Brussels. In other words, as *The Guardian*'s Gary Younge has argued, "the UK's overblown sense of its place in the world has led to overplaying our hand with the EU" (Younge, 2018a). The more alternative options to a close relationship with the EU that are thought to exist, the greater the UK's bargaining power is perceived to be. To the extent that each of these alternative international ties are held to be functional substitutes to EU membership, they perceptibly increase British bargaining power, since the UK does not need a deal with the EU if it can reasonably obtain the same (or better) outcomes elsewhere.

Third, and finally, the domestic construction of 'the people' as an immovable object opposed to association with the EU on any level, manifested in the tautology "Brexit means Brexit", reinforced the notion that a credible domestic constraint existed. The idea that the referendum established a clear mandate for Brexit from 'the people' has become government mantra since the vote (Freeden, 2017: pp. 7–8; Weale, 2018: pp. 31–32), even though the exact mandate—hard or soft?—is difficult to interpret, the constitutional direction wholly lacking (Eeckhout, 2018: pp. 166–167), and the majority sufficiently slight as to render the concept of an undivided 'people' inappropriate (van Middelaar, 2018: p. 84). Repeated emphasis on the indivisible 'people', we argue, has reinforced the idea that a credible blocking coalition exists at the domestic level such that the EU would have no option but to offer the UK a highly favourable deal, in spite of the underlying reality of a highly divided citizenry. This follows the logic of the 'Schelling conjecture' invoked in Putnam's (1988) famous two-level games metaphor, which contends that domestic constraints can increase one's bargaining advantage (and thus one's share of the distributional outcome) by making any deal contingent on acceptance by a blocking domestic constituency (Schelling, 1961); a logic which is itself widely understood and practiced by contemporary policymakers.

4. Methodology and Concepts

Our study draws upon 18 elite interviews conducted in late 2017 with individuals closely connected to the negotiations in Brussels and London. These included policymakers and politicians on both sides of the Remain–Leave spectrum, members of the EU negotiating team and the Brexit committee in the House of Commons, expert observers with direct experience of previous negotiations, and a small number of experts from specialised think tanks. The interviews were conducted on the basis of a structured questionnaire with additional questions asked where necessary.[1] We make no claims to be able to discern what went on 'in the room'. Such accounts will need to await revelations once the negotiations have run their course. Rather, those we spoke to offered insights into the higher-level framing of the negotiations and the aims of the political masters on each side of the equation. These determine the contours guiding the talks 'in the room' as well as the overall tone of the negotiations themselves. Indeed, as our interviewees corroborated, the negotiating teams have been given little leeway to deviate from the scripts established by their political masters. Moreover, public statements of government aims are carefully calculated, since they fast become official 'positions' in a low-information environment, and since domestic audiences will judge the government's success and credibility against their ability to make such statements reality.

The Brexit process is an ongoing concern. By most estimates the tricky process of removing the UK from more than six decades of institutional creation and law-making could take up to 10 years (Ferry and Eckersley, 2017). The claims we make in this article relate to a finite period in the negotiations from their beginning in July 2017 to the end of our interviews just prior to the release of the interim agreement in early December of that year. We make no claim to have captured the dynamics affecting the process beyond this period. although informal indications we have received from contacts

There is a widespread belief that the UK—as a prestigious member of the international community— should be nothing less than a strong negotiator.

in Brussels and London as of September 2018 is that the principal contours of our argument— British hard bargaining, the asymmetric balance of bargaining power, the important role played by specific ideational factors—remain largely unchanged. While there is every chance that history may vindicate Theresa May and her Brexit strategy, this will not negate the puzzle outlined at the beginning of the article. In short, our article examines the Brexit negotiations during an important period at the end of 2017 during which the puzzle of British hard bargaining may be observed. We make no claim to be able to explain subsequent events, nor the outcome, only this interesting empirical puzzle.

Moreover, Brexit remains the subject of considerable political controversy, and remaining neutral and non-partisan in any discussion of British withdrawal is challenging, not least given the extent to which academic 'expertise' was criticised during the referendum campaign (Clarke and Newman,

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1   We do not attribute quotes directly to individuals owing to the sensitivity of the ongoing negotiations.

2017). Some of the fundamental building blocks of our argument—the extent of British bargaining power and the damage resulting from a 'no deal' scenario—are themselves the subject of ongoing political contestation, and to make these claims is thus to invite partisan controversy. We believe the best way to overcome the risk of partiality is to be open about our assumptions and where they come from.

Our assessment of the UK's bargaining power is derived from objective and measurable indicators (GDP, defence spending) but also qualitative assessments about the interests of other international actors and the credibility of domestic opposition. In these latter instances we rely on public statements, but concede that others will have different ideas. Our assertion of the damage of a 'no deal' scenario is based on predictions by the International Monetary Fund that the greatest GDP loss will be to the UK (The Economist, 2018), and is reinforced—to a certain extent—by the claims of prominent Brexiteers that the UK economy would likely suffer in the short term. What our argument is unable to account for is the value of the underlying normative preference for the return of (absolute) sovereignty in such an instance, which is often cited as the main justification for such a 'clean break' (The Guardian, 2018c). The point of our argument, in general, is not to repeat (or endorse, or even judge) distinct normative conceptions of the EU, or to debate the nature of the international realm or what successful bargaining looks like, but rather to show how, when certain viewpoints dominate, hard bargaining is the result, irrespective of the power position of the actors involved.

We also want to be clear about what we believe constitutes hard bargaining. In our analysis we utilise a composite measure of hard and soft bargaining which incorporates a number of distinct dimensions (see Table 1). We argue hard bargaining tactics involve several of more of the following:

> (1) *An aggressive representation of the other*: Representing the 'other' to domestic and international audiences through public criticism of that actor, their behaviour or attributes, and the frequent use of adversarial terms, phrases, and metaphors (Berenskoetter 2007, 650; Mattern 2001; Wendt 1992).

> (2) *A lack of willingness to compromise*: Hard strategies involve "a strong, public commitment of not giving in" (Dür and Mateo 2010a, 562). Concessions are considered risky, since they may not be reciprocated, which would have potentially negative consequences for the party's credibility. They are also viewed as indicating a lack of resolve, betraying a weaker bargaining position.

> (3) *The setting of unrealistic expectations*: Unrealistic demands include those the other actor has already ruled out, have not been offered in similar circumstances, or do not reflect the power position of the actor vis-à-vis its negotiating partner. Unrealistic demands make it more difficult for the other actor to make concessions and, since they make agreement contingent on a position unlikely to be met, hinder successful outcomes (Dür and Mateo, 2010a: p. 564).

(4) *A resort to threats*: A threat "signals to a recipient that the sender is willing to harm the latter, unless the latter abstains from or engages in specific action" (Dür and Mateo, 2010b: p. 562). Actors may threaten to engage in uncooperative behaviour outside the negotiations, abandon previously agreed positions, withdraw from negotiations, or strike deals with other actors.

(5) *Depiction of negotiations in zero-sum terms*: Most examples of international negotiations are 'mixed games' in which both coordination problems and distributional conflict coexist (Krasner, 1991; Moravcsik, 1993: p. 497; Schelling, 1961). Their balance, however, varies depending on actors' predispositions. Those pursuing hard-bargaining strategies are more likely to emphasise the distributional elements, while those pursuing softer strategies are likely to focus on the need to coordinate behaviour (Da Conceição-Heldt 2006, 147-148, Elgström and Jönsson 2011, 685).

(6) *Infrequent use of arguments (normative or otherwise)*: Providing justification for one's actions is an indicator of a softer negotiating strategy (e.g. Naurin 2011, Reinhard 2012, Risse and Kleine 2010). Moreover, offering arguments allows for more meaningful exchanges, since it provides the basis on which logics of persuasion operate, making agreement more likely (Culpepper 2008, 6; Risse 2000; Müller 2004, Ulbert et al. 2004).

(7) *A lack of willingness to communicate*. Negotiations may be understood as "the controlled exchange of partial information" (Zartman 1976, 14), since informational asymmetries can be exploited to gain a distributional advantage (Iida 1993, 405). Hard strategies involve a refusal to offer information requested by the other side (Neimann 2004, 383), the absence of open channels of communication through which progress in the negotiations can be discussed (Smolinski 2008, 251), and a refusal to communicate the aims of the other to the actor's population (Putnam 1988, 453).

Table 1: Indicators of hard and soft bargaining

Dimension	Hard	Soft
Representation	Negative portrayal of the other	Positive or Neutral portrayal of the other
Compromise	Unwillingness to make concessions	Willingness to make concessions
Expectations	Issuing unrealistic demands; Expansion of issues	Issuing realistic demands; Delimitation of issues
Threats	Threats to negatively alter Status Quo; Threats to exit talks	Concessions to positively alter Status Quo; Commitment to talks
Distribution	Zero-sum conceptualisation; One-shot game	Positive-sum conceptualisation; Iterated game
Argumentation	Emphasis on bargaining; Divergence on terms of debate	Emphasis on diplomacy and persuasion; Convergence on terms of debate
Communication	No communication of intent; Absence of communication between partner/public	Communication of intent; Communication between partner/public

5. Empirics I: The bargaining strategies of the UK and the EU

Our findings suggest that the UK approximates the hard bargaining ideal type on a majority of the dimensions discussed above. We discuss each of these in turn.

5.1 Representation

The UK has represented the negotiations in more confrontational terms than has the EU, in particular since the run-up to the June 2017 general election when May accused the EU of 'meddling' in British domestic affairs. "Threats against Britain have been issued by European politicians and officials. All of these acts have been deliberately timed to affect the result of the general election" (iNews, 2017). Indeed, interviewees identified a blame culture. "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' ", said one.[2] Another spoke of "a rather strong culture in the UK which kind of expects the EU to be difficult and expects bad outcomes".[3] This aligns with a general tendency among the majority of member states to blame the EU for domestic problems (Hobolt and Tilley, 2014), but it is particularly pronounced in the UK case. Elements of the Conservative right have been particularly outspoken, with frequent references to the 'bullying' EU (Daily Express, 2017). UK Independence Party (UKIP) politicians we spoke to described the EU's negotiating style as "very intransigent and threatening".[4]

By contrast, the EU has portrayed the negotiations as a more collegial endeavour. Barnier has, in his public remarks, downplayed talk of adversarialism on the EU side, stating: "I'll say it clearly: there's no spirit of revenge, no punishment, no naivety either" (iNews, 2017). He also sought to refute the rhetoric of 'ransom' surrounding the 'divorce bill': "It's not an exit bill, it's not a punishment, it's not a [sic] revenge, it's simply settling accounts." (The Guardian, 2017c). Barnier was here responding to Eurosceptic MP Jacob Rees-Mogg, who had claimed that "[t]he British government shouldn't be bullied by the European Union's negotiating tactics. We have a very strong card in terms of money and if we leave without a deal we don't owe them anything at all…So our position is very strong and we should remind them of that" (Daily Express, 2017).

5.2 Compromise

Offers of compromise have not been forthcoming from the UK side. Compromise involves the prior indication of a willingness to soften key positions or interests to meet the negotiation partners part of the way. While the UK has ended up accepting some of the EU's positions—on the sequencing of the negotiations, and on continued budgetary contributions—these climbdowns

2   Interview with crossbench peer conducted by Benjamin Martill and Oliver Patel, London, 24 July 2017
3   Telephone interview conducted by Uta Staiger and Benjamin Martill, Brussels, 24 July 2017
4   Interview conducted with UKIP MEP by José Feio, London, 25 July 2017

have occurred only after an initial insistence that no compromise would be offered. The foreign secretary, Boris Johnson, for instance, received much attention for stating that the EU could "go whistle" in response to its 'divorce bill' request (The Guardian, 2017b). One interviewee spoke of an aversion to compromise on the British side, not least after "years of framing of all EU negotiations as ultimatum politics that we are going to put in our ultimatum and if they won't agree to it we will walk away from the table".[5] One prominent example of UK intransigence is the emphasis on the 'red lines' outlined by May in her Lancaster House speech (no European Court of Justice (ECJ) oversight, budgetary contributions, or free movement) (HM Government, 2017). Publicly, the UK continued to preclude compromise and 'tie hands' in important areas.[6] The red lines, one interviewee noted "create all sorts of inflexibilities…so maybe it wasn't too clever to [emphasise] them quite so strongly".[7]

While the UK has indeed compromised on a number of issues—"rollover started on day one"[8]—it consistently portrayed these compromises as the result of duress. But Brussels, too, has been intransigent. Barnier has cited the limited mandate afforded to his team by the European Council as the chief reason why he could not offer the UK a bespoke deal. Indeed, benefitting from Article 50's 'ticking clock', the EU's strategy in general has been to 'hold the line', refusing concessions in the knowledge that it is in the stronger position if member state unity holds.[9] It was also noted that in spite of the EU's identity as a 'rules-based organisation', it is also known for pragmatic solutions and muddling through. Brussels, it was claimed, "is all about pragmatism despite talking about principles. At the end of the day you need to find compromise, you need a result and you find ways of circumventing the principles, the values and you go for opting out, derogations, for exception and whatsoever in order to build up a compromise".[10]

5.3 Expectations

Compared with pre-existing models of associating with the EU, and given the EU's insistence that its institutional framework not be compromised, many interviewees believed the UK's demands to be unrealistic. While setting firm red lines, not least in the Lancaster House speech, the UK government made clear that it aimed to achieve a high degree of market access (European Commission, 2017c). One observer thus spoke of "[British] demands that seem to take no account of what they might get out of the EU"[11] and another of "the duping, incredible promises by May…that there will a painless, cost-free, have-our-cake-and-eat-it Brexit…we will be able to walk away and have exactly the same frictionless relations, tariff-free, and we won't have to pay into the budget and there won't be any Europeans coming to Britain".[12]

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5   Telephone interview conducted by Uta Staiger and Benjamin Martill, Brussels, 24 July 2017
6   Interview conducted by Benjamin Martill and Anton Gromoczki, Brussels, 18 July 2017
7   Interview conducted by Uta Staiger, House of Lords, 18 July 2017
8   Interview conducted by Benjamin Martill and Anton Gromoczki, Brussels, 18 July 2017
9   Interview with crossbench peer conducted by Benjamin Martill and Oliver Patel, London, 24 July 2017
10   Interview conducted by Benjamin Martill and Oliver Patel, Brussels, 20 July 2017
11   Interview with British MEP conducted by Uta Staiger and Benjamin Martill, London, 2 October 2017
12   Interview conducted by Benjamin Martill and Anton Gromoczki, Brussels, 18 July 2017

Others argued that EU negotiators "don't have very much faith in the UK negotiating position because much of it is completely unrealistic",[13] or spoke of "a belief within the British political establishment that anything is negotiable".[14] The EU suggestion that the UK pick a pre-existing model of association was, in contrast, considered a more credible opening offer, since it replicated established forms of association. One Labour member of the House of Commons Brexit Committee, for instance, suggested that "the Europeans are being very pragmatic and have a clear goal, which is to maintain the unity of the European community",[15] while a Brussels-based interviewee argued that "on the EU side it is a lot more pragmatic".[16]

5.4 Threats

While Theresa May has refused to rule out a no-deal scenario, her secretary of state for international trade, Liam Fox, affirmed that "no deal…is not exactly a nightmare scenario…I am not scared of that [outcome] but I would prefer to have a deal" (The Guardian, 2017a). Coupled with this is a threat of deregulation. From the prime minister's perspective, "no deal for Britain is better than a bad deal for Britain. Because we would still be able to trade with Europe. We would be free to strike trade deals across the world…And if we were excluded from accessing the single market we would be free to change the basis of Britain's economic model" (HM Government, 2017). Conservative backbencher Jacob Rees-Mogg, chair of the European Research Group, a Eurosceptic political organisation, argued the UK should refuse to pay the (agreed) 'divorce bill', stating: "Basically the deal is very simple—we are paying a very large amount of money, £40 billion, and in return we want a trade deal…if we don't get the trade deal we want you don't get the money" (The Times, 2018).

While the UK has indeed compromised on a number of issues, it consistently portrayed these compromises as the result of duress.

The EU has not threatened to quit the talks and has sought to downplay the likelihood of a no-deal scenario. Barnier, for instance, noted that: "It goes without saying that a no-deal scenario, while a distinct possibility, would have severe consequences for our people and our economies…we believe it is in the best interests of both sides to reach a deal on the UK's orderly withdrawal from the EU" (Barnier, 2017). Nor has the EU called into question its commitment to those elements of the withdrawal agreement already subject to agreement, as have elements within the Conservative party and the cabinet.

5.5 Distribution

Interviewees frequently noted that the UK portrayed the negotiations as a zero-sum game in which losses incurred by one side are to the advantage of the other. One commented that "the fact that

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13 Telephone interview conducted by Uta Staiger and Benjamin Martill, Brussels, 24 July 2017
14 Interview conducted by Benjamin Martill, London, 20 July 2017
15 Interview conducted by Benjamin Martill and José Feio, House of Commons, 25 July 2017
16 Telephone interview conducted by Uta Staiger and Benjamin Martill, Brussels, 24 July 2017

negotiations have been framed so often [as] 'I am going to go to Brussels [to] give them hell and I am going to tell them'…means it is harder to sell the negotiation as a win-win. It's all a very zero-sum approach".[17] Another suggested that "the UK has the feeling that we have to present this at the end as better than we had before, whereas the EU doesn't really need that",[18] reinforcing the perception in the UK that the objective is to be seen to have won. Moreover, the UK's negotiation style was seen as a one-shot game "about tit-for-tat, not appreciating what they gain from the overall relationship… [only asking] 'what am I going to get out of this precise negotiation right now'".[19] By contrast, Stefaan De Rynck, chief advisor to Barnier, criticised this tendency to refer to the negotiations in confrontational terms: "Negotiations are about finding common ground…not about crushing an opponent but about respecting the other party. Ball game and poker game metaphors do not represent the EU's position" (De Rynck, 2018). Of course, it is certainly the case that "beneath the surface is a feeling of getting some of what Britain has" within certain member states, but for the EU negotiating team this is more a marginal concern, and the negotiations are not themselves viewed in such zero-sum terms.[20]

5.6 Argumentation

Interviewees noted a tendency for the UK to state its position rather than to attempt to persuade the EU of the validity of or reasons for its position: UK negotiators "just don't seem to be engaging on any sort of common territory. Which is a bit like [how] Britain has conducted [its] previous relationship with the EU, like in 2011 when [then prime minister David] Cameron walked out of the budget negotiations…There's always been this view in Britain that you can get something out of the EU if you…just storm out of meetings".[21] This was contrasted to the rebate negotiations in the 1980s, since "there were very strong arguments for having the rebate… [then prime minister Margaret Thatcher] won arguments rather than offering threats".[22,23] One interviewee spoke of Boris Johnson as "a person that's [sic] very competent in all sorts of ways but prefers blusterance, swagger maybe to content, and you have loose public remarks like the Foreign Secretary talking about whistling and all of that sort of stuff. And what shocks me it is that Britain is supposed to be known for its diplomacy [and] its planning".[24] EU officials in turn could not understand why the UK refused to engage in substantive debate. "I find it really hard to work out what the British government is trying to achieve", noted one interviewee. "Obviously, we know what the soundbites are, getting a good deal. But it's soundbites, there doesn't appear to be much

17 Telephone interview conducted by Uta Staiger and Benjamin Martill, Brussels, 24 July 2017
18 Interview conducted by Benjamin Martill, Brussels, 19 July 2017
19 Telephone interview conducted by Uta Staiger and Benjamin Martill, Brussels, 24 July 2017
20 Interview conducted by Uta Staiger, London, 19 July 2017
21 Interview with British MEP conducted by Uta Staiger and Benjamin Martill, London, 2 October 2017
22 Interview with British MEP conducted by Uta Staiger and Benjamin Martill, London, 2 October 2017
23 It is worth noting that Thatcher did threaten European leaders with the prospect of withholding British contributions at the Fontainebleu summit, and they in turn threatened her with the relegation of the UK to second-tier membership of the European project (Griffiths, 2006).
24 Interview conducted by Uta Staiger, House of Lords, 18 July 2017

behind it".[25] One member of the EU negotiating team suggested it was a "major complication" to "understand exactly what the UK wants…because the UK government has not fully spelled out what it wants for any future relationship and any period between now and then".[26]

5.7 Communication

The UK's initial preference was to keep the Brexit negotiations under conditions of relative secrecy, with May suggesting that "every hyped-up media report is going to make it harder for us to get the right deal…those who urge us to reveal more…will not be acting in the national interest" (HM Government, 2017). Moreover, interviewees noted that there was little effort on behalf of the UK government to level with the domestic audience. This has led to a situation where "the elite understands each other, but on other levels [the] public never really understood how the EU worked…and no one has ever tried to explain [it to] them…the difference is that [in France and in Germany] you have politicians and you have governments who have always tried to explain [to the public] why it's in France's interest and Germany's interest to be part of the EU".[27] Models for the future relationship Barnier envisaged were published early on in the process (European Commission, 2017c).The EU made documents available at various stages, while Barnier personally 'toured' the member states,[28] reporting back to the EU27 after every round. The negotiating team is spending "two full days per week in the Council, explaining what we do and how and why. And [Barnier] is meeting the European Parliament at different levels every week or so".[29] Meanwhile, a Commission official noted that: "There has been more than ever full transparency, and that is probably the most visible innovation in those negotiations between the three institutions. We work in full transparency and hence, full trust between the three institutions, because we share everything".[30]

6. Empirics II: Explaining divergence in negotiating styles

Interviewees corroborated our hypothesis that the UK was the weaker of the two parties in most respects, and highlighted additional disparities in bargaining power. On the causes of the divergence in negotiation styles, they suggested that 'cultural' factors, including ideology, institutional culture, and the degree of socialisation do indeed play an important role. Crucially, many interviewees highlighted not only the extent to which hard bargaining was a distinctly British (or Conservative) position, but also the extent to which British power was perceived to be greater than it actually was.

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25   Interview conducted by Benjamin Martill, Brussels, 19 July 2017
26   Interview with Commission official conducted by Uta Staiger and Benjamin Martill, London, 26 September 2017
27   Interview with crossbench peer conducted by Benjamin Martill and Oliver Patel, London, 24 July 2017
28   Interview conducted by Benjamin Martill and Oliver Patel, Brussels, 20 July 2017
29   Interview with Commission official conducted by Uta Staiger and Benjamin Martill, London, 26 September 2017
30   Interview with Commission official conducted by Uta Staiger and Benjamin Martill, London, 26 September 2017

Our interviewees tended to view UK as the weaker actor. "I think Britain has given more because they are in a worse position, but it's not voluntarily", one commented.[31] "It's not that symmetrical", noted another. "Their economy is five times bigger—the EU27—over Britain's in terms of clout".[32] Others have also claimed that "it's a very unbalanced negotiation because you've got one member state against 27 others",[33] although others we spoke to noted that the number of principals on the EU side risked a diminution of EU actorness.[34] According to one MEP, British ministers were "all saying this will be a piece of cake. We are going around national capitals and we will be able to split and divide and rule".[35] This was undermined by the "unity that we have seen among the 27, the Commission, the Parliament, the Council [of the European Union, and] the European Council, on this issue".[36]

Most interviewees were also sceptical about the alternatives, including Free Trade Agreements (FTAs) with other countries.[37] As one MEP noted, the EU, as the larger party, is "much more attractive for third countries to do FTAs [with]".[38] In terms of the credibility of domestic constraints, several interviewees were sceptical about the ability of any credible opposition to emerge, since "MPs can't go back to the electorate and say they voted against [the deal] and brought down the government".[39] Many we spoke to also noted the constraints on the EU side, given the limited 'wiggle room' afforded to Barnier by the European Council mandate. They have "managed to create a coherent negotiating strategy

There was little effort on behalf of the UK government to level with the domestic audience.

which [the UK] has not matched, with the European Council delegating to Barnier and his team and being very careful what they delegate so Barnier can say truthfully 'I have no instructions on [that]'".[40] The result, as noted by one former employee at the Department for Exiting the European Union (DExEU), is that "the UK team…has more flexibility than the EU team and that's partly because the EU team has to be responsible to all the 27 remaining member states".[41]

Interviewees also noted other facets of bargaining power relevant to the negotiations. There was much mention of the relative bureaucratic capacities of both sides to conduct negotiations. One MEP talked noted that "they [the EU] are well prepared. They have got a very powerful team and they can negotiate very efficiently, they have got great trade negotiators, we [the UK] haven't got many. That's why we went to buy them from New Zealand and places".[42] The result is a gap in bureaucratic capacity, skills and expertise, since "you have…the European side, which has prepared

31 Interview conducted by Uta Staiger, London, 19 July 2017
32 Interview conducted by Benjamin Martill and Anton Gromoczki, Brussels, 18 July 2017
33 Interview with British MEP conducted by Uta Staiger and Benjamin Martill, London, 2 October 2017
34 Interview conducted by Benjamin Martill and Oliver Patel, Brussels, 20 July 2017
35 Interview conducted by Benjamin Martill and Anton Gromoczki, Brussels, 18 July 2017
36 Interview with Commission official conducted by Uta Staiger and Benjamin Martill, London, 26 September 2017
37 Interview conducted by Uta Staiger, House of Lords, 18 July 2017
38 Interview conducted by Benjamin Martill and Anton Gromoczki, Brussels, 18 July 2017
39 Interview conducted by Uta Staiger, London, 19 July 2017
40 Interview with crossbench peer conducted by Benjamin Martill and Oliver Patel, London, 24 July 2017
41 Anonymous interview conducted by Benjamin Martill, London, 20 July 2017
42 Interview conducted by Benjamin Martill and Anton Gromoczki, Brussels, 18 July 2017

itself very seriously, which has a mandate on every issue, [which is] very detailed, with a full army of officials".[43] These claims reinforce the view that the difficulties involved in setting up DExEU itself—including problems of retaining staff, a paucity of experience in trade negotiations, and the general administrative difficulties associated with moving staff between departments—have resulted in negative consequences for the UK in the negotiations (Hodson and Peterson, 2018).

The divergence may also be due to different institutional cultures in the bureaucracies, with Westminster long associated with parochial norms and a slow-moving 'village' atmosphere (Heclo and Wildavsky, 1974) and images of Brussels bureaucrats connoting a heavily technocratic approach to policymaking (Ellinas and Sulimann, 2008: pp. 720–721). One observer, for instance, noted that Brussels "immediately jumped to its comfort zone of non-papers, technical documents, and very detailed preparation and feeling like they have got [to have] this huge mass of information…that's how this place works…they get all of the different parts of the machine, have a look at it and put in different ideas, gather that all together in a mass and take it from there".[44]

The UK never internalised the European identity to the same extent as its continental partners, not least because of its distinct history.

Some interviewees also noted a divergence in understanding between the two sides, with the EU more aware of developments in British politics than vice versa. Barnier, one former EU official noted, because of his background in financial services, may understand "the British culture and how British people [and] politicians interact with each other and that kind of thing, so I think that gives a bit of an advantage".[45]

Given these contextualisations, why has the UK adopted a hard bargaining strategy? Our interviewees touched on a number of relevant attributes, almost all of which fall under the three categories discussed above: ideology, institutional culture, and (lack of) socialisation.

6.1 Ideology

As one observer put it, for the British government 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".[46] Such ideological elements were consequently associated with a belief in forceful negotiations. Indeed, when talking about ideology, most interviewees emphasised the role of realism and nationalism, not individualism, as the driving force animating hard bargaining. They also noted how these translated into key terminology. "You see the kind of language that the UK ministers use, which is all about, you know, these ideas. For example: no deal is better than a bad deal",[47] noted one. Another suggested "there will be a section of the Conservative party which will want out [of the EU] and out quickly, they may not want to walk away but they will surely want to argue that they would walk away as they would see this strengthening our hand in the

43   Interview conducted by Benjamin Martill and Oliver Patel, Brussels, 20 July 2017
44   Interview conducted by Benjamin Martill, Brussels, 19 July 2017
45   Interview conducted by Benjamin Martill, Brussels, 19 July 2017
46   Interview conducted by Benjamin Martill and Oliver Patel, Brussels, 20 July 2017
47   Telephone interview conducted by Uta Staiger and Benjamin Martill, Brussels, 24 July 2017

negotiation".[48] These claims were accompanied by assertions about the negotiating style expected of a Labour government. According to one observer: "When Jeremy Corbyn and Keir Starmer went to Brussels there was a completely different atmosphere. It was not a meeting of minds, but essentially the same people talking to the same people".[49]

Interviewees also spoke about the role played by the UK's 'liberal media system' (Hallin and Mancini, 2004) in exacerbating these norms. One interviewee noted how unusual the UK is "in the extent to which the media…is not really representative of any political party, [with] The Sun and The [Daily] Mail much further to the right of British politics than even the sort of centre right within Britain, which skews political dialogue which does not really reflect the political elite, or even the majority views of the British populations".[50] Another interviewee ascribed this to the fact "the UK papers are owned by a few newspaper barons, the Murdochs, Barclay brothers and people like that, Rothermere and few others. And they have their own agendas which they impose. Editorial independence is weaker than it ever has been. They have a certain set agenda, which is very much nationalistic, English/British nationalism".[51]

6.2 Institutional Culture

Our interviewees also highlighted institutional differences, 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".[52] The link between proportional systems and consensus politics arose frequently. "I think that PR in a way it makes for more need to build bridges, less confrontational by definition",[53] 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".[54]

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

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48   Interview with crossbench peer conducted by Benjamin Martill and Oliver Patel, London, 24 July 2017
49   Interview conducted by Benjamin Martill and Anton Gromoczki, London, 20 July 2017
50   Interview conducted by Benjamin Martill, London, 20 July 2017
51   Interview conducted by Benjamin Martill and Anton Gromoczki, Brussels, 18 July 2017
52   Interview with British MEP conducted by Uta Staiger and Benjamin Martill, London, 2 October 2017
53   Interview conducted by Benjamin Martill and Anton Gromoczki, Brussels, 18 July 2017
54   Interview conducted by Benjamin Martill, Brussels, 19 July 2017

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)".[55] Moreover, the precariousness of the Conservatives' position in parliament—May leads a minority administration in a confidence-and-supply arrangement with the Democratic Unionist Party—was also considered a factor. Many interviewees stressed how complicated the position was after the election, with May forced to focus on domestic unity and the challengers from the front bench, who were "now challenging what was the previous structure of power".[56]

6.3 Socialisation

Many interviewees noted that the UK had never internalised the European identity to the same extent as its continental partners, not least because of its distinct history. As one noted: "It all goes 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 and [that] the EU is a great project uniting Europe…And it's continued because they still very much believe that".[57] One consequence of the UK's distinct experience of the War is a failure of identification with the Union and its institutions. According to one interviewee, "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, any fondness to".[58] This was compounded by the fact that "since we have joined the EU in the 1970s, no prime minister has explained to the British people in a positive sense why the European Union is in the British interest".[59]

In particular, the UK, some argued, never identified with the community institutions as did those states that created them: "Because Britain didn't come to the EU until quite late, a lot of the institutions were established and patterns set by then, it was a question of trying to fit in with it, which never really worked very well. I think that's had a huge bearing on the way Britain sees it".[60] For some, the disjuncture in negotiation strategies is also a product of the manner in which the UK has conducted past negotiations. One interviewee noted that the British position amounts to, after "years and years of framing of all EU negotiations as ultimatum politics…we are going to put in our ultimatum, and if they won't agree to it we will walk away from the table".[61] Underlying this tendency is "the problem…that the people [in the UK] are just not used to the idea that compromise, far from being failure, compromise can actually be the best possible outcome".[62]

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55   Interview conducted by Benjamin Martill, Brussels, 19 July 2017
56   Interview conducted by Benjamin Martill, Brussels, 19 July 2017
57   Interview with crossbench peer conducted by Benjamin Martill and Oliver Patel, London, 24 July 2017
58   Interview conducted by Benjamin Martill and Anton Gromoczki, Brussels, 18 July 2017
59   Interview with crossbench peer conducted by Benjamin Martill and Oliver Patel, London, 24 July 2017
60   Interview with crossbench peer conducted by Benjamin Martill and Oliver Patel, London, 24 July 2017
61   Telephone interview conducted by Uta Staiger and Benjamin Martill, Brussels, 24 July 2017
62   Telephone interview conducted by Uta Staiger and Benjamin Martill, Brussels, 24 July 2017

7. Conclusion

Britain's attempt to drive a hard bargain in the Brexit negotiations is puzzling by the perspective of mainstream bargaining theory, since weaker actors risk many things from adopting hard strategies, including their credibility and reputation, the prospects of a deal, and the onset of reciprocal action. Drawing on a number of elite interviews conducted in Brussels and London in late 2017, we argue that the British position can only be understood by taking into account a number of distinct cultural factors in the UK, particularly the conservative ideology of statecraft, the majoritarian institutional culture, and the weak level of socialisation into European structures. These ideational factors contributed to the hard-bargaining strategy through two distinct mechanisms: by predisposing actors to view harder strategies as inherently more desirable and by contributing to misdiagnoses of the UK's bargaining power, which subsequently augured for the adoption of hard bargaining.

Our findings confirmed that cultural factors have indeed been prominent in pushing the UK government to adopt a harder bargaining strategy than its power position might otherwise suggest. A belief among right-wing Conservatives that negotiations must be conducted from a position of strength, the conflictual norms of British parliamentary democracy, and the history of prior interaction with EU member states in intergovernmental forums thus contributed to the harder bargaining stance. These tendencies were reinforced by the views of the Conservative party base and an unforgiving media environment, both of which offered considerable incentives to be seen to take a tough line vis-à-vis the EU. While there was some mention of initial strategic rationale ("You don't make concessions at the beginning. You wait to…bring about all the different elements of what could be a package deal"),[63] interviewees on the whole seemed to doubt that there was much strategic calculation behind the UK government's position. Our findings suggest that, in this instance, cultural factors hold greater explanatory power than assessments of optimal strategies given the relative power balance.

And yet our findings also highlight the importance of actors' perceptions of bargaining power, highlighting the extent to which many on the British side believe the UK is in a more powerful situation than it likely is. "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", noted one individual: "it doesn't".[64] Another interviewee spoke of a "fundamental misunderstanding of how important the UK is to the EU and how important [the EU is] to the UK…our politicians believe that [the] UK is much more important to the EU that the EU politicians believe. So we believe they are going to blink".[65] There was also talk of considerable surprise at British concessions, " as they realise they don't have that many cards to play…The British political class is surprised, the newspapers are surprised, they thought that the Europeans

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63   Interview conducted by Benjamin Martill and Oliver Patel, Brussels, 20 July 2017
64   Interview with crossbench peer conducted by Benjamin Martill and Oliver Patel, London, 24 July 2017
65   Interview conducted by Benjamin Martill, London, 20 July 2017

needed us more than we needed them".[66] On each of the three commonly cited elements of bargaining power—capabilities, alternatives, and domestic constraints—there was a discernible misperception on the British side. It is not so much that cultural factors overrode bargaining power as a causal factor, rather, they pushed in the direction of its being overstated by overemphasising the UK's power, pointing to seeming alternative options, and constructing 'the people' as an indivisible constraint on poor deals.

It will be years until full stock can be taken of the impact of the UK–EU negotiations on the future of European and global politics. Given the stakes, understanding the differences in the way the two sides are negotiating and what is driving these approaches can help us identify why the negotiations have progressed as they have and where they are likely to go. This is an important task, not least given the dearth of academic literature presently available on the negotiations (for an exception see Figuera, 2018). Our analysis would suggest that the UK's negotiating position—driving a hard bargain from a weak position—risks damaging the reputation and credibility of the UK as a diplomatic actor as well as potentially precluding a satisfactory agreement.

There are theoretical lessons to be learned from the analysis of the negotiations, too, since the flurry of post-Brexit political and diplomatic activity is already altering long-held assumptions in many fields of politics. While we would caution against a straightforward 'test' of rationalist and constructivist assumptions, as would others (Checkel and Moravcsik, 2001; Fearon and Wendt, 2002; Jupille et al., 2003; Schimmelfennig, 2000; Sil and Katzenstein, 2010), our results do highlight the important role that cultural factors play in influencing bargaining strategies, as well as in altering perceptions of bargaining power. In the case of the Brexit negotiations, conceptions of British prestige, its global role, and 'the will of the people' reinforced the belief that the UK was a highly powerful actor vis-à-vis the EU, with viable alternatives to a deal, and sufficiently credible domestic opposition to drive a hard bargain. While bargaining power is a necessary ingredient in accounting for different negotiation strategies, we suggest it is incomplete without acknowledging the role of ideational factors in determining perceptions of power.

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66   Interview conducted by Benjamin Martill and Anton Gromoczki, Brussels, 18 July 2017

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