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## From Brexit to 'Regrexit': what's the scope for buyer's remorse?



Buyers start with positive and often unrealistic expectations of the benefits of what they purchase, whether it is buying a used car, or a house. Remorse sets in when buyers find out what is under the bonnet or beneath the floorboards. To a limited extent sellers offer remedies for remorse. There is a cooling off period for making a house purchase between agreeing a price orally and signing a legally binding contract, but there is no money back guarantee for the buyer of a used car.

In electoral politics, buyer's remorse starts at the end of the honeymoon period that any newly elected government enjoys in its first months in office. A slump in popularity follows as both the new government and its voters find that delivering on promises isn't as easy as it appeared in opposition. The remedy for electoral remorse is that some voters take back their support and the opposition party wins the next election.

The EU referendum makes no provision for buyer's remorse. The Referendum Act does not qualify the government's commitment to accept the outcome, such as requiring a two-thirds majority for the decision to be binding. Although the vote was close, leaving the EU was endorsed by an absolute majority of voters, almost half again as large as recent prime ministers have won. The turnout was well above normal too.

Campaigners for remain face a dilemma: whether to accept defeat as part of the rules of the game or whether to seek to stop the government from implementing the majority vote to leave the European Union. The latter option is consistent with the principles and interests of those who fear that their doomsday forecasts of the consequences of Brexit are an understatement on a continental scale.

The closeness of the result means that if only two percent had voted differently the UK would remain in the European Union. Fluctuations inherent in sampling public opinion ensure that some polls in the coming months are likely to produce headline figures showing a plurality of a poll's 1,000 respondents favour the UK staying in the EU. If poll results began to show a consistent plurality had become shy of withdrawal this would be a sign of buyer's remorse. But since the referendum came without any guarantee that people could take their vote back, it will not change the outcome.

A law firm, encouraged by a few businesses who see withdrawal as harmful to their interests, is threatening a court action to put a brake on the prompt start of the 24-month process of the UK terminating its EU membership. It claims that existing Acts of Parliament and constitutional conventions deny the Prime Minister the authority to file a formal notification of withdrawal from the EU without this first receiving approval by parliament.

Like much else in the British constitution, the idea of parliamentary approval can be interpreted in different ways to suit the political preferences of politicians on opposite sides in the EU referendum. Diehard proponents of the UK remaining in the EU demand that the government should not consult parliament until it is able to set out the full proposals it will submit to Brussels about the economic and political relationship of the UK with the EU's 27 member states following withdrawal. This would extend for some months the cooling off period for buyer's remorse to become evident, especially if uncertainties about withdrawal produced immediate economic costs.

Any parliamentary vote on withdrawal is unlikely to nullify the verdict of the referendum because the Conservative MPs who promoted it are jubilant rather than full of remorse. They have had their day in the court of public opinion and, against expectations, won a majority. All the candidates aiming to become the next Conservative prime minister are pledged to implement Brexit. They differ only in the tempo with which they want to start the countdown to departure.

The leader of the opposition, Jeremy Corbyn, a long-time critic of the EU, has no incentive to raise questions about the democratically expressed will of the people, since he is fighting for his political life on the basis that the democratic will of the dues-paying members of the Labour Party should be accepted.

For the Conservative government to have its recommendation of withdrawal rejected by parliament would not only require unanimity among Labour MPs, but also among nine other parties sitting on the opposition benches. In addition, some Tory MPs would have to reject the position of their newly elected prime minister, a majority of Conservative voters, and a majority of British voters. The response of UKIP would be, in the resignation speech of its leader, Nigel Farage, to apply pressure to make sure there was no 'weakness nor appeasement' in the Conservative government delivering Brexit.

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