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# Can't get no learning: the Brexit fiasco through the lens of policy learning

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**ABSTRACT**
It seems paradoxical to suggest that theories of learning might be used to explain policy failure. Yet the Brexit fiasco connects with recent approaches linking varieties of policy learning to policy pathologies. This article sets out to explain the UK government's (mis)management of the Brexit process from June 2016 to May 2019 from a policy learning perspective. Drawing on interviews with UK policy-makers and stakeholders, we ask how did the UK government seek to learn during the Brexit negotiations? We consider four modes of learning: reflexivity, epistemic, hierarchical, and bargaining. By empirically tracing the policy process and scope conditions for each of these, we argue that learning through the first three modes proved highly dysfunctional. This forced the government to rely on bargaining between competing factions, producing a highly political form of learning which stymied the development of a coherent Brexit strategy. We argue that the analysis of Brexit as a policy process – rather than a political event – reveals how policy dynamics play an important role in shaping the political context within which they are located. The article concludes that public policy analysis can, therefore, add significant value to our understanding of Brexit by endogenising accounts of macro political developments.

## Introduction

There is something paradoxical in attempting to explain policy fiascos with theories of policy learning. We understand policy learning to mean the updating of beliefs about policy based on experiences, analysis or social interaction (Checkel 2001; Hall 1993; Heclo 1974). It evokes processes whereby policy actors gain a deeper or different understanding of the world around them, causing them to alter their causal beliefs and to change their behaviour. In a seminal article, Peter May (1992) connected policy learning and failure,

but his argument was that evidence of failure should encourage reformulation of public policies. It is more counterintuitive to start with failure as outcome to be explained, as in the case of the Brexit process. Yet, the analysis of policy fiascos sits well with recent approaches linking varieties of policy learning to policy pathologies (Dunlop 2017; Dunlop and Radaelli 2013, 2018). This literature identifies four main modes of policy learning: reflexive, epistemic, hierarchical or bargaining (Dunlop and Radaelli 2013; for empirical applications see Di Giulio and Vecchi 2019; Polman 2018). The typology rests on two main claims: (1) the mode of policy learning in a particular context is determined by the nature of key policy setting variables; and (2) the effectiveness of learning through those modes is shaped by the presence or absence of scope conditions. This allows us to generate empirical expectations about the mode and effectiveness of policy learning in a particular context.

Applying the framework to Brexit, we set out to explain the UK government's (mis)management of the Brexit process since 2016 – this is our demarcation of the concept of policy fiasco. We ask how did the UK government seek to learn during the Brexit negotiations? Answering this question allows us to see how dysfunctional learning had an impact on the UK's handling of the issue. An important argument emerging from our analysis is that the politics of Brexit does not determine the policy. Rather, the policy process plays an important role in shaping the political context in which policy dynamics are located. Our argument does not deny that Brexit is a highly complex policy issue, the resolution of which will inevitably be long and arduous. Rather, our contribution is to show that the intractability of Brexit is in part due to dysfunctional forms of learning within government, which seriously hindered the development of a coherent policy response.

It is worth briefly reflecting on the analytical boundaries of the article. First, we examine the domestic Brexit negotiations: specifically, the policy actors that moved in and around the worlds of Whitehall and Westminster. While not denying the multi-level nature of Brexit, we must cede to the practical reality that analysis of the subnational (devolved governments) and supranational levels (the European Union) are simply beyond the scope of this article. Second, we use policy theory – learning in this case – to provide a more endogenous account of Brexit by illuminating the policy dynamics that shaped the political context in the UK. Our focus on the policy process avoids reducing the Brexit fiasco to the artefact of parliamentary arithmetic, but instead views the political impasse as contingent on – and in part a product of – dysfunctional modes of learning within government.

The analysis consists of two main steps. First, we assess the nature of policy learning around Brexit through each of the four modes. This involves mapping how these modes shifted over time in response to the sequencing of the Brexit process and changes in policy setting variables. Second, we explain the effectiveness of learning through each of the four modes by analysing

the presence or absence of critical scope conditions. The analysis relies on process tracing of key decisions and developments related to the management of Brexit within the UK government between June 2016 and May 2019. This is informed by analysis of public documents, think tanks reports and media coverage over this period, together with seven anonymous interviews conducted with UK policy-makers and stakeholders in the summer of 2017 and 2018.

We argue that although the policy setting was well-suited to reflexive and epistemic learning immediately following the referendum, these were hindered because important scope conditions were not met (namely, open attitudes and negotiation settings, fluid group identities, a culture of trust, and the legitimacy of expertise). Learning shifted to the realm of hierarchy as the Article 50 negotiations got underway, but this was undermined by a breakdown of political authority and institutional instability following the June 2017 election. As a result, learning around Brexit was largely restricted to bargaining, the conditions for which (external conditionality and arena disaggregation) were partially met. However, as illustrated by the fate of the Withdrawal Agreement, this produced a highly dysfunctional form of learning that prioritised short-term political demands (namely, government survival and party management) over long-term strategic policy thinking (about Brexit).

The article proceeds as follows. The first section reviews the policy learning literature and the typology which we apply. The main analysis is structured around each of the four modes of policy learning: reflexivity, epistemic, hierarchical, and bargaining. The conclusion reflects on how the systematic analysis of learning, and policy theories more generally, can contribute to our understanding of policy fiascos.

## Policy learning: literature and theory

The literature on learning is rich in typologies (for example, see Bennett and Howlett 1992; Dolowitz and Marsh 1996; Heikkila and Gerlak 2013, May 1992). The approach we consider here draws on explicit political science and adult education theories to identify different types or 'modes' of policy learning (Dunlop and Radaelli 2013). The framework posits that modes of policy learning are defined by two variables which relate to the policy setting. The first concerns the level of uncertainty or problem tractability, which is an important determinant of whether learning can be 'thick' or 'thin', and can be managed through technocratic or political processes (Checkel 2001). The second relates to the certification of actors; namely, whether actors exist that are viewed as holding legitimate expertise on a particular subject. On a nominal scale, these variables can be measured as low or high, thus producing a four-fold typology: reflexive, epistemic, hierarchical, and learning through bargaining (see Figure 1).

|  | LOW | HIGH |
|---|---|---|
| **LOW** | 2. Reflexive Learning | 3. Learning through Bargaining |
| **CERTIFICATION OF ACTORS** | | |
| **HIGH** | 1. Epistemic Learning | 4. Learning through Hierarchy |

**Figure 1.** Modes of policy learning. Source: Dunlop and Radaelli (2013: 603).

At its simplest, *reflexive* learning relies on a dialogue between actors who are open to new ideas and evidence about the world around them (Schön and Rein 1994). Learning is reflexive when this interaction leads actors to critically re-evaluate their core policy beliefs and to look at the policy world in novel ways. The policy setting variables that define reflexivity are equality of actors in the learning process (low certification) and radical uncertainty. In terms of scope conditions, reflexive learning is facilitated by: a relatively open attitude of the individual participants; the presence of policy instruments that allow collective problem-solving; and negotiation settings that permit overlapping identities and do not assign hierarchies; while an important negative scope condition (that is, hindrance) is at the level of attitudes, that is, suspicion and luck of trust about the intentions of the others.

*Epistemic* learning is typically found in policy settings characterised by radical issue uncertainty and the existence of a socially certified group of experts (Dunlop and Radaelli 2013). The absence of a recognised epistemic community (Haas 1992), or the presence of alternative, conflicting sources of epistemic knowledge, are therefore hindrances to learning. Other scope conditions include the availability of evidence-based policy instruments, such as impact assessments (IAs). These constitute an epistemic policy tool which provide *ex ante* policy appraisals, ensuring that the economic impact of different courses of policy action are documented, grounded in consultation and analysis, and available to the public. IAs are intended to guide policy objectives, but they can also serve other functions (Dunlop et al. 2012): political (to legitimate a pre-determined policy project); dialogic (to stimulate wider social debate about the conceptual terms of policy); or symbolic (i.e., a tick-the-box exercise).

In learning through *hierarchy*, knowledge is used by actors to exert control and is guided towards particular goals. Hierarchy is rooted in institutions – including formal structures, organisational roles, rules of the game, codes and norms – which shape the production, content and utilisation of knowledge (Dobbin et al. 2007). Some features of hierarchies have nothing to do with learning, e.g., authority supported by credible threats is not learning. But individual bureaucrats, government departments, and ministers within cabinets follow long-standing institutional rules. The hierarchical layers within the bureaucracy allow public managers to learn what to do, when and the role they are supposed to play. In this sense, the shadow of hierarchy is a learning mode. If the UK government (or the EU) could have imposed a deal on Parliament with authority supported by credible threats we would not have been in the territory of learning. But since this was not the case, there is a prima facie case for considering hierarchy as a mode of learning. To operate, this mode requires low uncertainty (no ambiguity about the behaviour that is expected when a policy problem appears) and high certification of actors (Dunlop and Radaelli 2013: 611). The scope conditions are stability within the organisation of the bureaucracies/government, and shared beliefs in the legitimacy of the different roles and echelons of the hierarchy.

*Bargaining* describes a mode of learning in which inter-dependent actors trade, bargain and exchange information to secure other objectives (Dunlop and Radaelli 2013: 610). Bargaining is common in policy settings with low actor certification and low uncertainty (high issue tractability): in this context, learning does not necessarily lead to the reconciliation of divergent preferences, but it can facilitate agreement on mutually beneficial outcomes. Learning through bargaining has two scope conditions. The first, external conditionality, can take the form of externally imposed time pressures. In a context of heightened uncertainty, deadlines facilitate bargaining by enabling actors to more accurately calculate the pay-offs of different bargaining strategies. The second condition is arena disaggregation. Bargaining may be easier where the boundaries of negotiating arenas are clearly defined and arena membership is fixed (Eberlein and Radaelli 2010). This enables complex issues to be compartmentalised, and facilitates the calculation of actor pay-offs through routinised interaction.

The following section applies the four modes of learning to Brexit. Importantly, we do not view Brexit as a static process. Rather, we recognise that the policy setting variables shifted over time as the negotiations progressed (from the pre-negotiation phase to the Article 50 negotiations, and then to parliamentary ratification of the Withdrawal Agreement). Importantly, from our perspective, these dynamic settings generated new opportunities for different types of learning (while often closing down others).[1] We explain the

effectiveness of policy learning in each case by examining whether the scope conditions specified above were met (or not).

## Learning reflexively

Of all the modes of learning we examine, Brexit is intuitively well-suited to the policy setting variables characteristic of reflexivity: low tractability (i.e., radical uncertainty) and low certification of actors. What Brexit means, how it can be achieved, and its real-world consequences have long been shrouded behind a heavy veil of ignorance. The scale of the policy challenge necessitated by legally untangling the UK from the EU across a vast swathe of policy areas was unprecedented. Not only was the potential number of alternative scenarios for Brexit unknown (and infinite), but the political and economic impacts of technical 'fixes' (e.g., for the Irish border) were almost impossible to quantify. It was also clear that few actors could claim to hold an exclusive monopoly of expertise on the subject.

In response to this policy impasse, the government might have been expected to encourage an extended period of reflection and consultation so as to facilitate mutual learning through reflexivity. However, the key scope conditions for doing so – an open attitude of individual participants to new ideas and information, non-hierarchical negotiation settings that allow overlapping identities and encourage dialogue, and participatory policy instruments for collective problem-solving – were largely absent both within and outside government. For the first twelve months of her premiership, Theresa May was almost impermeable to arguments aired in cabinet, her listening-and-learning ears sealed-off by the two powerful advisers, Nick Timothy and Fiona Hill (see Perrior 2017). Far from consulting widely with MPs from across her party, let alone seeking to forge a cross-party consensus, Theresa May instead relied on a small and narrow clique of eurosceptic MPs to formulate her early Brexit 'strategy' (James and Quaglia 2018). Yet in the absence of meaningful cabinet dialogue or agreement, this meant relying on the rhetorical tautology of 'Brexit means Brexit' to conceal the absence of rank-ordered preferences, and to silence dissenting voices.

The absence of reflexivity within government reflected the widespread culture of mistrust and suspicion generated by the referendum, and the cabinet splits this engendered (see Shipman 2017). In response, the May Government attempted (but largely failed – see below) to assert control over the process. The result of using different shades of formal power and parliamentary conventions was not a problem-solving trajectory, but further political confusion. Within cabinet, for example, mistrust gave rise to the development of institutional venues which were deliberately designed to minimise consultation and dialogue. Hence, in Autumn 2016, May established a smaller EU Exit and Trade (Negotiations) cabinet subcommittee (consisting only of the Prime

Minister, and five senior ministers) – not to increase organisational efficiency, but to reduce the risk of cabinet leaks. The use of informal procedures and conventions to assert power was also evident in the Impact Assessment process which we narrate below. Nor was Parliament immune. For example, the speaker of the House of Commons, John Bercow, broke with convention by allowing a vote on the amendment to a government business motion tabled by Conservative MP Dominic Grieve in January 2019. Similarly, in March 2018 Bercow cited a 1604 convention to deny the government the option of bringing the EU-UK Withdrawal Agreement back to Parliament for a third vote unless it contained significant changes. All these episodes show how the option of learning reflexively was stymied.

Turning to political parties, the Brexit negotiations exacerbated the clash between Remain-Leave identities. These identities fractured the existing parties, perhaps setting the path for historical re-composition of party cleavages (as signalled by the formation of Change UK by disaffected MPs). Negotiations with overlapping identities could conceivably have emerged via cross-party talks leading to a compromise between the Conservative and Labour Party. But, the commencement of these talks in spring 2019 came far too late in the process, by which point political strategising and mutual mistrust effectively ruled out any prospect of agreement between May and Corbyn on the UK's withdrawal.

Perhaps more surprising was the May Government's failure to encourage reflexive learning through engagement with external stakeholders, notably business. Distrust at the heart of government led No.10 to deliberately close down established channels of access to outsiders, rendering business consultation largely informal and ad hoc. At ministerial level, business leaders complained that Theresa May was 'elusive' compared to her predecessor, and that Brexit Secretary David Davis made it known that he was only willing to meet with those willing to speak positively about Brexit.[2] For example, Confederation of British Industry (CBI)[3] Director-General Carolyn Fairbairn was initially 'frozen out' of meetings with senior government officials after she publicly accused the Prime Minister of closing the door on the UK's open economy. Moreover, officials made it clear that lobbyists making any critical statements in the media about immigration, trade or the rights of EU citizens would be punished with an immediate cessation of access (Parker 2017). These political tensions were compounded by the centralisation of Brexit policy-making around No.10 and DExEU, and the downgrading of the Treasury. Business groups found DExEU to be a 'black hole' that was largely 'impenetrable' to industry, forcing them to increasingly 'sing the same tune' as ministers in order to be granted access.[4] Following the June 2017 election, the government took steps to repair relations with business by placing consultation on a more formal basis. To this end, a summit was convened by Brexit Secretary David Davis for UK business

leaders in July 2017, and the Chancellor Philip Hammond established a new Brexit business advisory group to institutionalise relations (Gordon and Pickard 2017). Despite this, the ability of government and business to establish a meaningful dialogue on Brexit remained very limited; either because key decisions, such as ruling out single market membership, had already been taken (in secret), or deferred owing to a lack of political direction.

Finally, the prospect of encouraging reflexivity amongst the wider public was constrained by the gradual hardening of public attitudes on Remain and Leave into distinct group identities (Clarke et al. 2017). As Sorace and Hobolt (2019) detail, these constitute powerful normative lenses through which voters process information and interpret evidence, thereby reinforcing the polarisation of opinion. An alternative approach could have been to generate network-type settings from outside the formal venues of politics (Sabel and Zeitlin 2008) – i.e., beyond the cabinet, Westminster, and Whitehall – to facilitate a wider process of social learning (Hall 1993). For example, there were attempts to activate politically relevant knowledge from outside government and Parliament around Brexit with the creation of citizen's assemblies. Assemblies are particularly useful when Parliament is deadlocked and the government loses key votes on priorities, as in the case of Brexit. However, the idea gained little traction within government precisely because ministers had little incentive to (re)open the Brexit debate.

Somewhat paradoxically, despite the policy setting for Brexit being well-suited to this mode of learning (i.e., low tractability and low certification of actors) we find little evidence of reflexivity. On the contrary, the main scope conditions – namely, openness of attitudes, fluid negotiation settings, and a culture of trust – were largely absent. This encouraged a bunker-mentality in No.10, determined to keep control of the agenda, and using a discourse of obfuscation to deflect challenges. This position was untenable, however, once the UK triggered Article 50 in March 2017 and the Brexit negotiations got underway, as the government was now forced to stake out a position. In response, we see policy-makers attempting to move the process forwards through other modes of learning.

## Learning epistemically

Although the intractability of Brexit satisfies the first policy setting variable, the prospects for any functional epistemic learning were stymied by the absence of any socially and politically legitimate experts. Indeed, the referendum was marked by an antipathy toward expertise, as infamously espoused by leave campaigner and cabinet minister Michael Gove. The presence of experts – most powerfully in the form of epistemic communities (Haas 1992) – is a critical variable in triggering epistemic learning as teaching. Haas argues that 'ideas would be sterile without carriers' (1992: 27),

meaning that the values, norms and policy direction that give ideas purpose and form are derived from those who create them. The importance of this anthropomorphic conceptualisation of policy knowledge bears out in the empirical literature. Experts succeed in shaping decision-makers' preferences where they have both strong epistemic products – i.e., knowledge consensus – *and* when they deploy human skills effectively – persuasion, leadership, judgement.

No unified epistemic community existed to advise the government on Brexit. The most obvious candidate – the Bank of England (BoE) – had seen its analysis of UK withdrawal challenged as a matter of course. For example, when BoE economists published an evaluation of the possible impacts of various Brexit scenarios on the UK's monetary and financial stability in November 2018 (BoE 2018), the figures it quoted were roundly derided by leave supporting politicians (Treanor 2018). More damaging for the prospects of epistemic learning, they were curtly dismissed via social media as 'highly speculative' and 'too severe' by former BoE member Andrew Sentence and Nobel prize winning economist Paul Krugman (Partington 2018). Beyond these interventions, the wider production of contending claims (often through social media) on Brexit's impact made it impossible for the BoE to claim the authoritative high ground required by expert enclaves that aim to be principal teacher to policy-makers.

Despite the absence of any single, socially accepted knowledge carrier, epistemic lessons could have been generated. Another powerful channel for epistemic learning is the presence of evidence-based policy instruments, such as impact assessments (IAs). Key to the epistemic value of this instrument is how constellations of actors organise their interactions around IA as evidence-based trigger: instrumentally, symbolically, to exercise control, or dialogically. We argue that during the Brexit process, Whitehall's reliance on IAs vacillated between all four uses, ensuring that epistemic learning was dysfunctional. This instability, which fatally undermined the IAs' credibility, was generated by several factors: the early lack of transparency about the IAs; a range of competing goals held by different actors using the IAs; and the existence of competing IAs in the other nations of the UK, the European Commission and European Parliament. We briefly address each in turn.

Functional epistemic learning requires robust knowledge production processes open to scrutiny. Learning pathologies arise and policy capacity is damaged where the process of knowledge formation appears the preserve of 'invisible colleges' closed off from oversight (Regonini 2017). From the outset, the existence, scope and content of economic analyses of Brexit were the subject of contest. In December 2016, David Davis (then Secretary of State for Exiting the EU) confirmed the existence of 'about 57' sector assessments for individual parts of 85% of the economy. That same month, Parliament established a no disclosure policy to prevent public divulgence of any

material that could be damaging to the Brexit negotiations. Throughout 2017, Freedom of Information requests were lodged by MPs and calls made by both Commons and Lords EU committees to have sight of the assessments. Despite assurances in June 2017 from DExEU that the list of sectors would be published 'shortly', Davis later asserted the need to balance 'our commitment to transparency with the need to protect information which could undermine the UK's ability to negotiate the best deal for the UK' (Davis 2017). But pressure continued to build and, in November 2017, Parliament dusted down and deployed an arcane procedure called a 'motion to return' (Defty 2017). From this point, the assessments (ultimately totalling 39) were released to EU committees in both Houses of Parliament and from then aspects were published or leaked before their final public disclosure in March 2018.

While it is not common practice for IAs to be released as they are being conducted, these are no ordinary sets of analyses. The lack of early disclosure to the relevant parliamentary committees, and uncertainty about just how many had been compiled ensured the IAs became a way to express dissent about the transparency and government dominance of the Brexit process. An analytical tool which was deployed with the promise of offering civil servants much needed forecasts and technical knowledge, became a tool that opened-up debate rendering either (or both) the analysis itself, or the government, suspect.

Further down the line, the government's use of IA changed. As the withdrawal deal was being agreed in late 2018, and with Davis having resigned from his position, Treasury assessments of the economic impact of the Chequers Plan were made public. The original aspirations outlined by Theresa May were predicted to result in a contraction in the UK economy of up to 3.9% over 15 years (HM Government 2018). The use of IA was highly political: not only was the actual agreed deal – which differed from the Prime Minister's favoured plan – not assessed, the 3.9% contraction was then compared to other less favourable scenarios of a free trade agreement (6.7% contraction) and no deal (9.1% contraction). This political approach by the government was then mirrored by politicians and commentators. Cherry-picking facts became the order of the day with the exclusion of economic growth used by Brexit supporters as the reason for the poor forecasts ('this is project fear') and the absence of regional breakdowns used by remainers to warn the forecasts were too optimistic ('we are looking into the abyss').

Yet, such criticisms are not entirely unjustified. The logic of IA is that policy-relevant knowledge about the socio-economic consequences of policy paths is knowable. The extent to which the impacts of Brexit can be reliably estimated is debateable. In such circumstances, IA as process and product has vehicular qualities – it can be used by political actors of all sides to carry radically different interpretations (see McLennan 2004 on vehicular ideas).

The final dimension to this dysfunctional epistemic learning is the presence of competing sites of knowledge production. While the struggle for access played out in Westminster, IAs were being prepared and published by other governments at sub and supranational levels, sector agencies (for example, Financial Conduct Authority [FCA] 2018) and think tanks (for example, the Institute for Government [IfG] – see Tetlow and Stojanovic 2018). The extent to which the presence of competing IAs substantively undermined the Whitehall analyses, or diluted the clarity of the message, is a story that remains to be told. What matters here is that their very existence was enough to undermine the credibility of the analysis as something which could contain debate regarding the fundamentals of policy. That said, though the detail of the IAs did not show up in policy outputs, as the original deadline to leave the EU (29 March 2019) loomed, they had some political purchase. The fact that IAs of all governments agreed that the issue was not one of the likelihood of economic damage, but rather of its magnitude, was important in destabilising Theresa May's Lancaster House assertion 'no deal is better than a bad deal'.

If anything, knowledge and access to knowledge became the territory of sharp political and institutional conflicts. The scope conditions for learning epistemically were violated. On the one hand, economic knowledge and the appraisal of the likely effects of policy options via experts in the BoE and specific policy tools like IAs did not make an impact on the strategy and choices of the main actors. On the other, the very presence of this knowledge became an issue of sharp confrontation between Parliament and the executive. In the end, who qualifies as an expert and the very meaning of what an impact assessment is and should do became fuzzy and controversial, casting doubts on the possibility of this type of knowledge utilisation in the Brexit process.

## Learning through hierarchy

In a post-referendum context of high uncertainty and low certification, the operation of hierarchical learning through the British political system became highly dysfunctional. To be precise, while the symbols of formal hierarchy of the Westminster-Whitehall model (Richards et al. 2019) remained in place – namely, prime ministerial direction, cabinet responsibility and parliamentary procedures – the normal rules, norms, conventions and standard operating procedures underpinning them broke down. To explain why, we identify two scope conditions, the absence of which undermined the possibility of rule-based learning about Brexit.

The first scope condition is that roles and hierarchical lines are accepted, not contested. This condition was fatally undermined by the extent of ministerial divisions triggered by the 2016 referendum, compounded by the

breakdown of cabinet collective responsibility following the 2017 general election. The impact of these political fault lines at official level was highly pernicious, eroding well-established norms of information sharing and coordination between Whitehall departments. Instead, it encouraged 'a culture of extraordinary secrecy' where key documents were 'over-classified' to prevent them from being shared between departments (Owen et al. 2018). Even 'rudimentary planning guidance' was made largely inaccessible, restricted to hard copies or secure computers only available to a limited number of officials in designated Whitehall reading rooms or a permanent secretary's office (Owen et al. 2018).

The relationship between (Brexit-supporting) ministers and senior civil servants was shaken, generating instability. Suspicion that Whitehall was 'institutionally anti-Brexit' spilled over into outright hostility, leading to the resignation of the UK's permanent representative to the EU (Sir Ivan Rogers) and undermining the position of the UK's lead official negotiator (Oliver Robbins). In the absence of clear policy goals, poor information flows and competing ministerial preferences, effective policy coordination proved 'impossible' and the alignment of departmental contingency plans was made 'very difficult' (Owen et al. 2018).

A key illustration of these problems was the planning guidance issued by the Cabinet Secretary to all departments to guide their Brexit preparations in March 2017. The difficulty of getting political agreement on key issues meant that there were large gaps, while the high level of security clearance needed to view the document, meant that critical information was not widely distributed to front line officials (Owen et al. 2018: 33). As a result, departments increasingly made their own assumptions about what preparations were necessary, guided by their minister's view of the consequences of different Brexit scenarios.

Institutional stability is a second scope condition for rule-based behaviour. Since the UK's accession in 1973, the model for EU policy coordination revolved around the 'quad' of the Cabinet Office, Foreign and Commonwealth Office (FCO), the UK Permanent Representation (UKRep) in Brussels and, on economic and budgetary issues, the Treasury (James 2011). Following the referendum, however, Prime Minister May subverted this structure by establishing a new Department for Exiting the European Union (DExEU) responsible for leading the Brexit negotiations, coordinating activity across government, and undertaking policy work related to the UK's future relationship with the EU. In addition, a new Department for International Trade was established to prepare and negotiate new trade agreements with non-EU countries after Brexit.

These institutional changes undermined learning by challenging the position of traditionally powerful departments, particularly the Treasury and FCO. Lines of responsibility were blurred by the fact that the UK's lead

official negotiator, Oliver Robbins, had a dual reporting line to the Brexit Secretary and Prime Minister. As the IfG think tank documented, this created tensions with No.10, which ultimately had responsibility for the success or failure of the negotiations, and with departments who viewed DExEU as a departmental player, rather than as a more conventional broker (Rutter and McCrae 2016). Robbins' move to the Cabinet Office in September 2017 was an attempt to establish a clearer hierarchy by centralising responsibility as the Brexit negotiations entered a critical phase. But this had the effect of undermining the position of DExEU, contributing to its high turnover of ministers and senior officials (with only a single junior minister remaining in place since 2016), and eroding its capacity for institutional memory and accumulation of expertise over time. This limited DExEU's capacity to manage the Brexit preparations process, making it difficult to coordinate or assess the coherence of departmental plans.

More widely, the creation of DExEU depleted the internal resources and expertise of other departments through secondments, and sparked a bureaucratic turf war over ownership of key Brexit policy dossiers (Owen et al. 2018). Learning across all Whitehall departments was also seriously disrupted by heightened staff turnover triggered by the Brexit preparations. The IfG reports that officials took advantage of the promotional opportunities stemming from the creation of approximately 10,000 new posts created since the EU referendum. For example, turnover at DExEU was running at 9% a quarter at the end of 2017, compared to a civil service average of 9% a year (Sasse and Norris 2019).

Once the Brexit negotiations got underway, it was not surprising that the government defaulted to the standard operating procedures of the Westminster-Whitehall model (Richards et al. 2019), characterised by executive autonomy and centralised policy-making. That this proved wholly unsuited to the task in hand did not simply reflect the context of high uncertainty and low certification, however, but also strategic decisions (the 2017 election) and institutional reforms (the creation of DExEU) that fatally eroded political authority and institutional stability, which are essential for hierarchical learning.

## Learning through bargaining

According to our theory, learning through bargaining was not appropriate under conditions of high uncertainty (Dunlop and Radaelli 2013). In this situation, the theory predicts that learning will be dysfunctional because actors cannot calculate the pay-offs of different bargaining strategies. This can be ameliorated, in part, if an important scope condition – external conditionality – is met. For example, externally imposed time pressures can incentivise bargaining by facilitating the calculation of pay-offs. In the case of Brexit, external pressures were imposed by the timing and sequencing of the EU's Article 50

process: namely, the two-year deadline for reaching a deal on withdrawal, and the sequencing (and separation) of this from the future relationship negotiations (see Armstrong 2017). Although these time pressures eased bargaining between rival factions to some extent, they also generated a limited form of learning that prioritised short-term political demands (e.g., government survival or party management) over long-term strategic policy thinking (over Brexit).

This dysfunctionality was compounded by the absence of a second scope condition – arena disaggregation – which enables bargaining to be compartmentalised and routinised (Eberlein and Radaelli 2010). The clearest illustration of arena overlap in the case of Brexit is the fact that the UK government was simultaneously bargaining with two sets of actors (Member of Parliament [MPs] and EU negotiators) in a two-level game. Yet even in the domestic context, if the principal venue for bargaining shifts over time as the negotiations progress, this expands the range of actors involved and makes the issue even more intractable. During the Brexit process, we observe a gradual process of expansion across three, overlapping arenas which undermined bargaining.

The first arena, in the immediate aftermath of the referendum, involved a small coterie of senior officials and MPs. In the political vacuum created by the Conservative leadership contest, an unofficial Brexit Cabinet, whose members were close to the Eurosceptic 'All Souls Group' within the party, became highly influential in shaping the learning process.[5] Given the Conservatives' slim parliamentary majority of 17, they concluded that the government had little choice but to adopt a hard Brexit position, which meant ending freedom of movement, to secure the support of pro-Brexit backbenchers.[6] Under Theresa May, this hardened into a broader electoral strategy, developed by No.10 Chief of Staff Nick Timothy and Director of Strategy Chris Wilkins, designed to address the wider social grievances that were perceived to have contributed to Brexit (Shipman 2017: 140–144).

The second arena of bargaining became particularly important following the Conservatives' loss of their parliamentary majority in June 2017 (see Wincott 2017), forcing May to increasingly bargain with her own cabinet and wider parliamentary party for survival. But this constrained the development of a coherent Brexit strategy, forcing key decisions on the future relationship to be deferred, and preventing government departments from undertaking effective preparations (Lloyd 2019). Time spent on intra-party bargaining also left the EU to set the agenda, monopolising the production of key negotiating texts and guidelines, thereby reducing its own scope for compromise and 'boxing in' the UK (Owen et al. 2018). As a result, UK negotiators were forced into a series of incremental and last-minute concessions to reach agreement with the EU. For example, May's Florence speech in September 2017 tentatively suggested that the UK might agree to a status quo

transition period of 'around two years', agreement on which was only reached in March 2018. Similarly, to hammer out an agreement between competing factions within cabinet, the Prime Minister convened the Chequers summit in July 2018. The White Paper that followed – pledging to maintain a common rulebook for goods, but not for services, and to seek a 'facilitated' customs arrangement – represented a carefully crafted (but short-lived) cabinet compromise.

The Conservatives' precarious parliamentary position also necessitated careful bargaining between competing party factions; namely, the pro-Brexit Democratic Unionist Party (DUP) and the European Research Group (ERG), and two groups of former Remainers – those that favour a soft Brexit (the so-called Common Market 2.0), and those who support a second referendum. In an effort to secure passage of the Withdrawal Agreement, the government was often more willing to concede ground to the ERG, such as by accepting multiple amendments (Lloyd 2019: 32). It also made significant concessions to the DUP, offering them the *de facto* right to prevent UK-wide divergence from EU regulation, and a formal role in the future relationship negotiations.

The third arena, concerned with the passage of Brexit legislation, included the whole of Parliament. Despite the government's early attempts to limit its involvement, MPs gradually accrued important new powers over the Brexit process. For example, the EU Withdrawal Act took almost a year to get through Parliament and the government was forced to grant MPs a 'meaningful vote' on the final deal (Dixon and Williams 2018). Similarly, in a desperate attempt to secure parliamentary support for the Withdrawal Agreement, the government deliberately sought to portray this as a 'one shot' game, the reversion point of which would be a chaotic no deal Brexit.

Ultimately, however, this strategy was thwarted by MPs who used arcane parliamentary procedures to seize control of the legislative timetable. This culminated in March 2019 with a series of 'indicative votes', which can be interpreted as an attempt to facilitate learning through bargaining in three ways. First, the votes were used as a mechanism of generating information about MPs' preferences, and thus the scope of potential agreement in Parliament (Fox and Baston 2019). Second, the push by MPs to de-couple procedural issues from substantive ones sought to reduce the friction from bargaining, whereby agreement on the process may pave the way for agreement on the outcome. Third, the indicative votes attempted to circumvent the intractability of the Irish backstop issue in the Withdrawal Agreement by explicitly linking it to a range of *different* options on the future relationship – a process known an 'issue-aggregation' (Eberlein and Radaelli 2010).

The learning that resulted was dysfunctional in the sense that it still produced no agreement in Parliament, forcing the Prime Minister to request a further extension of the Article 50 process to 31 October 2019. But it did

force May to change strategy and open cross-party talks with the Labour party in early April 2019 in an attempt to end the impasse. By shifting the Brexit process back to a small, closed negotiating arena, these talks represent the latest iteration of (dysfunctional) learning through bargaining. That these subsequently collapsed in May 2019, heralding Theresa May's own departure as Prime Minister, is perhaps a fitting epitaph to the limitations of bargaining under these conditions.

## Conclusion

This article asked how did the UK government seek to learn during the Brexit negotiations? We found that although the policy setting was well-suited to reflexive and epistemic learning immediately following the referendum, these were hindered because important scope conditions were not met (namely, open attitudes and negotiation settings, fluid group identities, a culture of trust, and the legitimacy of expertise). Learning shifted to the realm of hierarchy as the Article 50 negotiations got underway, but this was undermined by a breakdown of political authority and institutional instability following the June 2017 election. As a result, learning around Brexit was largely restricted to bargaining, the conditions for which (external conditionality and arena disaggregation) were partially met. However, as illustrated by the fate of the Withdrawal Agreement, this produced a highly dysfunctional form of learning that prioritised short-term political demands (namely, government survival and party management) over long-term strategic policy thinking (about Brexit).

We conclude by reflecting on the broader theoretical and empirical contribution of the article. With respect to the wider theoretical literature on policy learning, we suggest that it makes a threefold contribution: (1) demonstrating the utility of analysing policy fiascos through time-sensitive policy learning theory, (2) examining temporal dynamics in granular policy processes to explain how learning shifts between different modes over time, and (3) assessing learning through the identification and empirical analysis of scope conditions. Taken together, these contributions point to the potential of learning as a theoretical lens on the policy process and macro-events like Brexit. Key policy dynamics – in this case, dysfunctional policy learning – did not simply reflect, but also served to shape the wider political context within which they are located. We assert that this ultimately contributed to the intractability of Brexit as a policy issue. The politics of Brexit do not simply determine the policy; but rather policy dynamics play an important role in shaping the political context within which they are located. Put differently, studies like ours serve to endogenise existing accounts of Brexit.

Finally, we recognise important limitations in our analysis. Notably, the fact that as a single country case study, the ability to generalise from our findings

is necessarily limited. Some may also object that Brexit is sui generis, making comparison to other policy issues problematic. Nonetheless, we maintain that analysing a single case such as Brexit over time enables a depth of analysis that would otherwise not be possible. Furthermore, while the *politics* of Brexit has many unique characteristics, as a *policy* it arguably shares many of the same dynamics of process – including learning – as any other. Using policy theories to illuminate these therefore avoids reductionist political explanations, while potentially facilitating comparison with other prominent cases of policy fiascos. Doing so holds out the promise of being able to extract longer-term lessons from the Brexit experience.

## Notes

1. We do not claim that learning during the Brexit process was perfectly sequential: while the possibility of learning through some modes (reflexive and epistemic) was apparent throughout the process, the policy settings conducive to other modes (hierarchy and bargaining) were more specific to particular time periods.
2. Interview with senior bank lobbyist in London, 14 June 2017.
3. The CBI is the largest association representing British business.
4. Interview with trade association representative in London, 18 July 2017.
5. Interview with bank lobbyist in London, 10 July 2017.
6. Interview with government minister in London, 20 February 2017.

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