

When Planets Collide: The British Conservative Party and the Discordant Goals of Delivering Brexit and Preserving the Domestic Union, 2016–2019

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journals.sagepub.com/home/psx**Michael Kenny and Jack Sheldon** 

Abstract

This article explores how the British Conservative Party has dealt with the dilemmas arising from its pursuit of two increasingly discordant goals: delivering Brexit and maintaining the domestic Union. Drawing on interviews and analyses of parliamentary debates, we identify a resurgence in the 2016–2019 period of an older belief in a unitarist state, and a new form of pro-Union activism in policy terms. Against those commentators who depict Britain's Conservatives as having abandoned their unionist vocation, we explore the coalescence of a more assertive and activist strain of unionist sentiment. But we also find a willingness among Conservatives at the centre to sub-contract thinking about non-English parts of the UK to 'local' political representatives such as the Democratic Unionist Party and the Scottish Conservatives, and a growing anxiety about how to handle emergent tensions between the competing priorities associated with delivering Brexit and maintaining the domestic Union.

Keywords

Union, Conservative Party, Brexit, territorial politics, United Kingdom

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Introduction

The process of seeking to withdraw the UK from the European Union, following the result of the referendum held in June 2016, prompted an extended crisis in British parliamentary politics. Regaining sovereignty from this external union injected considerable energy into the already delicate question of where power lies in the domestic multi-national Union,

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which comprised territories that are variously governed, and which displayed markedly varied levels of popular enthusiasm for Brexit. Majorities of 62% of voters in Scotland and 56% in Northern Ireland supported Remain in 2016 – results that immediately raised questions about the future status of these territories (Gormley-Heenan and Aughey, 2017; McEwen, 2018). In the first 3 years after the Brexit vote, the treatment of Northern Ireland in the proposed Withdrawal Agreement emerged as the main sticking point in negotiations between the UK Government and the European Union (EU), and contributed to its defeat on three occasions in the House of Commons before a revised deal was successfully passed after Boris Johnson became Prime Minister. Whether departing the EU will jeopardise the territorial integrity of the UK has subsequently become one of the most salient questions in British politics. The Scottish Government has made the case for a new referendum on independence, and there have also been calls to hold a ‘border poll’ on the reunification of Ireland (BBC News, 2019a; Sturgeon, 2019).

This article explores how the UK’s governing party throughout this period, the Conservative and Unionist party, has dealt with the profound dilemmas arising from its simultaneous pursuit of two – increasingly discordant – goals: the achievement of Brexit and the maintenance of the domestic Union. Despite the prevalence of claims about the party’s reckless or disinterested approach to the latter, there has been little sustained, or evidentially based, examination of the nature and depth of the parliamentary party’s unionist commitments. In this article, we seek to address this gap. We take as our temporal focus the duration of the premiership of Theresa May, which began in the immediate aftermath of the referendum in July 2016, and ended in July 2019, following the failure to secure a majority in the House of Commons for the Withdrawal Agreement her government had negotiated with the EU.

We draw upon a body of original empirical research consisting of a set of 17 semi-structured interviews with Conservative politicians, conducted between March 2018 and July 2019, and an analysis of Conservative contributions to the House of Commons debates on the proposed Withdrawal Agreement held between December 2018 and March 2019. Our interviewees included 12 members of the House of Commons, 2 members of the House of Lords and members of the Scottish Parliament and National Assembly for Wales.¹ We sought to ensure that our interviewees held positions broadly reflecting the range of opinion within the parliamentary party on Brexit – by far the most salient issue of this period. Of those that we spoke to, seven had voted Leave in 2016 and eight Remain (and the others were undeclared publicly). The content analysis of contributions to the successive debates on the Withdrawal Agreement which we have conducted complements these interviews, taking advantage of a rare opportunity to analyse a body of arguments made by Conservative backbenchers about the domestic Union.² In addition to our primary research, we also draw on other publicly available sources, including ministerial speeches and Government and Conservative Party publications.

Our analysis draws attention to the divergence of some of the distinct strands of constitutionally focused thinking within the party’s higher echelons, and the emergence of a novel species of unionist sentiment in the last few years, which we label ‘hyper-unionism’. Against those commentators who depict the Conservatives as a party that has succumbed to the temptation to harvest an ascendant English nationalism, and abandoned its unionist vocation, we find instead a marked, and growing, tendency to declare and demonstrate fidelity to the Union at the helm of the party. A more assertive and muscular strain of unionist sentiment has, we suggest, displaced the more pragmatic, and largely unspoken, idiom that was more typical of earlier historical periods, and which has been

characterised as ‘banal’ (Kidd, 2008: 23) or ‘unthinking’ (Rose, 1982: 68). And, while some recent analysis has drawn attention to the importance of ‘high unionism’ in party discourse (Aughey, 2018), there has been little in-depth examination of its significance in the political moment occasioned by Brexit.

We characterise ‘hyper-unionism’ as one of a number of overlapping, but identifiable, lines of unionist sentiment which co-exist at the highest levels of the party, and which often overlap in particular discursive contexts. What is distinctive and notable about this newer strain, we suggest, is the apparent imperative to articulate and emphasise pro-Union sentiment that it references, and the growing anxiety about threats to the UK’s territorial integrity to which this is linked. And this fear has grown in part from the realisation that as nationalism has become a powerful form of identity politics in different parts of the UK, the Union itself and the form of nationhood – Britishness – with which it is most closely associated, appear to be declining in terms of their popular appeal and affective attachment (Henderson, 2018). These worries about the status and position of unionism are far from novel, but they have become particularly salient in the context of Brexit, and are now deployed by various politicians and commentators in support of a new, substantively pro-Union policy agenda. This style of unionist politics represents a notable break, we suggest, from the statecraft model seen as a hallmark of British conservatism until the final two decades of the last century (Bulpitt, 1983).

The Conservative Party, The Union and Brexit – Competing Interpretations

In her inaugural speech as Prime Minister in July 2016, Theresa May drew attention to the official title of her party – the ‘Conservative *and Unionist* Party’ – and referenced the ‘precious, precious bond between England, Scotland, Wales and Northern Ireland’ (May, 2016c). May’s relentless invocation of the ‘precious Union’ became a (sometimes derided) hallmark of the speeches she gave during her tenure in office (see for example, Massie, 2019; May, 2016a, 2017b). This was not just a reflection of her own repetitive rhetorical style but also betrayed a sense of the rising threats to the integrity of the Union, and the need to remind a wider political audience of her party’s fidelity to it.

May was by no means alone in wanting to push the Union higher up the political agenda. References to its merits and importance figured prominently in the rhetoric of many senior Conservatives in this period, and this was the dominant theme of the party’s campaigning in Scotland where, under Ruth Davidson’s leadership, the Scottish Conservatives attempted (with some success at the 2017 general election) to mobilise opposition to the second independence referendum proposed by the Scottish National Party.³ In May 2018, the think tank Policy Exchange hosted a conference on the future of the Union at which a succession of senior Conservative politicians, including Davidson, Environment Secretary Michael Gove and party chairman Brandon Lewis, publicly reaffirmed their unionist allegiance (Davidson, 2018; Gove, 2018; Lewis, 2018). May’s commitment, and anxiety, on this score, were reflected too in her announcement, at the very end of her premiership, of an official review into how the Union was being understood and promoted within central government, led by former minister Lord Dunlop (May, 2019).⁴

May’s departure did not signal the demise of the ‘precious Union’ motif. An outspoken commitment to maintaining and strengthening the Union also emerged as a prominent theme for party leadership candidates during the contest that followed her resignation in 2019. On a campaign visit to Belfast, Boris Johnson declared that he would *personally*

‘make sure that every policy is sense and stress tested for the benefits that it would bring to the Union’, while his opponent Jeremy Hunt pledged to support the Union with ‘every drop of blood in his veins’ (BBC News, 2019b; Johnson, 2019).

What is especially notable about these declarations is the imperative they reflect to give this affiliation vocal and salient expression. Whereas in his influential account from the 1980s, Jim Bulpitt (1983: 141) characterised the Conservatives’ approach to the Union during the middle decades of his own century as ‘subtle’, in more recent years it is the urgent and strident character of its declared support for the preservation of the domestic Union that has become more notable. Whether the unionism espoused in high British politics has changed in character, in recent decades, and how this shift might be best understood, are the subjects of considerable scholarly debate. For a number of commentators, the Thatcher premiership represented an important departure from pre-existing thinking within the party, as a more Anglo-centric vision of the Union was advanced against arguments for constitutional reform in general, and a more devolved vision of the UK, in particular. Thatcherite unionism, according to historian Colin Kidd (2008: 4), ‘upheld a stridently unitarist conception of the British state, which left little scope for the defence of Scottish particularity within the Union’. Philip Lynch (2000: 60) has similarly argued that Thatcher’s approach ‘had its roots in a distinctively English perspective on national identity and culture’, quite different from the positioning of the party under previous party leaders.

Other commentary observes changes in the tenor and character of unionist discourse in recent decades. A recurrent emphasis is upon the shift from a tacit body of unionist sentiment to a more consciously articulated case for the Union, and the difficulties associated with the latter. Much of this commentary takes its lead from the work of Richard Rose (1982: 210) who identified a turn from ‘unthinking unionism’ – by which he meant a tacit feeling for the Union as of ‘fundamental importance for the government of the United Kingdom’. On this interpretation, the territorial constitution was a second-order question for many British politicians during the post-war decades when political parties that were pro-Union in outlook were dominant in both Scotland and Northern Ireland.⁵ ‘Unthinking unionism’ left its proponents vulnerable when sub-state nationalism re-emerged as a political force in British politics during the 1970s. It was especially problematic, Rose contended, when questions about the constitutional standing and governance of different parts of the UK assumed political prominence, as was the case with Northern Ireland and debates about Scottish and Welsh devolution in the 1970s. Such issues were not handled much differently from other important questions in British politics, he maintained, and this inhibited both politicians and the state from getting to grips with the distinctive character of constitutional matters in the UK context. Other commentators have built upon this analysis, identifying the growing need for Conservative leaders, in particular, to offer a more articulated case for Union since that decade. Arthur Aughey (2018: 85), for example, associates the leaderships of John Major and David Cameron with an often repeated ‘rhetorical commitment to the integrity of the Union and a celebration of those affinities which hold the country together’, a stance he labels ‘high unionism’.

While a handful of authors have focused their attention upon these important shifts, some of the leading accounts of the British Tory party since the defeat of 1997 have tended to see these issues as relatively marginal to the political fortunes and reconstruction of Conservative politics (Bale, 2016; Heppell, 2014). However, in this period, some important changes in mind-set and thinking did begin to take shape in relation to the UK’s territorial constitution, and laid the foundations for the more self-conscious unionism

which is now prevalent among the party's ranks at Westminster. Devolution to Scotland and Wales, in particular, triggered the emergence of a new line of thinking among some senior backbenchers, a number of who argued that the interests and rights of the English majority had been fatally compromised by the introduction of greater self-government in all other parts of the UK (English et al., 2009). One leading scholar of Conservative thought observed a dual focus within the party's national outlook in this period, as its enduring celebration of Britishness was increasingly supplemented by a more concerted focus upon England's anomalous position after devolution was introduced to Scotland and Wales, and restored in Northern Ireland (Aughey, 2018).

In government, after 2010, the issue of the Conservatives' relationship to the domestic Union broke into the open in the context of the Scottish independence referendum held in 2014. Having set in train a process leading to the award of greater fiscal and policy powers to Scotland – to head off rising support for independence towards the end of the referendum campaign – Prime Minister David Cameron (2014) decided to raise the question of England's position in the Union in the immediate aftermath of it. Dismissed by commentators and rival politicians as a gambit that risked injecting political energy into a question that was best left dormant, his decision reflected the growing salience and influence of new thinking about the constitution in the Tory party at this time (Hayton, 2018). In his autobiography, Cameron (2019: 555) suggests that 'few things exercised Conservative backbenchers more than this "West Lothian question"'. This move was followed by the election campaign of 2015, when the party discovered the effective tactic of alarming English voters with the prospects of a Labour government reliant on parliamentary support from the Scottish National Party, a focus that shifted the agenda and momentum of the main parties' campaigns in a significant fashion (Cowley and Kavanagh, 2015). The Conservative victory in 2015 paved the way for the decision to proceed with the set of reforms to the legislative process known as English Votes for English Laws (Gover and Kenny, 2018).

The emphatic re-assertion of English rights in the Tory party after 2014 represented an important shift of focus in parts of the parliamentary Conservative party, and in some respects reconnected it to the Thatcherite model of unionism. It also helped cement the idea that the party needed to be the agent of radical reform to rectify aspects of Labour's devolution programme that were seen as dysfunctional by a number of Conservatives at Westminster, who argued that it was the party's role to address these weaknesses and restore the fundamental balance and integrity of the UK-wide constitutional order (Aughey, 2018).

For some observers, this apparent rupture from an older Conservative tradition of thought about the territorial constitution is telling evidence of a diminution of commitment to the Union within the higher echelons of the party, and a conversion to a politics of 'English nationalism'. Andrew Gamble (2016: 360), for instance, argued that there 'no longer seems to be any passion about defending the Union' for many Conservatives. Charlie Jeffery et al. (2016: 346) suggested that for the Conservatives to pursue an English nationalist agenda would be 'logical enough', given the party's weak electoral position outside England. And, for Hayton (2018: 230), the portrayal of the SNP at the 2015 election 'painted the Conservatives as a party that would put England (and in some cases England and Wales) first, downgrading the centrality of Unionism to Conservatism'.

Following the 2016 EU referendum campaign, and the conversion of the Tory parliamentary party to a pro-Brexit position in its aftermath, this judgement has been very widely aired (see for example, Cockburn, 2017; O'Toole, 2016). It has been supported too

by survey evidence suggesting that a strong sense of English identity correlated with levels of support for Brexit (Henderson et al., 2017), and that 63% of Conservative members would rather Brexit took place even if it led to the break-up of the UK (Smith, 2019). On this view, the unionism espoused by many Tories is either skin-deep, or reflects a kind of cognitive dissonance with the increasingly narrow English outlook of the party in the country and at Westminster.

Our research leads us to question such characterisations. We argue instead that support for the meta-objective of maintaining the Union remains common across the Conservative parliamentary party, transcending all shades of opinion on Brexit, and is deeply embedded within the webs of belief of its various political representatives. All of our interviewees saw support for the Union as an intrinsic feature of British Conservatism – one member of parliament (MP) described it as ‘one of the foundations’ of the party, and another as ‘absolutely fundamental’.⁶ And, interest in the governance and constitutional position of England – a potential hallmark of a more English nationalist agenda – was very thin on the ground during the period in which we conducted our interviews. Instead of echoing the judgements of those who see the Tory party as diminishing its commitment to the Union, and those who see the fundamental weakness of unionism in British politics as a product of the difficulty of articulating its character, we draw attention instead to a deepening disagreement about the incommensurable nature of the goals of delivering Brexit, on the one hand, and preserving the Union, on the other hand. We highlight the existence and impact of a strikingly divergent set of understandings of the nature and future of the UK’s territorial constitution within the upper echelons of the Conservative party, and suggest that these help explain the differing responses among Conservatives to those aspects of the Withdrawal Agreements – negotiated with the EU first by Theresa May, and later by Boris Johnson – which had a bearing upon the domestic Union in general, and the position of Northern Ireland in particular. This helps explain the major shift in view within the Conservative parliamentary party on this issue during the course of 2019. A majority of its backbench MPs objected to the deal negotiated by May, in part because the ‘backstop’ arrangements within it treated Northern Ireland differently from the rest of the UK. Yet, just a few months later, her successor’s revised deal, which envisaged far greater customs and regulatory differentiation between Northern Ireland and Great Britain, was overwhelmingly supported by these same Conservative MPs.

In the following section, we discuss some of the most distinctive and notable features and themes of the unionism espoused within the parliamentary party during May’s premiership, and conclude by reflecting on the significance of our findings for the scholarly understanding of Tory unionism.

Unionism in the Parliamentary Conservative Party, 2016–2019

From ‘Banal’ Unionism to Hyper-Unionism

Declaring that the benefits of the Union should be more consciously promoted, and advancing policy ideas for a more activist state in response to this goal, are the hallmarks of the more assertive style of unionism that has emerged in British Conservatism. While a good deal of its content reflects the endurance of older ideas, the more muscular, ‘hyper-unionist’ discourse of the current period is distinctive in the following three key respects: for the assertive way in which it is expressed; for the political priority it accords to the

issue of preserving the UK from various threats; and for the implicit recognition that policy activism in this area is necessary – and perhaps even overdue. These three themes engender a markedly different tone from the more pragmatic and watchful approach to territorial management which commentators identified as the hallmarks of Conservative thinking up to the 1980s (Bulpitt, 1983). Elements of the latter are still apparent in Conservative circles but have, we would contend, been side-lined in the more conflictual and divisive debates about Britain's constitutional order, and potential threats to it, triggered by Brexit.

All of our interviewees suggested that an important prompt for the contemporary reformation of unionism was the unease of many Conservatives towards the nature and implications of Labour's devolution reforms. Having been steadfastly opposed to devolution when in office, the party's new leadership shifted very rapidly to a position of accepting devolution after the referendum votes in favour in 1997 (Randall and Seawright, 2012). However, there remained considerable concern in Conservative circles about the asymmetrical implications of the model of devolution that was introduced by Labour, and its highly centrifugal character (Redwood, 1999; Tomkins, 2016). Some of our respondents expressed the concern that the centre's tendency to 'devolve and forget' had, over time, undermined support for the Union in general, and created legislative institutions that were likely to improve the prospects of nationalist, rather than unionist, parties (May, 2017a).⁷

The 2017 Conservative general election manifesto declared the UK to be 'the most successful political union in modern history' (Conservative Party, 2017: 31). Similar rhetoric infused the party's 2019 leadership election, with contenders lining up to declare their commitment to the Union. Its eventual winner, Boris Johnson, committed both to being 'less bashful in claiming credit for the Government of the UK' when projects or funding in the devolved areas flowed from its decisions, and to the establishment of a new unit in Downing Street to 'stress-test and sense-test every policy for the results it may bring to the Union' (Johnson, 2019).

This more hyperbolic discourse on the Union, and the determination to demonstrate its benefits in policy terms, represent notable, though largely overlooked, elements in the party's mind-set during the Brexit crisis. Conservative political representatives at Westminster did not, for the most part, see it as sufficient to present the party as the trusted guardian of a multi-national polity. Instead, they came to believe that the UK's status as a multi-national state had to be justified afresh to a public that was, implicitly, perceived as either indifferent, ignorant or hostile to its merits. This shift in public rhetoric was noted by one veteran MP we interviewed, who indicated that when he had first entered parliament several decades ago, it was taken for granted that Conservatives believed in the Union, with little thought given to the justification for this stance other than that it was a 'sensible and natural relationship'.⁸ There is now, he suggested, much more introspection about this issue – 'too much' indeed, for another senior MP, who thought it better when the Union was understood as 'simply a convenient and sensible arrangement', a sentiment that suggests the continuing pertinence of an older pragmatic unionist idiom.⁹

The growing salience of unionist sentiment relates also to some of the contingent political features of this period. Parliamentary supporters of Brexit were for the most part aware of the risk of heightened support for nationalist parties in both Scotland and Northern Ireland, and publicly avowed unionism offered a response to the accusation that they were dogmatically placing the achievement of Brexit above the traditional Conservative goal of preserving the Union. It also enabled this cohort of MPs to seek to shift the responsibility for nationalist re-assertion onto the inertia and timidity of the

central state. A related policy agenda began to emerge in Conservative circles around these ideas. Many now urged the central state to be more assertive in its dealings with the devolved governments, and to do more, in policy terms, to demonstrate the benefits of Union. For example, a Scottish Conservative MP told us that the UK Government ‘does nothing for Scotland’ and argued for reforms to the machinery of government that would make promoting the Union a greater priority, and for the Treasury to spend more money on projects in Scotland, rather than merely transferring resources to the Scottish Government through the Barnett formula.¹⁰ Another interviewee called for signage to be introduced to demonstrate when the UK Government has funded a project, in a similar vein to that used by the European Commission to show the impact of EU funding.¹¹

This line of argument has been in circulation for several years among Conservative politicians and commentators, including a number associated with Policy Exchange. In a report published in 2019, *Modernising the UK*, Airey et al. (2019) insisted that reviving the Union was all of a piece with modernising the infrastructure and economy of the country. The power of the UK, it was repeatedly claimed, should be ‘unleashed’ – a favoured ‘hyper-unionist’ term – in pursuit of a very wide set of policy goals, including raising living standards, enhancing the environment and pursuing economic growth. The report was bullish about the British government delivering funding to projects and places in devolved nations. The fraught political context that necessitated this new phase of activist unionism was explicitly referenced: ‘Brexit has placed a strain on the Union and it is time for the UK Government to redouble its efforts and demonstrate the value of the Union across the UK’ (Airey et al., 2019: 25).

These ideas provided a gloss for a number of initiatives that were already emerging within government in this period. Under May, there were attempts to ‘sell’ policies that applied in legal terms only to England as UK-wide in their impact because of their spill-over effects. For example, when announcing additional funding for the English NHS in June 2018, the Prime Minister stressed that ‘because the UK Government is increasing NHS spending in England, extra money will go to Scotland, Wales and Northern Ireland under the Barnett formula’ (May, 2018b). This perspective also informed the extension of the UK Government’s ‘city deals’ programme to Scotland and Northern Ireland. A former minister in May’s government reported during an interview on a concerted effort to ensure that the cabinet made visits and delivered speeches in all parts of the Union, to demonstrate that the government was active across the UK.¹² The coalescence of this more activist and centrally directed unionist outlook, and the policy shifts and ideas it has enabled, represent a notable evolution of the tenor and character of Tory unionism. Its proponents consider that it will leave the Conservative Party better placed to combat nationalism, particularly in Scotland. But, whether the louder proclamation of the virtues of the Union from the centre will inflame or undermine political support for nationalism in different parts of the UK’s periphery remains an uncertain political question.

Union State or Unitary State?

Beneath the surface of this, often hyperbolic, political rhetoric, we encountered considerable uncertainty among senior Conservatives about the constitutional status of the post-devolved UK and the model of sovereignty informing its governance. A good deal of academic scholarship has revolved around the distinction between the UK as a unitary state, and as a Union state in which territorial divergence is embraced, and each component is granted a degree of autonomy and its right to self-determination implicitly

acknowledged (see for example, Lynch, 2000; Mitchell, 1996, 2009). In our interviews, we encountered exponents of both of these views, as well as figures who downplayed any incompatibility between them. One former cabinet minister told us that the Union was ‘clearly a voluntary arrangement, not a coercive arrangement’, while another insisted that the UK was ‘one country with no automatic right to secede’ available to its members.¹³

The co-existence of these divergent perspectives at Westminster, as well as differing interpretations of the precise nature of the post-devolved constitution, surfaced in the course of sharp disagreements between the Scottish, Welsh and UK governments in relation to key aspects of the Brexit process.¹⁴ The negotiations with the EU were initially depicted by May as ‘the responsibility of the [UK] Government and nobody else’, so that the UK would leave the EU as ‘one United Kingdom’ (May, 2016a). She also felt impelled to declare that the governments of Northern Ireland, Scotland and Wales had the right to be ‘fully engaged’ in discussions on Brexit, and stated her intention not to trigger Article 50 until there was a ‘UK approach and objectives for negotiations’ (BBC News, 2016a). However, once her government had settled on its preferred policy direction for these initial negotiations – based upon its preference to leave both the Single Market and the Customs Union – it was apparent that consultations with these other administrations assumed second-order importance, and the scene was set for a period of conflict between the UK and its devolved counterparts.

Disagreements opened up over the question of whether the powers returning from Brussels that fell within devolved competence should initially be reserved to Westminster, while UK-wide frameworks were agreed (Mullen, 2019). And these fuelled open conflict during the passage of the European Union (Withdrawal) Bill in 2018. The Scottish Parliament refused to give its consent to this legislation and expected its wishes to be respected under the ‘Sewel convention’ – a practice adopted after devolution in the late 1990s which stipulates that the UK parliament will not normally pass legislation that affects devolved powers without the consent of the relevant, devolved legislatures. The typical view among our Conservative interviewees was that, while breaching it was regrettable and may prove beneficial in the short-term to the SNP, it was entirely legitimate for the UK Government to override the wishes of the devolved legislatures. In a statement to parliament following the decision to press ahead without consent, the Secretary of State for Scotland, David Mundell, expressed exactly this sentiment, arguing that although it was ‘not a situation that any of us would have chosen’, the devolution settlements ‘did explicitly provide that in situations of disagreement the UK Parliament may be required to legislate without the consent of the devolved legislatures’ (HC Deb 14 June 2018 v642 c1122).

The unitarist strain of thinking about sovereignty in the UK, which this dispute threw into relief, sits in sharp tension with the quasi-federal idea of the post-devolved constitution which prevails in the Scottish and Welsh governments (see Scottish Government, 2017; Welsh Government, 2017). While tensions between these discordant views have cropped up on various occasions since devolution, they have only rarely broken into the public domain. Brexit has brought the discord between them into the realm of politics, and made the customary sidestepping of these rival constitutional perspectives extremely difficult. One of our interviewees, who had been closely involved with intergovernmental relations as a minister, suggested that the key claim made by the Scottish and Welsh governments – that the consent of the devolved legislatures was required for EU competences in devolved areas to be taken back to Westminster after Brexit – went ‘some way beyond the current settlements’.¹⁵ Equally, for these governments, the willingness of Westminster

to override the Sewel convention – confirmed in a House of Commons debate that lasted for just 20 minutes in June 2018 – provoked fears that politicians at the centre might not be averse to further attempts to take power back from the devolved institutions. The very public clashes between adherents of these contrary views may well have set the stage for a new, more conflictual phase in territorial relationships between the UK Government and its devolved counterparts.

Northern Ireland – Still A Place Apart?

One especially notable feature of some of the unionist discourse emanating from the Conservative parliamentary party during this period was the emphasis, in the context of discussions around the proposed ‘backstop’ in the Withdrawal Agreement, on the integral place of Northern Ireland within the UK. In June 2018, May declared in a speech in Belfast that her party ‘has a belief in the Union of England, Scotland, Wales *and Northern Ireland* as a central tenet of our political philosophy’, and further affirmed that a government she led would ‘never be neutral in our support for the Union’ (May, 2018c, emphasis added). This reflected a shift in the upper echelons of the party away from the tenor and character of the thinking about Northern Ireland which had been prevalent when it had previously been in government, from 1979–1997 (Cunningham, 2001; O’Leary, 1997). During that long period, the Tories had gradually come to share the view of their political counterparts that Northern Ireland was a ‘place apart’, where different governing arrangements needed to be established, and where the British should accept that their sovereignty over this jurisdiction might have to be shared, in key respects, with the Republic of Ireland. The Downing Street Declaration agreed by Prime Minister John Major and his Irish counterpart, Albert Reynolds, in 1993, committed the UK Government to upholding the democratic wish of the people of Northern Ireland on whether they wished to be part of the UK Union or a united Ireland, and reiterated previous statements that the UK Government had ‘no selfish strategic or economic interest in Northern Ireland’ (UK Government and Irish Government, 1993). And the Good Friday Agreement of 1998, secured by a Labour government with Conservative parliamentary support, appeared to entrench these commitments, and delivered a settlement, bound by international law, which blurred familiar ideas of state sovereignty (O’Leary, 2019).

However, in the context of Brexit, during 2018 and 2019, it was commonly asserted by Conservative representatives that placing Northern Ireland in a different customs and trading arrangements from those that would apply to the rest of Britain, fundamentally infringed the UK’s constitutional order. The European Commission, with the support of the Irish government, initially proposed a version of the ‘backstop’ arrangement intended to guarantee an open Irish border that would have meant Northern Ireland – but not the rest of the UK – remaining in the EU’s Customs Union, and staying in close alignment with its regulatory regime. May’s government was at first inclined to accept these terms, but was prevented from doing so by last-minute objections from its confidence-and-supply partner, the Democratic Unionist Party (DUP) (Connelly, 2018). Accordingly, the UK shifted to opposing the proposal, citing the principle that no single part of its territory could be subjected to rules and laws that were determined by a political authority over which the UK had no control. May declared in parliament that ‘no Prime Minister could ever agree’ to the proposal, which she claimed, ‘threaten[ed] the constitutional integrity of the UK’ (HC Deb 28 February 2018 v636 c823).

While the UK Government's reliance upon DUP support in the Commons was an important factor in explaining this stance, our interviews suggest that the proposed Northern Ireland-only backstop would have caused major problems in her own party, had it been incorporated in the Withdrawal Agreement at this point. Conservative MPs who supported Leave in 2016, and several strongly associated with the pro-EU wing of the party, told us that they could not have supported the differential treatment of different parts of the UK under the Brexit deal. One Remain-supporting MP we interviewed indicated that this was 'not viable', that he could not support it and that there would be 'no chance of a majority in favour at Westminster'.¹⁶ In response, and citing the primacy of its concerns about the integrity of the Union, May's government pivoted to demanding that the backstop provisions should apply to the entirety of the UK in the event that no alternative arrangements for maintaining an open Irish border could be agreed. This position was not initially favoured by the EU's negotiators, but was eventually largely conceded, with some differential provisions for Northern Ireland retained.

During the 8 days of Commons debate in December 2018 and January 2019 which preceded the first 'meaningful vote' on the government's Withdrawal Agreement, claims that the Northern Ireland backstop threatened the integrity of the Union figured regularly in the contributions of Tory participants. A significant number – 49 in total – argued that the proposed deal would have negative implications for the Union (see Table 1). These concerns were almost entirely focused on Northern Ireland, with very limited discussion at this stage among Conservative backbenchers of the implications of the Agreement for Scotland's future in the Union.¹⁷

For many of May's Conservative critics in these debates, the inclusion in the Withdrawal Agreement of a provision requiring Northern Ireland to be subject to some Single Market rules if the backstop came into force, amounted to an abrogation of sovereignty on the UK's part. As MP Ross Thomson put it, 'the backstop arrangement would mean hiving off Northern Ireland from the rest of the UK' (HC Deb 9 January 2019 v652 c454). A second related worry was that the Withdrawal Agreement might invalidate the principles of the Good Friday Agreement – a disputed legal proposition (Hayward, 2019) which was widely aired by Conservative and DUP MPs. There were a number of references made in the Commons to the objections offered by Lord Trimble, former leader of the Ulster Unionist Party (e.g. Owen Paterson, HC Deb 12 March 2019 v656 c257).

It was asserted by many Conservative MPs in these debates that special consideration should be accorded to the DUP and the views of its representatives on the implications of the backstop. Daniel Kawczynski characterised the DUP as 'our interlocutors' on Northern Ireland, suggesting that 'if they are telling us, as the representatives of the people of Northern Ireland, that they have genuine concerns about the backstop, it would be highly irresponsible of us as Unionists to ignore these concerns' (HC Deb 4 December 2018 v650 c822).¹⁹ Various other Tory backbenchers reiterated the conviction that the opposition of the unionist parties of Northern Ireland to the Withdrawal Agreement meant that they were themselves unable to give it their support. This argument was not just for public show; it figured repeatedly in our interviews when parliamentarians were asked about the Northern Ireland backstop. The assumption of those making it was that the response of representatives at Westminster was bound to be less informed and judicious than those of these 'local' representatives.²⁰ The outcome of the 2017 general election meant that the Conservatives were reliant in the Commons upon DUP support, a contingent factor which undoubtedly contributed to this sensitivity (Birrell and Heenan, 2019). But, aside from this clear political constraint, there were indications in the

Table 1. Arguments about the Implications of the Withdrawal Agreement for the Domestic Union in Conservative Backbench Speeches during ‘Meaningful Vote’ Debates in the House of Commons, December–March 2019.

Debate	MV1 debate	MV2 debate	MV3 debate
MP argues Withdrawal Agreement has negative implications for the Union	49	3	4
MP argues Withdrawal Agreement has positive implications for the Union	10	1	0
MP discusses implications of the Withdrawal Agreement for the Union, but does not argue these are either positive or negative	4	0	0
MP does not reference implications for the Union	96	9	13
<i>Total number of backbench Conservative MPs who spoke</i>	<i>159¹⁸</i>	<i>13</i>	<i>17</i>

MP: member of parliament; MV: meaningful vote.

thinking of many Tory MPs of a deep uncertainty about how MPs at the UK’s political centre should now regard Northern Ireland in constitutional terms.

A similar logic shaped some Conservative representatives’ thinking about Scotland, with a number of our English interviewees declaring their willingness to outsource strategy on Scotland to Scottish Conservative MPs and the influential Scottish Conservative leader Ruth Davidson. While the view of ‘local’ political representatives as guides and advisors for the centre is, in some accounts, a long-standing feature of the Conservative Party’s model of territorial management (Bulpitt, 1983), the presumption that politicians from other parts of the UK lack the knowledge, capacity and inclination to form their own judgements about these contexts suggests a notable degree of detachment from the territorial politics and cultures of large parts of the country. This dimension of the Tories’ relationship with Northern Ireland was thrown into stark relief by the admission of Secretary of State Karen Bradley that she knew precious little about the political cultures and history of the region before taking office (Whale, 2018).

A very small number of Conservative representatives expressed concerns that the close relationship between the post-2016 Conservatives and Northern Irish unionism risked destabilising the increasingly fragile peace process in the North. In a radio interview during the negotiations on the confidence and supply agreement, former Prime Minister Sir John Major argued that a ‘fundamental part of that peace process is that the UK Government needs to be impartial between all the competing interests in Northern Ireland’ and called on May not to enter the agreement (Syal and Walker, 2017). Our interviews, however, suggest that concerns about the implications of the relationship with the DUP for the Good Friday Agreement carried little purchase within most parts of the parliamentary Conservative Party. While some interviewees did acknowledge differences of perspective between their party and the DUP, for example on social issues such as same-sex marriage and abortion, it was generally felt that the overriding rationale for the agreement – to ensure the survival of a Conservative administration – overrode such worries. And some indeed saw the relationship as a valuable means of strengthening the forces of unionism at the centre, reviving an older dream of realigning its British and Ulster variants. In interview, one former cabinet minister traced the party’s willingness to adopt

pro-Union positions in relation to Northern Ireland to the years of coalition government, when Prime Minister David Cameron had made clear that his ministers should be ready and able to make a louder case for the Union.²¹ This stance represented a notable departure from the more impartial role which Conservative and Labour governments before 2010 aspired to play in relation to the different communities in Northern Ireland.

The process of regaining sovereignty from the external union which Britain was trying to leave after 2016 undoubtedly impacted upon, and brought to the surface, some of the unarticulated assumptions of its political representatives about the character and implications of governance and constitution within the UK. This was especially true in relation to Northern Ireland. Depicted for some decades previously in British parliamentary politics as ‘a place apart’, during the course of the Commons’ debates on the Withdrawal Agreement, many critics focused upon the perceived abrogation of the UK’s sovereignty which they saw as the outcome of the backstop arrangement agreed with the EU. This was certainly not the sole reason for the opposition which the Agreement aroused, but for many Conservative MPs, the salient questions of sovereignty and nationhood unleashed by the referendum, and the worry that the UK itself might be at risk as a result of Brexit, triggered the re-emergence of a unitarist vein of thinking about Northern Ireland which much commentary had assumed to be extinct.

The re-deployment of this vein of thinking was, for the most part, instrumental and situational in kind. Once Johnson had been elected party leader, and as the risk that Brexit might not pass through parliament at all grew—following Labour’s pivot towards clearer support for a second referendum and the emergence of a Commons majority strongly opposed to leaving without a deal—securing the passage of a deal became more important than the details of the Withdrawal Agreement for many Brexit-supporting MPs. In these altered circumstances, the party’s MPs broke with the DUP and voted for Johnson’s revised Withdrawal Agreement, which appeared to leave Northern Ireland within the regulatory orbit and trading regime of the EU (UK Government and European Union, 2019). This was a far more substantial form of differentiation than that which had previously been deemed anathema to Tory unionists.

Brexit or the Union?

It was a rhetorical commonplace in this period for Conservative proponents of Brexit to claim that leaving the EU would strengthen the domestic Union. One of our interviewees told us he was ‘feeling much more optimistic about the future of the Union’ as a result of Brexit, as the absence of EU frameworks would strengthen the mutual ambitions of the UK’s components to stick together. Another described claims in public and media commentary about Brexit endangering the Union as ‘scaremongering’.

However, the notion that delivering on the referendum result might instead spell danger for the domestic Union was taken seriously by many Conservatives, including May. In her Lancaster House speech setting out her government’s initial negotiating objectives, preserving the UK was identified as a political priority more important than taking back control of immigration or securing trade agreement with non-EU countries, as she pledged to put the ‘preservation of our precious Union at the heart of everything we do’ (May, 2017b). She felt impelled, as did her successor, to demonstrate this commitment in symbolic terms, making visits to Scotland, Wales and Northern Ireland for meetings with the leaders of the devolved governments at the very beginning of her premiership (BBC News, 2016a, 2016b, 2016c). For May, the decision to make the

Table 2. Voting Record in ‘Meaningful Votes’ of 49 Conservative Backbenchers Who Argued that the Withdrawal Agreement had Negative Implications for the Union in Speeches during the Debate Ahead of the First ‘Meaningful Vote’.

Vote	MV1	MV2	MV3
Aye	2	19	36
No	47	29	13
Absent	0	1	0

Union such a central theme reflected a recognition that Brexit had the potential to pose a mortal threat, a point she had previously cited as her main reason for voting Remain in the referendum (May, 2016b). Its repeated incantation also provided for her and some other senior Conservatives an implicit limit to the party’s other overriding ambition – the delivery of Brexit.

Our analysis of the debates devoted to the Withdrawal Agreement reveals the overwhelming tendency for critics, rather than proponents, of the deal to lay claim to the Conservative value of preserving the Union, and to seek to defuse the view that this created a prudential obstacle to achieving Brexit. While 49 different Conservative backbenchers argued that the deal would be bad for the Union during the debate ahead of the first ‘meaningful vote’, only 10 suggested that it would be beneficial for the UK, and these claims were made with far less fervour than those from opponents of the Agreement (see Table 1). Several Tory MPs identified the implications for the Union as the main, or indeed sole, reason for their decision to vote against the government. For Sir Hugo Swire, a former Northern Ireland Office and Foreign Office minister, if the backstop was not removed, he and many colleagues would not be able to support the deal as ‘there are those of us who put the Union and the integrity of the Union above all other matters’ (HC Deb 6 December 2018 v650 c1175). Similarly, Sir Mike Penning was explicit in saying that he would ‘really like to support the deal of this Prime Minister and this Government’, but would ‘not vote for anything that does not protect the Union’ (HC Deb 11 January 2019 v652 cc752-753). A total of 47 MPs who expressed concerns about the implications for the Union in their speeches joined the 118-strong rebellion that led to a government defeat by a record-breaking margin (see Table 2).

By late March 2019, with the chances of the Withdrawal Agreement negotiated by Theresa May being ratified receding, the prospect of a ‘no deal’ Brexit was being more widely discussed in political and media circles. And, as the possibility that this scenario might create fertile conditions for nationalist politics in different parts of the UK became more widely aired, the terms of discourse in the party on this subject began to shift. The contention that a disorderly Brexit could speed the path to Britain’s break-up became a prominent theme within political debate (see for example, Osborne, 2019). While many in the Conservative Party felt strongly that delivering Brexit on the original Article 50 deadline of 29 March 2019 should be pursued as a matter of electoral necessity, some senior figures openly balked at the prospect of leaving without a deal in place, an outcome that might well create major economic disruption, require the reintroduction of direct rule in Northern Ireland, and fuel demands for an Irish border poll and second Scottish independence referendum (Kenny and Sheldon, 2019). Theresa May’s previous claim that ‘no deal is better than a bad deal’ was now abandoned, with media reports emphasising that the risks it posed to the integrity and future of the UK

were fundamental to her decision (Cohen, 2019). The ‘precious Union’ was now framed in parts of the parliamentary party as a non-negotiable commitment for Conservatives which implicitly trumped Brexit itself, as the latter had to be delivered within the terms established by Tory unionism.

But most other Conservative representatives, and a majority of grassroots members, disagreed, maintaining either that the risks of a ‘no deal’ exit were exaggerated, or holding to the established conviction that leaving the EU was bound to strengthen the UK in the longer term (Syal, 2019). Newly elected leader Boris Johnson framed his leadership candidacy around this latter sentiment in the summer of 2019. Our investigation into the discursive patterns of thinking within the higher echelons of the parliamentary party on these issues suggests that his determined belief in the political priority of Brexit, and his commitment to a unionist activism designed to diminish threats to the UK’s integrity, reflected a much wider body of sentiment within the upper echelons of the Conservative Party. Johnson’s election, and his ability to frame his own deal as the last chance for a negotiated Brexit to be passed by the Commons, created the conditions in which Tory MPs were compelled to choose between the competing priorities of achieving a negotiated Brexit and treating Northern Ireland as an integral part of the UK.

Conclusion

While a good deal of political commentary claims that the British Conservative Party has become a vehicle for a new politics of English nationalism, our analysis leads us to highlight the re-emergence of an avowed belief in a more integrated and actively promoted Union among Conservative elites between 2016 and 2019. But we also find evidence of a notable willingness on the part of many political representatives at the centre to subcontract their strategic thinking about developments and challenges in the non-English parts of the UK to ‘local’ political representatives. This is itself not a novel phenomenon, but its prevalence in this period may signal the diminishing ability of Westminster politicians to engage meaningfully with political contexts outside England. The new, more assertive, unionist discourse espoused by many Conservative politicians is distinctive less for its substance, and more for its performative character and connections to a distinctive policy agenda. There is considerable uncertainty about whether it includes an authentic commitment to Northern Ireland, or is in essence promoting a British territorial imaginary. We have drawn attention to the marked differences of tone and style which this form of unionism entails. And, we have sought to shed light upon some of the disruptive dynamics and political circumstances that the Brexit crisis engendered, and which rendered this model of unionism increasingly appealing and salient within the Conservative Party at Westminster.

For those seeking to understand British politics in the contemporary period, this analysis carries two overriding, interpretative implications. First, it highlights the enduring role and importance of unionist sentiment within high Conservative politics, and offers a challenge to the relatively marginal focus upon it within scholarship on modern British Conservatism. And, second, our investigation suggests the limitations of some of the dualistic historical treatments of unionism in the contemporary history of the Tory party. While much commentary focuses upon a shift from tacit, or banal, to a more open and articulated unionism, we would suggest instead the need for sharper analytical emphasis upon the following points: (1) a growing sense of dissensus and uncertainty about the

UK's constitutional order, and its character as a multi-level polity in high Tory circles; (2) the discursive strategies employed in different political contexts by Conservative representatives, for whom other, competing priorities – notably Brexit – have emerged; and (3) the increasing importance of pro-Union sentiment in helping justify and legitimate the turn back to the idea of an activist and interventionist central state in the Conservative political imagination.

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Notes

1. Of the 12 MPs we interviewed, 7 had constituencies in England, 2 in Scotland and 3 in Wales. Both peers had backgrounds in the Scottish Conservative Party. Many of the interviewees had held senior offices in the party and in government, including four ex-ministers who had served in positions with direct relevance to Brexit and/or the Union in the May government, and four other former ministers who had served in previous administrations.
2. For this analysis, we coded 213 speeches by Conservative backbenchers for whether they referred to the implications of the Withdrawal Agreement for the domestic Union. The 65 speeches that did include a reference to the domestic Union were then coded for whether the speaker argued that the Agreement would have positive or negative consequences for the Union. The three debates we analysed were the debates ahead of the three votes on the Withdrawal Agreement under the terms of the European Union (Withdrawal) Act 2018, often referred to by the media and parliamentarians as 'meaningful votes'. The first debate began on 4, 5 and 6 December, before being suspended in order for the Government to seek additional clarifications on the Northern Ireland 'backstop'. The debate was resumed on 9, 10, 11, 14 and 15 January, when the first 'meaningful vote' was held and the Withdrawal Agreement defeated by 432 votes to 202. A further debate was held on 12 March, when the second 'meaningful vote' was held and the Withdrawal Agreement defeated by 391 votes to 242. A third debate and 'meaningful vote' was held on 29 March, this time on only the Withdrawal Agreement and not as previously also the Political Declaration. On this occasion, the Withdrawal Agreement was defeated by 344 votes to 286. A series of other debates and votes related to the Brexit process additionally took place in spring 2019, but these were not included in the analysis undertaken for this article.
3. The Conservatives won 13 seats in Scotland in 2017, having won only one at each of the previous four general elections.
4. The Review of UK Government Union Capability had a narrowly drawn remit to consider whether UK Government structures were configured in such a way as to strengthen the working of the Union, and to recommend changes where appropriate (UK Government, 2019).

5. For example, at the 1966 general election, the three main UK-wide parties (Conservatives, Labour and Liberals) secured a combined 94% of the vote and all seats in Scotland, while the Ulster Unionist Party, whose MPs took the Conservative whip at Westminster, secured 62% of the vote and 11 of 12 seats in Northern Ireland.
6. Interview 2, Conservative MP, 20 March 2018; Interview 9, Conservative MP, 4 June 2018.
7. Interview 9, Conservative MP, 4 June 2018.
8. Interview 4, Conservative MP, 18 April 2018.
9. Interview 5, Conservative MP, 19 April 2018.
10. Interview 17, Conservative MP, 4 June 2019.
11. Interview 10, Conservative peer, 26 June 2018.
12. Interview 3, Conservative MP, 26 March 2018.
13. Interview 9, Conservative MP, 4 June 2018; Interview 12, Conservative MP, 12 July 2018.
14. The Northern Ireland Executive was not involved in intergovernmental discussions for most of this period, following its collapse in January 2017.
15. Interview 8, Conservative peer, 8 April 2018.
16. Interview 9, Conservative MP, 4 June 2018.
17. This is at one level unsurprising, given that the word ‘Scotland’ does not appear in the Withdrawal Agreement, whereas ‘Northern Ireland’ is mentioned over 100 times (UK Government and European Union, 2018).
18. A total of 24 Conservative backbenchers made 2 speeches during this 8-day debate, which – contrary to normal practice – was permitted in order to allow members who had spoken before the suspension of the debate in December 2018 to speak again after it resumed in January 2019. These MPs are only counted once in this table.
19. Kawczynski later changed his stance, resigning from the European Research Group of Conservative MPs that was campaigning against the Withdrawal Agreement and tweeting that ‘All the feedback I am getting from Northern Ireland leads me to believe citizens there want Withdrawal Agreement backed by Commons. Perhaps DUP not reflecting mood of Commons?’ (@DKShrewsbury, 5 April 2019).
20. The sense among Westminster MPs that the DUP were representatives of the people of Northern Ireland was underpinned by the fact that in the 2017–2019 parliament 10 of the 11 Northern Ireland MPs that took their seats belonged to that party, with other Northern Irish parties completely absent from the House of Commons.
21. Interview 12, Conservative MP, 12 July 2018.

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