**Perceived Fairness of the EU Referendum: Changes Over Time and their Consequences**

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### 1. Background

The UK voted to leave the EU on the 23rd June 2016 in a referendum. On a turnout of 72.2% of registered voters, 51.9% voted leave versus 48.1% voting remain. While this result was inside the margin of error of many polls, the result was still somewhat unexpected, with most pre-referendum polls suggesting a narrow remain win.

Both during and after the referendum vote there were allegations from the campaigns that the other side were acting, or had acted, in a way that was in some sense unfair. This included pre-vote allegations about the potential for electoral fraud, allegations about the source of campaign funds, and allegations about the misuse of data. In this context, we are interested about how fair voters thought the referendum would be (pre-vote) and how fair they thought it was (post-vote). This is important both because it tells us something important about experiences of the referendum campaign itself, but also because changes in perceptions of the fairness of the vote tell us how experiences of the referendum affect acceptance of its outcome, and perhaps even its legitimacy.

### 2. Past Research

A very large amount of research finds the existence of a ‘winner-loser’ gap in evaluative perceptions following an election, such that those who see their side ‘win’ are more positive than those who saw their preferred side ‘lose’. Some differences between winners and losers may be expected, even if only reflecting happiness at seeing ‘your side’ win, yet the kind of perceptions in which we see winner-loser gaps matters enormously. It is common to see relatively large gaps for beliefs about the performance of the current government or how trustworthy the government is, yet this largely expected and probably not overly concerning. More seriously, the effect is also found for a more general ‘satisfaction with democracy’ measure; although the effect tends to be smaller here. The literature generally finds yet smaller differences in perceived fairness of elections between winners and losers, although even small differences here may be concerning. That winner-loser effects exists at all in perceptions evaluating the political process as a whole is problematic. Distinctions between winner and losers inherently reflect a politicisation of the outcome, along winner-loser lines, and where this politicisation is applied to evaluations of the fairness of the vote it reflects a politicisation of the process itself. This implies that both sides are less likely to come together and that the losing side will be less likely to accept the outcome, because the process by which it was reached has become politically contested. In this context, it is perhaps unsurprising that decreased perceived fairness has been associated with a decrease in decision acceptance, and while there remains uncertainty about exactly how strong such consequences are, it may well be important at the aggregate level. Moreover, this lack of outcome acceptance may lead to further political contestation and ultimately risks undermining electoral processes as central mechanisms of democratic governance.

Nonetheless, the literature is somewhat ambiguous on whether losers actually get more negative in their perceptions or simply fail to gain in positivity; both could produce the same aggregate level differences between winners and losers after an election, but clearly it is less problematic if everyone is at least as satisfied as before the election. If some groups show absolute declines in their perception of the fairness of electoral competitions then the situation is probably more serious. Moreover, larger changes or changes that endure are more problematic, because they reflect a deeper level of dissatisfaction.

### 3. Survey Data

To analyse perceptions of the fairness of the referendum, we make use of data from the British Election Study Internet Panel (BESIP). In 2016 we added a question to the pre-referendum survey wave asking how fair voters thought the referendum would be, a question we have repeated in a further three waves after the referendum (but then asked in a retrospective formulation). Wave 7 (n=30,895) took place between 14 April and 4 May 2016 (i.e., shortly before the EU referendum of 23 June). Fieldwork for wave 9 (n=30,036) took place between 24 June and 4 July 2016 (i.e., immediately after the EU referendum). Wave 10 was conducted between 24 November and 12 December 2016 (n=30,319); it took place during a relatively quiet period after Theresa May assumed the position of Prime Minister in July, and while much of the specifics of her government’s Brexit policy and negotiations still had to take shape. Wave 11 (n=31,014) was fielded between 24 April and 3 May 2017, which is shortly after the government notified the European Union formally of its intention to leave (the so-called article 50 invocation, on 29 March), and also shortly after the early General Election of 2017 was called (on 18 April 2017), but before the hot phase of the campaign for the general election.

Each wave of BESIP aims to interview the same people each time, to have a consistent panel of people. Because it is never possible to recruit everyone who has been interviewed before, we restrict our analysis to only the people who were interviewed in all four waves in which we asked our question about the referendum. This gives us a sample of 13,115 people. Nonetheless, even the best internet panels will overrepresent some groups and underrepresent others. Thus, in order to make the panel as representative as possible to the population, we weight the data so that it more closely matches the population of Britain as a whole. This gives a final weighted sample of 9,373.

### 4. Perceptions of the Fairness of Referendum

As shown in Table 1, across the whole population we find that the EU referendum was expected to be conducted unfairly by 31% of people, while 44% expected it to be conducted fairly (in each case the remainder expected it to be neither fair or unfair). This expectation is quite poor in absolute terms, and stands in marked contrast to those seen in General Elections (see Table 2 for comparison). Moreover, while the percentage who reported that the EU referendum was fair grows slightly after the result, the percentage who claim it was conducted unfairly grows at a faster rate. The comparison with the 2015 General Election is particularly stark, and taken together may indicate a general decline since 2014 in expectations that elections or referenda in the UK will be conducted fairly.

Table 1 – Perceptions of the expected and experiences fairness of the EU Referendum

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | % fair or unfair | | | |
|  | Expectations EU Ref (April-May 2016) | Experiences  EU Ref (June-July 2016) | Experiences  EU Ref (November-December 2016) | Experiences  EU Ref (April-May 2017) |
| fair | 44 | 44 | 45 | 46 |
| unfair | 31 | 32 | 34 | 35 |

Table 2 – Perceptions of the expected and Experiences Fairness of General Elections

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | % fair / unfair | | | |
|  | Expectations 2015 GE (May-June 2014) | Expectations 2017 GE (April-May 2017) | Experiences 2017 GE (June 2017) |
| fair | 60 | 51 | 49 |
| unfair | 16 | 23 | 25 |

Tables 1 and 2 show that in general people did not expect the EU referendum to be fairly conducted, and did not experience the referendum as being conducted fairly. Nonetheless, as noted above, it matters enormously whether this distinction is breaking apart on political lines. The overall dynamics of changes in the expected and experienced fairness of the EU referendum, broken down by Leave and Remain voters, are summarised in the graph.



As the graph shows, ahead of the referendum we found that remain supporters were significantly more likely to think that the referendum would be conducted fairly than leave supporters were. Immediately afterwards we find these positions reversed, and the magnitude of the change roughly makes it a direct swap between the two groups. This is important because it shows that remain supporters saw a genuine drop in their perception of the fairness of the referendum. Moreover, this change is of an unprecedented size for a variable about the fairness of an electoral competition.

We repeated the same evaluation for the 2017 general election, making use of the data in Table 2, broken down by party support. In terms of this election, winners were voters for the Conservative party and losers were voters for all other parties (note that this data comes from Britain and therefore excludes Northern Ireland, as such we do not consider whether DUP supporters were ‘winners’). The estimated winner-loser effect from this analysis is less than half the size of that seen for the EU referendum. This supports the view that the referendum was extra-ordinarily divisive.

While very large differences between winners and losers is not ideal, it might be hoped that after the initial reaction to the outcome of the electoral contest (positive from leave supporters and negative from remain supporters), the two groups would eventually come together. This would be indicative of a general acceptance of the legitimacy of the process and its result. It would also reflect a diminished politicisation about the legitimacy of the referendum process. As shown in the figure above, we do not find this. Indeed, we find that leave and remain supporters grow further apart over time.

### 5. Implications and Challenges

The results demonstrate that perturbingly large groups in the British citizenry have rather dim views of the fairness of electoral processes of General Elections and of the EU Referendum. Moreover, we established that these anticipatory and retrospective misgivings about electoral fairness have become much more widespread since 2014. The results also demonstrate that leave and remain supporters saw very large movements in their beliefs about the fairness of the referendum, which are far larger than any seen before in the literature when dealing with these kinds of attitudes and far larger than we ourselves found for a general election. These results demonstrate the division within the country and shows that the leave and remain sides have not ‘come together’ since the vote. Moreover, since the division concerns a base evaluation of the fairness of the vote, rather than a measure of satisfaction with the outcome, it is unlikely that leave and remain supports will ‘come together’ barring any significant changes in how Brexit is proceeding. Given the data we have, we can consider some policy suggestions that have been made in relation to Brexit to evaluate whether they are likely to solve this winner-loser difference in fairness perceptions:

### 5a. Hold a Second Referendum

Given our data, we believe that a second referendum that simply re-runs the first referendum will not solve the issue of perceived fairness (and hence legitimacy) of the electoral processes involved. As was seen in the immediate pre- and post-referendum surveys, the leave and remain groups essentially switched round. We see no compelling reason that a second referendum would not simply reverse the effect again if remain won, leaving the same size of gap; or the gap reinforced if leave won again.

### 5b. Cancel Brexit/Leave with No Deal

Given our data, we believe that Parliament cancelling Brexit will lead to significant declines among leave supporters, reflecting a situation analogous to that seen by remain following the referendum. Since this situation is unprecedented it is difficult to give a precise estimate of how large the effect might be, but we might reasonably expect it to be even larger than that seen for remain supporters following the referendum. At the same time, it is perhaps unlikely that we will see similar but reversed gains for remain supporters. This risks a ‘worst of all worlds’ situation in which one groups gets extremely negative while the other stays at an already low level.

At the same time, given that we see the gap between leave and remain increase over time, combined with information from relevant studies from the literature, we believe that leaving with no deal will even further alienate remain supporters and will make the situation worse. In effect, we believe that this would see remain supporters take on a position analogous to those who see their preferred party lose repeatedly in general elections; where perceptions tend to become even more negative.

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