Questioning the Democratic Legitimacy of the Brexit Referendum 2016

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ABSTRACT: *In light of the substantial shift toward popular decision-making mechanisms in Western European polities, a comprehensive analysis is imperative to evaluate the democratic legitimacy of these devices, with particular emphasis on referendums. These instruments entrust voters with the resolutions of significant constitutional matters that their political leaders have been unable to address. The present research centres upon the 2016 EU referendum in Britain as a case study, given its criticism for lacking a genuine democratic process and being subject to particular media agenda. The research methodology predominantly adopts a qualitative approach, with the analysis structured around the theoretical framework of deliberative democracy. Various deliberative elements, such as the distribution of information and media coverage throughout the entire process, form the basis of the analysis. While the ideal envisioned by this deliberative theory is the attainment of well-discussed and informed decisions reflective of the citizens' common good, the findings of the analysis revealed a contrary outcome.*

KEYWORDS: Brexit, Common-good, Deliberative Democracy, Democratic Legitimacy, Referendums.

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Introduction

Over the last few decades, referendums have become a common practice in Western Europe, often seen as a way to represent the people's will. Therefore, it is important to consider whether this type of direct democracy is truly democratically legitimate. To determine this, we must analyse what is meant by "people's will". Democratic theory suggests that political decisions should be based on people's will, which reflects the common good of the population. However, referendums have been used to serve private interests and specific goals rather than the common good. When analysing the Brexit referendum, we will be relying on the deliberative democratic theory as it prioritises the common good as the essence of any political decision. Deliberative democracy is an essential element of research in democratic theory, but there is still no widely accepted theory that can be empirically tested in the field of referendums. While Habermas has shed some light on the theory, he has not clearly defined the most effective institutional arrangements for deliberative democracy. However, there is a consensus in the literature that deliberation should include discussion and justification, and that a well-ordered deliberation is based on full information and the representation of all points of view (Chambers, 2003, p.319). On this basis, it is important to consider how referendums can be democratically legitimate through a deliberative process.

Deliberation is an essential process in a democracy that focuses on discussing and justifying political decisions. Following Habermas's (1984) conceptualisation, deliberation emerges as a practice that accords primacy to the identification of the most compelling argument, with the ultimate goal of attaining the ideal speech situation. This ideal speech situation, as expounded by Rasmussen (2019) serves as an epistemological tool employed to assess the validity of prevailing conditions or, fundamentally, the truthfulness of a given proposition (Rasmussen, 2019, p.182). On the other hand, Chambers (2003) defines deliberation as a normative theory that promotes democracy and criticises institutions that fail to meet the normative standards. The theory emphasises the importance of moving away from individualistic and economic concepts of democracy and towards a system based on accountability and discussion (Chambers, 2003, p.308).

The process of deliberation takes place before a popular vote and is crucial in resolving issues. However, in the case of referendums, the emphasis is placed on the vote itself rather than on discussion and deliberation. According to Hendricks and Wagenaar, referendums and deliberative innovations stem from two distinct democratic strands, where the former belongs to a thinking fast process and the latter to a thinking slow domain (Hendriks and Wagenaar, 2023, p.570). Accordingly, the issues submitted to the popular vote are usually fundamental constitutional matters that require certain skills and knowledge that ordinary citizens might not possess. Without a well-informed deliberative process, asking the population to decide on such issues would not settle anything. Therefore, the legitimacy of a referendum depends on the quality of the deliberative process that precedes it.

The deliberative democratic model can be applied to various forms of democratic systems. For instance, in the British model of democracy, which is mostly representative of parliamentary sovereignty, deliberation can take place through representative accountability and public discussion. However, it is important to differentiate between deliberation and persuasion, as deliberation can only occur under specific circumstances. Mutz (2008), provided a list of these circumstances, which she categorised as follows:

…more public spirited attitudes, more informed citizens, greater understanding of the sources of, or rationales behind, public disagreements; a stronger sense of political efficacy; willingness to compromise; greater interest in political participation, and, for some theorists, a binding consensus decision. (Mutz,2008, p.2).

The reason for selecting the deliberative model in the case of referendums is that referendums are usually not initiated to discuss a topic and develop deliberation, but mainly because of governmental or party division pressure. This eventually led to the promotion of persuasion rather than information in the referendum campaigns, as was the case in the Brexit referendum. The Brexit referendum was subject to many controversies and several democratic studies. However, this research aims to analyse the democratic legitimacy of the referendum from a deliberative democratic perspective. The approach in this study is mainly qualitative, and the tools of research are designed to fit within the theoretical model of deliberation, which is based upon the principles advocated by LeDuc (2015) and Cohen (1997). Although there is a lack of clarity on what elements should be included in a deliberative process for referendums, it is believed that deliberation differs from one polity to another. The case study in this research pertains to a parliamentary/representative polity. Consequently, the focus of the deliberative process centres primarily on assessing the legitimacy of the referendum. This entails the initial examination of the legal status of the referendum, spanning its initiation to legislation, to ascertain clarity and assess the intrusion of politics, in alignment with the perspective advocated by LeDuc (2015).

Subsequently, the research will delve into the information provided for the referendum, originating from official campaigns or media sources. Special attention will be given to discern whether a balanced weighting of issues between the opposing camps or if one side predominated. The analysis will then shift to the discussion of issues by the public and politicians, evaluating the quality of information shared. Of particular importance is an evaluation of citizens' engagement and participation in the referendum process to evaluate the level of deliberation among the public. The final element under scrutiny will be the votes cast and the underlying rationales for these votes. The research aims to discern whether the voting outcomes resulted from a deliberative process, where individuals made informed decisions, or if external and personal influences predominately shaped voting behaviour. This comprehensive analysis seeks to provide insights into the various dimensions of the deliberative process and its impacts on the democratic legitimacy of the referendum within the context of the British parliamentary polity.

1.   Deliberative Democracy and Referendums

Means of direct democracy are often overlooked by deliberative democratic theorists. Some argue that referendums do not fit into the deliberative process, while others believe they imply a purely aggregative concept of democracy (Chambers,2003, Landemore, 2018, El-Wakil, 2020, Hendricks and Wagenaar, 2023). This can leave little room for citizens to engage in proper deliberation. However, if conducted correctly, referendums have the potential to produce democratic legitimacy and reach desirable outcomes that reflect the common good of the people. The main question is how to ensure that referendums are conducted in a deliberatively-legitimate way, or in our case, how can we determine if a referendum is deliberatively-legitimate.

According to Cohen (1997), deliberative democracy involves treating each other as equals, defending and criticising institutions based on reasons that others can accept, and being willing to cooperate based on discussion outcomes (Cohen, 1997, p.413). Democratic legitimacy through referendums is a difficult goal that requires a well-conducted democratic process to be valid. Therefore, Benhabib (1994) argues that deliberation must include some fundamental features such as participation in deliberation, which must be governed by the norms of equality and symmetry, where everyone has an equal chance to initiate speech acts, ask questions, and open a debate. Additionally, everyone has the right to reflect on the rules of discourse procedures and how they are applied (Benhabib, 1994, p.31). A citizens' assembly or mini-publics are examples of practices that may be used in a political system where deliberative democracy is institutionalised. The democratic legitimacy of the decisions made by these groups is determined by the calibre of their deliberations. Such measures have been tested by Courant (2021) in his analysis of the Irish experience with regard to its late referendum experiences, which rely on randomly selected mini-publics.

Courant's research provides an empirical background on how an institutionalised deliberative model would affect means of direct democracy. But in the absence of such institutionalisation, analysing the democratic legitimacy of the referendum necessitates examining the elements that influenced voters' decisions, primarily the campaign and the media coverage of the issue.

An argument can be posited that the legitimacy of referendums is inherently linked to the legitimacy of the campaigns that preceded them. The campaigns serve the purpose of informing citizens and initiating the discourse. Chambers (2018) supports this perspective, contending that "a deliberative democratic approach to referendums focuses on the structure and content of debate preceding votes." (Chambers, 2018, p.307). Consequently, our analysis will meticulously scrutinise the Brexit campaign to ascertain the overall legitimacy of the referendum process.

Accordingly, LeDuc (2015) identified four elements of a referendum process that determine the amount of deliberation in it. These are the intrusion of politics, the clarity of the question, the quantity and quality of information available, and the level of participation and engagement of citizens in the process (LeDuc, 2015, p.140). Meanwhile, Cohen (1997) proposed three elements for deliberation, namely the inclusion of all viewpoints, consideration of the common good, and citizen participation. According to Cohen, a failure of democracy is not being able to provide politically-justified reasons that are acceptable to others (Cohen, 1997, p.417). It is crucial to acknowledge that convincing voters in the UK can be a challenging task since it requires taking into account the views of English, Scottish, Irish, and Welsh voters. This was apparent during the Brexit referendum, where the Scottish electorate voted to remain and declared that the results did not reflect their general will.

Referendum campaigns have the potential to sway public opinion through their persuasive tactics. Under a deliberative process, referendum campaigns should aim at enlightening voters and provide a platform for discussion and debate to produce a decision that benefits the common good of all citizens. However, the Brexit campaign faced criticism for being overly persuasive. Parkinson (2020) argued that the Leave campaign's success was due to their ability to use widely shared narratives about the public's experiences. They repeated their claims in a language that resonated with the public, thereby demonstrating that they were attentive to their concerns and expectations (Parkinson, 2020, p.492).

Another crucial aspect of the deliberative process and referendums is the accuracy of the information provided by the media. Apart from the campaigns, the media holds a significant power in shaping public opinion through propaganda and misinformation. This can result in a failure of deliberation and disruption of democratic legitimacy.

2.   The Legal Status of the Brexit Referendum

The 23rd of June 2016 marked the date when a referendum across the United Kingdom and Gibraltar was held on whether Britain should remain a member or leave the European Union. The legislation process around the referendum began on the 27th May 2015 during the Queen's speech about the EU shortly after the 2015 UK general elections, where she stated:

My government will renegotiate the United Kingdom's relationship with the European Union and pursue reform of the European Union for the benefit of all member states. Alongside this, early legislation will be introduced to provide for an in-out referendum on membership of the European Union before the end of 2017. (The Electoral Commission, 2016, p.22).

There was an immense pressure in the UK parliament surrounding the issue of Europe, on which David Cameron had promised an in-out referendum after the 2015 General Elections. Following the elections, Cameron's government announced its plans to introduce a bill for a referendum on whether Britain should remain or leave the European Union. The bill was presented in parliament on May 28th,2015, and was granted royal assent on December 17th,2015 (The Electoral Commission, 2016, p.23).

The EU Referendum Bill made provisions for a referendum to be held in the UK and Gibraltar by 31st December 2017. The bill incorporated various legal provisions, such as regulations for campaigners working together, controls on loans to campaigners to ensure transparency in funding sources during the campaigns, the wording of the referendum questions, and other provisions. During its passage into parliament, the main concern was to ensure that the referendum was not held on the same day as other scheduled elections on either 5th May 2016 or 4th May 2017. This would help ensure that the public could fully engage with the referendum without being confused by other ongoing elections.

The Electoral Commission developed a comprehensive plan for conducting the referendum, taking into account the lessons learned from previous referendums. One of the key contributions of the Electoral Commission was to regulate campaign spending and require campaigners to report the sources of their funding before the vote. However, the Commission noted that the legislative framework for the referendum should be clear at least six months before the campaigners, counting officers, and electoral registration officers are required to comply with it. This was seen in the 2014 Scottish Independence referendum when the legislative framework was clear ten months before the referendum date. However, in the EU referendum, the legislative framework was only clear four months before polling day. Similarly, regulations for campaigners, including spending and registrations, remained unclear until just six weeks before polling day, which was deemed insufficient by the Commission.

It is important to note that none of the legal procedures involved in the referendum were made public, including those that took place before and after the vote. Sectors such as agriculture, trade, and property laws were not discussed in the case of a "leave" vote. This lack of transparency means that the deliberative aspect of the process was not fulfilled, as voters should have been informed and involved from the beginning of the legislative process up until the day of the vote.

It is worth noting that the Referendum Act 2015 and PPERA2000 do not specify the consequences of the referendum on the parliament or government, which means that the referendum is primarily advisory. Although the referendum is not legally binding, David Cameron promised in his manifesto to respect the referendum results under the political pressure of the Conservative Party (The Conservative Party, 2015, 72). Therefore, the EU Referendum report confirms that the Electoral Commission has secured all the legal requirements for the referendum. However, the Commission is neutral and cannot therefore take any action against false statements or misinformation during campaigns. This responsibility could be given to a deliberative citizens' assembly or a mini-public, which would evaluate the information and guidelines provided by the government or media during the referendum.

3. The Campaign

On the 13th of April 2016, the Electoral Commission designated "Vote Leave" (VL) and "Britain Stronger in Europe" (BSE) as the two official campaigns of the EU referendum. Our deliberative analysis of the campaign would take into consideration the weighting of issues distributed by both camps, the quality of information shared with the voters, debate and argumentations, and the techniques used by both campaigns.

When choosing the lead campaigns, the Electoral Commission declared that they were each entitled to a spending limit of £7 million, one free postal distribution of information to voters, the use of certain public rooms, and each had a dictated page in the Electoral Commission public information booklet, which was distributed to all households in the UK. Furthermore, both campaigns received government grants of £600,000 to fund their activities, plus other substantial donations from corporations and wealthy individuals (The Electoral Commission, 2016, p.94). In their websites, both camps addressed a variety of topics related to the referendum issue, thus, each opted for a certain strategy in portraying those topics to their voters. The

websites were dominated by issues revolving around the economy and immigration where the slogan "take back control" was related to a variety of issues.

BSE campaign focused on emphasising the benefits of the EU and what a leave vote would cost. Messages varied from Britain's place in the world, how a leave vote would affect individuals and households, and how it would have a huge impact on the economy, an aspect that their opponents named "project fear". Below are some instances that highlight our claims:

Over 3 million UK jobs are linked to our trade with the EU: one in every ten jobs in this country (source: HM Treasury)… if we leave the EU experts predict that the economic hit would mean up to 950,000 UK jobs could be lost (source: Confederation of British Industry), meaning less security for you and your family (Zappettini, 2019, p.13).

Being a leading member of the EU, as well as in NATO and the UN, ensures that Britain can stand tall in the world and promote our own interests. (Zappettini, 2019, p.13).

On the other hand, Leave campaigners were very smart in their campaign strategies; they managed to turn the referendum issue into a colonial one, making it seem like a battle between Britain and Brussels.

We send about £350 million to Brussels every week. (…) If we vote to 'remain', it is a vote for the permanent payment to Brussels of all this money. (…) All this money could be better spent on the NHS, schools, and fundamental science research. (…) If we vote to leave, we can change the agenda. If we regain the power to control our own affairs, we can sort out our own problems. (Zappettini, 2019, p.19)

Campaign messages and slogans were framed specifically to play with citizens' nationalist sentiment arguing that it is high time for Britain to gain back its powerful place in the world.

It is not unreasonable to assume that a 'Yes' vote will be taken as a mandate for the UK to one day join the Euro – and effectively sail towards disaster. A 'No' vote at the upcoming referendum on EU membership is the only way to prevent an inevitable slide towards further economic and political integration before it's too late. (Zappettini, 2019, p.20)

Thus, the basic element that Leave campaigners focused on was immigration. It was used and framed in several ways conveying multiple messages:

If we vote to remain in the EU it will mean staying in a European Union where the UK can be automatically outvoted, where we can't veto unwanted regulation and where unelected judges can overturn more and more UK laws. That's why the safer option is to Vote Leave and take back control. (Zapettini, 2019, p.20)

The Vote Leave campaign used various persuasive strategies to target different audiences. The primary theme of the campaign was immigration, with subthemes of economy, sovereignty, and security supporting the central theme. Unlike the Remain campaign, Vote Leave's message was short and open to multiple interpretations: "Take back control". Other Leave supporters, such as Nigel Farage, also ran their independent campaigns that resonated with the public. Farage's messages were filled with persuasion and propaganda, which caused major controversies during the campaign. Among them was the campaign bus with the message "£350 million a week, let's fund our NHS instead!" and the "Breaking Point" poster featuring a queue of Syrian refugees at the Slovenian border. The poster gained attention from 56 national press articles criticising it and referring to it as a Nazi propaganda technique. However, the poster had already resonated with some voters as immigration was a sensitive topic among them. The distribution of issues during the referendum campaigns was not fair, which caused a lack of clarity in the process. To address this problem, an unbiased entity such as a citizens' assembly or an academic think tank could have

provided more clarity on important campaign issues and exposed false and exaggerated statements, giving the process a deliberative character.

4.   Information and the Media

The media and press function as principal conduits of political information to citizens, thereby wielding considerable influence in agenda setting and the shaping of public opinion. The Brexit referendum stands as a notable exemplar of this phenomenon. In electoral and referendum contexts, the media assumes the role of the primary information source for a majority of voters. Consequently, for a deliberative process to unfold effectively, information dissemination through the media must remain neutral and impartial towards both campaigns. Regrettably, extant research, as exemplified by the work of Gherghina & O'Malley (2019), indicates a persuasive bias poses significant implications for the democratic deliberative process, as it compromises the envisioned neutrality and equity in information provision essential for informed decision-making by the electorate.

To scrutinise how information is presented in the media, it is imperative to focus on the recourse to framing and priming techniques. These techniques play a crucial role, as once a specific agenda has been established in the public's consciousness, priming and framing serve to guide individuals on how to interpret and respond to that agenda. It is important to note that these methods are not limited to print media, but are also prevalent on social media, where they play a significant role in disseminating political messages in modern-day politics.

In order to analyse the empirical data, Loughborough University conducted detailed research on the media coverage of the EU referendum. The research highlights the gap and the unbalanced coverage of the campaign, namely 60% to 40% in favour of the Leave side, and it extends to even 80% to 20%. During the campaign period, three issues dominated the media: the economy, immigration, and sovereignty. At the beginning of the campaign, economy and business issues received a great media attention from 21% to 25% in favour of the Remain camp, as opposed to immigration issues, which received only 10% coverage. However, in the last four weeks of the campaign, the roles were reversed with immigration issues in favour of the Leave side dominating the media (Loughborough University, 2016, p.3).

 Furthermore, the Loughborough University research shows that the conservative party dominated the press coverage with 50.3% among papers favouring a Leave vote in terms of political parties (Loughborough University, 2016, p.3). Moreover, according to Rivière-De Franco (2017), both official campaigns suffered from a lack of visibility in the British press, with only 28% of all articles from *The Daily Mail, The Telegraph*, and *The Guardian*. Hence, when mentioned, they have been portrayed and framed to play with citizens' Eurosceptic fears; terms such as "project fear" and "the panic project" were used to describe EU supporters.

 During the referendum, both sides employed social media as an informative tool. The Leave camp was particularly effective in their use of social media, dominating platforms such as Twitter, Facebook, and Instagram. Their messages and posts were emotionally charged and powerful, which resonated well among the large number of undecided voters who were unsure of which way to vote. Research by Polonski (2016) revealed that in 30 weeks of data from Instagram analysing 18k users and 30k posts that there were twice as many Brexit supporters and that they were five times more active than the remain camp. Furthermore, the results showed that the most active users in the dataset were all campaigning for a Leave vote, and posts belonging to the Leave side received 26% more likes and 20% more comments. As for Twitter, the Leave side topped the remain side 7 to 1; and #Brexit, #Beleave, #Voteleave were the top 3 most used hashtags from the leave camp (Jackson et al., 2016, p.96). Howard and Kollanyi (2016) have argued that the use of

bots on social media platforms for persuasive purposes increases the risk of spreading massive amounts of misinformation. This is especially concerning during times when voters are making critical decisions. Additionally, the research found that bots play a minor; yet strategic role in conversations surrounding referendums. It has been suggested that hashtags associated with the arguments of leaving the European Union dominate the conversation and that different perspectives on the issue use varying levels of automation. Furthermore, less than 1% of sampled accounts generate almost a third of all messages (Howard & Kollanyi 2016, p.5).

During the Brexit referendum, there were certain issues related to devolution and the impact of a leave vote on other devolved nations of the UK that were not covered by the media. As a result, Nicola Sturgeon was highly marginalised by the British press, while Nigel Farage and his party maintained their presence in the media. Additionally, the media failed to adequately cover Article 50 of the Lisbon Treaty and its consequences in the event of a leave vote. Research conducted by Loughborough University showed that between May 6th and June 23rd, an average of 1.8 items per day across all national papers mentioned Article 50. However, between June 24th and 27th, the average increased to 49.5 items per day in the post-referendum period. The media's high level of bias resulted in a lack of a balanced perspective, which undermined the credibility of the information shared. This failure to provide an unbiased perspective ultimately led to outcomes that were not acceptable to all and failed to reach a fair deliberation.

5. Public Engagement and Voting Behaviour

The Brexit referendum had a profound impact on British citizens and their involvement in politics, evident in the high voter turnout that indicated a widespread desire among citizens to actively participate in the democratic process. Consequently, it is vital to ascertain the underlying factors that motivated such participation and influenced voting behaviour. Understanding the essence of this engagement is crucial, as it plays a pivotal role in determining the legitimacy of the referendum outcomes. Analysing the motivations behind citizen participation provides valuable insights into the democratic legitimacy of the referendum, shedding light on the factors that shaped public sentiment and influenced the decision-making process. Research by Fox and Pearce (2016), as shown in Table 1 below, argued that in March 2016, the younger generation under 30 was divided between those who had high interests in politics, which constituted 40%, and those who had no interests at all with 7%. Statistics, however, have slightly changed by June when the proportion of those who were highly interested rose to 45% compared to 5% who had no interest at all. Moreover, this high interest in politics was also a key factor in voting behaviour, where the proportion of those under 30 who were certain to vote on the referendum rose from 48% in March to 71% by polling day. The survey also highlighted the younger generation trust on both campaigns and its impact on their decision to vote; since in March, 44% of under 30 had some trust in either one of the campaigns. The proportion had therefore increased in June to 55%. Furthermore, 81% of voters under 30 who trusted one of the campaigns reported being certain to vote in the referendum as opposed to 68% of those under 30 who didn't trust any of the campaigns (Fox, 2016, p.1). On the other hand, according to Alabrese et al., (2017), the Leave vote was associated with older age, lower educational attainment, unemployment, or employment in manufacturing industries, and lack of public service provision (Alabrese et al., 2019, p.133).

Political Engagement	March			June		
	18-30 65+	31-50	51-60	18-30 65+	31-50	51-60
No interest in politics	7% 5%	9%	5%	5% 5%	6%	7%
Low interest in politics	20% 16%	18%	14%	16% 18%	18%	19%
Some interest in politics	33% 30%	33%	30%	35% 32%	31%	27%
High interest in politics / Certain to vote in the EU Referendum	40% 49%	40%	51%	45% 46%	45%	47%
	48% 74%	56%	65%	71% 84%	78%	81%

Table 1. Interest in politics among British citizens by age group. (Fox and Pearce, 2016 p.1).

According to several research studies, citizen engagement with the referendum process varied depending on online activity. As mentioned earlier, campaigns targeted different social groups through online platforms. Bossetta et al., (2018) stated that commenting on a campaign's post indicates participation in the democratic process and a desire to influence political outcomes. This activity also suggests that the user is interested enough to engage in public conversations (Bossetta et al., 2018, p.4).

The deliberative process and citizen engagement in the referendum were notably conducted through online platforms. Citizens actively participated in interactions with online content, originating from official campaigns, media pages, and independent initiatives such as "Leave EU" spearheaded by Nigel Farage, who garnered a substantial following on social media. Zapettini (2019) elucidates that this online engagement is a consequence of specific discursive genres employed by political campaigns, characterised by a rational framework of deliberative argumentation rooted in ideological and emotional stances. However, there has been a discernible shift in this methodology towards the digital mediatisation of campaign messages. Zapettini (2019) posits that this transformation has "opened up new 'discursive opportunities'" for key actors in the referendum, allowing them to reinterpret and contextualise historical and ongoing discourses pertaining to Britain and Europe. These reinterpretations are manifested in new semiotic realisations that align with or propel the narratives surrounding the leave/remain dichotomy (Zapettini 2019, p.9).

According to research conducted by Bossetta et al., (2018), comments related to Brexit on Facebook were mostly found on media pages such as *The Guardian*, *The Times*, and other similar sources, rather than the official campaign pages. The only exception was the Leave EU page, which gathered the same number of comments as media pages due to its radical and populist messages. The data analysed shows that 70% of users left only one comment on these pages throughout the eighteen months studied. This suggests that the media played an important role in setting the agenda on Facebook and they can stimulate engagement with campaigns.

On the other hand, Fox (2020) contends that Brexit voting behaviour was not just shaped by media and social media, but also by political alienation. Research indicates that individuals who feel politically alienated in terms of internal and external efficacy and trust are more likely to vote for Brexit, with 48% of such participants voting for Brexit. Fox (2020) also highlighted that one in four British adults feel alienated from politics due to their belief that democratic norms and discourse are not respected by the political elite or the system and that the political process is unresponsive to citizens' influence. Such individuals are more likely to vote for Brexit. The Brexit vote led to the emergence of new identities, namely "leavers" and "remainers" (Hobolt, 2018, p.18). These new identities were found to be more significant than party identification, with 44% of respondents identifying themselves as having a strong Brexit identity compared to only 9% who identified with a political party (Curtice, 2018, p.7). This conclusively demonstrates that voting behaviour is shaped by personal factors, rather than being a result of deliberation that is based on information, debate, and discussion as suggested by Mutz (2008).

Conclusion

Referendums are a unique form of democracy as they allow citizens to have a direct say in policies. However, the legitimacy of the policies resulting from referendums depends on the deliberative process that precedes it. We analysed the democratic legitimacy of the Brexit referendum by examining the deliberative norms suggested by LeDuc (2015) and Cohen (1997). These norms were adapted to fit the British polity and included the legal status of the referendum, the provision of information and its legitimacy, and public engagement with the process.

Despite the limited role of referendums in Britain, they have managed to establish a certain institutional design through the Political Parties, Elections and Referendums Act (PPERA2000) and the Electoral Commission. These two institutions are intended to regulate the conduct of referendums and ensure equality among the actors involved. Through these procedures, the first element of deliberation, as advocated by both Cohen and LeDuc, that is, "the intrusion of politics", proved to be secured in the Brexit referendum. However, the lack of clarity for voters is worrying, especially when compared to the previous experience of the Scottish independence referendum, where legal provisions and bills were announced almost a year before the actual referendum. In this respect, the referendum bill was highly discussed and debated in the media, which provided more information and transparency for voters.

The Electoral Commission chose "Vote Leave" and "Britain Stronger in Europe" as the two official campaigns for the referendum. The report included details on their spending limits and other information. Both campaigns talked about various topics, with immigration and the economy being the most prominent ones. However, the Remain camp did not succeed in portraying the true nature of the EU and its relationship with Britain. They also failed to address the consequences for other devolved nations.

The messages from the Vote Leave campaign were presented more convincingly. They accused the EU of having control over Britain and argued that Brexit would inevitably mean independence. However, they were unsuccessful in explaining how Brexit would occur, and the negotiations that would need to be made by triggering Article 50. It is worth noting that both sides did not manage to properly educate their voters about the EU and what each vote would entail. Therefore, it has been observed that there is a lack of agreement among the voters from the different devolved nations in the UK, leading to a decision that does not reflect the common good. This is a significant hindrance to the deliberative process and campaigns often fail to achieve their goals. To avoid such shortcomings, an independent deliberative body like a citizens' assembly could be implemented. This impartial body can act as a check on campaigns, examining and evaluating the accuracy of arguments provided. Such bodies have been proven to be quite effective in other contexts. According to Courant's analysis of the Irish experience with regard to its late referendum

experiences, an institutionalised deliberative democracy that relies on randomly selected mini-publics, like citizens' assemblies, can provide empirical support.

Accordingly, the British media was divided between those who supported remaining in the EU and those who supported leaving. Both sides used various methods to strengthen their position. Whether it was through visual, printed, or online content, the British media played a significant role in setting the agenda during the entire referendum process. However, the distribution of issues covered was uneven, with certain issues as immigration dominating the media while others such as devolution and Article 50 were neglected. In this respect, the media did not maintain impartiality, which led to a lack of fairness and balance in their coverage of issues. As a result, it is important to note that the media did not follow a legitimate deliberative process. In contrast, during the Scottish independence referendum, although the Scottish media was also accused of bias, however, independent online sources were available to expose and reject false claims made by the media and campaigners. This was not the case during the Brexit campaign.

The context of the Brexit referendum was established by the Electoral Commission, which designated two official campaigns. This meant that the messages that were disseminated to the public were influenced by external actors who had specific interests, such as Farage and his Leave EU campaign. The media also took a biased stance throughout the entire process, which shaped and promoted a particular public agenda. This agenda resonated with the Eurosceptic sentiments of the voters, leaving no room for the ideal speech situation that Habermas advocated for.

It is apparent that the Brexit referendum was not conducted to promote thoughtful consideration and resolve issues regarding Europe. Rather, each participant acted according to their individual interests, which ultimately caused the referendum to turn into a crisis. Although the referendum represented the public will, it did not reflect their common good. This research has revealed some of the shortcomings of the Brexit referendum, emphasising the importance of a well-planned deliberative process in popular votes. When conducted properly, this process can enhance the quality of referendums, ensuring their democratic legitimacy. Expanding upon recent literature, El-Wakil asserts that popular vote processes possess the potential to function as deliberative systems by fostering 'recursive representation'. This concept encapsulates a dialogical form of exchange between citizens and their diverse representatives, thereby encouraging more discursive interactions within represented-representative relationships (El-Wakil, 2020, p.38). The concept of a deliberative referendum is gaining more popularity and being debated extensively in the literature. Hendricks and Wagenaar have proposed the idea of a deliberative referendum, along with its various functional variants, potential merits, vulnerabilities, and related design questions. Meanwhile, McKay is exploring ways to enhance deliberative cues by combining multi-stage referendums and mini-publics. This provides a strong theoretical framework for implementing a deliberative process before any popular vote, which is necessary for democratic legitimacy.

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