Can Brexit improve our understanding of ‘wicked problems’?

Reflections on policy and political order¹

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Introduction

Several analysts have labelled Brexit a wicked problem (Martill and Staiger 2018)², which is hardly surprising given that Brexit holds a number of features that we associate with wicked problems. Wicked problems are marked by features such as complexity, uncertainty about the nature of the problem, and contestation over possible solutions. Brexit is complex, unwieldy, unpredictable and deeply contested. Actors and analysts face severe difficulties in clarifying what kind of problem Brexit is, and even more so how to deal with it.³ Every wicked problem is unique, and that is certainly also the case with Brexit, which is the first time that a member state has decided to leave the EU, itself an unprecedented type of political system.

¹ The author is grateful for comments and suggestions from the editors, as well as from Eva Krick, Johan P. Olsen and Johannes Pollak, as well as the two anonymous reviewers of this journal.

² This depiction of Brexit can be found in a number of pieces. See for instance:

<http://blogs.lse.ac.uk/politicsandpolicy/is-a-strong-leader-really-what-the-country-needs/>

³ The wealth of information and analysis on Brexit is staggering. Just considering the number of books that have been published specifically on Brexit, Oliver’s recent assessment (2019) includes 50 books published since 2016.

One important aspect of Brexit has not figured prominently in the debate on wicked problems, and that is the question of political order. Brexit may have significant implications for the UK's political order (including UK unity), and the UK's role within the broader European political order, and perhaps even the basic contours of that order itself.

If the UK leaves without an agreement, great uncertainty ensues as to which rules, if any, will regulate and stabilize all forms of EU – UK interactions. Numerous contingency plans exist on both sides of the channel to minimize disruptions if the UK crashes out without a deal (ensure that everything from air traffic keeps on operating to there being medical supplies in place).

The debate on wicked problems has unfolded within the fields of planning and policy studies, without engaging directly with matters of political order (which have preoccupied students of comparative politics and political development).⁴ The apparent disconnect is problematic given that matters of political order and change have profound bearings on *the terms under which policy-making takes place*.⁵ That brings up the question of how to understand wicked problems if the focus shifts from the policy-maker or planner to the broader framework and context –political, legal and institutional - within which decision-making takes place.

⁴ For a small selection see the works of Samuel Huntington, Francis Fukuyama, Charles Tilly, Stein Rokkan and Johan P. Olsen.

⁵ This disconnect applies to the debate on wicked problems, not policy studies in general. Lowi (1972) lists four policy types: distributive, redistributive, regulative and constituent policy. The last (least developed) focuses on the effects of changes to the policy framework. Lindblom was also concerned with the role of politics and effects of regime changes (Hoppe 2017).

The purpose of this article is to improve the wicked problem framework by incorporating the problem of political order, as it appears in the context of Brexit. Brexit, as a single case, is unlikely to yield an exhaustive account, but as I will show, it is a revealing case.

I proceed by specifying what in this analysis is referred to by political order. Thereafter, I specify what is meant by wicked problem. In the third section, I discuss how and in what sense Brexit constitutes a wicked problem with reference to a set of criteria for delineating wicked problems. As part of that I flesh out where and how matters of political order appear. In the conclusion, I discuss how we can improve the wicked problem framework by including questions of political order.

Political order

Political order may be said to have two core meanings: a settled order, and orderliness (presence or absence of rules). With regard to the first, political order refers to the system of governing - the institutional make-up and the foundational principles – that give meaning and shape and a presumption of legitimacy to a system of rule (Olsen 2007). With regard to the second meaning, orderliness is a variable with stability on one end and disorder and anarchy on the other (the absence of rules, norms and principles for stabilizing behavior).

Political order provides the structuring framework for policy-making: changes in the political order have bearings on the who; the how; and the what of policy-making. Under normal conditions, we can take these broader contextual matters more or less for granted. They form a set of background conditions that structure policy-making in various ways, and do so in a relatively predictable manner. They for instance shape role definitions and identities; define appropriate behavior; give shape to and condition issue-framing; and

structure policy-making and pattern it along certain paths (path dependence).⁶ Under normal conditions, we know who the policy-makers are, what they are responsible for, and the terms under which policy-making takes place. Nevertheless, as the editors (Thomann, Trein and Maggetti 2019) of this symposium also underline, political orders are affected by policy making. That pertains to the goals and outcomes of policy-making, and to the dynamics of policy making. Under normal conditions changes tend to be incremental.⁷

Contestation over the nature and terms of political order moves it to center stage with direct bearing on the terms of policy-making. When political order is contested, the process and substance of policy-making are pulled into the struggle. Then matters of who the policy-makers are; what the policies are about; how the policies are shaped; and what their effects will be are intrinsic parts of the ongoing struggles.

Circumstances under which political orders undergo significant changes or are challenged are in many ways problems in a different register than the questions that we normally address in relation to policy-making. It is difficult to think that matters of political order are less ‘wicked’ than the ones we normally discuss under the heading of wicked problems, but the type and scale of wickedness are different. In addition, it is worth noting that there is a wide range of political regimes that we from a normative perspective would consider as holding obvious wicked traits (notably of totalitarian, Nazi, fascist and authoritarian stripes). The literature on wicked problems starting from Rittel and Webber’s seminal article from 1973 relies on a different understanding of wicked, namely as complex and intractable, not as malicious. But since political orders are about rules, norms, values and

⁶ See for instance March and Olsen 1989; 1995.

⁷ The contributions to this symposium by Papadopoulos and Piattoni (2019) and by Carreras-Irepoglu (2019) both point to how aspects of structure (polity) shape policy, but in relatively predictable manners.

principles, contestations over political order evoke normative issues and concerns. That in turn is bound to affect our understanding of wicked, which becomes couched in normative value terms, as good or bad.

With regard to Brexit, the general impression is that the debate is couched within the framework of democratic political order even if the democratic implications of the various possible governing modes and trajectories may vary considerably. Nevertheless, it is important to keep in mind that political order brings up different connotations of wicked from those we normally associate with the notion of wicked problems.

In the following, I provide a brief overview of the notion of wicked problems and thereafter discuss the case of Brexit from the two vantage-points of political order and wicked problems.

What is meant by wicked problems?

The notion of wicked problems has as noted above its origin in the planning field. The term has since come to play a central role in policy studies, and has become something of an academic fad (Peters 2017:385).

Rittel and Webber who initially formulated the term characterize a wicked problem in the following manner: “the problem can’t be defined until the solution has been found. The formulation of a wicked problem *is* the problem! The process of formulating the problem and of conceiving a solution (or re-solution) are identical, since every specification of the problem is a specification of the direction in which a treatment is considered.”(Rittel and Webber 1973:161) Rittel and Webber further delineate wicked problems by means of ten core features, which are distilled out in the following manner by Peters (2017:388):

- (1) Wicked problems are difficult to define. There is no definite formulation.
- (2) Wicked problems have no stopping rule.
- (3) Solutions to wicked problems are not true or false, but good or bad.
- (4) There is no immediate or ultimate test for solutions
- (5) All attempts to solutions have effects that may not be reversible or forgettable.
- (6) These problems have no clear solution, and perhaps not even a set of possible solutions.
- (7) Every wicked problem is essentially unique.
- (8) Every wicked problem may be a symptom of another problem.
- (9) There are multiple explanations for the wicked problem.
- (10) The planner (policy-maker) has no right to be wrong.

In the case of a wicked problem, as we see from the list of conditions, the point of departure is the policy-maker or the planner who faces uncertainty as to where to search for causal factors, with such uncertainty often amplified by the fact that wicked problems typically activate different frames and theories, and political contestation.

One of the recurring themes in the literature on wicked problems is how to delineate wicked problems, and there is a danger of conceptual stretching (Peters 2017). Rittel and Webber distinguish between ‘tame’ and wicked problems, but they do not specify whether a wicked problem must comply with all the 10 criteria that they list or whether some are more critical than other ones. Further, do all these 10 criteria or dimensions weigh in equally? Are there certain features that run through all accounts of wicked problems and as such form some sort of conceptual core? Peters (2017) notes that the notion of wicked problems was a form of precursor for complexity theories. That would suggest that complexity plays a central role. Another feature that analysts highlight together with complexity is risk and uncertainty

(Thomann 2018; Lagreid and Rykkja 2015). Alford and Head (2017) underline the role of cognitive complexity and that there are irreconcilable divisions between the actors and institutions involved.

The general impression from the literature is that whereas there is no explicitly articulated consensus on a specific set of features that are necessary and sufficient for defining and delineating a wicked problem, a comprehensive survey of 105 articles, concludes that: “the scholarly understanding of wicked problems clusters around three inter-related properties: (1) wicked problems resist a clear solution, and they tend to become chronic; (2) the management of wicked problems involves a multitude of stakeholders with typically diverging values and interests; and, finally, (3) wicked problems defy full understanding and definition of their nature and implications.”(Danken, Dribbisch and Lange (2016)).⁸ The convergence around these features does not mean that we can associate wicked problems with a specific set of policy issues.

There are those that dismiss the concept of wicked problems. Turnbull and Hoppe (2018) argue that the wicked problem concept is flawed and should be replaced with a new terminology (which they term the questioning-distance framework).

Some analysts have discussed whether it is possible to rank-order problems on a scale of wickedness. If so, what should be the relevant end-points of such a scale? Levin et al (2012:123) argue that it is necessary to single out a distinct set of problems that they characterize as “super wicked” problems. They argue that some policy issues such as global climate change are particularly pressing, because there is a clear time limit involved. Super wicked problems are seen as comprising of four key features: “time is running out; those who cause the problem also seek to provide a solution; the central authority needed to address it is weak or non-existent; and, partly as a result, policy responses discount the future irrationally.”

⁸ This is also well illustrated in the contribution to this symposium by Versluis et al. (2019).

The reference to the need for central authority is a reference to the need for a different political order.

To sum up thus far, the depiction of wicked problems that we can discern from the literature is that they are highly complex, surrounded by uncertainty, and can easily be subject to conflict and contestation. Apart from the mention of the need for central authority in the field of global climate change in Levin et al (2012), there appears to be very little direct engagement with issues of political order in the literature on wicked problems. Nevertheless, when we look more closely at the features that Rittel and Webber associate with wicked problems some of them could have bearing on matters of political order. That would need to be fleshed out, however, since the authors do not make any explicit pointers in that direction. The implication for our assessment of Brexit is that we need to do two things. On the one hand, we need to consider how well Brexit conforms to the features of wicked problems that were listed above; on the other hand, we need to consider how and in what sense matters of political order are involved, as well.

Brexit, wicked problems, and the question of political order

Hard to define

Rittel and Webber's first dimension is that wicked problems are hard to define. That is clearly a key characteristic of Brexit. With regard to Brexit it is quite difficult to get a clear sense of what precisely Brexit really is a problem of. The search for a proper answer is complicated by the fact that it is difficult to explain *what caused it*; it is far from clear *how the process will unfold*; and there is a lack of certainty about *the presumed effects or broader implications* of Brexit, for the UK, the EU and beyond. I will go through these in turn and show that they revolve around a broad tapestry of causal factors, along ideational, political, social, economic and legal dimensions, which in turn are situated in different frames, theories and

interpretations of politics, contemporary Europe and the world more broadly speaking. Many of these aspects bear directly on the question of political order.

With regard to reasons for why Brexit came about, the decision to hold an in-out referendum was clearly affected by the rise of UKIP. It gained traction by the fact that the question of the UK's relationship to the EU had long been a festering problem within the UK Conservative party. One important reason for why Brexit came about was that David Cameron's decision to settle the EU issue by means of a referendum backfired.⁹

The rise of UKIP may be a cause of Brexit unto itself; it may also be a symptom of a more broadly based popular dissatisfaction with elites and experts,¹⁰ the working (or not) of the public sector (perhaps in particular the UK public health system), the rise of inequality,¹¹ and a sense of social dislocation and estrangement (in particular in certain regions) (Hobolt 2016). The key issue that helped to gel opposition was the issue of immigration, which was linked to sovereignty (the onus on taking back control)(Curtice 2017).¹²

These sentiments were directed against the EU, but that does not necessarily mean that the EU was the underlying cause of the problems. It is far from clear that the political order

⁹ Glencross (2016) points to David Cameron's referendum gamble as a major miscalculation, which therefore figures as one of the reasons for why Brexit originated at this point in time.

¹⁰ Forss and Magro (2016) discuss the lack of trust in experts among Leave voters and note that expert assessments focused on effects on the UK's financial system and not on distributive effects among different groups in the population.

¹¹ Lord notes that "the UK is now one of the most unequal societies in Europe. Part of the Brexit vote can be explained by that inequality." Available at:

<http://blogs.lse.ac.uk/brexit/2018/02/01/the-brexit-vote-has-only-deepened-the-political-and-social-divisions-within-british-society/>

¹² Hix (2018) found that the strongest opposition was to non-EU immigration.

changes that the Brexiteers have been advocating will help to solve the substantive problems that they claimed required changes to the UK's role and status in the European political order in the first place. If we look at the problem of inequality, and the link to immigration, we need to pay attention to the actions of successive UK governments, both domestically and in relation to the EU. Rather than compensate, UK governments left the losers to labor migration behind (Hübner 2016). It should also be added that the UK played an important role in shaping EU policy, which amplified these effects: "(i)t was the UK under Thatcher that blocked the development of the EU into a supranational welfare state on the postwar British model associated with Keynes, Beveridge and T.H. Marshall. Since then the neoliberal revolution, led by the US and the UK, has for ever closed this window."¹³ Thus, given that it is difficult to see the EU as the root cause, it was necessary for political actors to forge such a causal link to the EU. That is precisely what political entrepreneurs such as Nigel Farage had been actively doing for decades: direct people's anger and resentment at the EU.¹⁴

Farage and the other core figures that drove the Brexit campaign placed a strong onus on the need for taking back control, which in the Brexit context was seen as a step towards changing the European political order. The rationale was that the EU was intruding in every nook and cranny; its policies were out of synch with core UK interests (especially emphasized was the UK's loss of control of EU immigration); and EU membership prevented the UK from developing more favourable trade agreements with other parts of the world. The Leave camp was made up of persons with quite different world-views: so-called liberal Leavers as

¹³ Wolfgang Streeck, "Where are we now? Responses to the Referendum", *London Review of Books*, Vol. 38, No. 14, 14 July 2016.

¹⁴ This point serves to underline that political leaders are not mere recipients of societal views and demands, as is often claimed by populists; they actively shape the constituency's views and values (Moffitt 2016).

well as socially conservative Leavers (Hix 2018:17). The negative media framing of the EU that we find in particular in British tabloids contributed to the Brexiteers' success in propagating the image of the EU as an all-intrusive juggernaut.

Many of the factors discussed above are far from unique to the UK, especially in the EU post-crises, which is facing strong centrifugal pressures.¹⁵ There was concern that Brexit would give impetus to other member state exits and the eventual dissolution of the EU. Other factors and developments are also threatening the EU-led European political order. We see for instance an increase in xenophobic and nationalist movements in many member states; in Hungary and Poland they are actively undermining constitutional democracy. Further, it became readily apparent during the so-called migrant crisis that the EU was not able to deal with the problems of large-scale migration from conflicts and failures of state structures in the EU's Southern neighborhood (Zahariadis 2017).

Nevertheless, as Hobolt notes, "opinion polls have consistently shown that Britain is an outlier when it comes to support for leaving the European Union." (2016:1271)¹⁶ That there are factors specific to the UK in the decision to exit the EU, makes Brexit more relevant from the perspective of wicked problems, given that Rittel and Webber see wicked problems as unique (dimension 7 above). This is, if anything, underlined by the fact that the Brexiteers' main objective of taking back control is everything but straightforward. In reasserting national control, what precisely is to be controlled: borders and persons' movements, money, trade? Who should be in control? The question of the who of control pertains to whose situational

¹⁵ There is a growing body of literature on various forms of EU disintegration. See for instance Webber (2014); Schimmelfennig (2018).

¹⁶ Vollard (2014) usefully distinguishes between partial and full exits from the EU and two years prior to the Brexit decision noted that the UK is an outlier in that it is the single most likely case for full exit.

definition should and does prevail, in other words, what specific understanding of the nature of the problem and what kind of solution should and does prevail. In the UK (and across Europe) there is no consensus on what ‘taking back control’ can and should entail in today’s world, given that the EU has redefined the terms of sovereignty across Europe (Eriksen and Fossum 2015). The development of the supranational EU has therefore not only reconfigured the European political order in a material sense; this change is associated with important changes in the meaning and significance of many of the basic concepts that we use to describe and assess political order, notably sovereignty.

No stopping rule

A further reason for why it is difficult to clarify what type of problem Brexit relates to the second dimension that Rittel and Webber associate with wicked problems, namely that there is no stopping rule, or criteria for establishing when the issue is resolved. We could say that the Brexiteers sought to introduce a stopping rule of sorts by claiming that the yes majority in the referendum authorized a hard Brexit, and a clean break with the EU. The process as it has unfolded has not borne that out. If anything, the opposite is the case. Even if Theresa May has consistently asserted that ‘Brexit means Brexit’, no agreement has ensued on the type of outcome that the referendum authorized. The lack of agreement on the direction of travel makes it impossible to devise a set of criteria for when the process should stop. That is amplified by a very unwieldy process, which unfolds as a struggle for control. The May government initially sought to hold a firm rein on the Brexit process, but has had to yield control to a wide range of actors and factors. One major problem with clear constitutional overtones has been that of working out the role of parliament versus the executive in steering the process and its eventual outcome; an additional problem is that of working out relations across levels of governing. Equating taking back control with transferring power back to the

parliament in Westminster would have strong bearing on the powers that are devolved to the sub-national assemblies of Scotland, Northern Ireland, and Wales.¹⁷ Taking back control from the vantage-point of Westminster appears quite different from taking back control from the vantage-point of Holyrood.

We thus find a broad range of different positions on the UK's future role in Europe and the world, and a fierce struggle for control of the Brexit process among the central institutions: between the executive and parliament, and within the Westminster parliament (between and within the parties) as well as between levels of governing. The struggles unfold over visions and values, over the process of leaving the EU, and over the result or eventual outcome of Brexit, i.e. the terms of the UK's future co-existence with the EU. The absence of agreement on who should control the process and where in the UK control should be located relates to the fact that there is a profound disagreement over *who is authorised to do what by whom*, as was made apparent in the different interpretations of what the referendum did or did not authorise. This shows that the goal of taking back control has a political order dimension associated with it; the same applies to the process of Brexit, which raises important constitutional questions.

Values

The assessment thus far shows that Brexit clearly corresponds with the third dimension of wicked problems that Rittel and Webber underline, namely that they are not simply about factual true/false questions but about values (good/bad). Note that Rittel and Webber are quite ambiguous on precisely what they mean by good and bad – they link it quite close to what counts as a satisfying or good enough outcome, which ties in with goal satisfaction rather than normative evaluation.

¹⁷ See for instance the discussion about common frameworks in Paun (2018: 4).

Brexit on the other hand explicitly activates struggles over such key values as social justice and solidarity, democratic self-government, parliamentary sovereignty, citizens' rights,¹⁸ and the rule of law. Some of these values and principles are constitutive for democratic political order. At the heart of Brexit lies a core existential question: which UK in what kind of Europe (a Europe of independent states or a multilevel Europe based on a combination of shared rule and self-rule)?

Effects are irreversible

Brexit also clearly corresponds with Rittel and Webber's fifth dimension namely that effects are irreversible, and the fourth dimension namely that there is no immediate or ultimate test for solutions which follows from the analysis thus far.

With regard to whether Brexit will have irreversible effects, we need to consider on the one hand whether Brexit ensues and on the other the broader effects regardless of whether Brexit ensues or not. On the former, that issue has not been entirely settled given that there is still debate on whether the UK should revoke Article 50, and as such undo Brexit. The Court of Justice of the European Union has ruled that it is possible for a member state unilaterally to revoke its decision to leave.¹⁹ Nevertheless, even if the process of Brexit is halted, and the UK remains in the EU; there is no easy undoing the acrimony and hurt and strong feelings that the process has brought out (and probably amplified). Precisely because Brexit is such a complex and multifaceted problem; marked by profound uncertainty and even existential angst; and a profound contestation over different political and social visions; there is no bottle big enough for the Brexit genie to go back in. Specific measures can be reversed; the sentiments associated with them cannot; they must be somehow overcome.

¹⁸ This is extensively covered in Gearty (2016)

¹⁹ <https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-12/cp180191en.pdf>

No clear solution

The sixth dimension that Rittel and Webber identify as part of wicked problems is that there is no clear solution. Brexit as it has unfolded thus far bears that out very clearly. There is a wide range of proposals, from leaving the EU without a deal to a second referendum to undo the decision to leave the EU. In the following, I will discuss a range of possible scenarios from the vantage-point of political order, with reference to the two dimensions that were outlined above, magnitude of change and orderliness. One end-point marks a legally and procedurally regulated situation; the other end-point marks the absence of rules, in other words a resort to brute power politics. Table 1 crosses these two dimensions (magnitude of change/transformation and orderly/disorderly change) and provides us with four scenarios. These are heuristic devices to tease out the aspects of political order involved; they are not presented or assessed in terms of their relative likelihood as actual Brexit scenarios.

Table 1: Change scenarios

	Orderly change	Disorderly change
No polity change/ no structural	1: Limited and orderly change	2: Structurally confined disorderly change

reconfiguration		
Substantial polity change/major reconfiguration	3: Major and orderly structural change	4: Major and disorderly structural change

Scenario 1 refers to no major structural change in the UK and EU political orders. This scenario is what most people would associate with a ‘soft’ Brexit.²⁰ The Withdrawal Act and a transition agreement are supposed to prevent a cliff-edge so that the UK can formally exit from the EU without citizens and companies experiencing very much uncertainty as to the rules and provisions in place. That is why I list a ‘soft’ Brexit in the category of ‘orderly change’. For most supporters of a soft Brexit in the EU and UK alike, the assumption is that the UK’s exit from the EU will represent minor changes in the basic rules and norms only. A

²⁰ The option most frequently associated with a ‘soft’ Brexit is the so-called Norway model because Norway and the other EEA countries are fully incorporated in the EU’s internal market (for an assessment of this model in the context of Brexit, see Fossum and Graver 2018). The EEA countries are not part of the EU’s Customs Union. That would pose a far greater problem for the UK than it is for the EEA countries at present.

soft Brexit, in other words, will probably not lead to a major structural reconfiguration of the European political order. Whether the same can be said for the UK is less certain. For some of the Brexiteers, a soft Brexit (including the so-called Chequers Plan, cf. UK Government (2018)) is most likely worse than the present situation, because they claim it turns the UK into a ‘vassal state’.²¹ From a democratic perspective, a soft Brexit entails giving up on EU voting rights and UK co-decision at EU-level; thus making the UK an EU rule-taker. Further, the Withdrawal Act does not include the Charter rights, raising the prospect of de-constitutionalisation.²² Thus, even a situation of basic continuity in the rules guiding EU-UK economic (and other forms of) interaction will have significant constitutional-democratic implications for the UK, even if it may likely not have much bearing on the overall political order in Europe.

Scenario 2 refers to disorderly change coupled with no real polity change in the UK or the EU. The scenario implies that failure to agree on the terms of the UK’s departure and/or on the future terms of the UK’s relationship with the EU will not have much bearing on the political order in the UK or in the rest of Europe. It implies that failure to reach an agreement can be contained on both sides of the Channel. At the face of it, such a scenario sounds unrealistic; a disorderly change would normally be associated with the breakdown of trust, and the return of untrammelled power politics, which could therefore affect both the UK’s and

²¹ <https://www.express.co.uk/news/politics/987831/brexit-news-jacob-rees-mogg-brexit-white-paper-eu-commons-latest>

²²“ We ... we are moving from a codified and protected constitutional system to an uncoded and unprotected one based on the sovereignty of Parliament. We are also moving from a system in which our rights have been enlarged to one where some of our rights will in effect have been abolished, as a result of a deliberate decision on the part of the government.”(Bogdanor 2018:7)

the EU's political orders. Nevertheless, it is conceivable (and presently debated) that a scenario where no agreement is struck between the EU and the UK will lead to EU rules being replaced by WTO-rules. Another possibility is that a disorderly exit will spark efforts that result in an agreement and that the period of uncertainty is so short that the disruptive effects are minimized.

Scenario 3 refers to a situation where there is an orderly Brexit coupled with substantial changes to the European political order. The most likely trajectory would be a lengthy albeit orderly process of working out the future terms of association for the UK, which would result in an altered European political scene. That it is orderly implies that it proceeds within bounds that both parties, the EU and the UK respect and uphold. We are likely talking about a whole host of bespoke arrangements that in turn affect the EU's nature and functioning (and perhaps also composition). Another possible trajectory would be that Brexit contributes to set in motion an EU treaty change, such as for instance to consolidate the entire EU or the Euro-zone (European Commission 2017a). The crux of this scenario is that Brexit sets in motion or contributes to a situation where the basic governing system in Europe is changing, but in a fairly orderly and controlled fashion.

Scenario 4 refers to a situation where there is a disorderly Brexit and substantial changes to the entire European political order (most likely involving both the UK's and the EU's political orders). We talk about the absence of any deal and that in turn puts in play many of the present arrangements that regulate relations between the UK and the EU. In such a circumstance, the main action coordination mechanism in the EU – UK relationship would be politics, not law, and the weaker the rule and norm-based constraints the more brute power politics will prevail. Asymmetric power relations, internal power dynamics in the EU and the UK may set in motion all kinds of centrifugal dynamics. In the extreme case, we might see the break-up of the UK and/or the break-up of the EU.

This brief overview shows that the different options that are bandied about in the Brexit debate are not simply static affiliation arrangements (that will leave the parties intact); they all - to different degrees and magnitudes - will have bearings on the nature of the European political order and the UK's political system.

The negotiations are affected by that: negotiators when sifting through the various substantive issues will always be concerned with the broader structural implications, and how the structures in place will come to shape the policies that are under negotiation. The wider the realm of policies the more complex will be the negotiations.

Every wicked problem is unique

Rittel and Webber's seventh dimension states that every wicked problem is unique. Brexit is a unique problem: "Delivering Brexit is an unprecedented task for modern government – in its speed, scale and political and diplomatic difficulty, and the level of public scrutiny to which it is subject." (Owen et al. 2018:2) Brexit is unprecedented in several additional respects. The UK is the first state to decide to leave the Union. Post-Brexit UK's status as an ex-member-state therefore has no precedence (Lord 2015). Further, the EU is a unique and unprecedented type of political entity; any significant change to the EU's status will therefore also be unprecedented. Acknowledging that the EU is a political system (even if it is not a state)²³ entails that we cannot place Brexit in any known category of secession.

Wicked problems are symptoms of other problems

The eighth dimension of wicked problem that Rittel and Webber introduce is that wicked problems are symptoms of other problems. In the case of Brexit, the regional distribution of

²³ It has moved into core state powers (Genschel and Jachtenfuchs 2014), and states 'lend' their stateness to the EU.

Leave votes and voter demographics suggest that one such underlying problem appears to be social inequality, which is held up as one of the reasons for why so many people voted Leave.²⁴ We have seen that this sense was systematically directed at the UK's EU affiliation. Another underlying issue pertains to different conceptions of sovereignty and political order.

As already indicated, the Brexiteers' objective of taking back control would appear to amount to a plea for 'restoring' the classical notion of state sovereignty in contemporary Europe. The reason is that the EU has *altered* the conditions for self-governing in Europe, through pooling and sharing of state sovereignty (Keohane 2002). EU member states have not formally renounced their sovereignty, but the conditions under which the EU's member states actually exercise rule have changed. The underlying theory of self-governing is no longer solely linked to state autonomy, but to a more complex multilevel circumstance where states on the one hand govern themselves together through joint institutions in certain issue-areas (shared and pooled sovereignty), and on the other govern themselves autonomously in other issue-areas. Brexit signals that the UK no longer wants this tension to be reconciled within the EU. The problem is that the UK is finding it very difficult to leave this structure, which is hardly surprising given that states have conferred on the European institutions – the EU as well as the European Convention of Human Rights (ECHR) – an important role in handling external and internal conflicts. Nowhere today is that more readily apparent than in Northern Ireland. This case shows on the one hand how difficult it is for the UK to leave and on the other hand how policy-making is tied in with matters of political order.

The policy – political order interaction – a brief illustration

²⁴ Darvas, Z. (2016). Socio-economic inequality helped trigger the Brexit protest vote. LSE Brexit, August 31, available at: <http://blogs.lse.ac.uk/brexit/2016/08/31/brexit-should-be-a-wake-up-call-in-the-fight-against-inequality/>

The EU – UK Withdrawal Agreement and in particular the Northern Ireland border issue evoke both of the aspects of political order listed above. An important aspect here is the Good Friday agreement, which is an agreement for governing Northern Ireland between the British and Irish governments and most of the political parties in Northern Ireland. This agreement is bound up in the larger European political order because the EU plays an important role in its sustenance (European Commission, 2017c; Gormley-Heenan and Aughey 2017: 499). The Good Friday agreement is one clear manifestation of how UK internal relations are bound up in international arrangements that will be affected by the manner in which the future UK – EU relationship develops. The Northern Ireland border issue also has bearings on the other aspect of political order, namely orderliness. If no agreement can be reached, the UK upon leaving the EU on March 29, 2019, abrogates existing arrangements with the EU. The Northern Ireland conflict may reemerge, and how that is to be dealt with would be complicated by the fact that there would be no agreed-upon procedure for sorting out the UK's future relationship with the EU.

These circumstances bring up traits that resonate with how analysts define wicked problems: as matters of uncertainty, complexity and actor contestation. In the Northern Ireland context, we see how these traits are rooted in the manner in which policy and political order *are combined*. It is virtually impossible to establish with any element of certainty how to deal with a given policy area before the broader issue of the nature and status of the UK's relationship with the EU has been clarified. That as noted is a matter with direct bearing on the future configuration of European political order. At the same time, the implications for the UK (and the EU) will be profoundly affected by the outcomes of the negotiations on specific policy issues. There is agreement on the principle of sustaining an open border between Ireland and Northern Ireland (European Commission 2017b), but this issue cannot be

separated from the issue of borders within the Irish Sea, because the UK government insists on the need for sustaining an open border between Northern Ireland and the rest of the UK.²⁵ At the same time, the UK government has drawn up several red lines - notably refusing to be part of the EU's internal market and customs union - that the EU and Ireland see as necessary preconditions for sustaining an open border between Northern Ireland and Ireland. The question of trade in goods and services is therefore tied up with the UK's concern with restoring sovereign border controls; the EU's concern with sustaining the coherence and contiguity of the four freedoms; and all parties' acknowledgement of the need for maintaining the Good Friday agreement.

These observations have bearing on the question of how Brexit relates to issues of political order. A world of states is marked by great asymmetries of political order: normally well-developed and compelling within any given state but far less so in relations between states. EU integration has historically been an attempt at 'taming' interstate power politics in Europe, not by abolishing states but by democratizing interstate relations. In so doing, the EU has altered the European political order. It has to a large extent contributed to domesticating European interstate relations through the development of common EU institutions; at the same time the EU has internationalized a whole gamut of domestic relations by rendering them subject to EU intervention (as well as accessible to other member states: EU citizens that move can claim rights against their host state). The upshot is that the present European political order has profoundly reconfigured the manner in which EU member states (and affiliated states) handle their domestic and their international relations especially within Europe.

Conclusion

²⁵ For an assessment of different bordering options, see McCall (2018).

This article has shown that Brexit exhibits the dimensions of wicked problems that Rittel and Webber outlined. There is lack of clarity and disagreement over the nature of the problem, as well as the solution; and there is profound uncertainty as to outcomes and broader implications. At the same time, we have seen that many of the terms that analysts associated with wicked problems could be used to depict circumstances of significant and abrupt changes to political order, and/or breakdown of order and rule. In the former case marked by significant changes complexity, uncertainty and conflict/contestation stem from the fact that policy actors must orientate themselves in relation to an altered structure or system of rules. Even under circumstances where changes are rule and norm-bound the speed and magnitude of change make the situation complex and foster uncertainty. In the latter case, breakdown of order and rule, uncertainty takes center stage since actors no longer know what rules they can rely on to give meaning and direction to their activities. In this case, the situation is quite unbounded; hence unpredictable and stochastic.

It is difficult to think that problems associated with major changes or breakdown of political order would be less serious or ‘wicked’ than are those problems that the policy literature discusses under the heading of wicked problems, but we are talking about different forms of intractability and wickedness. With regard to political order, the point of departure is not a problem in a policy area but a change in structural arrangements and/or structuring principles. Breakdown of regularity and the unpredictability that ensues would be the point of departure; from there we would try to discern the nature of the problem and how wicked it is. Under circumstances of breakdown of order, the solution is often very straightforward: restore order and regularity. What is at stake is power to restore order not intellectual acumen or technical expertise or any other ‘tool’ for grappling with policy challenges. The onus on restoring order may even *deflect* attention from the substantive contents of policy problems/challenges. Restoration of order can leave policy making to bodies with limited

knowledge and expertise for grappling with substantive policies. Attempts to restore order may then actually contribute to those conditions that the policy literature associates with wicked problems.

In addition, Brexit reminds us that we have to keep in mind that there are two different conceptions of wickedness involved. The wicked problems framework focuses on wickedness along the lines of complexity and intractability, whereas questions of political order are more directly attuned to normative issues, and what is good or bad in a normative evaluative sense. It is important to avoid confusing the two. But precisely because the literature on wicked problems with its roots in planning and policy studies has not explicitly engaged with matters of political order and orderliness, the depictions of wicked policy problems are quite similar to those we use to depict problems of political order – even if the circumstances are otherwise quite different.

We need to distinguish between cognitively demanding, politically demanding, structurally demanding and normatively demanding issues. The wicked problems literature has focused on the two former and largely ignored the two latter. The problems identified above suggest a narrow conceptual strategy, in other words to confine or delimit the wicked problems framework to cognitively demanding cases so that we can keep focus on policy substance. When issues become heavily politicized and questions of value and political order appear, there is an irreducible normative dimension, which gives a different meaning and significance to wicked and can no longer be confined to the realm of policy.

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