

Que reste-t-il de nos amours? The expectations of 1991 revisited

An Unfortunate Case of Anglo-Saxon Parochialism?¹

I am writing this at the end of August 2016. The United Kingdom's advisory referendum on European Union membership is now two months' past. Since then, this country has replaced a Prime Minister, our main opposition party has entered a full scale internal conflict, and a Summer Olympics has been completed with great success for Team GB.² In these two months, the mania and emotion of the immediate aftermath of the referendum result has quietened, no doubt helped by the Parliamentary recess over the Summer. What has remained is the uncertainty over what exactly 'Brexit' is, how it will be effected (if at all), and what the future holds for both the UK and the European Union.

It was not meant to be this way. After the fall of the Berlin Wall and the dissolution of the Soviet Union, the future looked very bright for the continent of Europe, and for the institution which became the European Union. Free markets and democracy had won. The threat of global nuclear war had abated, and countries around the world looked forward to the peace dividend which they would benefit from. Twenty-five years later, and the European Union could be viewed by a disinterested observer as a resounding success. Ex-Communist countries have been integrated into the biggest customs union and common market on the planet. Democracy dominates the continent of Europe as a system of government, and the Schengen agreement had removed internal borders from much of continental Europe. A war in Europe has never seemed so far away. And yet. And yet.

What does the UK's vote to leave represent? Why is it that the news media and politicians across the continent are talking about a crisis for the EU, and even whispering about the beginning of the end if no reforms are made? How could the UK do this? These questions will generate millions of words of print (and scores of doctoral theses) in years to come. My reflections on the debate over Brexit relate to whether, in fact, there were any 'ideals' or bonds of solidarity which brought the 28 Member States together in the first place, or whether these bonds were far more tenuous than at first appreciated, especially when seen from this side of the English Channel. What follows is my attempt to add my own commentary to what has been the most momentous event of my lifetime.

The UK's relationship with the European Union has always been complex, and broadly based on a form of cost-benefit analysis. The UK is a country which, in many ways, is still coming to terms with the loss of its Empire, its influence and its power during the twentieth century. It is a nation which has had an almost unique history amongst nation states. It never defined itself – what it means to be 'British' – through an independence movement or rebellion. It was always the coloniser, never the colonised. Nor has it experienced wars on its soil in the same way as its European neighbours; being an island nation, it has sent troops to Europe but not been conquered by troops from Europe for nearly a thousand years. Nor has it been swept up in Revolution or civil war, like many countries around the world. Still with a monarchy which can trace its ancestry back over a thousand years, it stood apart from France, Germany and others when they experienced their own revolutions which led to new constitutions, new ideas, new movements and national spirits to be born. Evolution (very slow evolution), rather than revolution is the order of the day. Tradition and history therefore gains even more importance for the UK. Without a founding event or historical epoch, all the nation has is its very lengthy existence to define itself by.

¹ This commentary's title owes a debt to David Dyzenhaus, 'An Unfortunate Outburst of Anglo-Saxon Parochialism' (2005) 68(4) *Modern Law Review* 673-676.

² I mention the success at Rio 2016 not just because I lost many nights' sleep to watching athletics, cycling, hockey and taekwondo, but also because no one is quite sure whether this will be the last Olympics that the United Kingdom competes at, given the possibility for the polity to fracture over the coming years.

Now, this history is skewed and selective (and, in many respects, plain wrong), but it is important not to underestimate the power of this narrative in the British psyche. The Revolution of 1688 is conveniently explained away (we invited a new King to take over!), invasions are ignored (including the Dutch and German soldiers who invaded with William III in 1688), and civil wars are denied (euphemistically described as ‘Troubles’ when they exist in Northern Ireland). Even more importantly, this narrative could be seen as not even being ‘British’. The Welsh, Scots and Irish nations each have their own experiences of subjugation under the English Crown, either through abolition (Wales), occupation (Ireland) or economic union (Scotland). In this sense, the ‘British’ narrative could be argued to be an ‘English’ one. To be slightly crueller, it is not too unfair to state that the English are one of the few peoples never to face up to what it means to be ‘English’. Always defining themselves through being the coloniser over an Empire that the Sun never set on, all of a sudden the English and British have had to come to terms with their new status in the family of nations.

In this sense, the title of this commentary reflects my own view of the UK’s relationship to ‘Europe’, both in reality and in ideology. It is inspired from a critical description of A V Dicey’s account of the rule of law,³ an account which has dominated Anglo-American approaches to law and justice for well over a century. This is a view of Europe which sees Britain as related to, but separate from the family of nations which generally are classified under that vowel-heavy six-letter word. It is also a view of Europe which, in my view, is coloured by the UK’s own unique history – one which was always (literally) on the boundary of the tumults and internecine conflicts of the continent. Whilst it is correct that there were underlying causes of the Leave vote, in my view these catalysts cannot be seen as separate from an underlying view of ‘Europe’ pervasive on these shores.

The title I have used was also used by David Dyzenhaus in 2005 to refer to a judgment delivered by a UK House of Lords judge, Lord Hoffmann, in the case of *A and others*, more commonly known as the ‘Belmarsh Detainees’ case.⁴ Lord Hoffmann’s judgment is interesting to me, not least for illustrating a certain point of view of ‘Europe’ (and in this case ‘European law’) which I feel has been reflected in many of the comments and approaches of the Leave campaign both before and after the June referendum.

The details of *A* can be succinctly stated. After the terrorist attacks on America in 2001, the Labour Government of the day passed a statute allowing for foreign terrorist suspects to be detained without charge or trial. This detention was challenged through the courts. The lawyers for the detainees, knowing that courts had upheld similar measures as being valid under the law of England during World War Two, instead based their challenge on the European Convention of Human Rights (ECHR). In declaring that the detention without trial of suspected foreign terrorists was unlawful, Lord Hoffman asserted that there was no state of emergency existing which meant that the government lacked the justification to detain anyone without trial or charge. He also wrote the lines picked up by the news media, declaring that: “The real threat to the life of the nation ... comes not from terrorism but from laws such as these”.⁵ Lord Hoffmann clearly declared that any power of indefinite detention “is not compatible with [the UK’s] constitution”.⁶

What Lord Hoffmann failed to mention to justify his reasoning (which all the other judges in the case did), was the Human Rights Act 1998, through which the UK courts can directly apply the rights protected by the ECHR. Instead, he felt that he did not need to rely upon European Law; the English common law (with all its history and wisdom gained through the centuries) provided all the answers required. However, this reliance on the virtues of Albion remained problematic. As David Dyzenhaus noted, Lord Hoffmann’s argument rested on the

³ Judith Skhlar, ‘Political Theology and the Rule of Law’ in Judith Skhlar, *Political Thought & Political Thinkers* (Chicago: University of Chicago Press, 1998), p.26.

⁴ *A and others v Secretary of State for the Home Department* [2005] 2 WLR 87 (HL).

⁵ *A*, para. 97.

⁶ *A*, para. 97.

proposition that detention without charge was unlawful because the UK government had not shown that there was a state of emergency.⁷ Therefore, if the government could have rationally shown that a state of emergency had existed, then the judiciary should defer to the government and executive and not stand in the way of their decision.⁸ In contrast, the other judges all agreed that there *was* a state of emergency, but even conceding this made clear that the ECHR placed limits on governmental action, which the government had exceeded. In short, it can be said that Lord Hoffmann, through an unnecessary reification of the virtues of English law, had in fact set the stage for larger problems down the line. Thankfully, his was a minority judgment in the case.

It may appear strange to start a commentary on the ‘Brexit’ decision and its relation to the fall of the Soviet Union with a decade old human rights case, but I think that Lord Hoffmann’s judgment case light upon a wider view of the merits (or otherwise) of ‘Europe’ prevalent in the UK. Lord Hoffmann’s approach to favour the English common law over and above any European alternative (and the burden which is places the English lawyer under) is reflected in the 19th century jurist (and cousin of Dicey and uncle of Virginia Woolf) James Fitzjames Stephen’s view that:

Our law is in fact the sum and substance of what we have to teach them. It is, so to speak, the gospel of the English, and it is a compulsory gospel which admits of no dissent and no disobedience.⁹

Nor is this opinion of English and British supremacy limited to the law. In the political sphere, the self-evident pre-eminence of Albion was announced by Margaret Thatcher in 1999:

My friends, we are quite the best country in Europe. I've been told I have to be careful about what I say and I don't like it. In my lifetime all our problems have come from mainland Europe and all the solutions have come from the English-speaking nations across the world.¹⁰

Such statements cast doubt on the narratives of the EU which place a motive shared by all Member States at its heart. But the history of the UK’s accession also points to deep suspicions which came to the fore this Summer. The UK’s perceived hostility towards ‘Europe’ was reflected in its original attitude to the European Economic Community (EEC) back in the 1950’s. The UK was not part of the original Treaty of Rome, and did not send a minister to the preliminary summits and discussions which led to the Treaty’s formulation. Instead, Russell Bretherton, an Under-Secretary from the Department of Trade, attended.

Jean-François Deniau, a French statesman present at the negotiations, recounted how Bretherton had spent many months sitting through the proposals of which the government of Harold Macmillan of the time were sceptical. Deniau noted that finally, one day Bretherton had had enough, and rose to deliver a speech:

Messieurs, I have followed your work with interest, and sympathetically. I have to tell you that the future Treaty which you are discussing a) has no chance of being agreed; b) if it were agreed, it would have no chance of being ratified; c) if it were ratified, it would have no chance of being applied. And please note that, if it were applied, it would be totally unacceptable to Britain. You speak of agriculture, which we don't like, of

⁷ Dyzenhaus 2005, 674.

⁸ A, para. 97.

⁹ J.F. Stephen, quoted in E. Stokes, *The English Utilitarians and India* (Clarendon Press, 1959) 302.

¹⁰ BBC News, “Thatcher pleads Pinochet’s case” (6 October 1999)

http://news.bbc.co.uk/1/hi/uk_politics/467114.stm.

power over customs, which we take exception to, and of institutions, which horrifies us. Monsieur le president, messieurs, au revoir et bonne chance.¹¹

Whether Deniau's account is accurate is disputed; Bretherton may never have uttered those words. Yet it was true that British officials were concerned about the UK joining this economic community. Bretherton made this clear in an official communique:

We have, in fact, the power to guide the conclusions of this conference in almost any direction we like, but beyond a certain point we cannot exercise that power without ourselves becoming, in some measure, responsible for the results.¹²

The suspicion of centralised authorities in Europe was a main driver behind the UK's non-participation in the Community for over a decade and a half. In part because of this suspicion, the UK only joined the EEC in 1973, alongside Ireland. This was in contrast to the UK's other post-war multilateralism – the UK was (and still is) a permanent member of the United Nations Security Council, a founding member of NATO, and it was the UK Government which helped to draft the ECHR. Following Fitzjames Stephen's lead, the UK was happy to bring the rule of law and human rights to other European countries; in line with Thatcher's view, the UK was happy to stand shoulder to shoulder with the USA and help defend Europe from the threat of communism and the Soviet Union. What the UK was not so happy doing was pooling aspects of sovereignty through the Common Market, moving decisions from Westminster to Brussels.

Yet the UK was a member of the Common Market, and remained a member through the 1980's when the EEC expanded, with the former dictatorships of Spain, Portugal and Greece joining. With an expanding Europe, the EEC made moves to reduce tariff barriers and committed to creating a 'single market' comprising of free movement of goods, capital, services and (most importantly) people by 1992. The UK played its part in passing the Single European Act when its Prime Minister, one Margaret Thatcher, signed on behalf of the country in 1986. Despite her ambivalence towards 'Europe', she was a keen supporter of the single market and its economic benefits.

In fact, it was Thatcher as Prime Minister who championed the expansion of the EEC. In 1988, Thatcher delivered a speech in Bruges to the College of Europe. In the speech, Thatcher laid bare the British relationship to 'Europe' which underpinned the referendum result this June and will shape the exit negotiations in years to come. Europe, Thatcher argued, "is not the creation of the Treaty of Rome".¹³ Whilst acknowledging the UK's debt to European culture, which 'shaped the nation', Thatcher made clear that the EEC should be built through the "willing and active collaboration between independent sovereign states".¹⁴ To this end, even the Eurosceptics in the Conservative Party in the 1980's and 1990's wished for a 'wider not deeper Europe'. By expanding eastwards, the EEC (later the EU) would become so large that it would be impossible to pursue a goal of political union. Alongside this, many British politicians felt that integrating ex-Soviet and Iron Curtain states into the single market would aid the democratising process in these countries. Thatcher was one of them. In the Bruges speech, she noted that the EEC should "never forget that east of the Iron Curtain, people who once enjoyed a full share of European culture, freedom and identity have been cut off from their roots. We shall always look on Warsaw, Prague and Budapest as great European cities".¹⁵ In 2002, Conservative MEP Roger Helmer (who later defected to UKIP) stated that:

¹¹ Michael Maclay, 'Historical Notes: Mr Bretherton's retreat from Europe', *The Independent* (29 August 1999) <http://www.independent.co.uk/arts-entertainment/historical-notes-mr-brethertons-retreat-from-europe-1118343.html>; Jean-François Deniau, 'L'Europe Interdite', *Le Monde* (27 October 1991).

¹² CAB 134/1044, R Bretherton (BT) to F F Turnbull (T), 4 August 1955.

¹³ Margaret Thatcher, "Speech to the College of Europe ("The Bruges Speech")", (20 September 1988), <http://www.margaretthatcher.org/document/107332>.

¹⁴ Ibid.

¹⁵ Ibid.

Tory policy on enlargement is clear. We are in favour of it, for three reasons. First, we owe a moral debt to the countries of central and eastern Europe, which were allowed to fall under the pall of communism after the second world war. Second, by entrenching democracy and the rule of law in eastern Europe, we ensure stability and security for the future. Third, an extra hundred million people in our single market may be a short-term liability, but long term will contribute to growth and prosperity.¹⁶

The contours of the British political debate around Europe – the preeminent position the UK placed itself in with relation to the rest of the continent, its suspicion of centralised powers in the EEC and EU, and its desire to embrace the single market through expanding EU membership – shaped not just the EU referendum debate but all debates around the EU for the past decade. What proved to be the catalyst for the vote to Leave were two events – the 2008 global recession and market crash, and the previous Labour Government’s approach to the eastern expansion of the EU.

In 2004, ten countries of the former Soviet Union and Iron Curtain joined the EU. It could be said that this act was the final victory of the capitalist West in the Cold War. Not only had the Soviet Union dissolved, but an economic boom had occurred after the ‘end of history’ in the ‘roaring nineties’.¹⁷ Stock markets were booming, free trade and globalisation were the orders of the day, and there was seemingly no end to the bull market. Then UK Chancellor of the Exchequer Gordon Brown declared in 2007 that there would be no return to a “boom and bust” economy of the past.¹⁸ The gains from eastern expansion, and access to another 100 million consumers, were clear even a decade prior to accession.¹⁹ Nevertheless, there were dangers. Even in 1995, one academic noted that “serious political or economic turmoil in the East could lead to mass migrations and harm the confidence of investors throughout Europe”.²⁰

The mass migration occurred, but not because of any serious political or economic turmoil. Unlike France and Germany, who took advantage of transitional restrictions on free movement of persons when the 2004 accession occurred, the UK government relaxed immigration controls to these new EU migrants. This was an economic decision, in line with successive UK Governments approach to Europe – namely, in support of the single market, but not in favour of political union:

With an expanded European Union there is an accessible and mobile workforce already contributing to our growing economy, closing many gaps experienced by employers. In a changing environment where our European commitments provide many opportunities for the UK to benefit from this new source of labour (...) [o]ur starting point is that employers should look first to recruit from the UK and the expanded EU before recruiting migrants from outside the EU.²¹

The peoples of Eastern Europe were thus to be used as a source of cheap labour to bolster the booming UK economy. Yet the background to this boom was misleading. Not all individuals were benefitting from the economic boom. In the US, from 1980 to 2013, the richest 1% saw

¹⁶ Toby Helm, “How the Tory right turned against EU enlargement”, *The Guardian* (21 December 2013) <https://www.theguardian.com/world/2013/dec/21/tories-conservatives-eu-enlargement-bulgaria>.

¹⁷ Joseph E Stiglitz, *The Roaring Nineties: A New History of the World's Most Prosperous Decade* (London: W. W. Norton & Company, 2004); Joseph E Stiglitz, *The Roaring Nineties: Why We're Paying the Price for the Greediest Decade in History* (London: Penguin Books, 2004).

¹⁸ HC Deb 21 Mar 2007, vol 458, col 815.

¹⁹ Richard E. Baldwin, “The Eastern enlargement of the European Union,” *European Economic Review* 39 (1995) 474-481, 475

²⁰ Ibid.

²¹ UK Home Office, “A Points-Based System: Making Migration Work for Britain”, Presented to Parliament by the Secretary of State for the Home Department, by Command of Her Majesty, March 2006, Cm 6741, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/272243/6741.pdf.

their income increase by 142% and their share of national income double from 10% to 20%.²² Likewise, in the UK whilst the richest 10% saw their incomes more than double from 1968 to 2008, for the poorest 10% saw their wages increase by 20% over the same period, with no real terms increase from 2002 to 2008.²³ The dangers of this inequality was perhaps best explained by Thomas Piketty, who stated that:

When the rate of return on capital exceeds the rate of growth of output and income ... capitalism automatically generates arbitrary and unsustainable inequalities that radically undermine the meritocratic values on which democratic societies are based.²⁴

In other words, capital (unearned wealth, exemplified by the house price explosion in the UK) was fast outstripping income, leading to huge increases in inequality. This was not an inevitable consequence. Rather, it was caused by political policies repeated across North America and Europe, lending evidence to Piketty's assertion that "[t]he history of the distribution of wealth has always been deeply political".²⁵

Then the roof caved in, and a perfect storm was unleashed. The 2008 financial crisis, as is still evident, badly affected the Eurozone. Long regarded with suspicion from Albion, currency union was seen as driven by politics, not economics, and as the first stage to the complete political union that the UK had long resisted (and in many quarters, feared). The harsh approach taken by the EU against Spain, Ireland and Greece (amongst others), and the perceived overriding of expressions of outrage and dissent by EU citizens to ensure the single currency did not fracture, further increased criticism of the EU and its institutions. Decisions were being made by an organisation with a democratic deficit that bound elected governments across the continent.²⁶ Such is this democratic deficit that it has led to former Soviet dissidents making unflattering comparisons with the Soviet Union.²⁷

What the financial crisis led to in the UK was the election of a Conservative-Liberal Democrat Coalition Government who embarked upon a radical austerity regime. Made up of deep spending cuts in the main, without the Keynesian stimulus package demanded by many economists,²⁸ the austerity measures were designed to reduce the UK's public accounts deficit. These measures have led to tepid growth, with public debt doubling since 2010 and the balance of payments running at record deficits. In addition, the austerity policies fell predominantly on the poorest in the UK – those who saw their wages increase so timidly during the boom, felt the pain the most during the bust.²⁹ Economic stagnation, cuts to social security and public services, falling incomes, and rising unemployment combined to create a deeply damaging situation in which millions struggled to make ends meet.³⁰ Conversely, the well off, those without children, those who did not receive state benefits, and those who most likely benefitted from the economic boom, did not feel the brunt of the cuts. Again Piketty is instructive:

²² Thomas Piketty and Emmanuel Saez, "Income Inequality in the United States, 1913-1998" *Quarterly Journal of Economics*, 118 (1): (2003), pp.1-39.

²³ An anatomy of economic inequality in the UK: Report of the National Equality Panel, January 2010, <http://eprints.lse.ac.uk/28344/1/CASEREport60.pdf>.

²⁴ Thomas Piketty, *Capital in the Twenty-First Century* (Cambridge MA: Harvard University Press, 2014), p.1.

²⁵ Piketty, *Capital*, p.20.

²⁶ Andreas Follesdal and Simon Hix, "Why There is a Democratic Deficit in the EU: A Response to Majone and Moravcsik," *Journal of Common Market Studies* 44 (3) (2006):pp.533–562.

²⁷ Paul Belien, 'Former Soviet Dissident Warns For EU Dictatorship' *The Brussels Journal*, 27 February 2006 <https://www.brusselsjournal.com/node/865>.

²⁸ Paul Krugman, "The austerity delusion", *The Guardian* (29 April 2015) <http://www.theguardian.com/business/ng-interactive/2015/apr/29/the-austerity-delusion>.

²⁹ Office of National Statistics, 'Government Deficit and Debt Under the Maastricht Treaty, Calendar Year 2012' (2013) http://www.ons.gov.uk/ons/dcp171778_299198.pdf.

³⁰ M. Haddad, 'The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty', (2012) Oxfam: Oxford, <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>.

[T]he dynamics of wealth distribution reveal powerful mechanisms pushing alternatively toward convergence and divergence ... there is no natural, spontaneous process to prevent destabilizing, inegalitarian forces from prevailing permanently.³¹

Despite the UK's economic recovery being worse than it needed to be through a self-inflicted wound, it remained in a (relatively) better position than the Eurozone. The result of this was an increase in net migration to the UK, especially from EU citizens. This was driven by the Eurozone crisis – from 150,000 migrants a year from the EU in 2012 to over 250,000 a year in 2015.³² In the background too remained the refugee crisis. Even though very few of those fleeing violence in the Middle East and North Africa reached the UK, images of thousands of refugees arriving in 'Europe' (it was almost always left ambiguous in the press), queuing at borders, climbing over fences and heading ever westwards became synonymous with the free movement of persons guaranteed by the EU Treaties. This was taken advantage of by the (now infamous) "Breaking Point" poster unveiled by the UKIP leader Nigel Farage a few weeks before the referendum. The perfect storm had thus been created – longstanding British suspicions about the EU and its centralizing tendencies, the fears about immigration, concerns about a lack of jobs and opportunities, disenfranchisement with the mainstream political parties, and a schism in the populace with the result laid bare.

Opinion polls published shortly after the vote appears to support the view that it was those 'left behind' in the periods of economic growth, who were also most affected by austerity, who cast the decisive votes in the referendum. Brexit voters are twice as likely to feel that their local area doesn't get its fair share of Britain's economic success, and that their local area has been neglected by politicians, and that government does not listen to their concerns.³³ 58% of Leave voters felt that life in Britain today is worse than it was 30 years ago; 73% of Remain voters felt it is better. There was a clear correlation with education and social class – the better off and better educated the voter was, the likelier it was that they would vote Remain. By large majorities, voters who saw multiculturalism, feminism, the Green movement, globalization and immigration as forces for good voted to remain in the EU; those who saw them as a force for ill voted by even larger majorities to leave. Again, suspicion about the EU and a perceived democratic threat to the UK's traditions remained a strong influence. Nearly half (49%) of leave voters said the biggest single reason for wanting to leave the EU was "the principle that decisions about the UK should be taken in the UK". One third (33%) said the main reason was that leaving "offered the best chance for the UK to regain control over immigration and its own borders". Even among Remain voters, only 9% said the main reason for their vote was "a strong attachment to the EU and its shared history, culture and traditions".³⁴

Despite the shock with which the Leave vote was received, especially by the markets, it was not particularly surprising given the context. Again, Piketty's words seem prescient:

The concrete, physical reality of inequality is visible to the naked eye and naturally inspires sharp but contradictory political judgments. Peasant and noble, worker and factory owner, waiter and banker: each has his or her own unique vantage point and sees important aspects of how other people live and what relations of power and domination exist between social groups, and these observations shape each person's judgment of what is and is not just.³⁵

³¹ Piketty, *Capital*, p.21.

³² Oliver Hawkins, 'Migration Statistics', House of Commons Library Briefing Paper, Number SN/06077 (26 May 2016).

³³ Daniel Wright and Rachel Case, "Leave voters felt ignored and left behind as post-Brexit poll reveals extent of economic division across UK," *Joseph Rowntree Foundation* (31 August 2016) <https://www.jrf.org.uk/press/leave-voters-felt-ignored-and-left-behind-brexit-poll>.

³⁴ Lord Ashcroft, 'How the United Kingdom voted on Thursday... and why' (24 June 2016) <http://lordashcrofcpolls.com/2016/06/how-the-united-kingdom-voted-and-why/>.

³⁵ Piketty, *Capital*, p.2.

The history of inequality is shaped by the way economic, social and political actors view what is just and what is not, as well as by the relative power of those actors and the collective choices that result.³⁶

So what now?

What is clear to me is the cognitive disconnect which exists between both sides in the debate, and also between the leading voices on each side and the very people who voted for Brexit. Since the result was announced there have been many ardent ‘Brexiters’ who have advocated leaving not just the EU but the single market as soon as possible so that Britain can forge trade deals with countries around the world and become (in the words of one) a “buccaneering offshore low-tax nation”.³⁷ Lord Lawson (a former Chancellor) claimed that Brexit will allow Britain to negotiate new favourable trade deals and ensure the ones she has remain ‘unchanged’.³⁸ The spirit of Thatcher and Fitzjames Stephen remains strong. These pronouncements infer that the UK can ensure that free movement of persons will end, that the EU will accede to the UK’s requests for trade, and that the UK will become even more successful now it has thrown off the yoke of the EU. Yet within the Brexit camp, there are the ‘soft Brexiters’ who argue for single market access, stating that this is crucial for the UK’s economy. Single market access of course means accepting free movement of persons. It is not yet clear which path the UK will travel down.³⁹ Even then, what is good economically is not necessarily good politically. There is the very real prospect that the UK (and by extension its people) will not be given a good deal. If the UK can show that it can leave the EU and get a better deal outside of the Union, then what message will that send to the other Member States?

Just as loudly the ‘Remainers’ have made their objections. Parliament must get its say! This was only an advisory referendum – it is not binding! People were lied to – all the experts declared that this would be a disaster!⁴⁰ True, it was galling to see the Justice Minister, Michael Gove, dismiss the warnings by economists and others in advance of the vote with a proclamation that: “people in this country have had enough of experts”.⁴¹ Yet is there not something more problematic with the notion that the People have made an egregious error, and that their decision should be ignored? True, the question was ambiguous. People had different reasons and motivations for voting to Leave. True, the vote was close – four points. But this is still around 1.4m votes. A four-point win in a US Presidential election would not be this contentious. True, this issue was complex. The implications are enormous, spanning issues including international trade law, the World Trade Organisation, the status of EU law in the UK, the future of the UK constitution (unwritten as it is), and the future of the UK itself. You would have to have experts to guide your way through that minefield. But to come back to

³⁶ Piketty, *Capital*, p.20.

³⁷ Daniel Hannan, “Instead of sulking, Remainers should accept the result and work for a better future,” *Conservative Home* (7 July 2016) <http://www.conservativehome.com/thecolumnists/2016/07/daniel-hannan-instead-of-tantrums-remainers-should-accept-the-result-and-work-for-a-better-future.html>.

³⁸ Markus W Gehring, “‘Trade relations will remain unchanged’ post-Brexit, claims Lord Lawson. Hardly,” *LSE Blog* (12 April 2016) <http://blogs.lse.ac.uk/brexit/2016/04/12/trade-relations-will-remain-unchanged-post-brexit-claims-lord-lawson-hardly/>.

³⁹ Kate Allen, Jim Pickard and Henry Mance, “Post-Brexit Britain to seek ‘unique’ model as great trading state,” *Financial Times* (31 August 2016) <http://www.ft.com/cms/s/0/cb781d3e-6f8b-11e6-a0c9-1365ce54b926.html#axzz4lwx8Jc00>.

⁴⁰ Will Worley, “David Lammy MP urges Parliament to reject EU referendum result: ‘We can stop this madness’,” *The Independent* (25 June 2016) <http://www.independent.co.uk/news/uk/home-news/brexit-result-latest-david-lammy-mp-eu-referendum-result-parliament-twitter-statement-stop-this-a7102931.html>.

⁴¹ Henry Mance, “Britain has had enough of experts, says Gove,” *Financial Times* (3 June 2016) <http://www.ft.com/cms/s/0/3be49734-29cb-11e6-83e4-abc22d5d108c.html#axzz4lwx8Jc00>.

Piketty again: “Democracy will never be supplanted by a republic of experts – and that is a very good thing”⁴²

In *The Communist Manifesto*, Marx wrote that “A spectre is haunting Europe – the spectre of communism”. Today, perhaps it is correct to state that the spectre haunting Europe is the future of Europe itself. Income inequality, austerity and financial crises and the refugee crisis have led to the UK voting to leave the European project. The unique history of the UK, and its own unique take on the merits of itself and the demerits of ‘Europe’ have made it the first to leave the club. Yet across Europe, nationalist parties are surging in opinion polls, and anti-EU sentiment is growing. Perhaps the greatest lesson the fall of the Soviet Union can teach us is what happens when an ossified, out of touch, undemocratic bureaucratic regime runs into the demands of people to ‘take back control’.

Does this mean that the European Union will come to an end? No, I don’t think so. I voted to Remain, and am fearful of the future prospects for my own country. Yet for all the talk about Britain’s new place in the world, the future of EU reform, the future of trade deals, renegotiations, and the importance of finding the best possible solution to this situation, we could end up missing the most important lesson of all. That what we should all do in this country, and across the EU, is speak to those millions of people who feel like they have been abandoned by this country, ‘Europe’, globalisation and austerity, and to hear their stories and what they have to say. Only then can we start to think about whether there are shared values and principles which could form the basis for a European politics of the future.

⁴² Piketty, *Capital*, p.2.