

## **Brexit: An End to the End of History**

*Matej Avbelj*

*Graduate School of Government and European Studies – Kranj Slovenia*

[\[avbelj@gmail.com\]](mailto:avbelj@gmail.com)

Britain has voted to withdraw from the European Union. This is a victory. For European populists. For Putin's Russia. As well as for the new world system of governance, what Victor Orban has called "illiberal democracy." The era of the modern West, in the form that emerged out of the ashes of the WWII, is coming to an end. The West alone is to be blamed for that. As it has been hit by one crisis after the other, the West has continued to merely scratch the surface in looking for *ad hoc*, immediate, and almost exclusively economic solutions. The emphasis is always on the symptoms but never on the disease. In so doing, the West has turned a blind eye on a process of deep, internal transformation. The post-Brexit debate that will ensue in the following days and months will most likely stay faithful to this legacy. The discussion will remain superficial, preoccupied with economic and political questions, limited to the short-term quests of reorganizing the EU in pursuit of its long-term viability. But I want to insist that the challenge is much bigger than the future of the EU. It is about the preservation of the West, understood here as a synonym for liberal democracy and the commitment to the rule of law. We are confronted with the difficult—even terrifying question: How are we to build a new modernity on the debris of the modern post-war West in order to avoid repeating the bitter historical experiences of the pre-war Europe.

### **How Did We Drift Apart?**

What has actually happened to us in the West? An excellent answer to this question, admittedly using the USA as its case study, has been offered by Charles Murray. In his excellent book *Coming Apart* (2012) he

demonstrated how western societies have been witnessing the emergence of two different worlds that have been steadily coming apart since the 1960s. One world is populated by well-educated and more affluent individuals who typically live in exclusive neighbourhoods in big cities or in the suburbs. Their educational background and accumulated property enable them to lead a cosmopolitan life-style. They are well adapted to globalization and reap benefits from it. Being extremely socially mobile, the members of this new class pass their advantages on to their descendants, leading to a reproduction of the privileges, making this new cosmopolitan class increasingly elitist and detached from the other world.

The other world consists in people of average and below-average education. They are less rich, not infrequently also (very) poor. They live in the more run-down neighbourhoods or in the countryside. They and their kids frequent schools of lower quality and therefore end up as low-skilled workers, producing little added value. These people do not live in a cosmopolitan world. Their experience is limited, circumscribed, often parochial, as they simply lack the means for (social) mobility. These are the greatest losers of globalization, at least in the West. Their low-paid jobs are increasingly outsourced to the global East and the global South. To make things worse, even the limited number of jobs that have remained face significant competition from economic migrants streaming into the West from the underdeveloped regions in pursuit of a better life.

As a result, over the last thirty years, the members of the non-cosmopolitan class have witnessed a radical transformation of their world. For the worse. Foreign people have moved into their neighbourhoods, changing them beyond recognition. The rich have left and have been replaced by the migrants from all over the place, while the members of the non-cosmopolitan class are bound to stay. They are stuck with the little they have and with who they are. They can only passively observe how things are taking a downturn, not just for them but especially for their children who run a serious risk of being far worse off than their parents' generation.

These people are filled with fear. And these people are in the majority. The cosmopolitan class disregards their problems and is, to make things worse, mostly ignorant of them. The cosmopolitan class simply lives in a different world. But there is someone who speaks to these very real and serious concerns. The political populists. They know what language to use and which words to utter! America needs to be “made great again,” right? Great Britain must reclaim its independence! We must get rid of the EU bureaucratic yoke, which has caused all mess, from mass and seemingly uncontrolled migration to the economic downturn! Globalization shall be rolled back for three decades or so! These simple people, as Nigel Farage has called them, mostly voted in favour of Brexit. This is confirmed by a quick look at the results in the cosmopolitan cities and the rest of Britain. Seventy percent of voters in the big cities supported the remain side while elsewhere the score was tied, or, eventually, tilted in favour of Brexit.

### **Inexhaustible Source of Paradoxes**

I will not hide my disappointment with Brexit. It is three-fold. First, I am disappointed as a professor of European Law, whose scholarly well-spring have been the British universities. The single EU legal (scholarly) space has been sustained by UK academic institutions, professional associations, publishing houses, and the academic market. This space is the only one that is really open to the people with a supranational, rather than exclusively national focus. Besides, and not unimportantly, beyond its opt-outs, Britain’s ranking on the scale of compliance with EU law has been relatively good, and often better than that of France or Germany.

Second, I am disappointed because, as an individual, I sincerely believe in the project of European integration. I am convinced that in the widest possible inter-subjective terms, the EU is the only solution for preserving a lasting peace on the European continent; for keeping stability in the world; for upholding the liberal-democratic values and, last but not least, for preserving our European way of life and the achievements of the welfare state in the globalized world. All this means that the majority of the British

voters wrongly answered the question that was posed to them. This is my third source of a disappointment with Brexit. Why?

Nation states, as we used to know them, can only be, at least partly, preserved within the framework of a strong, united European Union. The British voters will sooner or later, but inevitably, come to terms with this bitter truth. They will realize that in the 21<sup>st</sup> Century speaking of regained independence and sovereignty, which can only come about through the repatriation of competences originally transferred to Brussels, is not just a myth, but straightforward stupidity. For almost 100 years now, since the landmark *Wimbledon Case* (PCIJ 1923), we have known that a state is sovereign to the extent it can execute its sovereign competences in international relations with other subjects of international law. Following Brexit, perhaps paradoxically, but certainly not unexpectedly, British sovereignty will see a real decline. For instance, as global free-trade agreements will be negotiated between regional super-powers, which the EU is and will remain, the British role will be relegated to that of a passive bystander. The British capacity to have an impact on the global ordering, to be *de facto* sovereign, will fall significantly. The same will happen to British economic power as capital will seek refuge in safer harbours of the continental European monetary union.

And this is not all. In a few years Britain might be gone. The geographic spread of the referendum results is more than revealing. Scotland has voted overwhelmingly in favour of Remain. In two years it might leave the UK in order to stay in Europe. If this occurs it is hard to foresee how something called England could still preserve its permanent seat in the Security Council. There will be simply no justification for that any more. In other words, Brexit can set in motion, admittedly a long overdue, reconstruction of the United Nations and, on that basis, indeed of the entire international world order. The Breton Woods institutions will face an ultimate decline. In the brave new international world order, the West will play a much smaller role, while the process of transition to a new international legal and political settlement will increase the risk for international peace.

### **Populism Poses a Real Threat**

It goes without saying, that one is tempted to put all the blame for Brexit on the shoulders of Prime Minister Cameron and his extremely irresponsible and myopic politics. It is a temptation that is hard to resist, but we should do so, because it will take us in the wrong direction. Cameron only let out the pressure that was boiling in the West over the last decades, but in particular in the last few years. The British referendum, and this is my central claim, did nothing more than reveal the real face of the West. The face that has emerged, once an idealistic, cosmopolitan veil has been removed from it. This truth must be accepted and the reality must be confronted, if we want, first to suspend, and then halt the political populists' rise to power by (ab)using the real fears of the common people.

Shall the opposite be true: Trump's victory in the USA; UKIP's continuous rise in the UK; the National Front prevailing in France; a strengthening of the Alternative for Germany; and even more Central European leaders following Orban's suit? In short, shall the West be hijacked by the populists *in toto*, then we must be ready to face the worst. We must beware of populism. It poses a real threat. It works and it is successful. It works because it takes advantages of the negative sentiments simmering among the people; because it draws on the emotions in ways that a liberal democracy, as a complex system of checks and balances, is unable to match.

### **After the End of the End of History – A New Beginning**

In such circumstances, and in particular after Brexit, the responsibility of the political elites, of the cosmopolitan class, public intellectuals and indeed everyone who can influence the public sphere is enormous. The world has been decentred and must be brought back into the traditional framework. This requires winning back the common people from the hands of the populists by trying to respond to their real-life problems. The two worlds:

the cosmopolitan and the parochial must meet again and become acquainted with one another. If this remains possible at all. The only way of finding this out, is by trying it – at home, in the nation states, as close to the people as possible. This requires abandoning the scapegoat strategy. Let us face it: it cannot be that all bad things, all crises, are attributable to Brussels and its allegedly monstrous bureaucracy. The latter is, in fact, as thin as it is toothless. Especially since 2009 all the decisions have been taken by the European Council, that is to say, by the Member States, which are simultaneously clearly unable to resolve any crisis alone and individually.

This is why the European states are, *volens nolens, de facto* forced to cohabitate in the European Union. The latter, however, will need to be deepened and federalized, to preserve its own viability and to successfully protect the interests of its Member States. The British will no longer take part in this difficult enterprise and other countries too might follow Britain's suit, even if in a less radical way. My prediction, indeed a normative desire, however, is to see the European Union developing into a non-statist federal union, composed of the Member States and EU citizens, structured around the core EU, standing for the monetary, fiscal and political union. To this core EU other concentric circles of less willing or less ready Member States could be attached, following the many models of differentiated integration. This transformation of Europe into a non-statist federal union must take place soon. Should this not occur, then we risk not just losing the Union, but the very idea of Europe and of the West as we have traditionally known them. I am convinced that the time has come for a new era of European integration, founded in the West's new modernity.

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