HANDBOOK ON THE EUROPEAN UNION AND BREXIT

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29. Exceptionally exceptional? A postscript on Brexit in the guise of a conclusion

Kalypso Nicolaïdis, with comments by Albert Weale, Christopher Lord and John Erik Fossum

By God, I do love the Ingles. God dammee, if I don't love them better than the French!1

Will Brexit finally free the French from Voltaire's infatuation? Or will it vindicate his fascination – if that is what his love was – for an exceptionally exceptional nation and people?

For its protagonists, Brexit is nothing if not a story of triumphant exceptionalism. The story of a people enslaved by the shackles of Brussels, now embarking on a journey of escape, served by daring prophets bargaining over terms of departure with a stubborn Pharaoh-Brussels, complete with the parting of the seas. Egyptians, EUians: let the people go!

Admittedly, you've got to be quite special, or high, to 'see the sounds' at Mount Sinai ('All the people saw the sounds ... they saw and trembled', says the Torah). But who in this day and age still believes in 'Chosen People', except as some sort of collective narcissistic disorder?

And yet, British exceptionalism feels like a conspiracy these days. The British identity complex and separation gene scrutinised under the microscope by historians, sociologists, anthropologists, geopoliticians alike, with the old Victorian story of the commonalities between the Israelites and the British people no longer needed as a prop, but nevertheless always there as decoys.

This is comfortable play for social scientists where rational calculations, interests and plans win the day. Leavers warned us from the early days, Brexit would not be primarily about doing but about being, be-leaving, a leap of faith at the edge of the Sea, leaving the army of EU bureaucrats in pursuit to drown in their own red tape. Leavers may have disagreed among themselves on the ethics of unleashing some kind of modern plague on the wretched Europeans (a Kent variant maybe?), or whether 40 years of wandering in the wilderness before reaching the Promised Land ought to be part of the package, but they agreed on one thing: the Sea shall part.

Brexit would be *our* catharsis, a voyage from self-doubt to self-rediscovery, the old Anglosphere our new Jerusalem, connecting Great Britain's future with its glorious past, and the English heartland with its British parts. For in order to rekindle the old imperial flame in a new key, the English nationalist spark would now need to define some sort of identity for itself as the offshore 'other' of the European continent, a continent where 'multinational' means something very different. The more European tongues echoed inside its cities' double-deckers, the greater the appeal of Churchill's 'community of English-speaking peoples'. The great escape from the European Union (EU) was to allow for a politically correct Englishness which loves 'our' Pakis and paints Euro-centredness (read favouring white European over brown Commonwealthians) as parochial. Ah, the particular mix of triumph and drudgery that is a Great Escape!

In *this* Exodus story, it is not Britain that is narrowing its horizons but its European neighbours who have failed to enlarge theirs. The whole thing wasn't about curbing the freedom of nomads but about conquering 'ours' as settlers. The leave vote was truly exceptional wasn't it, a vote *against* the status quo, an exception to the golden rule of voting behaviour, driven by anti-establishment anger. Or could it be seen as an even deeper measure of British exceptionalism, a vote for a reconstructed status quo, reflecting a widespread belief that we never truly were part of the EU to begin with: not the euro, Merkel, Brussels or power structures on the other side of the Channel, this ever-remoter Union. To leave was to revert to the *status quo ante*, back to the place where we used to be before the exile into Egypt/Brussels actually took place. Back to our world.

To be sure, Leavers have had radically different ways of 'not being European enough' à la de Gaulle. Some wanted to leave because they found Europe too big, others because they found it too small. For a promised land, the parochials dreamt of the shires, the globalists of the Antipodes. The former want more protection and to pull up the drawbridge, the latter less protectionism and to build bridges. While the former exude resentment about the EU's place in the United Kingdom (UK), the latter exude confidence about the UK's place in the world. It is not clear what version other Europeans dislike more, both alienating in their own way. If the Brits have left us because they find Europe too big, we can confine Brexit to all that is pathetic about Little Britain. If they have left because they find Europe too small, there might be some *panache*, however delusional, in their story of Cool Britannia goes global.

But who truly believes in this exceptional synthesis of retreat and conquest?

If in the Bible story, despite the promise to go free, many Israelites do not want to leave at all ('Why hast thou done this to us, that thou hast led us out of Egypt?'), the 13 tribes do eventually come together in the desert. Not so of course in our version of the Exodus story, where doubt, division and resistance are likely to prevail for years to come. Like all revolutions, this cannot be a unanimous moment. As an English revolution, it has meant England without London, Oxford or Bristol. As a British revolution, it has meant the UK without Scotland or Northern Ireland. For these parts, Brexit means leaving an imagined colonial rule from Brussels only better to be subjected to our home-made internal colonialism. Never forget Drogheda (1649) say the Irish ...

What if our real exceptional destiny is not your version of milk and honey but what we already had, ask the tribes who had elected to stay? How do you expect us willingly to get lost in a legal and political no man's land, to leave a Euroland governed in our language, literally as well as ideologically, whose achievements like the single market, enlargement and free trade deals with the rest of the world stand as blinding markers of British influence? When, even on the global scene, 'British' had become the voice of European diplomacy and Britain's waning power has been magnified for decades by its EU back-office? In that land we are masters, masters of the treaties and masters of the agenda, not slaves!

Perhaps then the exceptional in this story is its intensity, its binary character over an object, the EU, which elsewhere and in other times, could be painted in shades of grey. Dreyfus@GB. In this tale of two Britains, the voting map eerily reflecting our ancestral political geography, the camps of the Civil War, conservative North and West supporting King and Court against the merchants and the liberal South, bolstered by the Scottish rebellion and Cromwellian Ireland. Or no! forget the old divides over region, class, church, party! This is a modern cultural war between the more or less young, schooled or urban, and between two sides who differ on everything from the death penalty to gay rights – even sexual fantasies!

These are not passing opinions. Five years later, each side has absorbed its new identity with a passion: I leaver, I remainer. *They* are unpatriotic, traitors, coward, unimaginative, rootless, *we* are patriotic, courageous, honest, irreverent. *They* are uneducated, irrational, insular, bigot, xenophobes, racist, dupes, *we* are open-minded, open-hearted, open-*tout court*. My virtue is bigger than yours. At its height, the story exudes with emotional clarity, feelings oddly physical, involving dead torn skin, one side shackled to an EU corpse, the other amputated from Europe's body politics. Never the wounds shall heal.

* * *

The Brits can argue among themselves as to whether British exceptionalism is about the election of a people or childish delusions. But for most on the continent it could only be indulged if it meant one thing: Britain has been and will remain the exception.

We get it, say Britain's continental neighbours. We know: you withstood Spanish, French and German kings, emperors, dictators and armadas. We admire your unique blend of healthy democratic disrespect for authority and necessary deference to government. We understand: your leaving is the price we pay for those nasty continental traits you thankfully do not share with us – memories of occupation, a need for a supranational antibody against nationalism, a yearning for stability after centuries of border swaps. Lucky you! Good luck, Lords of the Churchillian Rings!

No sour grapes, they add disingenuously. We won't even comment on the parochialism of your globalism, your deluded imperial revisionism and custodianship of great powerlessness. While we admit that the colonial gene remains part of Europe's DNA – at least in all its former imperial nations – you alone let it define your future.

And so, the Exodus story of exceptionalism has not only been a heroic tale sung by Brexiters. Eurofederalists on the continent have also admitted that letting *this* people go would be quite a relief. What could we do anyway with these islanders cut off from the continent by any hint of 'fog in the Channel'; a continent whose aspiration to harmony they never quite bought. De Gaulle was right, they say, even if for the wrong reasons (we are all schizophrenic about Americans these days): the Brits are simply 'not European enough' to remain in the club. Let them delude themselves in their fantasyland. 'Tired of the fog? Try the frogs!' teased French recruiters with glee in the early days.

Hasn't it been taboo for other Europeans to admit to the Brits' 'can-do' exceptionalism? To admit that only they do not mind acting as political eccentrics who question received wisdom? To note that with Orwell, the Brits tend to believe that if liberty means anything at all, it means the right to tell people what they do not want to hear. Sadly, they are often misunderstood by others when they do so in their own cryptic way, 'with the greatest respect' and all. And sadly, they do not deserve to be when healthy disrespect turns into contempt.

* * *

Be that as it may, can EU-central admit that the Brits have been the only ones with not only the mindset but the muscle power to be capable of doing the deed (even if those with the mindset and those with the muscle are not the same people)? That no other EU country could have achieved such an amazing, deluded act of stubborn self-confidence, invoking memories of past noble defeats, Dunkirk spirit and all, along the way. The drafters of the EU Treaties' exit clause knew it: only the British civil service would be capable of revisiting the following in two years: 12,000 European regulations, 7,900 legal implementation instruments and

80,000 pages of so called *acquis communautaires*, the laws passed by the EU in the last seven decades.

'Could the queen stop Brexit?' a student asked me in a Moroccan university adorned with the portrait of King Mohammed VI. 'Hum', I replied, 'couldn't, wouldn't ...' For many around the world, the commitment shown by the British elites to go through with a popular mandate most of them profoundly disagreed with has been a political phenomenon truly worthy of admiration. Will the Moroccan people ever be allowed to force their own top brass to do their bidding in this way?

But then again, will the Moroccans, or anyone else for that matter, ever experience such a parliamentary melee, with its mindboggling mash of procedures and passions, rippling down through the centuries from its original font, another (glorious) revolution. The drawn-out Brexit political saga may have seemed like democratic chaos, vacuous slogans, inveterate lies, violations of electoral funding laws, and some say, the worst media in the world, alongside the best. In the fray, an MP was murdered for playing the game in a different way.

But we could also agree that far from making a fool of itself, the UK has demonstrated to the world what an epic political struggle can look like, where both publics and politicians mobilise mostly peacefully against the other side while mingling in Westminster square and in Westminster lobbies. Seldom in Europe have we been graced with such genuinely heartfelt debates about Europe. Granted, the timing is a bit odd. Most of it took place *after* the vote. But better late than never. And is it really better to repeat the referendum until the people vote the right way, or until we can re-elect the people as Brecht would say?! Ah, the Ingles!

* * *

And yet ...

How exceptional can British exceptionalism really be? After all, nothing is less exceptional than exceptionalism, that sense of specialness at the heart of every national identity, starting in Europe. Think of the Portuguese and their oceanic melancholy, the Poles and their own messianic story, the Estonians and their avant-gardism, the French and their grandeur, the Greeks and their worship of resistance, the Spaniards and their buccaneering past, the Italians and their world-class taste, the Belgians and their dark chocolate wrapped in ever darker humour ...

In truth, the claim to exceptionalism may be the most widely shared feeling among EU members, each with its own 'proud tradition' and 'finest hour', each with the unique palimpsest of its language, as Elena Ferrante would say, each with its own fierce debate about the fit between the national and EU projects. We may prefer one exceptionalism over another, of, say, the self-deprecating Belgians over that of more self-satisfied nationals, or of smaller nations over bigger ones, and you may deplore any sense of uniqueness based on self-abasing contempt for others, but we can't deny the ubiquity of exceptionalism.

Perhaps the British are only more exceptional in being most oblivious to the uniqueness of others? Who knows. The British mystery, to take Karl Popper's formulation, may have captured the imagination of many in Europe for a long time, but fascination wears off.

Perhaps the British have always been the most ambivalent of all Europeans about the EU, half in, half out for the last four decades, sometimes in, sometimes out in the last four centuries. But which national public is not ambivalent about the EU these days? And which country has given the project such extremes, from Winston Churchill's original vision and Harold Wilson's entry combat to Clement Attlee's bailing out and Thatcher's turnaround.

Perhaps the Brits simply take problematic trends to their ultimate logic. Take the British brand of neoliberalism, probably the ultimate condition of possibility for Brexit. Or the country's unwillingness to submit to the post-war notion of democracy constrained (Müller, 2011), allowing for the almost untrammeled power of the executive to dictate the terms of Brexit. But the ills of neoliberalism have touched many other shores. And these days, parliaments and courts have been subdued around Europe. Is anyone taking back control these days, from bullying markets or bullying governments? Will there be future disrespect for authority?

Or perhaps the British thrive better than others on inconsistency. How can you be both insecure enough so radically to underestimate your influence in Brussels, and secure enough so blindly to trust that you can go it alone?

Is the separation gene not a matter of degree, a lower capacity for dual allegiances between island and continental European peoples, a greater British unwillingness to admit to its dependence on neighbours? But then again, the UK gave birth to the world's largest and most resilient federation of nations. Ironically, by exacerbating internal tension around the division of powers repatriated from Brussels, Brexit has brought the UK closer to EU member states like Spain, Italy and Belgium, which have long had to battle centrifugal forces. There are few exceptions when it comes to separatist demons.

Has the never-extinguished imperial urge present among some pathetic oldies not turned into dying embers among younger Brits? Just like, more or less, in Portugal or France? If you ask them, most millennials on both sides of the Channel would prefer to take part in a European peace-corps than be asked to rule a far-flung land. Alongside mobile phone roaming, the interrail pass, Erasmus romance and euros-across-borders, British kids embrace 'Banal Europeanness' (Cram, 2009) like the next Europeans.

Or is the whole specialness business a collective prank, a very English one at that, best expressed after the war by Flanders and Swann, that most notable of British comedy duos. 'The English, the English, the English are best/I wouldn't give tuppence for all of the rest' echoes to this day their 'Song of Patriotic Prejudice'. And piling it on to the audience in their introductory wit: 'Thanks to the English you are not ... Spanish.' For every Englishman who rages about Battles for Britain knows in his heart that invaders make a habit of becoming ancestors, right?

In the end, British citizens understand as well as their continental neighbours the power of cooperation. They just want to do it on their own terms. Annoying! Asked before the vote whether there should be more decision-making at the European level, the result was close to the European average (above 50 per cent) regarding health care and social security, stimulating investments and jobs, securing the energy supply, protecting the environment, promoting the equality of men and women and even dealing with immigration issues. They do get it: no country is an island, or two.

* * *

Some of us may have preferred a British conversion to a nearby like-minded exceptionalism, replete with similar talk of unacceptable outside interference and national identity: that of the Danes. And yet, Brexit only encouraged the Danes' EU-ness, at least in its immediate aftermath. Perhaps when your exceptionalism lies with the delights of hygge, which elects a cuddly present by the fireplace over a glorious past or future, stepping out alone into the cold is a step too far (although of course such a courtesy does not extend to asylum-seekers who have had to experience a very un-hyggeish Denmark). Mindfulness versus Exodus.

In fact, other Europeans may be more like the UK than they will admit. Which country in the EU does not have a transactional view, asking 'What's in it for me?' Are there examples of a member state willing to override its own interest for the sake of something called EU interest? This is the beauty of an EU game honed over decades to extract positive sums from individual national calculations: the European interest is not some transcendental truth known to the happy few in Brussels. The European interest is the final compromise, the never-ending quest for agreement, the seeming devotion of the many busy bees of European diplomacy to the overall balance of the hive. The Brits are only exceptional in telling it as it is – and in their belief that leaving the table altogether could strengthen their hand.

More prosaically, all this talk of exceptionalisms obscures the reality that there are only better or worse answers to the same sets of globally recurring dilemmas thrown up by our ubiquitous liberal capitalist modernity – control versus cooperation, local versuss global, order versus justice ... The idea of an exceptional EU as some special *sui generis* project embarking on a reinvention of shared sovereignty may just cloak the banality of it all.

At the very least, isn't the EU's own claim to exceptionalism predicated on its capacity to accommodate the many variations of exceptionalism in its midst? To be sure, reconciling the different national attitudes to striking the balance while committing to mutually binding forms of cooperation is a harder calling than functionalists would have it. Britain may have just been leaning too far on the 'control' side of the equation. And yet, there were alternatives to Brexit in the kind of 'managed discretion' its government was asking in the run-up to the referendum. At its best, the EU must serve as a multifaceted mirror in which all exceptionalisms can be reflected and deflected in equal measure, a machinery designed to turn exceptions into rules, and exceptional countries into rule-bound ones. Some will say that British exceptionalism lay in part in its vulnerability to this logic, in its willingness to be law-abiding, its propensity to take the EU too literally when others (Italy?) know how to bow to the rule without enforcing it. Why has the UK not followed the lead of Germany's supreme court and asserted its own constitutional integrity? Could it be that the EU lost the British people because they took it too seriously?

Not so, say the 27 in unison. The Brits are addicted to the special status we have offered them in the last two decades and the conviction that we owe it to them. How else could the City have been for so long the master of euro-clearing in spite of the country's disdain for the euro? Exceptional treatment is a privilege for members, they say. Even if they had become out-almost-in, they cannot get the same treatment they got before Brexit, as in-almost-out. The more out they chose to be, the less exceptions they can claim! Brexit can only remain an exception, the first and last to leave, they say, if we no longer treat the UK exceptionally as we have over the last decades. It makes sense that the bar be set higher when you are outside the club. Respect by the EU for the constitutional integrity of its member states and by the member states for the EU's integrity is a daunting balancing act best practised from within.

But can some be more equal than others, even as all non-member states are lumped together under third country status? After all, doesn't the fate of a 'former member state' deserve the ultimate claim to exceptionalism?

Ironically, both sides may continue to argue that the UK does deserve special treatment when it comes to equivalence, qualifications or data exchange, but mean very different things: continued special access for London, protective special exclusion for Brussels.

Thankfully for the British psyche, Commonwealth citizens are expected to step right in, all 2.4 billion of them, and demonstrate life's bounty outside the euro-perimeter, still there for the picking. But in the rest of the world, including the Anglosphere, British exceptionalism is an old story that may be past its sell-by date. For all the hope that the empire will strike back, Commonwealth countries have moved on, worrying about their globalised youth and localised poor, not the UK's regional woes. And from China to Brazil, South Africa to Japan, those tuning in have asked the same question: if British exceptionalism cannot be soluble in a union which tamed its imperialist undertones, what makes the Brits think that we, the rest of the world, will step in as their new Promised Lands? In spite of the old ties, isn't it more likely that Sudan, Sierra Leone, Kenya, Lesotho, South Africa, India, Myanmar or Sri Lanka will get used to dealing directly with Brussels without a London gateway? When British Prime Minister May rightly invoked the extraordinary wealth and breadth of the relationships Britain already has, from Mauritius to Madras, from Newfoundland to Swaziland, did she explain what it was about the EU that prevented these relationships from flourishing before Brexit?

Or is it a mark of British exceptional attention deficit disorder that it could not do both at once when in the EU: continental and global politics. Has membership of the EU club prevented its members from going about their global business? ... If they so chose of course. What is true, however, is that without the EU, Britain needs to creatively reinvent its bilateral relations around the world, a deflated global island, but global nevertheless.

Let's face it. Even if exceptionalism in Europe is no exception, the British brand has long predestined the country to hit the road first and probably alone. Always prone to out-Asterix the French, always the *empecheur de tourner en rond*, the spoilsport, no matter that this was precisely why others valued its hard-headed intuition that the EU was going around in circles. They were annoying but kept us on our feet, like ...

... una mosca cojonera (literally a fly with balls), quipped a Spanish friend.

* * *

POSTSCRIPT

In the years following the Brexit referendum, many scholars, including the brilliant contributors to this volume, engaged earnestly and honestly with the why and the how, as well with the 'what next'. Whatever his or her prior beliefs as citizens, whether British or not, the political scientist's calling is to dissect and analyse this unfolding reality. But when the moment under scrutiny is so pregnant with historical resonance and yet so entwined with everyday life, and when witnessing the stubbornness and grandstanding of politicians on all sides, the scholar may become irritable, cannot help but note the value left on the table, and fall prey to her normative biases.

Some of us sought to imagine and promote an Exodus lite, to sketch out more enticing future entanglements and exit about peaceful coexistence rather than harsh separation. And so we ask, can the British tribes learn again to walk together? If so, remainers must recognise that there was no 'Brexit tide of hate', that their fear of otherlessness was broadly unfounded. And leavers that if democracy calls for losers' consent, that covenant is predicated on giving them a stake in the process.

Ultimately, should we not also, as both scholars and citizens, help shape a European politics which embraces the ambivalence that all have on fundamental questions of cooperation and control? Who truly is simply sovereigntist or cosmopolitan? Can the former acknowledge that the EU's job is to manage the inevitable loss of sovereignty in our modern world, and the latter that it may have gone too far in so doing? Brussels used to encourage everyday bonds, twinning cities, universities, festivals, schools. Did it need to tie the European dream to bond yields? Is it too late for Brexit to serve as a backdrop for the EU's democratic reckoning? It would help for the EU to at least acknowledge the great symbolic gift Brexit has bestowed unto it: to demonstrate to the world and to its own citizens that it is an association by choice.

Perhaps then Brexit boils down to the contrasting connotation of one word: bond. Bond as bondage or servitude for some, bond as the ties that bind for others. Shackles versus Sharing. And maybe this is where the exceptional synthesis may lie, with all those in the UK who can hear both words, who might contemplate retaining a bit of bondage in exchange for some ties. Non-believers who let go of their nostalgia, who chose to give the promise a go, refusing to be treated as ineffective rebels. And leavers who while contemplating our unfolding global power politics are drawn back to a familiar spot on the map, Europe.

* * *

COMMENTS ON KALYPSO NICOLAIDÏS' POSTSCRIPT

Albert Weale

The EU promises an ever-closer union of the peoples of Europe. To make such a union possible the 'stories of peoplehood' – to borrow the phrase of Rogers Smith (2003) – that help define the political culture of the member states must make logical room for the recognition of supranational authority in at least some important domains of social and economic life. In her insightful, not to say exuberant, comment, Kalypso Nicolaïdis examines the extent to which the British/English story of peoplehood (the conflation of Britishness and Englishness is obviously an important element of the significance of the story to which I shall return at the end) lies behind Brexit. She concludes that, though every member state can make a claim to exceptionality, the British brand was long predestined 'to hit the road first and probably alone'.

Whenever a political system seems to buck a trend, there is a tendency in political science to analyse the process in terms of long-standing distinctive features of its political culture. Thus, the lack of universal health care in the USA is sometimes said to be a reflection of its foundational liberal tradition. The German authoritarian experience is said to have its origins in Prussian militaristic culture and the apolitical orientation of the German middle classes. The differences in political and economic performance between the north and south of Italy have been ascribed to the civic culture of the north and the hierarchical culture of the south derived from the Normans. India remains exceptional as a low-income country that has been a long-lasting democracy due, so it is claimed, to its argumentative culture. In each case, the claim is that political choice and outcome have decisively shaped those traditions of thought that define a distinctive political identity.

It is this mode of analysis that Nicolaïdis invokes. On this account, Brexit has its origins in a particular story of British peoplehood, an island people that stood valiantly alone against the

Armada and the Luftwaffe but with global ties to Empire and Commonwealth, ties that were forged in large part through an English-speaking union. Its parliamentary tradition of government withstood test after test. As Ed Murrow, a member of the American press core in London, once said of the Second World War, '... British armies retreated from many places, but ... there was no retreat from the principles for which your ancestors fought' (cited in Hennessy, 1992, p. 19). No wonder, it might seem, that the UK was long predestined to hit the Article 50 road first and alone.

Yet, there is one obvious fault in this line of argument. If the UK was predestined to leave the EU by virtue of its long-standing political traditions and culture, why did it ever join in the first place, rather than remain, along with Switzerland and Norway, in close association with the EU rather than part of it? If a long-standing tradition and culture explain a 52 per cent Leave versus a 48 per cent Remain vote in 2016, how do we explain a 33 per cent Leave to a 66 per cent Remain vote in 1975?

One answer to these questions is the one that Brexiteers, for whom the island story is canonical, give, namely that it was a mistake to remain in 1975 or that, even if it was not a mistake to remain when the EU was primarily a free trade association as in 1975, it would be a mistake – and a big mistake, one that was contrary to UK identity – to remain once the EU had developed sufficient supranational authority to become a 'European super-state'. The merit of this account is that it maintains the idea that the distinctive political culture of the UK is incompatible with EU membership while allowing for the possibility of EU membership. Yet this one merit is outweighed by many demerits.

Firstly, it conflates free trade with a single market. By the time that the UK joined, the EU had in effect achieved free trade within the customs union. What remained was the problem of the non-tariff barriers to trade, things like the *Reinheitsgebot* by which the purity of beer sold in Germany was regulated and with the effect of reducing competition from foreign beers. (Although this example was often cited at the time of the creation of the single market, I have never been sure whether it was apocryphal or not. Policy makers are as prone to convenient mythical examples as anyone.) It is possible to have tariff-free trade with regulation by a relatively weak international organisation like the World Trade Organization, but it is not possible to have a single market without strong political and legal authority over the rules applicable to goods and services. A single market among a number of nation states entails some supranational authority.

Secondly, the global dilemma facing the UK in the latter half of the twentieth century was pithily summarised in Dean Acheson's remark at West Point, that Britain had lost an empire and not found a role. One role that UK governments have aspired to play was that of Athens to the USA's Rome. There is some substance in the special relationship, particularly in the field of defence and security cooperation. But a close trading relationship with the USA, perhaps the major prize of the Brexiteers, could never substitute for membership of the EU. Free trade with the USA, even if it could get through Congress, would never spill over into greater political cooperation in a US-UK Anglosphere (the kindly version of Orwell's Oceana). To suppose so is to ignore the one-sided dependence the UK would have on its larger partner, a dependence revealed in the failure through US pressure of the USA in enabling the Falklands War, not to mention the hazards implicit in the vicissitudes of a Trump. Against this background, and in a frequently hostile world, the effective choice for the UK is either political cooperation with the EU or becoming an outsized New Zealand.

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The choices and trade-offs implicit in international political and economic cooperation were never discussed during the referendum. Instead, discussion of relatively short-term circumstances prevailed. These included: a public expenditure squeeze over a number of years that make imagined savings on the UK contribution to the EU budget attractive to those ignorant of detail; the scandals associated with corruption and sleaze in Parliament that unfairly tarnished the whole political class; regional inequalities that highlighted the prosperity of London and the south east by contrast with northern industrial towns that had lost their civic pride; and migratory flows from Central and Eastern Europe after 2004 together with the scenes of Syrian migrants in mainland Europe that provided fodder for anti-immigrant populists. Against this background, the rhetorical appeal of 'Take back control', with its tacit invocation of a particular story of UK peoplehood, defeated a poorly conducted campaign by Remain that relied upon arguments of economic interest reluctantly advanced. The failure was not a failure of the people but of a political class that should have been more responsible.

A game I sometimes like to play is to ask people when the boundaries of the present UK state were established. The replies are instructive. Some, like Hugh Gaitskell in his opposition to the Common Market, invoke 'a thousand years of history'. Others refer to the Tudors and the union of England and Wales in 1536. Yet others, think of the 1707 Act of Union, which joined Britain with Scotland. Few say 1922, when that portion of Ireland that constituted the Irish Free State seceded from the UK. Behind that secession lay an Irish nationalism with its own distinctive story of peoplehood, a story that has evolved since 1973 to make room for its full participation in the EU. If the Irish border is the flash point of continuing negotiations between the UK and the EU, such that no one can say that Brexit is ever done, there is a certain irony in the thought that it arises because one story of peoplehood has met its match in another.

* * *

Christopher Lord

In this contribution and others, Kalypso Nicolaïdis identifies the critical importance of understanding Brexit through its own foundation myth(s): through the stories that are told to justify it, to give it coherence, to celebrate it, to inspire its followers and sometimes even to make its opponents feel better about it. Kalypso cunningly frames the problem as one of 'exceptional exceptionalism'. The difficulty, she notes, is that most peoples can claim to be exceptional in some way. So, claims to exceptionalism usually amount to claims to being 'exceptionally exceptional'. That, in turn, puts them at risk of collapsing into banality or absurdity: either the banality of not really being any more exceptional than others or the absurdity of having to exaggerate in order to claim to be exceptional at all.

But just why is it so important for Brexit to have a foundation myth that makes claims to being 'exceptionally exceptional?' There was a time when Brexit bumped along happily as an inconsistent coalition of neoliberals and those whose reasons for voting to leave implied a 'big-state', big-spend commitment to the regeneration of left-behind parts of the UK. However, with winning comes the embarrassment of winning. If history is written by winners, the first thing winners may need to do is write their own history. That threatened a struggle over the meaning of Brexit. Yet, storytelling, myth creation, selective remembering and forgetting even more can also help synthesise the contradictory. Many of its supporters whose hopes for Brexit conflicted could agree there was something exceptionally exceptional about

the UK that justified its withdrawing from the EU: perhaps its global character, perhaps its strong sense of itself as a self-governing people constructed around some kind of sovereignty, parliamentary or popular?

An even larger embarrassment that comes from winning is having to do something about it. Brexit would now have to be turned into a definite programme of internal and international transformation. If a member state is a specific kind of state organised for membership of the European Union (Bickerton, 2012), Brexit now requires a form of state organised for withdrawal from the European Union. The key problem was that so much about the UK – its political economy, its international relationships beyond the Union, its law, its definition of rights, its constitution and its territorial settlement (Bogdanor, 2019) – had come by 2020 to assume a membership of the European Union that no longer existed.

So, the Brexit state will probably have to thoroughly change the UK or settle for the ultimate BRINO (Brexit in name only) by keeping much that originated from the EU or by unilaterally following many Union policies and laws from the outside. The latter would mean membership without membership rather than any exceptional exceptionalism. But even the former requires an exceptional exceptionalism that is defined against half a century of the UK's own past and not just in contrast to 'less happy lands'. Hence, the importance of the idea of 'captivity' in Kalypso's reconstruction of claims to exceptional exceptionalism. The captivity from which the exceptionally exceptional need to escape is not just that of the EU pharaoh but that of their own timidity in failing to understand how much more they could achieve outside the EU. Brexit, as Kalypso puts it, would need to present itself as a 'voyage from self-doubt to discovery'.

Maybe it all comes down to two contrasting understandings of politics. As Kalypso observes, much of Brexit is about being rather than doing. On the 'being' side of politics is the value of being a citizen of somewhere whose claims to being 'exceptionally exceptional' are easily misunderstood if they are thought just to be nostalgia for a shared past. Rather, they are at least as much a wish to make a future together: to decide together because of the intrinsic value of deciding together and not as part of some other unit. On the 'doing side' of politics are the systems needed to deal with collective action problems: the systems needed to trade, to ensure a stable financial system, to provide security, to cooperate over the handling of pandemics, to deal with climate change.

Here we can see the special acuity of Kalypso's contribution. For her, the exceptionally exceptional includes the asking of questions that do not occur to others. It can hardly be said of arguments for Brexit that they were all about the 'being side of politics'. To the contrary, they made their own assumptions about democratic political systems, economic systems, security systems and other international systems. So, let's assume that any European Union needs to be justified as a means by which Europe's highly interconnected democracies can manage their collective action problems in ways that, in turn, help them meet their own needs and their own obligations to their own publics. Let's also assume that better ways can be identified of doing that than the existing form of European Union. Wouldn't member democracies then be justified, or even required, to seek some new form of European Union or even to leave it? Hasn't Brexit been exceptionally exceptional in showing that arguments for a European Union might themselves imply the possibility of exiting it?

Perhaps that gets us to a distinction that is as simple as it is fundamental. Some claims to being exceptionally exceptional need only convince those making them. Some, however, need to be arguments capable of convincing others. How far will any justifications for leaving the

EU that assume some exceptional exceptionalism need also to be able to convince the 48 per cent in the UK, the 56 per cent in Northern Ireland and the 63 per cent in Scotland who voted to remain? Will they also need to convince younger generations who voted to remain, or even generations too young to vote at all on that single day that created the leave and remain tribes? Democratic politics brings no closure even to questions as exceptionally exceptional as Brexit.

How far, indeed, will convincing others also require convincing other democracies within and beyond the EU? Here Kalypso remarks that 'In the end, British citizens understand as well as their continental neighbours the power of cooperation. They just want to do it on their own terms.' An obvious difficulty is that 'you can't play cricket when others want to play football'. Ok, that was amongst the most irritating clichés of the Brexit story? But, it's true, you can't play cricket when others want to play football. When does the exceptional become the delusional? When does Brexit cease to be Exodus and when does it become Monty Python's Search for the Holy Grail?

* * *

John Erik Fossum

The Brexit process was given momentum by the rhetorical invocation of the notion of 'taking back control'. The reward at the end of the line, as Kalypso Nicolaïdis so nicely put it, would be for the UK to remove itself from the shackles of Brussels' controls. This stark UK choice of a clean break with the EU and with that the invention of a new status as the first ex-member state, stands out as the exception. In the EU sovereignty is not accumulated in a unified political centre but is pooled and shared in a set of common institutions that the representatives of the EU's peoples participate in and co-determine. British exceptionalism thus entails taking exception from a European exceptionalism bent on revising Bodinian sovereignty. In doing so, the Brexiters take exception from the EU exception. Viewed in that light, the UK's actions are entirely conventional. They pay homage to and affirm the normative hegemony of nationalism as the world's most widely shared and largely taken-for-granted conception of identity and community. But rather than the Holy Grail the Brexiters have thus far found it to be a rather hollow grail, with aggrieved UK nations actively punching holes in the national walls and wanting out. They are not seduced by the lure of a reinvigorated British (or better English) nationalism. Should we be surprised? Are they simply bad losers, or is there something else unfolding?

Nicolaïdis provides a set of very sophisticated and nuanced renditions of the complex notion of exceptionalism, both on the side of the UK and the EU. When we think of exceptionalism in relation to nationalism, I think there are some additional aspects of nationalism that bear mentioning. They pertain to interesting ambiguities in nationalism's nature and role in today's world. For one, nationalism serves as a kind of script and set of prescriptions for community and identity with near-global reach. This serves to unify the discourse on community and identity. At the same time, the unifying thrust is tempered by the highlighting of national specificity. Precisely what this specificity is nationalism appears to be quite flexible or elastic about, given that it can be attached to so many different phenomena or traits. We might then say that nationalism is also quite chameleonic, in the sense that it can be adapted to so many different contexts and circumstances and can be associated with so many aspects of human existence. We see that even in rather surprising places. Consider capitalism whose genetic

make-up is global and unbounded. Nationalism can avail itself of it to help flag the nation by proudly announcing where a product is made, and ads can flood the airwaves with appeals to buy American. Nationalism's marriage with the state has given it a house that it controls. In every room of the large house nationalism is flagged, in the kitchen through flags on Norwegian cucumbers, in the living-room through sports events draped in national colours, and in the garden through the national flag waving proudly on the flagpole.

Nationalism's inherent flexibility and adaptiveness combined with its very ubiquity makes it probably the most perfect power-legitimating doctrine that has ever been invented. Nationalism's normative isomorphism ensures the ready acceptance that comes with deep and almost taken-for-granted familiarity (note Michael Billig's, 1995 notion of banal nationalism); nationalism's claim to ground the community in the past and in a sense of shared history (however brutally that 'sense of sharing' has come about) serves as a perfect recipe for creative historical (re)construction by leaders, political entrepreneurs and intellectuals of all stripes. All contribute to 'write the nation into existence'. Nationalism's close affiliation with democracy through a territorially demarcated popular sovereignty crowns this edifice and grants it the finest of all wrappings: popular sanction.

It is well known that the nationalist thrust can aid a politics of exclusion. It can also be used to legitimise a national self-contained discourse that does not feel a strong compunction to engage with 'the other'. Brexit is precisely about 'othering'. The national frame gave impetus to the Brexit process as made up of two solitudes. There was very little real discussion across the Channel of the world we share and of the world that we would lose as a consequence of cutting or weakening the bonds; both sides were preoccupied with recovering as much as possible of the world that they felt that they were about to lose.

It is in this context that there is a profound irony at the heart of the European political experiment. For all the talk there is about establishing Europe as a federation, the onus is on establishing the institutional-constitutional hardware of the federation. That is good as far as it goes, but in a context of institutionally entrenched nationalism there is the issue of how far federal-type institutions can ensure federal-type mentalities. There is a distinct spirit of federalism (Burgess, 2012). In my view, at the heart of federalism lies not nationalism's certainty of community but rather a fundamental ambiguity of community that stems from balancing or reconciling shared rule with self-rule. In the EU context, one hitch is that the process of coming together is depicted (and conducted) as one of integration, not federalisation. Federalisation refers to a process of coming together that is at the same time wholly attentive to the preservation of sub-unit self-rule. Intrinsic to such a process is a constant search for the appropriate balance of shared rule and self-rule. The UK for a long time served as a useful democratic critic of the EU's integrationist teleology but here the irony is that despite having bequeathed several of the world's largest (in popular: India and territorial: Canada) federations and having functioned as a world-encompassing empire it never sought to instil a spirit of federalism in the European enterprise. In that sense, the nationalist leanings of Brexit appear as an instance of taking exception from the UK's globalist part.

This is unfortunate since a critically important albeit missing link in the European enterprise is a viable federalism: a sense of attachment to multiple communities at different levels of governing that is at the same time both critical of centralisation and of fragmentation. This spirit has never been allowed to replace the stubborn vestiges of nationalism even if it would serve Europe much better. For such a spirit to emerge critical engagement with any agglomeration of power is a *sine qua non*, as is also the onus on developing the requisite capacity to solve common problems. Such a federalism must be properly subjected to democratic norms and rules. The UK has at several instances played that critical corrective role, especially with regard to democracy. With regard to federalism, however, the UK's critical approach has come with a rather twisted notion of federalism which sees it as akin to centralisation.

NOTE

1. This conclusion is adapted from my *Exodus, Reckoning, Sacrifice: Three Meanings of Brexit* (2019, London: Unbound), a book inspired in part by the work of many of this *Handbook*'s authors. I would like to thank the editors, John Erik Fossum and Chris Lord, for engaging with this out-of-the-box format. The conversation will no doubt continue in the spirit of the overall *Handbook*.

REFERENCES

- Bickerton, C. (2012) European Integration. From Nation States to Member States, Oxford: Oxford University Press.
- Billig, M. (1995) Banal Nationalism, London: Sage.
- Bogdanor, V. (2019) Beyond Brexit, Britain's Unprotected Constitution, London: Tauris.
- Burgess, M. (2012) In Search of the Federal Spirit: New Theoretical and Empirical Perspectives in Comparative Federalism, Oxford: Oxford University Press.
- Cram, L. (2009) Introduction: Banal Europeanism: European Union Identity and National Identities in Synergy, *Nations and Nationalism*, 15(1): 101–8.
- Hennessy, Peter (1992) Never Again: Britain 1945-51, London: Jonathan Cape.
- Müller, J.W. (2011) *Contesting Democracy: Political Ideas in Twentieth-Century Europe*, New Haven: Yale University Press.
- Smith, Rogers M. (2003) Stories of Peoplehood: The Politics and Morals of Political Membership, Cambridge: Cambridge University Press.