

Brexiters fighting for liberty and the people's will

By Greg Sheridan, *The Australian*, 12 September 2019

The whole Brexit imbroglio is much more important than just its immediate consequences for Britain, epic as these will be. For Brexit in key ways represents a version of the clash of forces playing out in some measure in every main Western democracy.

Brexit is first about national sovereignty, but it is also about a profound clash of philosophies of society. It embodies a deep, instinctual, irreconcilable opposition about how societies should run, what is the source of democratic legitimacy and what are the ends of civic purpose. The clash is between two conflicting world views. One is a postmodern, undemocratic, technocrat state in the service of what a German author calls the Therapeutic Caliphate, or what we might less exaltedly call the left-liberal crack-up, à la the EU, which has as its purpose the eradication of national identity and the transformation of human nature. The other is a civic vision that recognises the universal quality of humanity but puts the nation-state at the heart of democratic and civic loyalty, and which honours traditional sources of wisdom and authority, and traditional forms of democracy.

The finest essay written on Brexit anywhere is Christopher Caldwell's *Why Hasn't Brexit Happened?*, in the August Claremont Review of Books. Caldwell is one of the most brilliant political analysts writing today. His decade-old book, *Reflections on the Revolution in Europe* (riffing off Edmund Burke's *Reflections on the Revolution in France*), remains the most piercing analysis of the crisis of identity and purpose in contemporary Europe.

In his Claremont essay, Caldwell argues that Remainers faithfully represent the modern European constitutional tradition. This is a tradition that empowers a technocratic elite, built on documents with plenty of abstract nouns that inevitably give great legislative power to judges. The pincer movement of bureaucracy, ruling-class ideological uniformity and judicial activism restricts the space for normal democratic decision-making.

He writes: "These shift power from electorates and parliaments to managers of information, inside government and out. From thousand-year-old constitutional ideas to five-year-old ones, from habeas corpus to gender identity. Because it was Britain that did most to construct the ideal of liberty which is now being challenged, Brexit clarifies the constitutional stakes for the world as nothing else."

Caldwell lays a brilliant sociological insight across his political analysis. In the old British constitutional system, which Brexiters want to uphold and restore, courts had very little role in reviewing British legislation. In the EU system everything is ultimately decided by courts. All EU member nations must submit to European law and the European human rights court. But judicial and technocratic activism combined mean the courts can determine almost anything. A written right to home privacy and security, provided for in one of the European charters, for example, can enable a court to disallow more or less any measure at all it doesn't like. As Caldwell shrewdly observes, once politics is "judicialised" all politicians become "mere talkers".

However, he also makes the devastating observation that judicialising politics actually represents an enormous transfer of power from the poor to the rich. The judiciary is drawn from an extremely narrow band of society, typically from successful lawyers who are

generally by birth and education, and then professionally, among the tiniest sliver of the wealthiest people in the society, and generally hold all the approved opinions. Parliaments, on the other hand, represent all kinds of people and have all kinds of people in them — rich and poor, smart and dumb, traditional and iconoclastic, conservative and radical.

Similarly, as Caldwell shows, removing the hereditary peers from the House of Lords but keeping it undemocratic has made it arguably less representative than when it was just composed of hereditary lords. These always contained among their number eccentrics and cranks, the relatively impoverished as well as the relatively rich. The Lords, he argues, is now less diverse and more class-bound than in its old incarnation. Now it is appointed. And it comprises “activist foundation heads, rights barristers, think-tank directors, in-the-tank journalists, and political henchmen”. Caldwell doesn’t make this point but it might have more diverse racial backgrounds than before but it has narrower ideological constraints and, as he says, a possibly narrower class range.

For Caldwell argues that Remain is essentially synonymous with ruling class and that Brexit represented an assault on the prerogatives of this ruling class. This class has infinitely more weapons, and almost infinitely more skilled information managers and bureaucratic insiders, to mount its battles than the amiable but unfocused democratic majority that voted for Brexit.

So, Caldwell says, the British establishment’s reaction to Brexit has been “all-out administrative, judicial, economic, media, political and parliamentary war. The battle against Brexit is being fought, Europe-wide, with all the weaponry a cornered elite has at its disposal. It has proved sufficient so far.”

EU insider elites are extremely good at what they do: augment their own power and administer their own policy directives. Indeed in some ways the EU is a peculiarly efficient administrative state because it developed before any society existed that it was supposed to rule or even serve; that is to say, before a political entity named Europe existed. Therefore it could develop seamless bureaucratic mechanisms and defences of its power without any of the normal interference a real society would give it, without having to make any concessions for a real society’s traditions or even to deal with one pragmatically. Then it could impose this technocratic state on the different nations of Europe.

Of course, beyond the insider elite, this hasn’t been very good for those who live in Europe. Caldwell argues: “In most member countries the EU was being blamed for stagnating economies, dizzying inequality and out-of-control immigration.” It’s important to note Boris Johnson, like Donald Trump, explicitly wants an Australian-style immigration system, where the government controls who comes into the country and can choose skilled immigrants, while also of course, certainly in Johnson’s case, having a humanitarian intake.

But the EU being blamed for rising inequality is one of Caldwell’s most enthralling insights. The fact so many working-class and poorer areas voted for Brexit is used by Remainers, with fabulous class condescension, to show what an ill-judged, foolish decision it was, for the great unwashed could not possibly know what is actually in their best interests.

Yet, as Caldwell demonstrates, the type and model of governance the EU promotes pervasively diminishes all the traditional and real measures of democratic input and accountability. It privileges the affluent technocratic elite with all its neurotic virtue signalling and tells the common man his life embodies no wisdom and not much value.

This Brexit revolution is a liberty-seeking missile. Will it find its target?