

Democracy and Brexit

Mary Kaldor

A remain and reform policy is the best way to address
the contemporary democracy deficit

I recently participated in discussions about the impact of Brexit at local levels in two archetypical Leave areas. Mansfield, in the Midlands, used to be a leading coalmining and textile area. Pendle, in Lancashire, was known for its productive cotton mills. Pendle remains the home to Rolls-Royce aerospace and still has one of the highest levels of manufacturing in the UK. Both have relatively low levels of immigration. Pendle is home to a large South Asian community - people who came to work in the mills in the 1960s and 1970s. Mansfield, meanwhile, has a more recent East European community - workers who came to do the low-paid zero contract jobs in online retail. (Sports Direct has taken advantage of cheap land in the area).

What was striking about the discussions was the overwhelming feeling of disempowerment. In both places, there was a widespread view that the high Leave vote was not really about immigration even though immigration dominated the referendum debate. Immigration was a 'proxy' or a 'red herring' (in the words used by participants). Rather, there were concerns about lack of skills training, lack of infrastructure, lack of investment and general neglect. Most importantly, people felt that no one in authority, whether in Westminster or Brussels, cared or took notice. In Pendle, there was talk of the need for devolution to the North East along the lines of Scotland and Wales. In Mansfield, people talked about the need to create a political forum to discuss local problems.

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This is why the slogan ‘take back control’ had such resonance in the 2016 referendum. The vote can be interpreted as a howl of frustration about the inability to be heard or to have some say in what happens at a political level - an expression of protest at the ‘hollowing out’ of democracy, or what Colin Crouch calls post-democracy.

In this article, I make the paradoxical argument that, while Brexit has unleashed the beast of racism and scapegoating of the ‘other’, it has, at the same time, opened up the possibility of what Altiero Spinelli called the ‘substance of politics’. A struggle is currently going on between these two political directions, in which we cannot but choose to take sides. And if we want to contribute to a renewed faith in the importance of politics, and the sense of re-empowerment upon which that depends, we are going to need a set of policies that is both progressive and pro-European.

I start with a discussion of a distinction that is crucial to this argument - between procedural and substantive democracy - and the factors which have contributed to the contemporary weakening of substantive democracy. I then discuss the debate about Brexit in the UK and the relationship of the different positions to substantive democracy. And in the final section I explore the different possible outcomes to the current deadlock, and the potential openings that can be identified for renewing the ‘substance of politics’.

The democracy deficit

Political theorists often make a distinction between procedural and substantive democracy. Procedural democracy refers to the procedures that are a necessary condition for the participation of citizens in public life - a rights-based rule of law, full adult suffrage, elected power holders, a plurality of political parties, civilian control over the security services, and freedom of speech and association. Substantive democracy refers to political equality - the ability of individual citizens to influence the decisions that affect their lives - as well as the culture of democracy - the ‘habits of the heart’ in De Tocqueville’s words. Procedural democracy is a necessary condition for substantive democracy. And despite historic claims to the contrary by communist regimes, it is not possible to have substantive democracy without procedural democracy.¹

Most European countries today face a gap between procedural and substantive

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democracy. Everywhere, procedures are more or less in place. All European countries hold regular elections that are more or less fair and free. And yet everywhere there is a pervasive sense of disempowerment. 'We have a vote not a voice' said the Spanish Indignados. And in some cases the weakness of substantive democracy is affecting the procedural aspects of democracy as well - as seen in the treatment of immigrants, for example, in many European countries, restrictions on freedom of association in some Eastern European countries, and restrictions on the independent media, as in Hungary. How do we explain this phenomenon?

The most obvious explanation for the lack of substantive democracy is globalisation. By globalisation I mean the growing interconnectedness in every sphere of society (economic, social, cultural) associated with the revolution in information and communication technologies. But this is not an argument based on determinism: globalisation is a social construction - the outcome of human actions. On the one hand this took the form of capitalist pressure to escape the stranglehold of the post-war state, which led to the deregulation of capital and markets undertaken by successive neoliberal governments starting with Margaret Thatcher. On the other hand, globalisation was also propelled forward by civil society pressure; the new post-1968 social movements concerned with peace, human rights or the environment found that their political access was blocked at national levels by mainstream political parties, and sought allies among international agencies and foreign governments.

Whatever the causes of globalisation, it has meant that some of the most important decisions that affect our lives are taken in the headquarters of multinational companies, on the laptops of financial speculators, or in Brussels, Washington DC and Beijing. That means that, however perfect our procedures at national level, we cannot influence the decisions that affect our lives because they are not taken at national levels. The Greek crisis was a classic illustration of this point, where the democratic popular will expressed in two elections and one referendum was overturned by decisions in Brussels. Indeed, in this complex networked world, it may be difficult to identify where, if at all, key decisions are taken.

This bleak assessment, however, should be tempered by the knowledge that globalisation also offers the possibility of going around the nation-state where states block progressive policies. Human rights activists can appeal to the European Human Rights Court. Climate change or digital rights activists may find they have

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greater access to government at European levels than at national levels. In some respects the globalisation of political institutions - the way in which national ministries are tied into a plethora of international arrangements - can be interpreted as both a limitation on the possibilities for exerting influence at national levels, and as a new form of check and balance that potentially restrains the absolutism of the nation-state even when democratically elected.

But globalisation is evidently not the whole reason for the decline in substantive democracy. Globalisation was itself, in some ways, a response to the perceived shortcomings of the nation-state, from both left and right perspectives. The weakness of substantive democracy also has to do with the inadequacies of the state, and the failures of politics. In terms of politics, many commentators have pointed to the way in which Social Democrat parties have tended to shift towards occupying what is seen as the centre ground, accepting the neoliberal mantras, and resembling mainstream parties on the centre right (see for example Chantal Mouffe); the choices facing voters have been thereby narrowed down, and those on the margins on both left and right feel unrepresented.²

This shift is associated with changes in the nature of political parties - from fora for debate and mechanisms for channelling political participation to top-down electoral machines. In part, this is a consequence of the technology of elections: focus groups, polling data and an array of marketing techniques enable contemporary politicians to construct narratives designed to win votes instead of making arguments about substance. The wooden character of leaders of mainstream political parties, in comparison to mayors, leaders of smaller parties, or those competing at regional or European levels, is an expression of this tendency. Even Jeremy Corbyn, who was elected on a wave of enthusiasm for his refreshing principled stance, now seems caught up in triangulation over Brexit and migration. With the short-lived exception of the Labour Party and some of the newer parties on both left and right, political parties have lost members and closed down political debate in favour of managed public performances. The competition for the so-called floating voter, especially in a first-past-the-post system as in the UK, marginalises all voices not on what is regarded as the centre ground, and turns politics into an echo chamber of what politicians and their strategic advisors believe the centre ground wants to hear.

This degradation of politics is also associated with far-reaching changes in

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the very nature of the state. It is worth noting that the problems thrown up by four decades of neoliberalism are not solely those connected with austerity and inequality. The late Robin Murray was already pointing out in the early 1990s the consequences of what was known as 'public choice' and later as 'public financial management' - the privatisation of state functions and the contracting-out culture that now pervades the public sector. Murray showed how the twentieth-century state was based on what could be called a Fordist model of administration - centralised, standardised, large-scale, and vertically organised. 'Schools, dinners, desks and uniforms could all be produced and purchased as if for the army. This was the Fordist welfare dream.'³ Murray argued that the introduction of market methods had, paradoxically, reinforced the Fordist character of administration, transforming the state into a purchaser rather than a provider, and senior managers into issuers of contracts, and hugely benefitting accountancy and administrative skills rather than the expertise required by the public sector. Anyone who works in the public sector today is overwhelmed by fragmentation and administrative overload, as a result of so-called efficiency drives, and of monitoring and evaluation procedures, which detract from the quality of both jobs and service provision. Perhaps even more seriously, the application of neoliberal principles has given rise to a form of crony capitalism, as retired politicians routinely take positions on the boards of companies. The enthusiasm of current politicians for privatisation of the NHS or for further deregulation is surely not only ideological - political power nowadays also means the power to issue contracts to allies and supporters.

And yet a third factor that weakens substantive democracy is the heritage of what might be called the deep state, especially in the UK and France - the military-industrial complex, the security services and the nuclear weapons establishment. The strength of the military industrial lobby inside the state distorts our research and development priorities as well as our foreign policy - the issue of arms sales to Saudi Arabia is only the latest example. The defence sector is immune to the neoliberalism that has run down much of the mining and manufacturing sector in the UK; any questioning of the acquisition of absurdly expensive and complex weapons systems produces righteous indignation about the loss of jobs - even though investment in, say, renewable energies would generate far more jobs. There is a lie at the heart of British (and French) politics; every prime minister has to insist that they are willing to kill millions of people. Witness the outrage when Jeremy Corbyn only said he would 'think seriously' about pressing the button. Certain issues are taboo, and

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certain rights are circumscribed by 'national security'.

The referendum and democracy

The result of the referendum in 2016 represented a political shock and seemed like a bolt from the blue aimed at our political system. Actually, it needs to be understood as the outcome of the weakening of substantive democracy over a long period and the shortcomings of our democratic procedures.

In procedural terms, the referendum was an expression of the failure of our institutions and our unwritten constitution. The vote was called not in response to popular demand but in response to internal differences within the Tory party. The 'rules' were 'agreed' by the Tory majority in the House of Commons. Commonwealth citizens were allowed to vote but not European citizens resident in Britain - who are allowed to vote in local elections and European parliamentary elections. People over the age of 16 were allowed to vote in the Scottish referendum but not in the EU referendum. And the decision was to be made on the basis of a simple majority. In most countries with a written constitution, changes of this magnitude require a much bigger majority, as well as the agreement of all major regions. The majority was small, and we now know much more about the overspending of the Leave campaign, the fake news, the lies about the NHS and Turkey joining the European Union, and the role of Cambridge Analytica and of Russia. At the same time, the Remain campaign also bears responsibility for the result. It was dominated by the mainstream political class, who failed to understand the consequences of decades of neoliberalism and argued for the middle ground status quo - while the referendum was, precisely, offering people a chance to reject that status quo.

In the aftermath of the Brexit vote, there seemed to be a general consensus that the result should be respected and that to argue with Leave voters was somehow 'patronising'. But referenda are supposed to be consultative. There should have been a much longer period of discussion and consultation before triggering Article 50. Nobody actually knew what Brexit meant, despite Theresa May's brave words that 'Brexit means Brexit'. In the three years since the vote, the country has been consumed by Brexit to the detriment of everything else. Indeed the anxiety caused by Brexit, especially for non-British residents, combined with the way in which neoliberal practices discipline the workplace, the rise of hate crime and the cuts to

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public service, as well as the absence of politics on issues other than Brexit, has led to yet further deterioration in the everyday experience of people living in Britain. The argument that the referendum expressed some kind of highpoint of democracy is thus not borne out by any serious consideration of the issues.

Those who strongly supported Brexit are now calling for what has become known as a hard Brexit - leaving the Customs Union and the Single Market. This is a position that bases itself on the argument that democracy demands the honouring of the referendum, and leaving the EU no matter what the cost, but in fact the groundswell of support for this position is very similar to the Trump phenomenon and right-wing populist movements in other countries. At its bedrock this is a politics of exclusivist identity, which offers a way for those who favour a continued process of state dismantling (privatisation, deregulation and austerity) to mobilise sufficient support to win elections or, in the British case, referenda. This is not a politics of substantive democracy, not least because it breaks the tacit consensus of the post-war period about not appealing to the demons of racism and anti-immigrationism. Perhaps because of the difficulty of otherwise winning elections on a neoliberal platform, the right and their allies in the press have manipulated the facts on immigration to shore up their support. The refugee crisis, for example, was not a consequence of increased migration - actually those crossing the Mediterranean even in 2015 represented a tiny proportion of total numbers of immigrants. It was the anti-migrant rhetoric that created the crisis rather than the other way round - the refugees could have been absorbed in an area the size of Europe relatively painlessly.⁴ And the 'jungle' at Calais was only host to about 150,000 people - surely we could have easily accepted these young people without any need for a fanfare.

And here it is important to remember that it was not only people in 'left behind' places like Pendle and Mansfield who have been mobilised by anti-immigrant and imperial rhetoric. Actually, much more important for hard Brexit support, as Fintan O'Toole has eloquently analysed, has been the discontent and 'self-pity' of those often rurally based English middle classes who have lost the imperial privileges enjoyed by their grandparents, and who hope to retrieve a glorious past, at least in the imagination.⁵ Yet it is a paradox that those who claim to be championing the idea of Britain seem so cavalier about the economic consequences for this country as well about its possible break-up. A hard border with Ireland - which would be

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the consequence of leaving the single market and the customs union - is likely to mean, at best, new pressure for a united Ireland, and, at worst, a renewal of violence. Likewise, Brexit would make it difficult to prevent a second Scottish Independence referendum.

There is also a left subset that supports a hard-Brexit position - often known as Lexit. There has always been a degree of Euro-scepticism on the left both because the European Union has been viewed as too market-oriented and because of a traditional belief in a statist form of socialism. Many of the left voted 'no' in the 1975 referendum because they opposed what was then called the common market, even though many of them supported the idea of a united socialist Europe. The Lexit position is much less tenable in the current context. We live in an interconnected world where we cannot shut off flows of goods, people and capital without huge costs in terms of prosperity, human rights and everyday life. The notion of socialism in one country was always flawed - as the Soviet experience has demonstrated. Given the neoliberal and militarist nature of the British state, the argument that somehow socialism is more likely to be achieved in Britain on its own than in a wider European context is hard to sustain. Some argue that we would be less able to provide state aid or renationalise public utilities and companies. But Germany and France, for example, have much higher levels of state aid than the UK does, and railways are in public ownership in both countries. A recent report by Hilary Wainwright about the Portuguese experience shows that Portugal has been able to reverse privatisation of public transport, as well as finding ways to get around what appear to be restrictive rules.⁶

But perhaps the biggest objection to Lexit is political. It is impossible to envisage leaving the EU without an alliance with right-wing Brexiters, and without abandoning such principles as freedom of movement. A hard Brexit would greatly strengthen the far right and mean that a future Labour victory would be much less likely. It is difficult to argue that a hard Brexit offers much either to the cause of the left, or to the cause of democracy.

The second broad position is the soft Brexit position. It involves being as close to Europe economically as possible while not participating in the political institutions. It would mean accepting neoliberal rules without any possibility of changing them. It is the status quo position, and in that sense it is rather similar to the Remain position in the referendum. If hard Brexit is akin to Trumpism, then soft Brexit has similarities

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to the positions of the global neoliberal elite, akin to Clintonism or Blairism. It would mean more or less remaining but staying the same. The deal negotiated by Theresa May is semi-soft. It takes us out of the single market (thereby ending freedom of movement for people) and the customs union, but allows for continued free flow of goods. Jeremy Corbyn's proposed deal is hardly different. It panders to anti-migrant sentiment by giving up on freedom of movement and ties itself to the most neoliberal bit of the European Union - the customs union - although it does commit to better rights for EU citizens, workers and for the environment.

The problem with any form of soft Brexit is that it satisfies no-one. It is supposed to be a way of respecting the result of the referendum while not actually taking us out of the European economic space. It would mean even less substantive democracy. For hard Brexiters, this is because we would be tied into the European regulatory framework, and for Remainers it is because we would be unable to participate in democratic decision-making at a European level. It is therefore not surprising that Theresa May's deal has been defeated decisively three times in Parliament. Even if it were to be passed, Theresa May's deal is not the end of the Brexit debate. After all the deal is only a withdrawal bill. If passed we would be committed to years and years of debate and discussion about what Brexit will mean.

The third position is, of course, to remain in the EU. Within this group there is one position that actually has the potential to fulfil the demand to 'take back control' and restore substantive democracy. This is the remain and reform position - which is the position of the group of MPs who call themselves 'Love Socialism: Hate Brexit', and includes Clive Lewis (Norwich), Lloyd Russell-Moyle (Brighton Kemptown) and a number of others.

The debate about Brexit has been extraordinarily parochial: it has been all about Britain and not about Europe. But if we want to influence the decisions that affect our lives, we need to be able engage politically with the European project. It is worth recalling that the EU began as an institution that aimed to prevent the recurrence of war, fascism and imperialism on our continent. Indeed, for the first two decades after the war EU policy aimed at building solidarity through common infrastructure, regional funds, agricultural policy, cultural and educational exchanges and collaborative research. It is only since the Maastricht Treaty of 1991 and the establishment of the euro that a divisive neoliberal set of rules has been institutionalised. It is also worth recalling that the EU is not an 'other'. The UK

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was a full participant in this evolution and indeed played a major role in spreading neoliberal doctrines. It also should be noted that, under pressure from civil society, in a number of areas the EU has adopted more progressive policies than those of its individual member states, especially in relation to climate change and digital rights.

The European Union has the potential to address issues that cannot be addressed at national levels; in that sense, it could be considered a potential model of global governance. It is powerful enough to introduce taxes on carbon emissions or on financial speculation, for example, or to close down the tax havens of multi-national companies, or to address global poverty and conflict. It is not an inter-governmental organisation because it has powers that supersede inter-governmentalism. But nor is it a state in the making; rather, it is an additional layer of governance able to restrain the worst aspects of the state. It has the capacity both to restrain dangerous unilateral measures by states and, at the same time, to protect decision-making at national and local levels from the winds of globalisation. In other words, restoring substantive democracy is partly about political participation in European institutions so as to influence decisions made at a European level. But it is also about pushing for measures like controlling financial speculation that would enable genuine subsidiarity - the EU term for taking decisions as close as possible to the citizen. This would make it possible to make meaningful decisions at local and national levels. Already in the 1970s, Alan Milward was making the argument that membership in the European Union had actually saved the nation-state.⁷

This is why the only democratic position on Brexit is to support Britain remaining inside the Union and being active in the European institutions. For the left this will involve making alliances with other progressive movements across Europe in order to oppose the two dominant political tendencies - right-wing populism and neoliberal elitism - that are currently feeding upon each other. We need a new internationalist left and green political narrative to counterpose against the dominant political tendencies.

Possible outcomes

It is often argued that the EU is unreformable. The neoliberal rules are enshrined in the Lisbon Treaty that serves as a constitution, and came into force in December 2009. But my argument is that the difficulties are less procedural than substantive. The European

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parliament, which is elected, does have the power to make decisions along with the Council of the European Union (which represents national governments). It is able to amend legislation and has considerable powers over budgets and appointments. In addition there are forms of access for civil society to the European Commission, and one fairly recent innovation - introduced in the Lisbon Treaty - has been the European Citizens Initiative, which led both to the defeat of the proposed neoliberal TTIP (transatlantic trade and investment partnership) and the abolition of roaming charges for mobile phones within the Union.

The problem is that, up to now, as Spinelli pointed out years ago, there has been very little substantive political engagement. European elections have tended to be the expression of national preoccupations, proxies for national elections, with little consideration of European-wide politics and policies, and the centre parties have dominated the Parliament. But this is beginning to change, in part because of Brexit. On the one hand, right-wing Euro-sceptic populist parties have abandoned their stances on leaving the European Union and instead have chosen to compete to control the European institutions. On the other hand, progressive parties are finding it necessary to mobilise to counter the right-wing challenge.

The 2019 elections can be regarded as the first elections that were about the future of Europe. Turnout was over 50 per cent, higher than it has been for over two decades. The first thing to note is that the far right did less well than expected, except in Britain and Italy. Secondly, an analysis of party manifestos shows that the centre consensus no longer exists, and that a progressive vision emanating from socialists and greens (and perhaps also Macron's *En Marche* party) is beginning to take shape.⁸ The Party of European Socialists had a manifesto that was much influenced by the 2017 Labour manifesto, calling for a Europe of the Many, an end to austerity and neoliberalism, a green transition and a feminist Europe.

In Britain, the fudged position of the Labour Party - proposing a better Labour deal but leaving open the option of a public vote - and their lack of campaigning allowed the newly founded Brexit Party to gain momentum. Labour shed voters and seats, many of which were picked up by the Liberal Democrats and the Greens. The election results showed that the country was deeply divided, but, despite the success of the Brexit Party, the Remain parties together had an overall majority.

So what does this mean for the outcome of the Brexit debate? May's deal has been so decisively defeated that it is very hard to see how there could be any other

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outcome than no deal or no Brexit, despite the claims to the contrary by Tory leadership candidates. A semi-soft Brexit could be the outcome of a general election won by the Conservative Party, but this an unlikely scenario. If the Conservatives were to adopt a no deal position, which would minimise the threat from the Brexit Party, it would be unlikely to command a majority in the country. But if they were to adopt a soft Brexit position this would split the vote between themselves and the Brexit Party, and it would also risk losing their Remain votes.

A hard Brexit could happen if a Boris Johnson-led Conservative Party were able to steamroller parliament. Yvette Cooper's amendment to stop a no deal only passed by one vote, and Labour's attempt in June to reserve a day in parliament to stop a no deal failed - though it should be noted that some Conservatives who oppose no deal voted against the motion because it was proposed by Labour. It could also happen if the government were to suspend parliament, as Johnson has suggested. But would even Johnson risk the chaos, damage and self-harm that would result from a no deal Brexit?

The other option is to reverse Brexit. One possibility is to unilaterally revoke Article 50. Parliament might propose this if the European Union were to refuse a further extension of Article 50 after 31 October. The second, more likely, route is a second referendum and/or citizens deliberative assemblies as proposed by Gordon Brown and others. There has been considerable resistance to a second referendum on the grounds that it challenges the existing democratic decision and might further polarise the country. Leaving aside the non-democratic elements of the 2016 referendum, it is surely acceptable for people to change their minds and indeed they do so in successive elections. Referenda are never a good way to make serious and significant decisions since they represent binary choices that are vulnerable to populism. But since this decision was taken by a referendum, there needs to be a second to reverse it. In any case, as many have pointed out, no one knew what exactly they were voting for in June 2016. A second referendum would be a vote on the deal negotiated in Brussels, with an option to remain if the deal is defeated. The country is already polarised, but the way to address that polarisation is not through compromise but through empowerment - which, I have argued, was the underlying demand of those who voted leave. In other words, a remain and reform position would make it possible to tackle directly the concerns of people in places like Pendle and Mansfield.

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It now looks likely that Labour will support this position after the catastrophe of the European elections. But it has lost a lot of support, perhaps irretrievably. So the big question is whether a second referendum or a confirmatory vote would be the outcome of a general election or a vote in parliament. If there were to be a referendum it now looks likely that remain would win, for several reasons. One is demographic. Old people who primarily voted for Leave have died, and young people who support Remain have come on to the electoral register. Many Labour Leave voters have changed their minds. And a Remain campaign this time around would have to put forward a different, more insurgent, narrative.

Of course, one possibility is endless indecision. A colleague described this situation as 'purgatory'. It would involve successive extensions of Article 50 after the end of October, and thus remaining in the economic framework while not participating much in political terms. It would leave Britain in long-term state of anxiety and polarisation- which is already affecting the health of society.⁹

Conclusion

The Brexit debate has been a learning process both within the UK and across Europe. Many people in Britain feel embarrassed and ashamed at the way our indecisiveness has become the laughing-stock of Europe. And yet that very indecisiveness is the expression of a democratic debate both in parliament and across the country, with Members of Parliament expressing opinions that are a varying mix of conscience and electoral calculation.

The 2016 referendum was probably a tragic mistake. But it has ushered in the return of politics. It has opened up a spate of discussion, debate, struggle, protest, polarisation and conflict both in Britain and across the European continent. It has hugely strengthened the forces of reaction - racism, exclusive nationalism, and market fundamentalism. But it has also galvanised a new generation of pro-European green, socialist and democratic activists. The success of the former will further erode democracy, contributing to authoritarian closed-in states pursuing self-centred strategies that disregard environmental or social considerations. The success of the latter opens up the possibility of restoring a degree of meaningful political participation for individual citizens across the continent, and reversing the sense of disempowerment that led to Brexit.

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Notes

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3. Robin Murray, 'Life After Henry', *Marxism Today*, May 1991.
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