

A European Union of law-abiding countries?

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Some temptations are just too great to pass up, both for Boris Johnson and me. The British PM has found a novel way of setting the Brexit cats among the international order pigeons and for my part, even though I should know better, I can't resist writing about it. Of course, I'm referring to the Internal Market bill and the UK government's breach of international law, albeit "a very specific and limited" breach, and, of course, not "in a way" that the Justice secretary would "find unacceptable".

It's the kind of pragmatic double-speak we've become used to from too many advocates of Brexit. Facts don't count, experts don't matter and international treaties are for losers. Sovereignty has been elevated to the greatest good and has been deflated at the same time: it is the prerogative of sovereign states to enter into treaties. And yes, it's also its prerogative to break them and face the consequences.

If there are no consequences, that's what we call impunity. But even if the UK government can act with impunity, there could still be consequences for others, the people of Northern Ireland, for example. Or those who could be hit by higher food prices if there's no UK-EU trade deal. Ultimately, and this is taking things a bit far, I admit, even the victims of a future war in Europe, because what distinguishes a treaty such as NATO's, from the EU-withdrawal agreement? If looked at pragmatically?

Pragmatism has gotten a bad rap since Blair and Clinton's Third Way politics and the subsequent descent into Iraq war recriminations and growing economic inequality. I used to be quite fond of pragmatism, when it still meant being able to listen to someone else, try see what they needed and then make a compromise that would come as

closely as possible to helping both sides, even if that sometimes involved letting go of ideological purity.

Pragmatism in a new and twisted form has now become the almost exclusive domain of the right, and simply means that anything goes in the pursuit of power, including breaching international agreements in a very specific and limited way.

The left, to its detriment, has become so ideologically pure that the merest mention of pragmatism sends it into paroxysms of self-criticism and internal witch hunts. This is not a merely philosophical divide; the backlash against pragmatism may lead some on the progressive wing in the US once more not to vote for what is in their eyes a not wholly ideologically convincing candidate. In the UK it contributes to the ongoing war of attrition in Labour that has stopped it from being an effective bulwark to Brexit from the very start.

But clearly it is that pragmatism on the right, so extreme that it veers into naked opportunism, that has been ascendant for the last decade or so. Boris Johnson already broke British law with his advice to the Queen on the prorogation of Parliament. His attorney general, the same who thinks breaking the EU Withdrawal agreement is lawful, has called for “taking back control” from the courts. Supposedly not to vest that control in Parliament, which can be got rid of when it becomes inconvenient as in the prorogation, but in the Prime Minister, who’d become more of a potentate than a politician. She also holds some very worrisome views on making individual rights more subservient to group rights and thinks that Britain is “obsessed” with human rights.

It all sounds like the type of lawless variant of pragmatism that we now witness in several East European and former Soviet Bloc countries. Speaking of which, could pragmatism recover its original meaning and contribute to all sides seeing sense over the EU and Brexit? Not very likely but I’d advise Boris Johnson to take a leaf out of the playbook of the ideologically likeminded Prime Minister of the Netherlands, Mark Rutte, the EU’s new ‘Mr No’. Ever the pragmatist, last week he was in parliament to defend his assent, after a high-profile campaign of resistance, to the European Recovery Plan for the COVID-19 crisis.

Only some of the most diligent reporters picked up on a highly incendiary idea he floated during the debate, while addressing criticism of more EU aid going to Hungary and Poland, the UK's two fellow outlaw states that likewise flout international agreements. What was to be done, Rutte asked rhetorically. Found a new EU without Poland and Hungary? He called this a "nuclear option", possibly making clear that at the very least, the time was not yet ripe.

But his extremely pragmatic pitch for a new EU without all the bothersome countries, is out there now. It will start leading its own life. On the one hand, this is exactly what the most ardent Brexiteers had in mind: another step towards dismemberment of the EU.

On the other, if pragmatically seen, it offers the UK a huge opportunity to re-join a reformed EU, or at least a union of the countries that are first and foremost sovereign, non-federalist, financially responsible and law abiding, although, ahem, that last point could possibly be contentious.

Disclaimer: The views expressed within this blog are those of the author and not necessarily those of the Centre for Brexit Studies.