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EDITORIAL COMMENTS

"True is it that we have seen better days"[1]

On 23 June 2016, 51.9 percent of the electorate in the United Kingdom decided in a referendum that the UK should leave the European Union. The turnout was 72 percent.

How on earth did we end up here? What lessons can we learn from what has happened? And what is the role of law and of legal analysis in trying to move on from this? How the withdrawal procedure might work in practice is not remotely the only precedent that we are creating just now. The broader experience of the conduct of the referendum and of how its outcome will be managed matter profoundly.

Article 50 TEU frames the staggeringly complex process of disentanglement that it is now expected will be initiated. In the interests of securing transitional stability, negotiating a withdrawal agreement to manage the arrangements, relationships and rights already in place will be the first priority. According to Article 50(2), the withdrawal agreement "shall be negotiated in accordance with Article 218(3) of the Treaty on the Functioning of the European Union. It shall be concluded on behalf of the Union by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament". Article 50(4) requires that a qualified majority in this instance refers to Article 238(3)(b) TFEU – at least 72 percent of the members of the Council representing the participating Member States i.e. 20 of the 27 remaining Member States, comprising at least 65 percent of the population of these States. Article 50(4) also makes it clear that the UK does not participate in "discussions of the European Council or Council or in decisions concerning it" with respect to the negotiation and conclusion of the withdrawal agreement.

In parallel, noting Article 50(2)'s reference to "taking account of the framework for its future relationship with the Union", the UK will have to negotiate its future relationship with the EU. It is widely accepted that an agreement setting out the terms of that relationship would be adopted as a mixed agreement, necessarily covering a host of areas in which both the Union and the Member States share competence. It would therefore need to be ratified by both the European Union (in both the Council and the European Parliament) and by the remaining 27 Member States in accordance with their

1. Shakespeare, *As You Like It*. Act II, Scene VII. 23rd April 2016 marked the 400th anniversary of Shakespeare's death; he was born on the same date in 1564.

national procedures for the ratification of such agreements, which will involve ratification by regional parliaments in some of those States. Repairing the EU Treaties and relevant international agreements to reflect the altered membership of the Union would be another task; in that respect, "any Treaty changes or international agreements (such as a free trade agreement) that might be necessary as a consequence of the withdrawal agreement would need to be ratified by the remaining Member States in accordance with Article 48 TEU. At the very least, Article 52 TEU on the territorial scope of the Treaties, which lists the Member States, would need to be amended, and Protocols concerning the withdrawing Member State revised or repealed".[2]

Simultaneously, the UK must unstitch, emancipate and recalibrate its domestic legal rules to prepare for formal disconnect from the EU legal system.[3] Ironically, the reality of the deep fusion of these systems will very soon supersede the projected perception that EU law is somehow external to or separate from the making and practice of national law. The UK will also need to establish trade relationships internationally with non-EU countries that either already have agreements with the EU or are negotiating the conclusion of them at the present time.[4]

In February 2016, a document presented to the UK Parliament by the Secretary of State for Foreign and Commonwealth Affairs anticipated the current reality: "A vote to leave the EU would be the start, not the end, of a process. It would begin a period of uncertainty, of unknown length, and an unpredictable outcome. The broad procedural route is set out in Article 50 of the Treaty on European Union, ensuring exit is possible. But beyond procedure, nothing is agreed and nothing has been tested".[5] At the time of writing, the UK Government has not yet formally notified the European Council of its intention to withdraw from the Union in accordance with the procedure outlined in Article 50.[6] When he perhaps felt some confidence

2. European Parliament briefing, "Article 50 TEU: Withdrawal of a Member State from the EU", at <www.europarl.europa.eu/RegData/etudes/BRIE/2016/577971/EPRS_BRI(2016)577971_EN.pdf>, p4.

3. For an indication of the scale of that task as well as the range of activities affected by it, see the document cited *supra* note 2, pp. 17–20; particular implications for Northern Ireland, and also for Gibraltar and the Channel Islands, are outlined on p. 19.

4. For a list of agreements in force, see <ec.europa.eu/trade/policy/countries-and-regions/agreements/index_en.htm#_other-countries>.

5. Document presented by Secretary of State for Foreign and Commonwealth Affairs to the UK Parliament in February 2016, "The process for withdrawing from the European Union", at <www.gov.uk/government/uploads/system/uploads/attachment_data/file/503908/54538_EU_Series_No2_Accessible.pdf>, para. 5.1

6. A statement issued on 29 June 2016 after the informal meeting of the European Council and the Presidents of the European Council and European Commission indicates that the European Council will adopt further guidelines once formal notification has been received (see para 3);

that he would not actually have to act on this, David Cameron stated in February 2016 that "if the British people vote to leave, there is only one way to bring that about, namely to trigger Article 50 of the Treaties and begin the process of exit, and the British people would rightly expect that to start straight away".[7] However, on the morning of 24 June, the Prime Minister announced that he intended to resign and that, in such circumstances, the formal notification required by Article 50 should instead be submitted by his successor, following a party political process that he anticipated might be completed only by October.

For now, then, we have a mandate for withdrawal from the EU from the majority of the UK electorate; a legal framework that establishes the basic outline that would govern that process from the perspective of EU law; but postponement of the political step that needs to be taken by the UK Government for formal withdrawal to progress. And so, for now, at one level, we wait. The leaders of the other EU Member States and of the EU institutions have unified in relative patience thus far, recognizing the need for urgent coordinated contingency planning within the UK in order to execute Brexit since the absence of this by the Government or on the part of the Leave campaign more generally has now become glaringly evident. But a coordinated message has also been dispatched: no negotiation without notification. Meanwhile, is it business as usual? For example, in recognition of the fact that the UK will remain a full member of the EU for at least two years after Article 50 is formally invoked, it is possible that a replacement Commissioner for Lord Hill, who resigned on June 25, can be sought.[8]

The problem is that the economic and social repercussions of the UK's momentous decision do not wait. Its domestic political climate persists in acute tension and distress, with deep divisions upending the main political parties. The electorates of Scotland and Northern Ireland voted to remain in the EU by significant majorities, reflecting not just some of the rifts within and across the UK that this referendum has displayed, but also the vulnerability of its uneven constitutional settlements. And however much

for the text of the statement: <www.consilium.europa.eu/en/press/press-releases/2016/06/29-27ms-informal-meeting-statement/>. For analysis of Art. 50 TEU, see Hillion, "Accession and withdrawal in the law of the European Union" in Arnull and Chalmers (Eds.), *The Oxford Handbook of European Union Law* (OUP, 2015) p. 126 at 135–142; Łazowski, "Withdrawal from the European Union and alternatives to membership" 37 EL Rev. (2012), 523.

7. Prime Minister's Statement on the European Council, Hansard, 22 Feb. 2016, Column 24, at <www.publications.parliament.uk/pa/cm201516/cmhansrd/cm160222/debtext/160222-0001.htm#16022210000001>.

8. See European Commission statement of 25 June 2016, at <europa.eu/rapid/press-release_STATEMENT-16-2332_en.htm> ("President Juncker stands ready to discuss swiftly with the British Prime Minister potential names for a Commissioner of UK nationality as well as the allocation of a possible portfolio").

politicians might extend the view that EU citizens remain welcome in the UK, shocking incidents driven by the anti-immigrant sentiment incited over the campaign already show a different and frightening reality.[9] There are limits, then, to the credibility of waiting. There are also justifiable fears variously described in terms of contagion or domino effects from the UK referendum outcome to the electorates of other Member States.

The UK was not a founding member of the Union. But since and throughout its membership, it has effected a pivotal and transformative imprint on the Union's functioning and evolution as well as on the direction of European integration more generally, both within and beyond the workings of the European Union. Of course, we think quickly now of its opt-outs and its culture of resistance. But we should remember too the UK's leadership on core Union objectives – from Lord Cockfield's architecture of the White Paper for completion of the single market to Baroness Ashton's term as the inaugural High Representative of the Union for Foreign Affairs and Security Policy and First Vice President of the European Commission. The UK's judges and advocates general have contributed to the practices and quality of all three courts that currently constitute the CJEU. The UK is also one of the most compliant Member States with respect to implementing and enforcing EU legal obligations.

And yet, exclusion from the concept of "ever closer union" was a non-negotiable element of the Prime Minister's strategy for the negotiation of a "new settlement for the United Kingdom in a reformed European Union" in November 2015.[10] Why did an EU Member State of the UK's capacity and influence, which had already successfully shaped its membership of the Union on many of its own terms, pursue the extreme option of a withdrawal referendum? Domestic political dynamics played a defining part in this. But why did 51.9 percent of the electorate vote for the proposition?

The dominant theme of the referendum debate was ultimately reduced to the catchphrase of "taking back control" – control of the governing and destiny of the UK through the restitution of its sovereignty; and of democratic control over how its laws are made, implemented and enforced. On the latter point, there was deep antagonism to the very idea of "outside" law taking precedence over domestic law generally, as well as to the processes through which EU law is made more specifically. The main target in that respect was the European Commission, which became emblematic of rule of law by "bureaucracy" and rule of law by "elites" as somehow particularly EU-level

9. See e.g. <euobserver.com/justice/134044>.

10. By letter from David Cameron to Donald Tusk; see the text (dated 10 Nov. 2015) at <www.gov.uk/government/uploads/system/uploads/attachment_data/file/475679/Donald_Tusk_letter.pdf>.

problems. A misplaced impression of the Commission – of "Brussels" – as the only arm of EU government of any consequence proved ultimately impermeable. Proposing law was perceived as more critical an exercise of power than actually adopting it.

In that sense, the Lisbon Treaty's efforts to spell out how both participatory and representative democracy manifests across different parts of the Union's structures and law-making procedures – how these are "animated by a democratic ethos"[11] – have had virtually no effect in reality at all. The role of the Council – and its inherent connection to the national – was utterly sidelined. The functions and powers of the European Parliament were similarly dismissed; but often from the premise of low voter turnout for those elections or the relative anonymity of MEPs for most UK voters, conveying as much a disengagement from as concern for the workings of democracy.

The dominant substantive issue was immigration. A central plank of the deal concluded by all 28 Member States in February 2016 offered the constriction of EU free movement rules. Controversially, one of the most legally significant – and, arguably, legally vulnerable – elements of that Decision proposed the restriction of social security benefits in the context of the free movement of workers. However, these proposals – indeed, the February 2016 "renegotiation" of the UK's membership of the Union more generally – proved maddeningly irrelevant as the referendum debate progressed. Anxiety about how the EU is (or is not) managing the current scale of immigration from outside the Union's borders was also less evidently pertinent on its own terms. Instead, anxiety about immigration generally morphed into anxiety about "unlimited" migration from within the Union.

In other words, notwithstanding six decades of its foundational legal framework and four decades of a UK commitment to that, EU free movement was subsumed into – was wholly indistinguishable from – immigration concerns more generally. In campaign strategy terms, the inconvenient facts of UK opt-outs from asylum and immigration law and from Schengen could therefore be bypassed. Instead, the UK's lack of capacity to control perceived influxes – both current and hypothesized, even to the level of the entire population of Turkey – of EU citizens, with consequential implications for the drainage of national public finances and related pressures on national public services, became the entrenched narrative.

The UK withdrawal story was not the origin of serious questions about the sustainability of free movement, but it has irrevocably unleashed them. Looking to negotiations on the future EU/UK relationship, the free movement

11. Syrpis, "'Taking back control' from Europe is not the democratic option", at <the conversation.com/taking-back-control-from-europe-is-not-the-democratic-option-60665>.

of persons has already been marked by the UK as the central problem;[12] and simultaneously, by the European Council, as the single market golden ticket.[13]

We cannot be surprised that the UK put free movement rights on the table at the February 2016 negotiations. What we might be more surprised about is that the other 27 Member States conceded restrictions on the free movement of workers so readily. At the time, Donald Tusk insisted that the agreement "does not compromise the European Union's fundamental values such as the freedom of movement and the principle of non-discrimination".[14] And perhaps the EU legislature might have been able creatively to frame the envisaged legislation in the more neutral register of indirect discrimination had the UK voted to remain in the EU. But it is undeniable that the language of the February Decision very clearly and very explicitly distinguished EU workers.

Let us be clear about one fundamental point that was frustratingly absent from the UK referendum debate: there is no such thing as unlimited EU free movement. There never has been. The right to move and reside within the Union territory is subject to limits and conditions. It is true that EU citizens moving to engage in economic activity or moving for any purpose for less than three months have to meet relatively few conditions. But if free movement is indeed essential to the EU mission, then that commitment should induce an honest, open and informed discussion of what can and should be sustained while also facing up to what might need to change, and how that change could be achieved. Free movement rules do not have to be forever static. They were designed for a completely different world than we live in now. But reforming the free movement framework deserves more than a piecemeal agreement patched together outside the framework of EU law, shored up by an unexpected Commission declaration on the extent of the problem for the UK that appeared to contradict what was previously asserted.[15] And it deserves more than a repeat of that method in the months ahead too.

12. See e.g. <www.telegraph.co.uk/news/2016/06/28/david-cameron-has-told-the-eu-it-must-reform-freedom-of-movement/>.

13. See the statement cited *supra* note 6, para 4 ("Access to the Single Market requires acceptance of all four freedoms").

14. Report by President Donald Tusk to the European Parliament on the February European Council meeting, at <www.consilium.europa.eu/en/press/press-releases/2016/02/24-tusk-report-european-parliament/>.

15. See the Declaration of the European Commission on the Safeguard Mechanism referred to in paragraph 2(b) of Section D of the Decision of the Heads of State or Government, meeting within the European Council, concerning a new settlement for the United Kingdom within the European Union; pointing to evidence disputing the claim in the Declaration, including from the Commission itself, see C. O'Brien, "Cameron's renegotiation and the burying of the balance of competencies review", at <ukandeu.ac.uk/camerons-renegotiation-and-the-burying-of-the-balance-of-competencies-review/>.

Dismissing disaffection about immigration and free movement has proven all too painfully ineffectual. It is an undeniable fact that free movement within the EU occurs asymmetrically and unevenly both within and between Member States; yet the rules tend to a uniformity of approach. At national level, policy discussion about targeted support for public services in areas of exceptional need came far too late, and mainly from opposition rather than government politicians.[16] But questions about redistribution must be part of the EU agenda too. In that light, it was interesting to observe that while the invaluable role of the Union in representing its Member States in the tackling of global challenges was strongly advocated throughout the referendum campaign, so too was its capacity – and its responsibility – in the delivery of a more socially just Europe for all of its citizens.

Soon, lawyers will be called upon once again to help with picking up the pieces of this mess. But lawyers can be forgiven for feeling overwhelmed as they stand at the threshold of that challenge. For here is one of the most crucial lessons to be learned from it all. Throughout the campaign, there was a sustained appeal for "facts". In response, increasingly meaningless statistics were thrown into the mix so frequently as to numb any effect or impact they might actually have – meaningless in two main senses: first, simply wrong, such as the officially discredited claim fixing £350m per week as the cost to the UK of EU membership;[17] second, aiming to quantify things that simply cannot be quantified, and so legitimizing prediction and speculation as "fact".[18]

Unsurprisingly, performing the debate at this level severely diminished public confidence in the role of politicians and in the role of the media[19] – precisely those who have a particular public responsibility for accuracy and authority. Chillingly, we have witnessed the sustained and deliberate dismissal and suppression of actual facts in a debate of rarely paralleled significance for the people called upon to participate in it. The rawness under which the final

16. See e.g. "EU referendum: Gordon Brown urges Labour voters to stay in", <www.bbc.co.uk/news/uk-politics-eu-referendum-36513921>, reporting Mr Brown's suggestion that "fears over the impact on local communities would be better addressed by increasing investment in stretched public services than ending free movement rights".

17. The official response from the Chair of the UK Statistics Authority can be seen here: <www.statisticsauthority.gov.uk/wp-content/uploads/2016/04/Letter-from-Sir-Andrew-Dilnot-to-Norman-Lamb-MP-210416.pdf>.

18. See e.g. <www.theguardian.com/politics/2016/may/20/eu-immigrant-influx-michael-gove-nhs-unsustainable>, premised mainly on Turkish membership of the EU.

19. An April-May 2016 Ipsos-MORI poll found that, in answer to the question "who do you trust on issues relating to the referendum on EU membership"?, journalists (16%) and politicians (11%) came bottom of the scale; those attributed with the highest levels of trust were friends and family (72%), small business owners (57%) and academics (57%); see <www.ipsos-mori.com/Assets/Docs/Polls/ipsos-mori-business-and-brexit.pdf>.

days of the campaign played out – in light of the killing of a British Member of Parliament on 16 June – finally made inescapable, for all sides, a facing up to the acrimonious, exclusionary and frenetic tone in which these referendum politics were being conducted. The rapid unravelling of promises almost immediately after the result was declared all too predictably epitomizes the basic conduct of things.[20]

The editors of this Review have already criticized the "normalizing [of] systematic dishonesty as a tool of political campaigning".[21] We now recall again "the responsibility of legal scholars to observe and promote rational, evidence-based scientific analysis" that we articulated in the same statement. An abundance of expertise from a mobilized academic and practitioner community was channelled into the referendum debate, aiming to frame and inform the functioning of democracy. Never before had such a wealth of information and analysis been so freely and easily available. But instead, anti-rational, evidence-rejecting and anti-scientific methods prevailed.

The conscious and systematic devaluation of expertise that we have seen in recent months – dismissed consistently as another exemplar of "elitism" – should make us worry. This happened in one of the world's most longstanding parliamentary democracies. We can debate and disagree; we can imagine and reimagine. But at the root of all of this, there *has* to be rigour. We stand for open and tolerant debate, but we also stand for rationality and for decency, for the ethics of disagreement. For how can we debate and disagree if we do not even understand the starting point, or do not care about that anyway? It is not enough to observe the manifestation of post truth politics. We must resolve to resist it.

In a similar vein, it was simply far too easy for national politicians as well as for the media to retreat behind an excuse of "complexity" rather than try first to understand and then to explain the purposes and processes of the Union to the UK electorate. However sincere the intention, it is impossible to redress an acute information deficit of *decades* in a matter of weeks. It was just too late. This has to be addressed as a normal part of the practice of politics – and by the Member States primarily. Trying to convince an electorate – very quickly –that the EU is not just "over there", having spent years suggesting that it is, was never going to work. The long-standing tendency to treat the EU as an external force to which the country is subject, rather than a project in

20. See e.g. <www.huffingtonpost.co.uk/entry/nigel-farage-good-morning-britain-eu-referendum-brexit-350-nhs_uk_576d0aa3e4b08d2c5638fc17>; <www.independent.co.uk/news/uk/home-news/eu-referendum-tory-campaigner-admits-brexit-immigration-some-control-a7102626.html>.

21. Statement from the Editorial Board of the Common Market Law Review regarding the UK Brexit referendum campaign, at <www.universiteitleiden.nl/en/news/2016/06/common-market-law-review-editorial-board-critical-of-brexit-referendum-campaign>.

which it participates, also fostered a perception that the referendum could be regarded as a protest against the seemingly relentless effects of austerity and globalization.

Finally, what next, more substantively, for the UK and for the EU? The UK is mired in the implosion of internal party politics and indeed its own existential crisis about whether or how the Remain vote returned by Scotland and Northern Ireland might somehow be accommodated; and whether, if not, that might lead to the breakup of the UK itself. As to its future relationship with the EU, there was a much more palpable sense throughout the referendum of people voting *away* from something than of what they might have been voting *towards*. During the campaign, advocates of the Leave vote flirted inconclusively with a range of possible models for the UK's future relationship with the EU, with suggestions ranging from Norway, to Switzerland, to Turkey, to Canada, to a novel UK-bespoke arrangement. At least in the early phase of the post-referendum fallout, access to the single market premised as closely as possible on the EEA model seems to be the settling aspiration. But how that would work in reality is premised on fantasy. Boris Johnson, who was figurehead of the Leave campaign and originally seen as a possible successor to David Cameron as the UK Prime Minister, offered the following vision of things:

> "British people will still be able to go and work in the EU; to live; to travel; to study; to buy homes and to settle down. As the German equivalent of the CBI – the BDI – has very sensibly reminded us, there will continue to be free trade, and access to the single market. Britain is and always will be a great European power, offering top-table opinions and giving leadership on everything from foreign policy to defence to counter-terrorism and intelligence-sharing – all the things we need to do together to make our world safer. The only change – and it will not come in any great rush – is that the UK will extricate itself from the EU's extraordinary and opaque system of legislation: the vast and growing corpus of law enacted by a European Court of Justice from which there can be no appeal."[22]

At one level, this is a deeply disingenuous ambition – suggesting that nothing much will actually change invites the question of why such a

22. "I cannot stress too much that Britain is part of Europe – and always will be" *Daily Telegraph,* 27 June 2016, at <www.telegraph.co.uk/news/2016/06/26/i-cannot-stress-too-much-that-britain-is-part-of-europe – and-alw/>. The BDI quickly clarified its position in response; see <www.theguardian.com/politics/2016/jun/27/brussels-rejects-boris-johnson-pipe-dream-over-single-market-access>. In the meantime, Johnson has withdrawn his bid to be the next Conservative Party leader and UK Prime Minister.

damaging and divisive withdrawal referendum was needed in the first place then. In some recognition of reality, the outline above does finally engage the free movement of persons – though in a notably one-way direction. That does acknowledge that the free movement of persons is an intrinsic part of the EU single market. But it ignores the essential reciprocity of free movement. And it roundly contradicts the intention to undo the very obligation that was a relentless driver of the campaign – and therefore denies the expectations of a significant proportion of the UK electorate. It betrays little appreciation of the EU single market as a project that aims to synthesize regulatory as well as tariff barriers. And it seeks access without accepting either EU legislation or extra-UK supervision and enforcement – precisely the mechanisms that make the EU single market so powerfully functional and therefore attractive in the first place.[23]

Pointing out the reality remains, therefore, not just a task but also a responsibility for legal analysts. Yes, doing so feels completely futile after this referendum experience. But as the politics of withdrawal break out, they cannot be allowed to do so unbridled. Lawyers serve the achievement of political decisions. Through their affinity for working with principles as well as rules, lawyers can be usefully pragmatic. But they also bring a particular contribution of *demarcation* that has never been more needed. Lawyers excel at placing frameworks around goals, but that necessarily involves too the guarding and enforcing of limits beyond which political aims must not go. And perhaps we bring a shot of idealism as well. On foundations of rationality, we contribute to the production of concepts and narratives in order to make sense of the Union, and of its future. Few political actors may be listening to our appeals to ideas such as solidarity and sincere cooperation just now – even though these are obligations legally committed to in the EU Treaties. But we should still make those appeals anyway. It is what we do.

For many years now, we have not really faced up to the implications of pursuing deeper EU integration at the same time as pursuing wider integration. Increasingly, as the challenges facing the Union become ever more serious, we see responses that involve stepping outside the Union framework to manage things on an ad hoc and closed rather than systematic and transparent basis. In some respects, the February 2016 Conclusions acknowledge the beginnings of precisely the conversation that we need to

23. Another contender for the position of Prime Minister, Theresa May, supported a Remain vote in the referendum, but has made clear her deeply worrying preference for UK withdrawal from the ECHR; see <www.bbc.co.uk/news/uk-politics-eu-referendum-36128318>; she later stated that, as Prime Minister, she would drop her call for Britain to withdraw from the ECHR, saying she did not expect there to be a parliamentary majority for it <www.bbc.com/news/uk-politics-36671336>.

start having – we can see this in the sections that acknowledge the co-existence of Eurozone and non-Eurozone Member States, for example, as well as in the parts on proposed free movement restrictions. However, led by the Member States and their citizens, and supported by the EU institutions, these questions need to be more openly and more intensively debated.

The Union matters deeply. But its collapse would matter exponentially more. The powerfully felt impulse for existential certainty and self-preservation that we have seen in the immediate aftermath of the referendum result is entirely understandable. But certainty and self-preservation will only be secured through how this storm is weathered. The challenges raised by the UK referendum have not gone away because of the outcome of that vote. Failure to recognize and deal with this just postpones the denouement. Some have responded to the UK referendum by urging deeper European integration for the remaining EU Member States; others have argued the opposite. In one sense, neither is right and neither is wrong – because conceptions of integration and of how the EU should evolve to achieve it simply differ. Importantly, they will continue to differ. An impetus towards deeper union is therefore understandable, but it represents neither the current reality of the Union's actual design nor the agreed will of its constituent Member States and citizens. And therein lies the EU's core challenge – to manage that complexity, and to communicate it, in light of the reality that contestation about the direction, nature and purpose of the Union is not a temporary feature of its political construction. Contestation endures. And so too, then, must the "the unlovely term 'differentiated integration'".[24]

However, we should remember too that differentiated integration presumes a fundamental core of agreement and an agreed commitment to that core. The founding purposes of what is now the European Union and its place and purposes in the contemporary world were too often disregarded as clichés in the referendum debate. A hard self-reflection that joins the Union's past to its future more consciously but also more realistically is needed. What, now, are the fundamentals to which the Member States and their citizens wish to and will commit? Beyond that core, where can compromises be made and differences flourish? And just as importantly, what are the agreed frameworks within which those choices should be made and then realized? Answering these questions is as much about renewal as reform.

We must reflect on what has happened and why it happened. But we do not have the luxury of drowning in it and we cannot afford to become stunned by the enormity of processing it. There is too much crucial work to be done to

24. Walker, "The Brexit vote: the wrong question for Britain and Europe", at <verfassungsblog.de/walker-brexit-referendum/>.

secure the durability of the Union and to restore an integrity to political engagement, at all levels.

Doing that work well is now the priority. And we have to get on with it. "There is nothing either good or bad, but thinking makes it so".[25]

25. Shakespeare, *Hamlet*. Act II, Scene II.