

# Freedom of Movement – people really are special...

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Migration has proved to be one of the most emotive issues raised in the wider debates that have taken place over Brexit. This has been reflected in our Brexit roadshows, where respondents raised the issue regularly. Whilst some conversations were essentially racist diatribes, other respondents raised questions over access to school places and there were a number of concerns about access to services more generally.

This plays out in a number of analyses of aggregate-level data on the vote to leave the EU<sup>[1]</sup>, albeit with some nuances<sup>[2]</sup>. Indeed, in our contribution to Professor De Ruyter and Beverley Nielsen's forthcoming book on Brexit, we find exactly the same phenomenon<sup>[3]</sup> – areas which saw a rise in migration between 2006 and 2016 tended to vote Leave more strongly. This suggests that perceptions were not merely a function of the popular press (although undoubtedly that played a large role).

This is reinforced by the fact that Britons' perceptions differ substantially from reality on a number of different issues (including migration)<sup>[4]</sup>. However, debate continues over whether attitudes towards migration differ more by the economic skill sets of migrants<sup>[5]</sup> or their cultural background<sup>[6]</sup>. In our book chapter, we found some evidence of both (although economic concerns tended to be couched around access to services)<sup>[3]</sup>.

In any event, migration is clearly hugely pertinent and appears to have influenced voting decisions in a way that other factors did not. After all, during the referendum campaign the intricacies of customs union membership were not discussed, whereas migration was widely mentioned (including scaremongering over the prospect of Turkish membership of the EU). The UK is, of course, hardly unique in this regard. The rise of populist politics in the Visegrad states can be partly linked to their position on immigration.

Similarly, the rise of the AfD party in Germany appears to be, in part, a backlash against the country's decision to admit large numbers of refugees in 2015. Indeed, the "refugee crisis" led to the suspension of Schengen arrangements in certain countries (I remember having my passport checked on the train between Denmark and Sweden at the time).

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Nevertheless, voter attitudes notwithstanding, freedom of movement does indeed raise some challenging issues for a world of nation-states. In particular, the nation-state is predicated upon the notion of self-determination: namely that a particular group (the "nation") has the right to determine their own sovereignty. This notion has always been imperfect: it fails to hold up in logical extremes (if I decide that I wish my house to be its own sovereign state, I still cannot legally secede from the UK). Similarly, there are numerous cases in recent history (from the American Civil War to the more recent conflagrations in Chechnya) where it has failed to be applied.

Moreover, national sovereignty has never been absolute. It has always been diluted both above and below. In the US, individual states have considerable freedom and there are checks and balances on the federal government's powers. In Germany the Länder have an important voice and even in the UK devolution has split sovereignty across several units (and recent tentative moves towards devolution within England look set to do this further). It is no accident that both of the most recent referenda that have been held in the UK have been over these most fundamental questions of sovereignty.

Similarly, from above almost all countries accept some dilution of sovereignty in exchange for freer trade (even membership of the WTO entails acceptance of the Most Favoured Nation principle, alongside giving up the ability to set tariffs and other barriers arbitrarily). Most trade and investment treaties contain some provision for outside arbitration of disputes. In many regards, the EU is no different: its members voluntarily cede a degree of sovereignty to a supra-national body in order to facilitate freer trade.

Freedom of movement of people, however, challenges some of the basic notions of national sovereignty in a practical rather than merely theoretical sense. Democratic nation states notionally exist for their

“demos”. However, when people can move from one nation to another entirely freely (and, unlike prior ages, this is relatively easy to do) then who constitutes the demos in question? Why should I have rights that my Eastern European next-door neighbours do not (purely by accident of birth)? Equally, however, if all those in Poland have the precise same rights and responsibilities as myself, in what sense am I British and they Polish? At present, this is an unresolved tension within the EU, with rights and responsibilities split (I have voting rights that my next-door neighbours do not and vice versa, but we both have the same rights to employment, education and healthcare in each other’s states).

The poses challenges to those on both the right and the left. If freedom of movement is the right thing to do then why limit it to Europeans? Yet allowing free movement into Europe will irrevocably change what Europe looks like and its culture. It is also opposed by a majority of those who already live there: should we override those concerns? If the global populace is the true “demos” in question then the answer is surely ‘yes’. If not then we return to the fundamental question of: at what level should sovereignty lie? Which groups have the right to be acknowledged as a ‘nation’ and why? If Scots are (and that has been implicitly accepted by virtue of the fact that they were offered the choice to secede from the UK in 2014) then why not those from Yorkshire?

Within the UK (and much of Europe), the modern welfare state is predicated upon the notion that those who are privileged in society should help those who are not. Those who have fallen upon hard times (whether through ill-health, accident or job loss) are to be given a helping hand. At the time it was designed, it was envisaged that this would apply only to “members” of the club (i.e. the UK “demos”). Today, freedom of movement has greatly expanded that group. The same is true on a grander scale internationally – the plight of refugees and those in destitution internationally compels us to act. How we marry this with traditional national sovereignty and notions of who is a member of our society (and thus given the rights and privileges associated with that) and who (if anyone) is not is the great challenge of our time. Freedom of movement of labour and membership of the EU merely scratches the surface of these issues.

## **References**

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