Brexit: The Legal Anatomy of a Disaster

Time: 12:00pm - 1:30pm
Location: Faculty Lounge

Kim Lane Scheppele, Princeton University.

Former John J. O'Brien Professor of Comparative Law and Professor of Sociology at the University of Pennsylvania Law School.

This is a Faculty Ad Hoc Workshop, an INVITATION ONLY event.

Join Professor Kim Lane Scheppele for an Ad Hoc workshop talk on Brexit: The Legal Anatomy of a Disaster

In June 2016, the people of the United Kingdom voted to leave the EU.

It’s October 2019, and the UK has still not left, though it faces a deadline for departure of 31 October. On the eve of this deadline, it has become clear that the UK is not prepared and the EU faces a catastrophe on its (new) border.

In this talk, I will explain why leaving the EU has been so difficult. Brexit challenges and may well change almost every aspect of UK constitutional law - its reliance on parliamentary supremacy, the dependence of the executive on the confidence of and accountability to parliament, the apolitical role of the Queen and the modest role of the judiciary.

Brexit also raises fundamental questions of EU law - the relative roles of the transnational Commission and the intergovernmental Council, the position of the European Court of Justice as the ultimate arbiter of EU law, the integrity of the internal market and more. While the possibility of a Member State leaving the EU was first put into the Treaty of Lisbon in 2009, the practical difficulties of exit reveal the logic of that old joke - that it is far easier to turn an aquarium into fish soup than to perform transformation in reverse.

Extracting a Member State from more than 100,000 pages of law turns out to be more difficult than anyone had predicted.

Kim Lane Scheppele is the Laurance S. Rockefeller Professor of Sociology and International Affairs in the Woodrow Wilson School and the University Center for Human Values at Princeton University. Scheppele's work focuses on the intersection of constitutional and international law, particularly in constitutional systems under stress.

After 1989, Scheppele studied the emergence of constitutional law in Hungary and Russia, living in both places for extended periods. After 9/11, she researched the effects of the international “war on terror” on constitutional protections around the world.

Since 2010, she has been documenting the rise of autocratic legalism first in Hungary and then in Poland within the European Union, as well
as its spread around the world. She has also closely followed and written about Brexit. Her many publications in law reviews, in social science journals and in many languages cover these topics and others.

Scheppele is an elected member of the American Academy of Arts and Sciences and the International Academy of Comparative Law. In 2014, she received the Law and Society Association’s Kalven Prize for influential scholarship. She held tenure in the political science department at the University of Michigan, taught full-time in the law school at the University of Pennsylvania, was the founding director of the gender program at Central European University Budapest, directed the Program in Law and Public Affairs at Princeton, and has held visiting faculty positions in the law schools at Michigan, Yale, Harvard, Erasmus/Rotterdam, and Humboldt/Berlin.

She is a member of the Executive Committee of the International Association of Constitutional Law, elected as a “global jurist.” From 2017-2019, she was the elected President of the Law and Society Association.