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# Sovereignty Post-Brexit, The State's Core Function and EU Reintegration

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*Summary:* With the successful 2016 BREXIT campaign, populist citizen demands directed the U.K. as a nation State to reclaim its diminished sovereignty and under Article 50 negotiations, to leave the European Union. Yet the negotiated transition of the U.K. and its 2019–2021 transition period carries with it potential implications not only for the future of the U.K. as a nation State and its legitimate expression of sovereignty but also for the remainder of 27 States who will need to reintegrate their partnerships within the regional bloc after the U.K. exits. This commentary proposes a 21<sup>st</sup> century GeoNOMOS model for the continuum of State sovereignty that outlines a core function for the State, constructs a framework of liberty that respects diversity, cultural heritage, domestic institutions while it promotes a new set of organizing principles in a society of economic traders. The GeoNOMOS model as proposed here, outlines a broad application not only for the U.K. as it restructures its sovereign function apart from the EU but also for those 27 remaining EU partnership States that struggle with the rise of populism across the Continent that demand more fiscal accountability and a centralized migration program within the European Union as a regional institution. Creating this new context for the 21<sup>st</sup> century expression of legitimate State sovereignty would potentially allow the U.K. to develop new best practices for other States to emulate and to lead a global conversation on matters related to the changing role of the nation State. The model outlined here defines sovereignty in terms of a State's two key functions: [1] first and foremost, how the State cares for its own people, protecting participatory democracy and individual liberty; and then, [2] how a State protects its domestic institutions as it successfully engages on an international level within the "international community of states" and within a marketplace guided by capitalist globalization.

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## 1. The Brexit Focus on Sovereign Legitimacy

These are times of uncertainty on the European Continent. Oft defined not only by the very specific BREXIT trajectory as the U.K. leaves the forty-year partnership with the European Union in 2019, but also, exemplified by the rising demands of populism and anti-establishment attitudes fueling national election cycles between 2016–2018 that continue across the Continent itself.<sup>1</sup> These national elections inevitably address populist feelings about State sovereignty, nationalist integrity and the need for more economic equity in designing a new paradigm for capitalist globalization. The dynamic of this sea of change has thrust a monumental politico-economic tsunami that confronts the European Union not only as the BREXIT final departure arrives in March 2019 but also as the EU struggles to address its own bureaucracy and internal challenges for more accountability by current member States.<sup>2</sup> The wave of populism continued to sweep across the U.K., France, Austria, Italy, The Netherlands, Greece, and Germany election cycles in 2016–2018 but none was as drastic and profound as the 2016 BREXIT campaign in the U.K. where citizens voted to support a government negotiated plan designed to divorce itself from the European Union.

Both sides of the BREXIT campaign were very nationalist in their outlook suggesting that the profitable preservation of a capitalist economy was paramount based on a conservative sense of nationalism and sovereignty.<sup>3</sup> This commentary

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<sup>1</sup> FISHER, Max, TAUB, Amanda. Uncertainty, More Than Populism Is New Normal in Western Politics. [online] Available at <https://www.nytimes.com/2017/06/10/world/europe/there-sa-may-election-politics-populism-interpreter.html> [June 10,2017].

<sup>2</sup> The bargain underpinning the EU is that compromises in national sovereignty through accession to regulatory compliance will bring economic and social benefits. Creating a common economic market that could rival the American economy would be a boost to lift all boats. Yet while greater access to markets and labor migration accelerated within the EU, public austerity measures produced cutbacks in domestic-level social programs, education and health. These public austerity measures are now at the forefront of domestic political review. For many working people, the benefits of EU membership did not appear to outweigh the stagnation in quality of life they experienced, combined with the loss of security

<sup>3</sup> BROWNE, John, *UK's Minister Commits to Successful Brexit*, Townhall Finance [online]. Available at <http://finance.townhall.com/columnists/johnbrowne/2016/08/05/uks-prime-minister-commits-to-successful-brex-it-n2201876>; see also KIRKA, Danica, *UK Central Bank Tried to Soften BREXIT Shock in Economy*, ABC News/Associated Press [online]. Available at <https://abcnews.go.com/International/wiresStory/uk-central-bank-economy-brex-it-stimulus-41112988> [noting that while cheaper money will help households and companies the cost of loans is already

speaks briefly to the actual BREXIT campaign dynamics from the U.K. as an example of rising nationalist antagonism towards the European Union and then, outlines the changes in how sovereignty and the State expression of sovereignty has changed into this century. The discussion points to the dynamics of the proposed GeoNOMOS model<sup>4</sup> [see diagram] as a *continuum of sovereignty*<sup>5</sup>, one that operates in such a way as to accommodate the role of a 21<sup>st</sup> century nation State and yet, moves beyond some of the tragic consequences that the neoliberal paradigm

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very low and is not their primary concern right now, economists say. Business in particular is worried about whether to make investments or hire in Britain without knowing what the country's trade relationships with the EU will be]; see also DOLSAK, Nives, PRATKASH, Aseem, *Here's What Many Missed When Covering Brexit Vote*, Washington Post [online]. Available at <https://www.washingtonpost.com/news/monkey-cage/wp/2016/08/04/heres-what-many-journalists-missed-when-covering-the-brexit-vote/> [Noting that welfare states such as U.K. have had policies that helped free trade losers; pointing to political analyst John Ruggie who called this system for cushioning blows from the international economic system “embedded liberalism” and argued that the interventionist domestic welfare state made possible today's liberal trade order on a global scale. But these policies are eroding as winners are not compensating losers. In fact, private corporations that have gained enormously from globalization are using complex financial arrangements to escape taxes and wealthy individuals are doing the same. Economic inequality is increasing in a “winner-takes-all” society. Mainstream media that focuses on racism and xenophobia rather than on economic loss and inequality may not be taking into account these political policy shifts. Quoting Larry Summers who insisted in 2005 that financial markets could not fail now recognizes that the Brexit vote is a ‘wake up call to elites everywhere on a need to redesign economic policy’ that hears the anger expressed in the Brexit vote. The real issue in BREXIT was what did average British voter gets when and how from EU integration]

<sup>4</sup> The GeoNOMOS model outlined in this commentary [see diagram] is a graphic representation of the next evolution for State sovereignty because it differentiates several important principles. One, it posits conceptually that for all human activity, enterprise and undertakings, liberty represents the outer boundary [dotted line box] of any and all such endeavors. Beyond this *framework of liberty* nothing can, nor does exist, and all activity with the State falls within the four corners of this frame defined at its outer boundary by liberty. Two, the GeoNOMOS distinguishes, in contrast to other models which seek to develop an economic/legal model, or some other models for nation States from times long past, that the nation State and the nation State alone can function as a legal guarantor and can only vouchsafe liberty both toward the individual and also toward other nation States and supranational organizations who operate with semi-governmental character. Third, the proposed GeoNOMOS presented here designs a *single core function* for the State in relationship: [a] to its citizens [vertical axis] from whom it seeks domestic legitimacy in order to govern, and, [b] to its engagement in the global marketplace [horizontal axis] from a intentional long term strategic and sustainability perspective as a member of the international community of States.

<sup>5</sup> Definition of Continuum, adapted from [www.merriam-webster.com/dictionary/continuum](http://www.merriam-webster.com/dictionary/continuum); Note in the process, the U.K. core function engages at the center of three overlapping circles [three forms of capital] and the center of the intersection of a *vertical axis* and a *horizontal axis* inside the GeoNOMOS Model©. [See diagram attached] This single core function incorporates three essential building blocks that belong to every nation State – economic capital, social capital, and human capital – all of which must remain inter-connected and continuously balanced in order for the State to maintain legitimacy as sovereign as to function.

[c. 1980–2010] of capitalist globalization has had on State sovereignty. The *continuum for sovereignty* protects the core function of the State with the framework of the liberty [dotted line box] beyond which no State can legitimately function.

The post-BREXIT campaign analysis shows that both the Leave (BREXIT) and Remain campaign relied on widespread publicly disseminated negative scare tactics rather than on positive arguments for solidarity or for sharing factual information comparing each of the issues and ramifications involved. Analysis of voters' demographics and news-consuming habits offer potential clues as to why BREXIT passed: Depending on one's perception, BREXIT can be viewed as an act of citizen desperation in the name of demanding "restored" State sovereignty. But, how much sovereignty had the U.K. actually sacrificed? During the BREXIT campaign, Euro-sceptics trotted out a litany of grievances, often to publicly mock the over-specificity and wide scope of EU regulations. Those mystified by the BREXIT vote showed contempt deriding it as a demonstration of one of the major shortcomings of democracy, namely when uninformed electorates make crucial decisions which affect everyone else that is to be governed. However, in a participatory democracy the process of respecting individual liberty means a referenda remains among the most democratic means of direct, collective decision-making. There are rightful concerns that public deliberation beforehand was confused, media coverage was agnostic to facts, and mistrust of expertise was absent. Either way, Brexit produced a confused desire by the majority of Brits for fortifying state sovereignty. It will not fix the underlying problems of economic stratification, withered public safety nets and a national pride injured by its lost investments in imperialism and colonization. The State model in general has failed to address the increasingly transnational problems of the world today, including a growing global economic inequality, mass migration, climate change and the whimsical destruction wrought by the transnational finance networks. It is easy to pin these on the institutions like the EU, but many border-defying problems are the direct result of past State actions — the same powers of national sovereignty Brexit supporters seek to bolster. BREXIT voters tended to be less educated, earned less money, appeared to work in non-skilled trades, lacked formal job qualifications, and represented voters who were not able to domestically compete in the global economy that had "trickled down into" the U.K. as part of the neoliberal paradigm [c. 1980–2010] — a paradigm that had been broadly institutionalized as an ideology and economically implemented as the dominant form of capitalist globalization over the last forty years.<sup>6</sup>

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<sup>6</sup> The neoliberal premise of free trade bringing about wealth creation for all did not manifest. Ordinary working people are left to feel they paid the cost of U.K. national honor — of which the State is the protector — for questionable, partial, material benefits, which were disproportionately distributed to those who were already well-off. The riches of Brussels went to those who profit

According to some reports, these U.K. voters appeared to be reluctant to adapt to rapid social changes that integration into the global economy often requires as domestic markets shift rapidly.<sup>7</sup> As more and more domestic U.K. labor markets and manufacturing work opportunities changed, not because of intentional planning and public debate fostered by national legislatures or Parliament, but because of decisions made in corporate boardrooms, BREXIT voters had concluded they were being “left behind” by both global economic pressures for rapid short term profits, and by the social ramifications [eg, immigration mandates] of U.K.’s European Union membership.<sup>8</sup>

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the most from trade, banking, finance and so on. Social and economic stratification has such reproductive tendencies, and only further cement resentment. The rising sense of national pride, one ridden by angst about the state of the changing world, might appear irrational. But it betrays the underlying reason. An observer might miss it if they value the outcome in economic terms and political outcomes alone.

<sup>7</sup> This is a partial resource list on the context for globalization of the late 20th century and the negative impact the neoliberal paradigm [c. 1980–2010] for global capitalism has had on exercise of State sovereignty and State autonomy: RAMIREZ, S.A., *Taking Economic Rights Seriously After the Debt Crisis*, 42 *Loy. U. Chi. L. J.* 713, 2001; see also RODRIK, Dani, *The Globalization Paradox: Democracy and the Future of the World Economy*. New York: W.W. Norton & Co., 2011; see MILGATE, M., STIMPSON, S.C., *After Adam Smith: A Century of Transformation in Politics and Political Ideology*. New Jersey: Princeton University Press, 2009; see also KRUGMAN, Paul Krugman, *Trade and Wages Reconsidered*. Washington, D.C.: Brookings Institute: Papers on Economics, 2008; see McMICHAELS, P., *Development and Social Change: A Global Perspective*. New York: Sage Pubs, 2008; see NOLAN, P. *Capitalism and Freedom: The Contradictory Character of Globalization*. New York: Anthem Press 2008; see ABU-LOGHOD, J., *Globalization in Search of a Paradigm*. In ROSSI, I. [ed.] *Frontiers of Globalization Research: Theoretical and Methodological Approaches*. New York: Springer 2007; see also ABDELAL, R. *Capital Rules: The Construction of Global Finance*. Cambridge, MA: Harvard University Press 2007; see FINDLAY, R., O’ROURKE, K. H. *Power and Plenty: Trade, War and The World Economy in the Second Millennium*. New Jersey: Princeton University Press, 2007; see GILLS, B.K., THOMPSON, W. R. [eds]. *Globalization and Global History*. New York: Routledge 2006; see also BOGLE, John Bogle. *The Battle for the Soul of Capitalism*. New Haven, CT: Yale University Press 2005; see also EL-OJEILE, C., HAYDEN, P. *New Critical Theories of Globalization*. New York: Palgrave MacMillan Press, 2006; see also SCHOLTE, J. A. *Globalization: A Critical Introduction*. New York: Palgrave MacMillan 2006; see also OSTERHAMMEL, J., PETERSSON, M. *Globalization: A Short History* [Dona Geyer, trans.], New Jersey: Princeton University Press 2005; ROBBINS, R. H. *Global Problems and The Culture of Capitalism* [3rd Edn]; London: Pearsons Press, 2005.

<sup>8</sup> The bargain underpinning the EU is that compromises in national sovereignty through accession to regulatory compliance will bring economic and social benefits to all members. Creating a common economic market that could rival the American economy would be a boost to lift all boats. Yet while greater access to markets and labor migration accelerated within the EU, public austerity measures produced cutbacks in domestic-level social programs, education and health. These public austerity measures are now at the forefront of domestic political review in a number of countries including Italy, Greece, Spain, Ireland, Portugal, Poland, and Hungary. For many working people, the benefits of EU membership did not appear to outweigh the stagnation in quality of life they experienced, combined with the loss of security. The notion that immigrants are costly, take away employment

In Summary, BREXIT reflected a larger, more deep-seated citizen angst about the fragile State and the very underlying expression and legitimacy of U.K. sovereignty.<sup>9</sup> The 2016 BREXIT vote catapulted Theresa May into the role of Prime Minister where she established “The Department for Exiting the European Union” and a written BREXIT strategy before triggering the EU Article 50 process in March 2017.<sup>10</sup> Theresa May continued to lead the Conservative Party in talks with the EU, perhaps the most consequential set of negotiations that Britain has faced since World War II<sup>11</sup> She continued to rise above the public chaos in her own party through to December 2017 when the European Council finally

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from U.K. citizens and interfere with the cultural values the U.K. citizens value most continue to be the political issues that stoke the BEXIT fires far away from Downing Street

- <sup>9</sup> The level of public political engagement on the questions of Great Britain’s sovereignty seem to emerge around the issues of severely limiting immigration, “recovery” or “re-directing” of EU partnership payments by the U.K. in support of more nationalist social programs, and the pride of bolstering what appeared to be a shrinking of U.K.’s expression of State sovereignty. BREXIT supporters continually cited a number of reasons for leaving the EU including independence and injuries to British national pride that Brussels routinely imposed on the United Kingdom so much so that this over-regulation from outside the borders of Great Britain appeared to prioritize foreign corporate interests while forcing Britain to take particular refugees, especially from Syria and Eastern Europe, that created a general fear about cultural and religious disharmony; See also SWINFORD, Steven. *Theresa May pledges to Fight Injustice and Make Britain ‘A Country that Works for Everyone’ in Her First Speech as Prime Minister* [online]. Available at <http://www.telegraph.co.uk/news/2016/07/13/theresa-mays-pledges-to-fight-injustice-and-make-britain-a-count/>
- <sup>10</sup> Lisbon Treaty on the European Union.[online] Available at [http://lisbon-treaty.org/WCM/the-lisbon-treaty/treaty-on-european-union-and-comments/title-6-final\\_provisions/137-article-50.html](http://lisbon-treaty.org/WCM/the-lisbon-treaty/treaty-on-european-union-and-comments/title-6-final_provisions/137-article-50.html) [Noting that any Member State may decide to withdraw from the Union [EU]in accordance with its own constitutional requirements so long as the Member State notifies the European Council of its intention. This notice triggers a set of guidelines from the European Council to negotiate an agreement with that State for arrangements of the withdrawal and is to also take into account the framework for the future relationships of that State with the EU. The final agreement must have majority approval of the European Council members and the consent of the European Parliament. The Treaties between the parties cease from the date of entry of the negotiated agreement [See also Article 218(3)] or failing an agreement, two years after Article 50 notification is given by the State, unless the European Council unanimously decides to extend this time period]; See also BARBER, Nick, HICKMAN, Tom, KING, Jeff. The Article 50 Trigger. *Counsel* [Aug 18-19, 2016] [argues that the Prime Minister alone is unable to trigger withdrawal from the EU under TEU Article 50; Prime Minister must be authorized to do so by statute in order that the declaration is legally effective under domestic law and complies with the preconditions of triggering Article 50]; see also BUTLER, Miranda. Implications of Brexit: Who is Sovereign Now. *S.J. 2016*, vol.160, No 29, pp 30 [discussing what Brexit vote entails for UK parliamentary sovereignty and for UK influence in international issues; considers whether UK constitutional law requires not only government’s use of ‘crown prerogative’ but also a parliamentary vote in favor of leaving EU].
- <sup>11</sup> CASTLE, Stephen. *May Won Election But Lost Majority*. [online]. Available at <https://www.nytimes.com/2017/06/12/world/europe/uk-may-britain.html> [noting that even after the election May insisted there would be no change in her strategy for seeking a clean break with the EU and withdrawing from its single market and customs union in March 2019].

approved the BERXIT, PART I set of drafted agreements.<sup>12</sup> BREXIT, PART II trade negotiations 2018–2019 were scheduled for March 2018.

Prime Minister May has repeatedly and publicly expressed her concerns as part of the post-BREXIT campaign noting in her public speeches about reaching out to “the working class” family, her plan to cut taxes for “ordinary people”, consulting the people “far and wide” to create a more equitable society where benefits and burdens might be more “evenly distributed”.<sup>13</sup> She publicly stated

<sup>12</sup> NIB, John. Theresa May Presentation at EU Summit Called Below Our Expectations. [online]. Available at <https://jonnib.wordpress.com/2017/06/23/merkel-says-theresa-kay-brexite-proposals-not-a-breakthrough-we-will-not-allow-ourselves-to-be-divided/> [noting that Merkel and Macron both indicated that there will be no changes to the EU Treaty of Lisbon to accommodate BREXIT negotiations unless reform of the bloc demanded it because EU is based on common values]; see also SAVAGE, Michael. *Tory Donors Tell May: No Deal is Better than a Bad Brexit*. [online] Available at <https://www.theguardian/politics/2017/Oct28/> [noting the growing frustration over Brexit Part I negotiations and suggesting that EU is stonewalling the divorce bill; that a “no deal” options must be left on the table because it is in the best interest of UK; various Conservative Tory donors who supported the Brexit campaign, and other economic sectors are reporting post-Brexit scenarios that include increased tariffs on food products imported from the EU and Ireland as follows: 22% food products, beef up 40%; Irish cheddar up 44%; discussed general fear that the London financial community said Euro 18-20BN and 35,000 jobs were at risk now as corporations were forced to put investment, recruitment and supply chain decisions on hold]; See Also CASTLE< Stephen. *EU Leaders Agree to Begin Next Phase of Brexit Talks*. [online] Available at <https://www.nytimes.com/2017/12/15/world/europe/brexit-eu-leaders.html> [noting that the European Council accepted the results of BREXIT, Part I negotiation efforts; and UK had agreed to enough of the immediate issues raised by the Article 50 mandates including the time limited role for the European Court of Justice in adjudicating rights of European Union citizens living in UK, the border agreement with Northern Ireland, and the continuing UK contribution to the EU of more than \$52BN].

<sup>13</sup> Supra, Note 9, Swinford [Swinford noting that Theresa May has directly addressed working-class Britons who are “just managing” to cope with life as she vowed that her Government will not “entrench the advantages of the privileged few”. In a searing speech outside Downing Street May pledged to “fight against the burning injustices” of poverty, race, class and health and give people back “control” of their lives; she vowed to “prioritise” tax cuts and legislation for working-class voters rather than the “mighty”; Her speech, setting out her vision as a “One Nation conservative”, marked a clear attempt to distance herself from David Cameron’s premiership and appeal directly to disenchanted Labour voters. She said that for an “ordinary working class family” life is “much harder than many people in Westminster realise” as she sought to heal the national divide after the EU referendum. Her speech highlighted her clear intention to reach out to Labour voters who feel alienated by Jeremy Corbyn in a move which could put the Tories in power for a decade. After arriving in Downing Street, May said that her “mission” as Prime Minister will be to make Britain “a country that works for everyone”. She also vowed to “forge a bold new positive role” for Britain outside the European Union.]; AUTHORS NOTE: Note that these essential capital resources that May repeatedly references are currently available to the U.K. as its rights and benefits of EU membership but will need to be analyzed and carefully discussed precisely because the public spectrum of Brexit citizen political demands are significant and dominantly focused on creating measurable and concrete *domestic-based solutions* that address access to education, employment and healthcare.

that her government would deliver BREXIT, marshal all its available capital resources, and refocus its priorities on people whose needs were greatest: “When we make the big calls we will think not of the powerful but you,” she said. “When we pass new laws, we will listen not to the mighty but to you. When it comes to taxes, we will prioritize not the wealthy but you. When it comes to opportunity, we won’t entrench the advantages of the fortunate few – we will do everything we can to help anybody, whatever your background, to go as far as your talents will take you.”<sup>14</sup> But in reality, these dynamics are very much a domestic agenda item that will ultimately be outlined in how the Parliament addresses State level development and utilization of its three essential capital resources and domestic regulations – these matters may never become part of the EU Council’s formal 2018–2019 BREXIT trade negotiations.

The required balance between much needed U.K. domestic capital resource development and utilization [economic capital, social capital and human capital], existing global market demands, and responsibility to the international community of States will remain Prime Minister May’s key three challenges as the U.K. enters 2018–2019 trade and financial negotiations with the European Council. These challenges are depicted at the core function of the State in the proposed model on *continuum of sovereignty*. Transition in how exactly the U.K. plans to meet these global mandates will simultaneously raise considerable *domestic pressure* by U.K. citizens for more elected official transparency as the State reviews how it will re-integrate its three readily available *capital resources* [economic capital<sup>15</sup>,

<sup>14</sup> HELM, Tony. *Theresa May’s First Pledge as PM was for a ‘one-nation Britain’*. *Can She Deliver?* [online]. Available at <http://www.theguardian.com/politics/2016/jul/16/theresa-may-one-nation-britain-prime-minister> [Helm suggesting that “the core problem is that, as yet, no one in it [new British cabinet] knows what Brexit means, and what it will entail. May’s cabinet is split between the likes of Hammond, who insists that whatever happens the UK must retain as much access to the single market as possible, and others, such as Davis and Johnson, who seem to believe the UK can thrive outside the single market if it has to, and this is the price the country has to pay to extricate itself from the EU’s commitment to free movement of labor in order to control immigration]; see also Supra, Note 9, Swinford [commentary noting that Theresa May has directly addressed working-class Britons who are “just managing” to cope with life as she vowed that her Government will not “entrench the advantages of the privileged few”].

<sup>15</sup> Economic capital is the quantum of risk capital, assessed on a real basis, which an enterprise requires to cover the risks that it is running or collecting as a going concern, such as market risk, credit risk, legal risk, and operational risk. [online] Available at [https://www.glynholton.com/2013/06/economic\\_capital](https://www.glynholton.com/2013/06/economic_capital). [noting that economic capital is the amount of money which is needed to secure survival in a worst-case scenario. Firms and financial services regulators, i.e., representing the nation-state should then aim to hold risk capital of an amount equal at least to economic capital. Typically, economic capital can be calculated by determining the amount of capital that a firm needs to ensure that its realistic balance sheet stays solvent over a certain time period with a pre-specified probability.] Therefore, economic capital is often calculated as value at risk. The balance sheet, in this case, would be prepared showing market value (rather than book



social capital<sup>16</sup> and human capital<sup>17</sup>] once the U.K. begins functions outside its EU

value) of assets and liabilities and thus economic capital is distinguished in relation to other types of capital which may not necessarily reflect a monetary or exchange-value. These forms of capital include natural capital, cultural capital and social capital, the latter two represent a type of power or status that an individual can attain in capitalist society via a formal education or through social ties. See also generally, RUPP, Jan C.C. Reworking Cultural and Economic Capital. In HALL, John R.[ed], *Reworking Class*. Ithaca, NY: Cornell University Press, 1997;pp221-246. [twelve essays on culture and economic capital development; Rupp reviews extensively how social space is defined by the global volume of economic capital within its bounds]; *Economic capital* can be defined as the amount of risk capital assessed on a realistic basis which a nation State requires in order to remain solvent over a period of time. Economic capital can be calculated. The other two types of capital [social capital and human capital] can be derived from economic capital but only at a cost based on the calculated effort of transformation initiated by the State at the State level. Individual economic capital is developed and utilized by the State in its role as a legal entity.

<sup>16</sup> The term Social Capital generally refers to (a) resources, and the value of these resources, both tangible (public spaces, private property) and intangible (“actors,” “human capital,” persons and people) but is in the GeONOMOS© to be distinguished from human capital, (b) the relationships among these resources, and (c) the impact that these relationships have on the resources involved in each relationship, and on larger groups. The focus of social capital is generally as a form of capital that produces public goods for a common good. *Social capital* is understood as a stock of resources that *an individual* can control by how they invest their time in community organizations, educational institutions, religious organizations and neighborhood networks. It represents a *form of trust and reciprocity* that is developed within social networks in any given civil society setting. Economic capital and human capital are also forms of capital but they are generally more fungible in the sense that these two forms of capital are linked to private goods. Social capital which has an individual characteristic tends to aggregate and represents a *collective or public good* as part of a civil society. General resources and references that support this premise include: See BRATSPIES, Rebecca. Perspectives on the New Regulatory Era. *51 Ariz.L.Rev.2009*, 575 [suggesting that as new technologies underscore the divergence between market incentives and social welfare, social trust can be developed as a resource through creating regulatory agencies that function effectively in times of uncertainty] [this author noting that Bratspies’s “social trust” equates as a form of social capital]; see SANDBROOK, P.,HELLER, C., EDELMAN, J., TE-ICHMAN, D. *Social Democracy in the Global Periphery: Origins, Challenges and Perspectives*. State University of New York, 2007 [Defining a social democracy regime as a widely supported set of norms, institutions, and rules constraining government to [a]be subjected to democratic control, and [b] activity regulate market forces and intervene to enhance equity, social protection and social cohesion]; see COLLIER, D. *The Bottom Billion: Why Poorest Countries are Failing and What Can be Done About It*. New York: Oxford University Press 2007][concluding that the world’s poorest billion people live in States that have not globalized; globalization may not be the cause of this poverty; rather, bad governance, wars and being landlocked countries have been key factors]; see also BEROK, Janos, ELODIE, Beth. *OECD Overview for Managing Conflicts of Interest in the Public Service*, 64-70 [OECD, 2005] [describing various self-interests that governments perceive as creating a conflict of interest sufficient to undermine a public official’s ability to faithfully carry out the public’s interest];

<sup>17</sup> *Human capital* is a term popularized by Gary Becker, an economist from the University of Chicago, and Jacob Mincer that refers to the stock of knowledge, habits, social and personality attributes, including creativity, embodied in the ability to perform labor so as to produce economic value. In the alternative, human capital is understood as a collection of

partnership.<sup>18</sup> The dominant U.K. economic model may not be able to continually sustain a shared economy built solely on the back of the U.K. financial sector of the past where citizens relied on the welfare state to redistribute to areas of the U.K. that were geographically left out of the London and South-east economic boom. British business leaders lobby for a “softer” form of BREXIT, calling for a “reset that prioritizes prosperity”.<sup>19</sup> Immigration policy and the jurisdiction of the European Court of Justice were hotly contested issues in the original 2016

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resources – all the knowledge, talents, skills, abilities, experience, intelligence, training, judgment, and wisdom possessed individually and collectively by individuals in a particular and defined population. Such resources are the total capacity of the people that represents a form of wealth which can be directed to accomplish the goals of the nation or state or a portion thereof. *Human capital* is a hybrid consisting of both quantitative and qualitative aspects. Human capital in this schematic focuses first and foremost on the individual and, then, on how that individual reaches maximum levels of capabilities/resource development and autonomy in order to contribute to society in ways that the individual actually can choose to develop his or her human capital.

<sup>18</sup> The level of public political engagement on the questions of Great Britain's sovereignty seem to emerge around the issues of severely limiting immigration, “recovery” or “re-directing” of EU partnership payments by the U.K. in support of more nationalist social programs, and the pride of bolstering what appeared to be a shrinking of U.K.'s expression of State sovereignty. BREXIT supporters continually cited a number of reasons for leaving the EU including independence and injuries to British national pride that Brussels routinely imposed on the United Kingdom so much so that this over-regulation from outside the borders of Great Britain appeared to prioritize foreign corporate interests while forcing Britain to take particular refugees, especially from Syria and Eastern Europe, that created a general fear about cultural and religious disharmony. See also *Supra*, Note 9, Swinford. AUTHOR NOTE: Note that these essential capital resources are currently available to the U.K. as its rights and benefits of EU membership but will need to be analyzed and carefully discussed precisely because the public spectrum of Brexit citizen political demands are significant and dominantly focused on creating measurable and concrete *domestic-based solutions* that address access to education, employment and healthcare.

<sup>19</sup> MERRICK, R. There is No Way Out of Failed Economy Without a Government that is Prepared to Intervene in the Economy [online]. Available at <http://www.independent.co.uk/news/uk/politics/election-2017-jeremy-corbyn-uk-leave-eu-brexite-prime-minister-win-general-labour-leader-a7726551.html> [noting that BREXIT strategy will need to include a multi-billion pound strategy to create new jobs and end ‘deindustrialization’ as the UK economy continues to be the slowest growing among advanced nations; The Labor Party, in opposition to May, suggest a National Transformation Fund and a network of Regional Development Banks to drive infrastructure investment, the development of green industry and the job skills and job creation through medium sized business development; Labor Party called for more local community control of sustainable economic models of development]; see also REVESZ, Rachel. Theresa May is ruining Brexit by Putting Conservatives Before National Interest [online]. Available at <https://www.independent.co.uk/news/uk/home-news/> [noting that former civil servants want national interests to be priority in Brexit negotiations; the Conservative Party cannot simply negotiate with themselves to bring the country to the next level of transparency and planning initiatives]

BREXIT vote and will remain so into the 2019 transition period.<sup>20</sup> As the domestic fury around BREXIT negotiations in the EU divorce settlement continues to be front and center for U.K. citizens, other countries begin to line up their capital cities to become the global financial center that London has enjoyed for more than one-half a century. The public perceptions that influenced the BREXIT voting patterns carried with it some immediate mandates, not the least of which remain substantive for 2018 BREXIT trade negotiations.<sup>21</sup> These mandates are complex in terms of addressing U.K. security followed shortly thereafter by significant internal planning and parliamentary review of the U.K.'s sovereign obligations that accompany its global contractual partnerships, Common Market collaboration, international as well as bilateral trade agreements, and international treaties on human rights. To date there has been little noted on the domestic Conservative Party agenda for U.K. Parliament that begins to “restructure” the domestic economy to include the kind of BREXIT health, education, housing and job creation demands that require substantial capital and infrastructure redesign at the domestic level.

All of the forms of capital and these transitions are highly integrated within the GeoNOMOS core function of the State [see diagram-economic, social and human capital functions] and the GeoNOMOS *framework of liberty* as that State strives to fully integrate and continuously balance its three capital resources along the functionality of its domestic vertical axis and its international horizontal axis. Eliminating the current BREXIT political risk would require a broader recognition by the U.K. of new ways to design, develop and balance the utilization of the U.K.'s three primary capital resources [economic, social and human capital]. The *continuum of sovereignty* proposed in this article begins to outline such a process that could be simultaneously accomplished by the U.K. in conjunction with the 2018 EU trade negotiations and during its 2019–2021 global transition.

The U.K. exit negotiations will prove to be much more difficult on the EU side of the equation because there is not a general consensus in European State capitals about the U.K., and because the future trading relationships in the region as a whole will be divergent based on that particular State's current trading

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<sup>20</sup> ELGOT, J. *BREXIT Divisions Harden Across Britain*. [online] Available at <https://www.theguardian.com/politics/2018/jan/26/uk-brexite-voters-mansfield-bristol-torbay-leeds-post-referendum>

<sup>21</sup> CASTLE, Stephen. *EU leaders Agree to Begin Next Phase of Brexit Talks*. [online]. Available at <https://www.nytimes.com/2017/12/15/world/europe/brexit-eu-leaders.html> [December 2017] [discussing broad range of issues presented and compromise negotiated; the agenda required by the European Council is discussed; the role of the European Commission on future trade talks to begin in March 2018]; Emmanuel Macron, President of France, has repeatedly appealed to the 27 EU countries to stay together because there can be no separate State agenda of bilateral trade talks with the U.K. and called for a new global compact for the common good;

relationships with Britain.<sup>22</sup> The European Union for its part in the Article 50 divorce settlement negotiations with U.K. remains a somewhat fragmented organization which is not making the transition any easier for the U.K. The ripple fact of a U.K. departure means that the European Union will be faced with its own inevitable review, reorganization, and reintegration. This process not only challenges traditional notions about State sovereignty but also will address how sovereign States partner for regional programs that include more than just trade in a Common Market and regional security. These are matters that arise within the core function of the State and function along the horizontal axis of the proposed model outlined in this commentary.

Hamulak suggests that the European Union is akin to a *heterarchy*<sup>23</sup> or “*shared sovereignty*” with a divided power structure,<sup>24</sup> but these various matters will need to be publicly addressed as the EU manages the next internal phase of reintegration once the U.K. exits in 2019.<sup>25</sup> Notions of a “shared sovereignty” is

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<sup>22</sup> *Ibid.*, Castle [Merkel in her EU leadership role on behalf of Germany, has indicated that it is not up to the European Union to lay out possible trade solutions to the problems created by the 2016 BREXIT vote in the U.K. Although the next round of BREXIT, PART II continued through 2018, Merkel will push hard for continued multilateralism for those who remain in the regional bloc as EU State partners enter a new era of internal challenges around State sovereignty and redefining the balance between how much sovereignty State must “give up” to enter into the regional EU partnerships.]

<sup>23</sup> *Heterarchy* is best defined as a system or organization made up of interdependent units [member States] where elements of the overall organization are not ranked, are usually circular and nonhierarchical in function, and thus, can be defined more by relationships between these units characterized by multiple intricate linkages that exist in a variety of ways. Usually are characterized by horizontal partnerships and linkages.

<sup>24</sup> HAMULAK, Ondrej. *National Sovereignty in the European Union*. Switzerland: Springer Pub [Springer Briefs in Law], 2016 at 47-51. [outlining a detailed summary of the sovereignty issues within the EU that will require an intentional level of engagement citing McCormick, Walker and others, that in order to deal with new legal realities that arise in the supranational organization, one will need a lot of legal imagination; offering an in depth analysis of sovereignty suggesting two approaches: the static perceptions of sovereignty based on notions of Westphalia, and the dynamic approach that rests on post-Westphalian notions where sovereignty and authority are understood as non-exclusive ideals so much as that such an understanding does not imply loss of State autonomy] This author notes that the EU Constitutional systems is very complex and there will need to be more open engagement and public conversations in order to address growing populist and EU accountability concerns of member States as they collectively seek to secure the operational future and integrity of the EU post BREXIT.

<sup>25</sup> *Ibid.*, page 49-50, 57-59, 85-86 [the numerous coexisting legal systems and power networks challenge the nature of sovereignty but does not mean that EU member States have no sovereignty; citing MacCormick, Walker and Kumm, Hamulak argues that there is more likely a new “grey zone” where sovereignty is treated as a “category” and when EU integration occurs there are going to be changes. However, such changes do not by necessity lead to a world constitutionalism. According to Hamulak, we may be moving into a phase of “late sovereignty” rather than “beyond sovereignty” – this notion of “late sovereignty” aligns with the countries who have

reinforced by the idea that any EU member State, not unlike the U.K., can also exercise their rights under Article 50 and exit the European Union on a consensual basis.<sup>26</sup> In addressing this tension, the proposed model on *continuum for sovereignty* can be applied along the horizontal axis of the model where groups of States partner or share sovereignty in a regional partnership via treaty agreements or other contractual arrangements.<sup>27</sup>

This notions of *heterarchy* or “shared sovereignty” will present its own difficulty as the BREXIT negotiations come to a close in late 2018 and the EU Treaty itself comes under closer State member scrutiny.<sup>28</sup> The idea that EU

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only recently in the late 20th century come out from under the Brezhnev Doctrine and so State sovereignty and autonomy are more accentuated in those settings and thus, these member States are more careful about any actual or perceived weakening of their State sovereignty; providing a well-documented overview of concepts of sovereignty from within the European Union and how members States and the EU as global institution balances and must reintegrate matters of overriding constitutionalism of EU structures in better balances with the role of nation sovereignty and EU integrity in relation to governance within boundaries of a State (includes the people who will reside within those geographic boundaries most all of their lives); suggesting there are new demands for a “shared sovereignty” model that is yet to be outlined in this century for operational mandates between the EU and its member States; suggesting that the EU is defined by pluralism and heterarchy; offering a “rating scale concept” as a tool for the EU integration that will be required as 2018 comes to a close and EU enters a new phase of operation ].

<sup>26</sup> The European Union as an institution can control the *process* of the State member exit but it *cannot prevent the exit* of a State member. The BREXIT vote in the U.K. and the timing of how the U.K. triggered its Article 50 negotiations with the EU is evidence of this principle. But as pressures within the EU continue with U.K.’s exit, other States such as Poland, Hungary, Italy and Greece challenge EU legitimacy. While EU Law does not permit the EU as an institution to “expel” a State member, each member State has the absolute right of accession and of withdrawal.

<sup>27</sup> *Supra*, Note 24, Hamulak, page 82 [Pointing out that while member States are key players in the EU, it is important to remember to functional State rights – [1] the ability of member States in the EU to amend the underlying Treaty which remains as an important sign of preservation of the sovereign position of EU member States and [2] The EU has some “state-like” features, but the EU is not legally acting as a nation State in the traditional sense of sovereignty and international law. In fact, the EU is not even a *federation of States* because each member State determine by its own State Constitution the connection to the overall governing order of the European Union.

<sup>28</sup> *Ibid.*, Hamulak, 79-83 [noting that each member State is not “absorbed” into the EU; Rather a member State in the EU determines what level of its own sovereign competence it will transfer to the European Union; thus, the EU can function based only on the powers expressly given to it by its member States; pointing out that power not transferred by the member States to the EU as an institution remains with the States as “masters of the treaties” and as outlined in the Treaty of Lisbon for the creation of the European Union, Art 48, Para.1- 5] This author notes that it is the principle of cooperation and loyalty under the Treaty of Lisbon that will continue to guide the integration and reintegration of the EU member States after the U.K. exits under Article 50 and given that fact that 21st century globalization will require a new role for States that has yet to be clearly defined other than to note that the neoliberal paradigm [1980–2010] of capitalist globalization is no longer effective set of economic organizing principles. The *continuum for state sovereignty* as outlined in this article supports the core function of the State within a framework of

member States have a “reciprocal flexibility” or supervising function of the EU Treaty, can be read to mean that as 2019 approaches, there is also a *possibility of negative Treaty revisions* that might limit or change the competence that member States have accorded to the EU as an institution.<sup>29</sup> Such a possibility of negative revisions to the structure of the overall operation of the EU is a real possibility given the rising populist demands across the Continent for more EU financial accountability, reduced austerity measures, heightened transparency as well as a more defined and centralized migration program for the Continent.<sup>30</sup>

And, as if the BREXIT exit negotiations and the internal EU approval process were not enough reorganization tension inside the institution, the European Parliament which currently has 751 seats, is open for its own election cycle in May 2019. As a political body of the EU, the EU Parliament will have a decisive vote on the final terms of the U.K. Brexit divorce settlement. This process is not without its own unique political quagmires. For example, the U.K. Independent Party which as no lawmakers in the British Parliament, has 20 seats in the European Parliament where winning seats in the European Parliament is often easier for them than in their home country because voter turnout is usually anemic.<sup>31</sup>

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liberty that by necessity will include an enterprise of law but that these new organizing principles means that economic market principles follows the rule of law and not the other way around.

<sup>29</sup> *Ibid.*, page 83 [outlining procedures for member States to join together to nominate the Council and ask the EU Commission to present a proposal for the abolition of legislation; The Lisbon reform of primary law included the whole concept of balancing rights when “increasing the ‘federalizing elements’ was accompanied by reform steps increasing legitimacy of decision-making in the EU and strengthening member States supervision possibilities.” And overall how the principle of subsidiarity and proportionality [Art 4] is followed within the EU because every legislation needs to be submitted to the respective national parliaments of the member States]

<sup>30</sup> NIB, J. EUs Juncker Hails Macron. [online]. Available at <https://jonnib.wordpress.com/2017/09/26/eus-juncker-hails-macron-speech-as-very-european>. [Head of EU thanking Macron for France support on EU reform suggesting that the Euro-zone will need its own budget and finance minister; wanting to address the divisions between EU richer countries in the West and poorer States on the eastern side of the Continent]; NOTE ALSO, there are channels within the EU for populist demands arising in national State elections across the Continent to be brought by member States to the body – this would be a different endeavor than that evidenced by the BREXIT vote in 2016 and confirmed in 2017 in the U.K. where citizens directed their State to divorce the European Union altogether and exercise their State rights as a sovereign nation under Article 50. European Commission President, Jean-Claude Juncker has already called for a EU summit in early 2019 to detail and tackle the programs that will be re-designed after March 2019 when the U.K. departs.

<sup>31</sup> KANTER, James. Far Right Leaders Hate EU Institutions But Like Their Paychecks. [online]. Available at <https://www.nytimes.com/2017/04/27/world/europe/> [noting that many alt-right candidates who despite the EU institution use the European Parliament as a protest platform and collect salaries of around \$100,000 Euros, a generous per diem and an annual staff and office budget in excess of 340,000 euros. So while working to blame the European institutions for being onerous bureaucracies with no democratic accountability they also seem to enjoy the lavish perks of the office while they shun the daily grind of legislative work, miss votes, mock

European Commission President Jean-Claude Juncker also has repeatedly interjected his own EU integration agenda calling for a new “roadmap” to advance the EU nations that remain after BREXIT. For all of these tensions and the mounting challenges noted concerning U.K. transitions, the European Union reintegration, demands for more legitimacy concerning nation State sovereignty, the proposed GeoNOMOS and its *framework of liberty* addresses a more balanced approach to these pressures and priorities in support of protecting participatory democracy and individual liberty.

## 2. The Proposed Continuum for State Sovereignty

The appeal made by U.K. Prime Minister Theresa May since 2016 seeks to shape a different foundation for the twenty-first century U.K. as a nation State as she speaks about a social contract between government and those it seeks to govern that represents a more flexible *continuum for State sovereignty* – one that secures public decision-making, individual liberty, citizen opportunity and economic stability. Every one of these espoused efforts moves the public debate for defining the operative scope of British sovereignty on to a 21<sup>st</sup> century continuum – a *continuum for sovereignty* that is more relational in the domestic sector [vertical axis] and more actively functional in the international sector [horizontal axis].

The U.K. is in a unique position to design and sustain the modern demands of the nation State without a retrenchment to an older view of absolute Westphalian sovereign autonomy.<sup>32</sup> The world in relation to the operation of sovereign States has changed dramatically in the last half of the twentieth century demonstrated by the end of traditional colonialism and the sheer number of newly emerging nation States claiming and being accorded sovereignty. As a recognized global leader, the United Kingdom is now in a very unusual position to embrace, design, and impact the proposed model on *continuum of sovereignty*.

Furthermore, as global economic organizing principles have also changed over time, the ongoing function of State sovereignty was altered even into the

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democratic processes on behalf of the EU. Marie Le Pen opposition presidential candidate in France, is a member of the European Parliament but has been stripped of her immunity several occasions due to fraudulent activities. Similarly, Nigel Farage from the UK is a member of the European Parliament and was leader of the U.K. Independent Party until recently. There are calls of reform for European Parliament elections so that candidates who run must support the democratic process and human rights values of the EU institutions the Parliament seeks to support]

<sup>32</sup> The Treaty of Westphalia [1648] originally was signed to stop the religious wars of the 17th century by securing a domestic jurisdiction and a defined geographic boundary for emerging nations, thus offering protection for nation States; Available at [http://avalon.law.yale.edu/17th\\_century/westphal.asp](http://avalon.law.yale.edu/17th_century/westphal.asp)

early twenty-first century.<sup>33</sup> As part of this dynamic process, dominant States within the European Union such as the U.K., France, Germany, Greece, Italy, Ireland continued to give up parts of their traditional scope of State sovereignty in exchange for what was perceived as the ongoing mutual benefits of these economic market partnerships in both the public and private international arena.<sup>34</sup> But as the 2016–2017 BREXIT vote show, in that transition process, the State relinquished its domestic control over issues and concerns of ordinary citizens which actually may have been politically overlooked, downplayed or dismissed over time. It appears that the functioning [or lack thereof] of domestic level institutions related to housing, health care and job opportunity are fueling a populist “back lash” both in the U.K. and across the Continent. These demands will require a more defined State collaboration both in addressing the legitimacy of its citizen’s domestic concerns and in designing a new international market paradigm for globalization.

As nation States entered the early twenty-first century, numerous debates suggested traditional notions about State sovereignty would simply merge into a world governance model.<sup>35</sup> Others suggested that State was not dead but would

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<sup>33</sup> Between 1980–2010 when the economic organizing principles of a neoliberal paradigm for global capitalism dominated globalization, there is overwhelming research which documents how these economic organizing principles negatively impacted States exercise of their rights as a sovereign State on behalf of the people they sought to govern. *Supra*, Note 7, Neoliberalism, for listing of resource materials on the neoliberal era [c. 1980–2010] and its negative impact of State sovereignty.

<sup>34</sup> The basis of a “common law of humanity” emerged after the end of the Cold War in the 1980’s followed the emergence of independent States in Eastern Europe who were active in the United Nations and demanded equity and fair access into the global marketplace and international finance as well. The World Trade Organization was created in 1995 as an evolution of the multilateral General Agreement on Tariff and Trade [1948]. These global trading contractual agreements between States coupled with many regional trade agreements in the late 20th century continued to erode the Westphalian notion of an absolute form and unilateral expression of State sovereignty. However, while cooperative behavior increased between sovereign States and seemingly eroded the authoritarian and more traditional Westphalian model of sovereignty, the endorsement of equality among sovereign States is also foundational to the United Nations Charter and other global institutions such as the International Monetary Fund, the World Bank, and the World Trade Organization.

<sup>35</sup> HARDT, Michael, NEGRI, Antonio. *Global Governance: Empire*. Cambridge, MA: Harvard University Press, 2000] [suggesting that international organizations are the likely successor to the nation State under single rule of logic; that there is a transition centered on individual nation-states where the threat to the rule of law exists by a monarchy comprised collectively of the USA and the G8 nations; this is a sovereignty form called “empire”]; see also HAYS, Peter. *Supranational Organizations and United States Contract Law*. 6 *Va. J. Int’l L* 195 [1966]; see also TANGREY, Patrick. *The New Internationalism: The Cessation of Sovereign Competency to Super-national Organizations and Constitution Changes in U.S. and Germany*. 21 *Yale J. Int’l L* 395 [1996]; see also JONES, Harold. *International Cooperation Since Bretton Woods*. New York: Oxford



remain a viable architect of world order well into the twenty-first century. This second debate presented new evolving typologies for State sovereignty that were emerging and relied more on State collaboration and interdependence models, thus presenting approaches that were more interactive than traditional Westphalian notions about sovereignty, and included relational definitions on how States could and should legitimately express their sovereignty. New functional typologies for the State could no longer simply be based on a traditional Westphalian authoritarian exercise of unilateral power.<sup>36</sup>

In the late twentieth century, Jack Donnelly proposed a new typology [a four sectioned rectangular box] that balanced State authority and State capabilities with sovereign rule and the State's scope of domination as it intersected effective components of formal sovereignty and material/normative weaknesses.<sup>37</sup> Francis Deng and Helen Stacey suggested two different typology arrangements for *sovereignty as responsibility*<sup>38</sup> and *relational sovereignty*.<sup>39</sup> Deng's typology analyzed a range of both internal and external State factors and then, correlated these factors with a new international standard of *responsible sovereignty as an irreversible process*.<sup>40</sup> Helen Stacey suggested that a new typology of *relational sovereignty* was emerging where the sovereign State would be judged by how well and by what means the State concretely and continuously "cares" for its people.

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University Press, 1996] [explaining how IMF as one international organization has loan terms requiring a country engage in trade liberalization under neoliberal paradigm as well as in various domestic budget and credit restraints; summarizes historical perspectives from 1944 to 1996]; see also RABKIN, Jeremy. *Law Without Nations: Why Constitutional Government Requires Sovereign States*. New Jersey; Princeton University Press, 2005 [comparing global governance and constitutional government and discussing whether or not sovereignty is traded in trade agreements].

<sup>36</sup> This literature search on State Sovereignty includes but is not limited to the following work: see PALOMBELLA, G., WALKER, N. [eds.]. *Relocating the Rule of Law*. New York: Hart Publishing, 2009; see BRATSPIES, R. Perspectives on the New Regulatory Era. *51 Ariz. L. Rev* 575, 2009; see ENGLÉS, Eric, Transformation of the International Legal Order. *23 Quinnipiac L. Rev.* 23 [2007]; see also ROSENAU, James, Three Steps Toward a Viable Theory for Globalization. In ROSSI, Ina [ed.] *Frontiers of Globalization Research: Theoretical and Methodological Approaches*. New York: Springer Publications, 2007; see KRAHMANN, E. National, Regional and Global Governance: One Phenomenon or Many. *9 Global Governance* 323 [2003]; see also ROTH, B. The Enduring Significance of State Sovereignty. *56 Fla.L.Rev.* 1017 [2004]; see KAHN, Paul. The Question of Sovereignty. *40 Stan J. Int'l L.* 259, 2004, pp 260-268; see KAHN, Paul. *Putting Liberalism in its Place*. New Jersey: Princeton University Press, 2005; see CULTER, A. Clair. Critical Reflections on the Westphalian Assumptions of International Law and Organization: A Crisis of Legitimacy. *27 Rev. Int'l Law Studies* 133, 2001; see FOWLER, M., BUNCK, J. M. *Law, Power and The Sovereign*. New York: Routledge, 1995.

<sup>37</sup> FALK, Richard. Jack Donnelly: State Sovereignty and Human Rights. *Political Science Quarterly* [1981]

<sup>38</sup> DENG, Francis. Frontiers of Sovereignty. *8 Leiden J. Int'l L.* 249, [1995]

<sup>39</sup> STACEY, Helen. Relational Sovereignty, *55 Stanford L.Rev.* 210 [2009]

<sup>40</sup> Supra, Note 38, Deng at 250-277

<sup>41</sup> A fourth typology by Julian Ku and John Yoo discussed a *popular sovereignty* based on the idea that people in a sovereign State govern themselves through Constitutional structures and institutions.<sup>42</sup> In this construct, the State can legitimately share sovereign power with its citizens without compromising the whole system.<sup>43</sup>

The model on *continuum of sovereignty* as a 21<sup>st</sup> century model builds on concepts noted above and points to yet another evolution in how sovereign States function in this century.<sup>44</sup> It is an interactive typology based on a *framework*

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<sup>41</sup> Supra, Note 39, Stacey at 218-222

<sup>42</sup> KU, Julian, YOO, John. Globalization and Sovereignty, 31 *Berkeley J. Int'l L* 210 [2013][noting that sovereignty is in decline but the decline in national sovereignty is not desirable since State maintains decision-making and individual liberties. Suggesting a new form of popular sovereignty with shift away from Westphalian models to the right for people to govern themselves through institutions of the Constitution and its structures. Popular sovereignty is flexible to maintain national sovereignty and assumes State can share sovereign power without giving up entire system; popular sovereignty can co-exist with globalization and governance issues in ways that the rigidity of Westphalian system could not. State turning automatically to international organizations inconsistent with reliance and continued power of nation States; by referring to structural provisions of Constitution., eg. separation of powers, promotes state level democratic governance and incorporates the gains of international cooperation]

<sup>43</sup> *Ibid.*, Julian Ku and John Yoo at 218.

<sup>44</sup> An extensive literature search and historical review has informed the development of the proposed continuum of State sovereignty including the State's single core functions as outlined and its direct partnership with its people as part of the radical transformation of the 21st century State. This cumulative literature search to support the creation of a continuum for State sovereignty includes but is not limited to the following work: see generally KALETSKY, Anatole. *Capitalism 4.0: The Birth of A New Economy in the Aftermath of Crisis* [Public Affairs 2010]; see MENASHI, S. Ethno-nationalism and Liberal Democracy. 32 *U. Pa. J. Int'l L*.2010, 57; see PALOMBELLA, G., WALER, N. [eds.]. *Relocating the Rule of Law*. New York: Hart Publishing, 2009; see WATERS, T. W. The Momentous Gravity of the State of Things Now Obtaining: Annoying Westphalian Objections to the Idea of Global Governance. 16 *Ind. J. Global Legal Stud.*25, 2009; see ZUMBANSEM, P. Law After the Welfare State: Formalism, Functionalism and the Ironic Turn of Reflexive Law. 56 *Am. J. Comp.L.*769; 2008; see MANOKHA, I. *The Political Economy of Human Rights Enforcement*. New York: Palgrave, 2008; see ROSSENAU, James. Three Steps Toward a Viable Theory for Globalization. In ROSSI, Ina [ed]. *Frontiers of Globalization Research: Theoretical and Methodological Approaches*. New York: Springer 2007; see also SASSEN, S. *A Sociology of Globalization*. New York: W. W. Norton 2007; see also ENGLES, Eric. Transformation of the International Legal Order. 23 *Quinnipiac L.Rev.*23, 2007; see also COHEN, J. A. Cohen, Sovereignty in a Postmodern World. 18 *Fla. J. Int'l L*.2006, 907,908-913; see BORZEL, T. A. Borzel, RISSE, T. Public-Private Partnerships: Effective and Legitimate Tools of International Governance. In GRANDS, E., PAULY, L. W. [eds.]. *Complex Sovereignty: Reconstituting Political Authority in the Twenty-First Century* [Canada: University of Toronto Press, 2005]; see KAHN, Paul. The Question of Sovereignty, 40 *Stan J. Int'l L*.2004, 259,260-268; see also general SLAUGHTER, A.M. *A New World Order*. New Jersey: Princeton University Press, 2004; see also ROTH, B. The Enduring Significance of State Sovereignty. 56 *Fla.L.Rev.*1017 [2004]; see ENGLE, E. A. Engle. The Transformation of the International Legal System: The Post-Westphalian World Order. 23 *Q.L.R.* 2004; see KRAHMANN, E. National,

*of liberty* and ensures as the State secures its core function, it also remains the primary architect of world order.<sup>45</sup> [See diagram below] This continuum offers sovereign stability, operational flexibility and addresses the two primary functional components of any twenty-first century State, including the U.K.: [1] one component redefines how the sovereign State functions to create and sustain a civil society within its own *domestic sphere* [vertical axis] by addressing the specific needs of its populations who will live and work most of their lives within the geographic boundary of that State, and [2] one component redefines how the sovereign State constructively functions within its own *international sphere* [horizontal axis] by engaging within the public and private sector global marketplace and foreign investment sector, within a variety of public sector international institutions, and within an international community of States – all of which operates within the framework of liberty [dotted line on diagram].<sup>46</sup> The current crisis regarding U.K. sovereign legitimacy cannot be ignored – it is

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Regional and Global Governance: One Phenomenon or Many. *9 Global Governance 2003*, 323; see FALK, Richard. Revisiting Westphalia, Discovering Post-Westphalia. *J. Ethics 311 2006*, 320-345; see CUTLER, A. Clair Cutler. Critical Reflections on the Westphalian Assumptions of International Law and Organization: A Crisis of Legitimacy. *27 Rev. Int'l Law Stud 2001*, 133; see KRASNER, Stephen. Compromising Westphalia. In HELD, D. McGREW, A. [eds.] *The Global Transformation Reader*. New York: Polity Press 2000; see ULSNER, E.M. Producing and Consuming Trust. *115 Pol. Sci. Q. 2000*, 569; see FOWELR, Michael, BUNCK, J. M. *Law, Power and The Sovereign*. New York: Routledge, 1995; see THUROW, Lester. *The Future of Capitalism*. London: Brearley Pub, 1996; see COLEMAN, J.S. Social Capital and the Creation of Human Capital. *94 Am. J. Soc. S.1988*, 95; see GROSS, Leo. The Peace of Westphalia. *42 Am. J. Int'l Law 1948*, 20; see generally BODIN, Jean. *Six Books of the Commonwealth*. [M. J. Tooley, trans.]. New York: Barnes & Noble, 1967

<sup>45</sup> A continuum is referenced as the basis of this new typology for sovereignty because it represents a more flexible set of options given the range of possibilities in terms of how an individual State interacts with some sense of legitimacy on behalf of the people it is governing and interacts as a member of the international community of States; there is no limit to the possibilities offered as part of this proposal for a continuum of State sovereignty so long as it operates within a framework of liberty. See diagram and discussion detailed in this commentary. See definition of *continuum* at <http://merriam-webster.com>

<sup>46</sup> Without a doubt, the rapid and uncontrolled movement of private sector global capital and public sector capital and domestic finances in and out a State's legal boundaries also bears witness to these relational components of State sovereignty within the *international sphere* of the equation. The same flexibility of global movement never seemed to occur on the side of development or utilization of social and human capital. While economic capital was and remains highly mobile and unregulated, most human labor [human capital] is bound by State geographic boundaries and people's life circumstances and citizenship rights are dictated by those State boundaries. This is the *domestic re-balancing* that appears to be in demand as a result of Brexit vote in the U.K. and that is espoused by Theresa May's ideal of "one Nation conservative". There is an imbalance expressed and experienced by the U.K. citizen active in the Brexit campaign that the benefits of economic capital development have not *trickled down* to the social settings and human capital development in places where most U.K. citizens live every day.

reflective of a growing sense of *citizen entitlement*, and arises just as the U.K. strives to determine the proper structural balance of sovereign accountability for building a different kind of civil society that May defines as “one Nation conservative” apart from the European Union.

The model on *continuum of State sovereignty* presented here contributes to an analysis of the U.K. post- BREXIT transition because it suggests that the U.K. as a dominant nation State will remain a primary architect in shaping not only its own civil society but also in modeling a new world order for this century. A 21<sup>st</sup> century civil society further defined and delineated in 2018–2019 BREXIT negotiations could intentionally outline domestic level economic inclusivity based on a new paradigm for capitalist globalization, one that does not leave large groups of U.K. citizens out of its intended benefits; one that supports a sense of equity in sharing tax burdens from all sectors within the State, and one that provides opportunity, access to education and advancement in jobs for all.<sup>47</sup> Rodrik argues we badly need to redesign capitalism for the 21<sup>st</sup> century and that the blind spot of the capitalist globalization process in the neoliberal era [c. 1980–2010] consisted of deep and rapid integration in the world economy coupled with the idea that the required institutional underpinnings could catch up later at the domestic level of the State.<sup>48</sup> The opportunity to design a new market paradigm for capitalists globalization is ever-present in the EU Article 50 BREXIT negotiations.

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<sup>47</sup> This neoliberal paradigm [c. 1980–2010] for global capitalism routinely required tremendous State reductions in domestic program development, public services, and public sector program funding as a calculated cost for continued access to global market development, foreign direct investment programs, and participation in world financial institutions that provide necessary access to public and private economic capital. Ms. May will be in a unique position to soften some of the past structural damage done domestically in the U.K. by this neoliberal paradigm [1980–2010] and has a citizen mandate to do so now as evidenced by the Brexit vote – By her own statements, May appears willing to address damages that have accumulated over time from the neoliberal economic paradigm of the 1980s, the benefits from which apparently have not “trickled down” to regular U.K. citizens who in Brexit challenged State legitimacy and demanded broader State commitments to domestic concerns, programs, and citizen quality of life issues. The balance that needs to be struck between U.K.’s domestic program design and U.K.’s international obligations and global market participation is daunting but possible to address if the underlying basis of U.K. sovereignty can be re-configured prior to the completion of Article 50 negotiations on a transition agreement.

<sup>48</sup> RODRIK, Dani. *The Globalization Paradox: Democracy and the Future of the World Economy*. New York: W.W. Norton & Co., 2011; pp 231-242, 245 [discussing a dominant role for the nation State in relation to the principles of democratic decision-making which is the foundation for the international economic architecture; noting that when States are not democratic this scaffolding collapses and one cannot presume a country’s institutional arrangements reflect the preference of its citizens]; See also RODRIK, DANI, *The Fatal Flaw of Neo-liberalism* [Online]. Available at <https://www.theguardian.com/news/2017/nov/14/the-fatal-flaw-of-neoliberalism-its-bad-economics>. [November 14,2017] [Noting Neoliberalism and its usual prescriptions – always more

Furthermore, Rodrik supports a basic principle that markets always require other social institutions [domestic level] to support legal arrangements and global market stabilizing functions so there can be fair redistribution, taxation, safety nets, and social insurance.<sup>49</sup> Regrettably, it is well documented during the BREXIT campaign that this infrastructure capacity building and domestic “catch up” process either never happened or occurred on a very geographically limited scope at the U.K. domestic level. As the U.K. adjusts its domestic legal arrangements [rule of law] and market functions [economic capital development] in the post-BREXIT era, careful review of several basic principles related to the proposed GeoNOMOS *continuum of sovereignty* and its core function of the State could ensure the balanced development of all its capital resources and be beneficial in several ways as the U.K. enters BREXIT 2018–2019 EU negotiations.

First, the singular neoliberal focus of the past era that relied on global market development by support concentrated economic growth and /or to secure private sector foreign direct investment inside the State should raise caution in the U.K. as it leaves the EU bloc but remains a member of the “international community of States”. There is widespread documentation beginning late in the 20<sup>th</sup> century of the uneven implementation and tragic domestic results using the economic organizing principles tied to the neoliberal paradigm [c. 1980–2010] within the capitalist globalization process.<sup>50</sup> There is evidenced in the general

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markets, always less government – are in fact a perversion of mainstream economics. Rodrik suggests that there is nothing wrong with markets, private entrepreneurship or incentives – when deployed appropriately. Their creative use lies behind the most significant economic achievements of our time. He notes as “we heap scorn on neoliberalism, we risk throwing out some of neoliberalism’s useful ideas. The real trouble is that mainstream economics shades too easily into ideology, constraining the choices available and providing cookie-cutter solutions. A proper understanding of the economics that lie behind neoliberalism would allow us to identify – and to reject – ideology when it masquerades as economic science. Most importantly, it would help to develop the institutional imagination badly need to redesign capitalism for the 21st century”]; see generally MILGATE, M., STIMSON, S.C. *After Adam Smith: A Century of Transformation in Politics and Political Ideology*. New Jersey: Princeton University Press, 2009.

<sup>49</sup> *Ibid.*, Rodrick at 237-239 [setting out a series of statements in support of a State’s right to protect their owns social arrangements, regulations and institutions; and suggesting that trade is a means to an end, not an end in itself so that globalization should be an instrument for achieving the goals that a society seeks: prosperity, stability, freedom and quality of life]; See also TIROLE, Jean. *Economics for The Common Good*. New Jersey: Princeton University Press, 2017; [outlining the moral limits of the market at pp 33-50; creating a modern State at pp 155-169, and addressing the challenges to EU function at pp 265-289]; see also BOUSHEY, Heather, DELONG, J. Bradford, and STEINBAUM, Marshall [eds], *After Piketty: The Agenda for Economics and Inequality*. Cambridge, MA: Harvard University Press, 2017.

<sup>50</sup> The legitimacy of the neoliberal paradigm [c. 1980–2010] for the globalization process has increasingly been challenged following the 2008–2012 global recession and as global financial institutions were forced to wrestle with the regulatory boundaries of a global market, the growing/

dissatisfaction with notions of “trickle down” economic benefits to U.K. citizens that have not predictably or consistently occurred. For BREXIT voters, the idea of being “left behind” was and remains a dominant public sector and political accountability issue.

Second, Rodrik rejects the neoliberal paradigm [c. 1980–2010] as bad economics, and concludes that every State has the right to protect its own institutions, social arrangements, and domestic regulations so that globalization becomes an *instrument* for achieving the goals that a civil society seeks: prosperity, stability, freedom and quality of life.<sup>51</sup> It has been the uneven application of the neoliberal paradigm [c. 1980–2010] that has tragically limited State sovereignty in a variety

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ongoing financial and political instability of State governments [Greece, Italy, Spain, Egypt, Ireland, Portugal and more], equity issues in the global political economy, and the growing demands to create a more humane paradigm for capitalist globalization. A partial resource list on the context for globalization of the late 20th century and the negative impact the neoliberal paradigm (c. 1980–2010) for global capitalism has had on exercise of State autonomy: RAMIREZ, S.A. Taking Economic Rights Seriously After the Debt Crisis. *42 Loy. U. Chi. L. J.* 713, 2014; see also *Supra*, Note 47, RODRIK, MILGATE AND STIMSON; see also KRUGMAN, Paul. *Trade and Wages Reconsidered*. Washington, DC: The Brookings Institute: Papers on Economics, 2008; See *Supra*, Note 7, Neoliberalism reference listing for the neoliberal paradigm [1980–2010].

<sup>51</sup> *Supra*, Note 48, Rodrik at 231-242, 245 [setting out a series of statements in support of a State's right to protect their own social arrangements, regulations and institutions; and suggesting that trade is a means to an end, not an end in itself so that globalization should be an instrument for achieving the goals that a society seeks: prosperity, stability, freedom and quality of life; noting that when States are not democratic this scaffolding collapses and one cannot presume a country's institutional arrangements reflect the preference of its citizens; concluding that non-democratic States must play by a different, less permissive set of rules in the global marketplace]; see also RODRIK, DANI. Rescuing Economics from Neoliberalism [online] Available at: <http://bostonreview.net/class-inequality/dani-rodrik-rescuing-economics-neoliberalism> [November 7, 2017] [noting that in economics, new models rarely supplant older models. Rodrik suggests that the basic competitive-markets model dating back to Adam Smith was adjusted in historical order – monopoly, externalities, scale economies, incomplete and asymmetric information, irrational behavior, and more real world pressures. Rodrik proposes that understanding how real markets operate necessitates different lenses at different times. Rodrik notes that Neoliberalism must be rejected on its own terms for the simple reason that it is bad economics... “Just as economics must be saved from neoliberalism, globalization has to be saved from hyper-globalization. An alternative globalization, more in keeping with the Bretton Woods spirit, is not difficult to imagine: a globalization that recognizes the multiplicity of capitalist models and therefore enables countries to shape their own economic destinies. Instead of maximizing the volume of trade and foreign investment and harmonizing away regulatory differences, it would focus on traffic rules that manage the interface of different economic systems. It would open up policy space for advanced countries as well as developing ones—the former so they can reconstruct their social bargains through better social, tax, and labor market policies, and the latter so they can pursue the restructuring they need for economic growth. It would require more humility on the part of economists and policy technocrats about appropriate prescriptions, and hence a much greater willingness to experiment.”]

of contexts, including within the U.K., so that corrective measures will require a re-balancing process in terms of outlining global trade as a means to an end and not an end in and of itself.<sup>52</sup> This re-balancing process suggested by the GeoNOMOS model as applied within the U.K. could be incorporated into the EU 2018–2019 trade negotiating strategy – it points directly to a debate needed on U.K. domestic socio-economic arrangements and its use of capitalist globalization as a blunt tool to achieve more equitable distribution of its domestic level benefits. A structured, transparent, and more balance internal functional review could witness the U.K. as a dominant nation State prioritizing a new definition and core function in support of State sovereignty – *a continuum for sovereignty* operating within a *framework of liberty*.

Third, the proposed model presented here designs a *single core function* for the State in relationship: [a] to its citizens [vertical axis] from whom it seeks domestic legitimacy in order to govern, and, [b] to its engagement in the global marketplace [horizontal axis] from a intentional long term strategic and sustainability perspective as a member of the international community of States. Applying the new typology proposed here suggests that the U.K. is in a unique position between 2018–2019 to develop a new set of economic organizing principles that consistently balances all three U.K. capital resources [economic capital<sup>53</sup>, social

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<sup>52</sup> GRAY, John, *False Dawn: The Delusions of Capitalism*. New York: The New Press, 1998 [providing a detailed step-by-step review and analysis from the State's perspective outlining how a neo-liberal set of global economic organizing principles functioned to destroy domestic level public sector budgets by transferring assets wholesale to the private sector as a pre-condition for market access, locked out democratic legislative oversight through private sector contracts, and more] AUTHORS NOTE: These dramatic restructuring to align neoliberal constructs shifted priorities for short term economic wealth not long term legal arrangements and market regulations that would support nation States goals of fair distributions, taxation, safety nets and social insurance] In other words, globalization was not a means to an end as Rodrik has suggested it should be, it was the end game – rule of law chased after globalization instead of the other way around – A new emphasis re-balancing process could design State level rule of law legal arrangements first, and out of that process, then position the State to design a new set of economic organizing principles.

<sup>53</sup> The overlapping circles in the diagram show that economic capital must remain in a direct and balanced relationship with the other two forms of capital [social and human capital]. By necessity, this process of balancing economic capital will point to the State's relationship with non-state actors in the global marketplace. It is an open question whether rigorous risk analysis is or can be a necessary and required function of government. Yet, it can be reasonably presumed that it is part and parcel of any and all economic and commercial enterprise. Governments have no business to function and act as commercial enterprises just as much as business and commercial enterprises lack and perhaps should lack the legitimacy and authority to act and function as a sovereign government. Hence, it would be imprudent for government to want to assume risk[s] allocated to the realm of business and commerce, for when risk materializes as a calamity for government, it is anathema for government to bear the public costs and files for bankruptcy. Yet when business and commerce file for bankruptcy is the legally available process to protect all forms of private capital and reshapes to begin again.

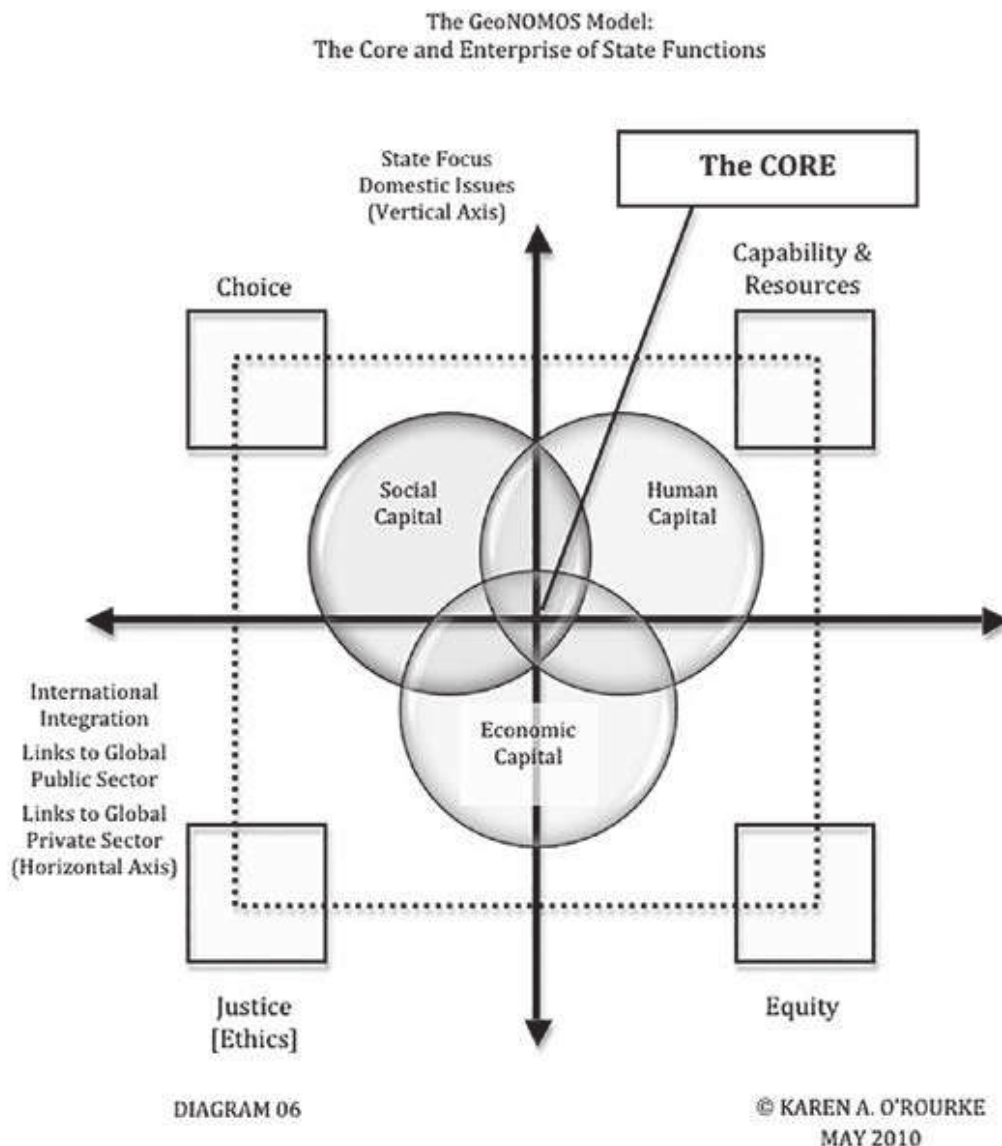
capital<sup>54</sup>, and human capital<sup>55</sup>] needed for the sustainability of the State's domes-

<sup>54</sup> ESLANGER, Eric M. *The Moral Foundations of Trust*. London: Cambridge University Press 2002; see SOBEL, Joel. Can We Trust Social Capital. *15 Journal of Economic Literature* 2002, pp 139,139-145; see also PUTNAM, Robert. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon & Schuster 2000; see historically, BOURDIEU, Pierre. *Forms of Capital*. New York: W.W. Norton, 1986. [Bourdieu would say that *social capital* is an attribute of an individual in a social context; one can acquire social capital through purposeful actions and can transform social capital in conventional economic gains; the ability to do this conversion depends on the nature of the social obligation connections and the networks that are available to one as an individual]; See also: PUTNAM, Robert. [ed] *Democracies in Flux: The Evolution of Social Capital in Contemporary Society*. New York: Oxford University Press, 2002 [comparing industrial countries and the erosion of individual participation in community affairs, the lack of trust in each other, and how this decline in sociability impacts the creation and necessary function of social capital]; See also OSTROM, Elinor, AHN, T.K. The Meaning of Social Capital and its Link to Social Action. In SVENDSEN, G. T., LIND, G., SVENDSEN, H. [eds.]. *Handbook of Social Capital*. Northampton, MA: Edward Elgar Pubs, 2010 [evaluates in depth the study of bonding and bridging of social capital]; See also LI, Yaojun, *Handbook of Research Methods and Application in Social Capital*. Northampton, MA: Edward Elgar Pubs., 2015 [suggesting that social capital is fundamentally concerned with resources in social relations; text offers scholar opinions on the determinants, manifestations and consequences of social capital]; see also FLAP, Henk, VOLKER, Beate. *Creation and Returns of Social Capital*. London: Routledge, 2004 [noting that research points to social networks as a valuable resource in every community]; see also STOLLE, Dietlind. The Sources of Social Capital. In *The Oxford Handbook of Political Behavior*. London: Oxford University Press, pp 19-42. [using a comparative approach, outlines how social capital is generated within civil society and then distributed]; See also ADLER, S. P., KWON, S.K. Social Capital: Prospects for a New Concept. *Academy of Management Review*, 1972, vol. 27, pp 17-40; BOURDIEU, Pierre. *Outline of a Theory of Practice*. New York: Routledge, 1972; other classical theory texts include: HANIFAN, L. J. The Rural School Community Center, *Annals of the American Academy of Political and Social Science*, 1916, Vol. 67:pp130-138 [suggesting there was similarity between the business corporation and the community as a social corporation]; See also HANIFAN, L. J. (1920) *The Community Center*, [1920] [suggesting that the school was becoming the community center as teachers devised a campaign to reviving community social life] Boston: 1920; See also SILVER. Burdett, JACOBS, Jane. *The Death and Life of Great American Cities*. New York: Random House, 1961, pp 138 [stating that "If self-government in the place is to work, underlying any float of population must be a continuity of people who have forged neighborhood networks. These networks are a city's irreplaceable social capital. Whenever the capital is lost, from whatever cause, the income from it disappears, never to return until and unless new capital is slowly and chancily accumulated"]; see COLEMAN, James. Social Capital in the Creation of Human Capital. *American Journal of Sociology*, Supplement,1988 vol.94: pp S95-S120; see WELLMAN, Barry, WORTLEY, Scot. Different Strokes from Different Folks: Community Ties and Social Support. *American Journal of Sociology*, 1990, vol. 96:pp 558-88; see BOWLES, S., GINTIS, S.(2002) Social Capital and Community Governance. *The Economic Journal*, 2002, Vol. 112;pp 419-436.

<sup>55</sup> WILSON, James. *Bowling with Others*. New York: Research Library Core, 124 Commentary Oct.2007, pp 3,30. [online] Available at <https://www.unz.org> [addressing the fact that social capital and human capital make the modern world possible]; See HEALY, T., COTES, Sylvain. *The Well Being of Nations: The Role of Human and Social Capital: Education and Skills*. Paris, France: OECD. Available at <https://www.oecdwash.org/PUBS/puhshome.htm>. [2001] [helping to clarify



tic institutions, regulations and social arrangements. <sup>56</sup> Embracing a *continuum of sovereignty* including a *framework of liberty* that secures *single core function*



concepts of human and social capital and evaluates their impact on economic capital, growth and wellbeing; includes thirteen pages of references and resource information]; See also SPENCE, Michael. Job Market Signaling. *Quarterly Journal of Economics*, 1973, Vol.87 (3):pp 355–374; See SPENCE, Michael. Signaling in Retrospect and the Informational Structure of Markets. *American Economic Review*.2002. Vol.92 (3): pp 434–459; See also WOESSMANN, Ludger. *Specifying Human Capital: A Review, Some Extensions and Developmental Effects*. Munich, Germany: University of Munich /Institute for Economic Research; Keil Working Paper No. 1007 [2000] [online]. Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=246294](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=246294). [reviews measurement of human capital and empirical research as well as human capital development, its implications for economic capital development].

<sup>56</sup> Supra, Note 15, 16 and 17 [Discussing forms of capital in this commentary for references and very brief definitions of three forms of capital noted in this new typology; this commentary suggests that every State has these three forms of capital and the differences in how States define their function is directly related to the amount of each form of capital that the State manages and oversees as a sovereignty entity.]

as the diagram outlines prior to completing Article 50 BREXIT negotiations, would provide the U.K. with the flexibility to manage its political and economic risks both along its *domestic axis* and its *international axis* where the U.K. must continue to operate in this century. This proposed model on *continuum of sovereignty* could embrace both the best of U.K. history and the challenges of a workable and sustainable EU exit strategy.