

## Brexit in Context

### Some Historical Remarks on the Relationships between the United Kingdom and Continental Europe

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#### I

The opinion of British people expressed at the referendum on 23 June 2016 deciding to leave the European Union came as a shock for many supporters of the country's EU membership. However, if we look back at history, we have to realise, that this reserved or sometimes even hostile attitude towards strong continental ties is not unprecedented in the history of England.

We may refer Henry's VIII's 1533 Act in Restraint of Appeals to Rome, which forbade all appeals to the Pope in Rome on religious and other matters and claimed 'this realm of England is an empire'. Although this Act reflected a very concrete private matter<sup>1</sup> of the King, it became the legal foundation of English reformation and resulted in the separation of England from the leading spiritual power in Europe. One year later, another Act was passed, the Act of Supremacy which declared that the King as a 'sovereign lord' was 'the only supreme head in earth of the Church of England called Anglicana Ecclesia'. Even the teaching of Canon Law was suppressed at the universities, replaced by secular Roman Law.

The next centuries experienced the rise of the British Empire. By the mid-19th century, the United Kingdom had become the strongest colonial power – governing the crown jewel of India, amongst others – and the first industrial state in the world. During this period of time the main goal of British foreign policy was to keep the classical balance of power in the European continent. It effectively prevented the continental hegemony of Spain, France and later Germany.<sup>2</sup>

The words of Lord Palmerston perfectly described this approach, which dominated British foreign policy for centuries: 'I hold with respect to alliances, that England is a Power sufficiently strong, sufficiently powerful, to steer her own course, and not to tie herself as an unnecessary appendage to the policy of any other Government. (...) We have no eternal allies, and we have no perpetual enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow. (...)'<sup>3</sup> Besides this, the United Kingdom, as an imperial power, quite logically developed

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<sup>1</sup> Henry VIII sought to annul his marriage to Catherine of Aragon.

<sup>2</sup> George, Stephen, *An Awkward Partner; Britain in the European Community* (3rd edn, Oxford University Press 1998) p. 12.

<sup>3</sup> Speech to the House of Commons on 1 March 1848.

a kind of global approach towards foreign policy and matters of international commerce. In this very large field of manoeuvring, Europe was only one, and not necessarily the most important scene of events.

## II

Against this background, it is not surprising that the idea of European integration emerged only in theoretical thinking in Britain for a long time. It is still worthwhile to mention William Penn, who published 'An essay towards the present and future peace in Europe' in 1693. In this study, he suggested the introduction of a European Parliament – an assembly, where the number of MPs representing a country was proportional to the population, territory, and economy of the participating countries. He suggested a kind of 'weighted voting' in its decision-making, too. Of course there was no practical chance of implementing his ideas in Europe; later he sailed to North America and there established Pennsylvania, organised according to democratic principles.

At the end of the 19th century, when it became clear for some leading politicians that the price of preserving the balance of power in Europe could be very high, the idea of European integration started to infiltrate into the political thoughts of English politicians as well. We may recall the statement of Lord Salisbury, Conservative prime minister, written in 1897: 'The federated action of Europe, if we can maintain it, is our sole hope of escaping from the constant terror and calamity of war, the constant pressure of the burdens of armed peace, which weigh down the spirits and darken the prospects of every nation in this part of the world. The Federation of Europe is the only hope we have.'<sup>4</sup>

Naturally, we have to mention Winston Churchill too, and not only his famous Zurich speech delivered in 1946, suggesting a United States of Europe. As early as 1930, he devoted an article to the '*United States of Europe*' in the Saturday Evening Post, responding positively to Aristide Briand's proposal for a European Union.<sup>5</sup> During the Second World War, in 1942, he wrote the following note to Anthony Eden: 'I must admit that my thoughts rest primarily in Europe – the revival of the glory of Europe, the parent continent of the modern nations and civilisation. It would be a measureless disaster if Russian barbarism overlaid the culture and independence of the ancient states of Europe. Hard it is to say now, I trust that the European family must act unitedly as one under a Council of Europe... I look forward to a United States of Europe in which the barriers between the nations will be greatly minimised and unrestricted travel will be possible. I hope to see the economy of Europe studied as a whole.'<sup>6</sup>

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<sup>4</sup> Critchley, Julian, 'The Great Betrayal – Tory policy towards Europe from 1945 to 1955' p. 85. In Bond, Martyn, Smith, Julie and Wallace, William (eds.), *Eminent Europeans* (The Greycoat Press 1996, London, 321 p.) pp. 85–96.

<sup>5</sup> Pinder, John, 'Prewar Ideas of European Union – The British Prophets' p. 8. In Bond, Martyn, Smith, Julie and Wallace, William (n 4) pp. 1–21.

<sup>6</sup> Critchley (n 4) p. 85.

Or we can cite the rather prophetic words of Harold Macmillan from 1939: ‘Many people are asking what kind of Europe one could hope to emerge out of the chaos of today. The picture could only be painted in the broadest colours. But if Western civilisation is to survive, we must look forward to an organisation, economic, cultural and perhaps even political, comprising all the countries of Western Europe.’<sup>7</sup>

Despite all their eloquence, these words did not necessarily represent the focus of actions of the cited eminent politicians and they were often far from the mainstream of British politics. Lord Salisbury served as prime minister during the peak of British imperial power, so India, Africa and the development of the navy dominated his foreign policy. Churchill was an ardent supporter of European integration – but without the participation of the United Kingdom. The ties with the still existing colonies and the connections with the ‘English-speaking peoples’<sup>8</sup> lay deep in his political thoughts. Macmillan submitted the first request for UK membership of the European Communities but, parallel with it, he strengthened the relationship and military cooperation with the USA which – among other factors – led to the veto of de Gaulle to British accession in 1963.<sup>9</sup>

### III

Even a more detailed analysis does not alter fundamentally the above documented Janus-faced attitude of British political thinking and politics towards European integration, although the picture is more nuanced. We have to differentiate between the voices of intellectuals, business people and the opinion of the Foreign Office. Amongst academics, the federalist idea became increasingly popular from the end of the 19th century, in opposition to the liberal free trade approach. This was partly a reaction to the looming menace of a great war with the rising European power of Germany and partly an attempt to counterbalance the vast market of the United States and the unprecedented pace of economic development there. This economic argument was echoed by business and the Treasury in the government, too. However, the supporters of federalism pursued different goals. Some of them advocated an Imperial Federation as an answer to the American experience, having the aim of transforming the British colonial system into a federation and an economic bloc. The Imperial Federation League was founded in 1884; the political leader of the movement was Joseph Chamberlain.<sup>10</sup> The idea survived the First World War and was strongly supported by several representatives of the British industry.<sup>11</sup> Another group of British federalists supported deeper transatlantic ties,

<sup>7</sup> Critchley (n 4) p. 88.

<sup>8</sup> See the major monograph of Winston S. Churchill, *A History of the English-speaking Peoples* 1956, 1957, 1958.

<sup>9</sup> *The Blackwell Biographical Dictionary of British Political Life in the Twentieth Century* (Basil Blackwell Ltd 1990, Cambridge, 449 p.) pp. 289–290.

<sup>10</sup> Pinder (n 5) p. 7.

<sup>11</sup> Boyce, Robert, ‘British Capitalism and the Idea of European Unity Between the Wars’ in Stirk, M.R., *European Unity in Context* (Pinter Publishers 1989, London, New York, 225 p.) pp. 65–83.

envisaging an Atlantic Federation with the United States of America. The idea of creating more European integration was a third concept flourished under the umbrella of federalist movement. Already in 1871 Sir John Seely, professor of modern history at Cambridge, published an article entitled *United States of Europe*,<sup>12</sup> as did W.T. Stead, the editor of the *Pall Mall Gazette* and *Review of Reviews*.<sup>13</sup> The concept of a European federation was strongly supported by several professors during the interwar period especially by some members of the London School of Economics, such as Harold Laski and Ivor Jennings, who devoted a book to the subject under the title 'A Federation of Western Europe'.<sup>14</sup>

However, the British governments followed a strategy to restore the former strategic equilibrium of major powers even after the First World War, until the time of the great depression.<sup>15</sup> The attitude of the Foreign Office was much reserved regarding a European Federation. It was therefore unprepared for the initiative of Aristide Briand on a future European federation in 1929. There was an 'inadequacy of intelligence on the European movement'.<sup>16</sup> The words of Sir William Tyrell, permanent under-secretary, were quite symptomatic, as he evaluated the work and efforts of Count Richard Coudenhove-Kalergi, founder of the Pan-European Society thus: 'I know Coudenhove: he is a thoroughly impractical theorist'.<sup>17</sup> Later, however as ambassador to France, he changed his sceptical view. A decade later, there was a unique moment in history, which could have radically changed the tide of events. In June 1940, during the worst days of German invasion in France, Churchill, supported by his Cabinet, accepted the proposal of an 'indissoluble union', with shared citizenship between the United Kingdom and France. The Franco-British Union could have had joint organs not only for defence but for foreign, financial and economic policies. Reynaud, the French prime minister at that time, was ready to accept the initiative; however, his government replaced him by Marshal Pétain and capitulated.<sup>18</sup> This was a very serious blow to the federalist idea in the United Kingdom.

<sup>12</sup> Seely, John, 'United States of Europe' *Macmillan Magazine*, Vol. 23, March, pp. 436-448, see Pinder (n 5) p. 4 and p. 21.

<sup>13</sup> Stead, W.T. 'The United States of Europe on the Eve of Parliament of Peace' *The Review of Reviews Office*, London, 1899. See Pinder (n 5) p. 21.

<sup>14</sup> Jennings, W. Ivor, *A Federation for Western Europe*. (Cambridge University Press 1940), see Pinder (n 5) p. 11 and p. 20.

<sup>15</sup> Boyce (n 11) p. 69.

<sup>16</sup> Boyce (n 11) p. 67.

<sup>17</sup> Cited by Boyce (n 11) p. 66.

<sup>18</sup> Pinder (n 5) p. 18, and Lukács, John, *A párvialdal (The Duel)* (Európa Könyvkiadó 1995, Budapest, 369 p.) pp. 200–201.

## IV

Although the federalist idea was not unknown to British political culture (or even popular, bearing in mind the looming menace of Second World War on the horizon), after the Second World War it lost its momentum. A Labour government was formed after the elections in 1945. The new Prime Minister, Clement Atlee, earlier seemed to be a supporter of European federation, and he delivered a speech in 1939 using the slogan ‘Europe must federate or perish’<sup>19</sup>, but after the war his main concern was to build the National Health Service and to nationalise the key industries. The Labour party was very reluctant to join to a ‘*capitalist club*’, as they called the plans for European integration.<sup>20</sup> After the Hague Conference, devoted to support European unity, in April 1948, ‘Labour observers noted that the attendance was overwhelmingly representative of Conservative and capitalist groups’<sup>21</sup>. So, when in May 1950 the French minister of foreign affairs, Robert Schuman, made his historic proposal to pool the French and West German coal and steel industries, the British Government rejected participation in the project. The decisive factors behind this refusal – besides the above mentioned suspicion – were probably economic. Roughly 40 percent of British exports and imports were related to the Commonwealth. The Board of Trade opposed British participation in European integration.<sup>22</sup> In addition, the Labour Government was not ready to pass control over the freshly nationalized steel industry to a supranational authority. Most probably the rank and file of the Labour Party would have rejected such a shift, too. Even the French invitation to participate was somewhat half-hearted. The British Government did not get a forewarning of the Schuman Plan, although even the US Secretary of State was informed before the announcement.<sup>23</sup> As a consequence, the European Coal and Steel Community was established without the participation of the United Kingdom.

However, the real great disillusionment for federalists came in 1951. The Tories and Churchill were returned to power, but Great Britain no longer championed the cause of European integration. There were several reasons behind this approach. One of them was the ‘ambivalence, if not a division within the ranks of the Conservatives over Europe’, as it was described by Harold Macmillan. (It is quite characteristic that the pro-Europe Macmillan was made Minister of Housing, effectively removing him from the European scene.) The foreign secretary became Martin Eden, a Eurosceptic<sup>24</sup> who focused on the problem of Suez instead of Europe. The

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<sup>19</sup> Pinder (n 5) p. 15.

<sup>20</sup> Critchley (n 4) p. 90.

<sup>21</sup> Morgan, Kenneth, O., *Labour in Power, 1945-1951* (Oxford University Press, Oxford, p. 392) cited by George (n 2) p. 19.

<sup>22</sup> George (n 2) p. 15.

<sup>23</sup> George (n 2) p. 20. Similarly, Middlemas, Keith, *Orchestrating Europe, The Informal Politics of European Union 1973-1995* (Fontana Press 1995, London, 206 p.) p. 21.

<sup>24</sup> It is worth to recall his speech at Columbia University in January 1952: ‘If you drive a nation to adopt procedures which run counter to its instincts, you weaken and may destroy the motive force of its action... You will realize that I am speaking of the frequent suggestions that the United Kingdom should join a federation on the continent of Europe. This is something which we know in our bones, we cannot do... Britain’s story and her interest lie far beyond

attention of Churchill was absorbed by the Cold War and by the efforts to build a ‘special relationship’ with the United States.<sup>25</sup> The transatlantic and Commonwealth axes were clearly more important for him than the British position in Europe.<sup>26</sup>

The scepticism towards European integration seemed to be justified for some years, due to the manifest failure of the efforts to create a European Defence Community in 1953-1954. The mainstream British view was therefore quite convinced that even the Messina negotiations started in 1955, preparing for the European Atomic Energy Community and the general common market of the European Economic Community, would not bring any result. As Macmillan wrote in his memoirs ‘The official view seemed to be a confident expectation that nothing would come out of Messina.’<sup>27</sup> The British administration failed to grasp the importance of this development, the establishment of integration based on the free movement of goods, persons, services and capital in all sectors. Of course, the traditional fears of the exclusion of Commonwealth trade and the related reluctance to accept common external tariffs<sup>28</sup> applied by the participating European states strengthened this reserved attitude. These considerations overruled the fact that even the United States supported the new project. As a result, the United Kingdom was represented only at a low level at the Messina Conference and – having no prepared position<sup>29</sup> –, did not take part actively in shaping the structures of the new cooperation. Instead of the negotiated scheme, the British government initiated a loose free-trade zone, excluding agricultural products. However this was not acceptable to France, a major exporter of such products.<sup>30</sup> Again, the two new Communities were established without the participation of the country.

## V

In less than a decade came the U-turn in British foreign policy, in 1961 Harold Macmillan, by then prime minister, applied for membership of the European Communities. This move can be explained by several factors, first that European economic integration turned out to be a success. A spectacular development in trade and economic growth was experienced in the six founding states, much more robust in nature than that in the UK. The support of the USA remained firm regarding the EEC, rejecting alternative ways of transatlantic economic co-operation. There

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the continent of Europe. Our thoughts move across the seas to the many communities in which our people play their part, in every corner of the world. These are our family ties. That is our life: without it we should be no more than some millions of people living on an island off the coast of Europe, in which nobody wants to take any particular interest’ cited by Bogdanor, Vernon, ‘Britain and Europe’ (2016) 2 (14) *Zeitschrift für Staats und Europawissenschaften*/Journal for Comparative Government and European Policy, pp. 157–165, p. 158.

<sup>25</sup> Critchley (n 4) p. 90.

<sup>26</sup> George (n 2) p. 23.

<sup>27</sup> Macmillan, Harold, *Riding the Storm* p. 26, cited by George (n 2) p. 26.

<sup>28</sup> George (n 2) p. 27.

<sup>29</sup> Middlemas (n 23) p. 33.

<sup>30</sup> George (n 2) p. 27.

were fears that the successful European Communities might also develop strong military cooperation without the United Kingdom. Plus, in a short period of time, it became obvious that the Commonwealth did not necessarily follow the British position on foreign or economic policy; the leading role of Britain was not unquestionable there. This changed reality was mirrored by the press, the *Financial Times*, *The Guardian*, *The Observer* and *The Times* started to argue in favour of membership.<sup>31</sup>

However, the golden momentum for becoming a founding Member of the integration had already passed. During the sixties the position of the European Community was dominated by the French president De Gaulle, who was more than sceptical about the UK's membership, considering the country the US '*Trojan Horse*' in Europe, and he vetoed her accession twice, in 1963 and in 1967. One may say that this was an ungrateful move since Britain had saved France twice in the World Wars; however, we have to admit retrospectively that there was some merit in his argument: 'England in fact is insular, maritime, bound by her trade, her markets, her supplies, to countries that are very diverse and often very far away... How can England, as she lives, as she produces, as she trades, be incorporated in the Common Market?'<sup>32</sup> So Britain had to wait until the resignation of De Gaulle in 1969 and finally became a member of the European Communities only in 1973. The century-old dilemma regarding the relationships with Europe was settled – at least at first sight. The negotiations on the terms of accession were not easy. Britain, as a late-comer, had to accept the structures and models hammered out earlier by the six founding Member States. Some issues, such as the impact of the Common Agricultural Policy on the United Kingdom and the Commonwealth, or the contribution to the Community budget, haunted British politicians for several more years or even decades.

In January 1972, Edward Heath, Conservative prime minister, delivered a fine speech, celebrating the closure of 'arduous negotiations over more than ten years' leading to the accession of the United Kingdom. In his contribution, he struck a good balance between national interests and European commitment: 'Clear thinking will be needed to recognise that each of us within the Community will remain proudly attached to our national identity and to the achievements of our national history and tradition. But at the same time, as the enlargement of the Community makes clear beyond doubt, we have all come to recognize our common European heritage, our mutual interests and our European destiny'<sup>33</sup>.

With hindsight, we may risk saying that Edward Heath was probably the only British prime minister who felt a genuine enthusiasm towards the cause of European integration.<sup>34</sup> However, the dissenting opinions emerged soon as well. In fact, already during the accession negotiations there was a legal attempt before the courts to prevent the British government to accede to the

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<sup>31</sup> George (n 2) p. 34.

<sup>32</sup> Quoted in George (n 2) p. 34.

<sup>33</sup> Speech by Edward Heath, Brussels, 22 January 1972. *Bulletin of the European Communities*, February 1972, No 2, pp. 25–27.

<sup>34</sup> Middlemas (n 23) p. 74.

European Communities.<sup>35</sup> In *Blackburn v Attorney General*,<sup>36</sup> proceedings were started to get a ruling that it would be unlawful for the Government to sign the Accession Treaty, surrendering part of the sovereignty of the Crown and the Parliament. However the claim was dismissed, as was the appeal against the dismissal. It is worth recalling the opinion of the outstanding British judge of that time, Lord Denning, who clearly realised the transfer of competences to the EC but maintained that the courts did not have the power to decide upon such issues, and emphasised the dualist approach between international law and domestic law:

‘Much of what Mr. Blackburn says is quite correct. It does appear that if this country should go into the Common Market and sign the Treaty of Rome, it means that we will have taken a step which is irreversible. The sovereignty of these islands will thenceforward be limited. It will not be ours alone but will be shared with others.

(...) Even if a treaty is signed, it is elementary that these courts take no notice of treaties as such. We take no notice of treaties until they are embodied in laws enacted by Parliament, and then only to the extent that Parliament tells us. That was settled in a case about a treaty between the Queen of England and the Emperor of China.<sup>37</sup>

Finally, the European Communities Bill was passed by both Houses of the Parliament after tough debates but without a single amendment and entered into force on 1 January 1973.<sup>38</sup>

## VI

This was still not the end of the stormy history of British accession. After two elections in February and October 1974 a Labour Government replaced the Conservative cabinet of Edward Heath with a promise to renegotiate the terms and conditions of British accession and asking the opinion of the people on British membership. The underlying reasons behind this promise were mainly domestic. The Labour Party won only by a thin majority at the second election in 1974. A campaign against Brussels might have been considered as a good cause for uniting the divided nation, since it was an issue which penetrated across party lines. Moreover, the crusade against EC membership was wholeheartedly supported by the left wing of the Labour Party, which had very strong ties with the trade unions. The demand for renegotiation of the conditions of accession was mainly a tactical device in the hands of the prime minister, who pragmatically accepted British membership of the EC, but not according to the terms negotiated by the former Conservative Government.<sup>39</sup> During the renegotiations the most sensitive issues were revisited, such as the access of Commonwealth products to the EC, reform of the CAP and

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<sup>35</sup> Turpin, Colin, *British Government and the Constitution, Text, Cases, Materials* (3rd edn, Butterworths 1995, London, Dublin, Edinburgh) p. 295.

<sup>36</sup> *Blackburn v Attorney-General* (1971) 1 WLR 1037 (CA).

<sup>37</sup> Turpin (n 35) p. 295.

<sup>38</sup> Turpin (n 35) p. 296.

<sup>39</sup> George (n 2) p. 77.

the size of British contributions to the budget of the European Communities.<sup>40</sup> Finally a reasonable compromise was reached, although the tough negotiations had a negative impact on the perception among other Member States regarding the British attitude towards Europe. The role of UK being an *'awkward partner'*<sup>41</sup> in the European integration goes back to this period of time. The renegotiation and its results were presented as a great victory in the domestic context. Based on this, the prime minister and the majority of his Cabinet members supported the renegotiated terms of accession. In Parliament, the majority of Labour MPs voted against the new terms; however the vote went in favour of acceptance, thanks to the support of the Conservative Party headed by Margaret Thatcher. She gave three principal reasons explaining her position: peace and security, a guaranteed food supply and a future role for Britain on the world stage.<sup>42</sup> Even so, she left the greater part of the Conservative referendum campaign in 1975 to the former Tory prime minister, Edward Heath.<sup>43</sup>

The referendum on membership was considered by many Conservative politicians as alien to British constitutional traditions. A good amount of populism was injected into the campaign, and a strange alliance was formed against EC membership, including the extreme right National Front and the extreme left of the political spectrum: the left wing of the Labour Party plus the marginal Maoist and Trotskyist groups. Despite the negative campaign, the referendum confirmed British membership with an unexpected two-third majority in favour (67.2 per cent) based on a high turnout of voters (64.6 per cent). The UK's membership of the EC at that time seemed to be finally settled.<sup>44</sup>

However, forty years later, it became obvious that the heart of the British lion did not change and remained tortured by the disputes, prejudices, doubts and fears of the past century. The great political battle continued; moreover, the very same arms were deployed in the struggle, the renegotiation of conditions of EU membership followed by a popular vote and cases before the courts. So, we have to accept the opinion: 'No one familiar with British history should be surprised at the verdict of the referendum. For Britain's relationship with the Continent has always been uneasy.'<sup>45</sup>

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<sup>40</sup> George (n 2) p. 81.

<sup>41</sup> See the title of the well-known book written by George, Stephen, *An Awkward Partner. Britain in the European Community*.

<sup>42</sup> George (n 2) p. 92.

<sup>43</sup> Gamble, Andrew, *The Free Economy and the Strong State, The Politics of Thatcherism* (2nd edn, Macmillan 1994, Houndmills, London) p. 98.

<sup>44</sup> George (n 2) pp. 94–95.

<sup>45</sup> Bogdanor (n 24) p. 157.