The Relationship between the United Kingdom and the European Union *"A Farcical Comedy of British Errors"*

1. Welcome to the party, the British seem to be just leaving

Picture the scene. Following a long and often arduous journey you arrive at your destination, a party intended for a select gathering. The beaming and genial host invites you to enter, the music is pleasantly filling, the room and the other guests greet you warmly and appear genuinely pleased to see that you've "finally made it".

One guest, however, seems rather agitated and sulky, sitting on the margins of the group, loudly bemoaning the fact that the other guests are either too inebriated, have eaten more than their fair share of the *hors d'œuvres*, or are unwilling to share the bottles they have brought with them.

The host has naturally sought to placate the aggrieved party on innumerable occasions. The other guests appear to now consider the presence of the boorish "troublemaker" an embarrassing and unwelcome distraction and wish that they either left or simply remained silent. The troublesome guest finally arises and slowly moves towards the door, but are they actually "exiting", and does anyone care any longer?

2013 may be considered by future generations as the year in which a protracted and lengthy British exit from the European Union (EU) began, a process which apparently would not be countenanced by other member states and which, perhaps mercifully, fulfils a uniquely British desire. This discussion seeks to delve further into the "British Position" and suggests that there are fundamental reasons as to why Britain's relations with its European neighbours are mired by suspicion, stereotype and often overt hostility, which are predicated upon a major miscalculation and misunderstanding by the British as to the very nature of "Europe".

2. The British Eurosceptic and his *Credo*

The lore of the British Euro Sceptic maintains that the then British Prime Minister, Winston Churchill, outlined his Government's position with regard

to European integration to the British Parliament in 1953, with the oft misquoted, "*We are with Europe but not of it; we are linked but not compromised. We are associated but not absorbed. If Britain must choose between Europe and the open sea, she must always choose the open sea."*

Bluntly put, we British are different from our neighbours, we are set apart from them, and we will remain so.

This Churchillian thunder, which is alleged to have taken place on the 11 May 1953 during a House of Commons debate, is in reality a composite of several speeches, and an exchange noted by Charles de Gaulle, quoting Churchill dating back to 1944[1]. What Churchill actually said when addressing the House of Commons on the 11 May 1953, was in reality far more nuanced: "*We are not members of the European Defence Community, nor do we intend to be merged in a Federal European system. We feel we have a special relation to both. This can be expressed by prepositions, by the preposition "with" but not "of"—we are with them, but not of them. We have our own Commonwealth and Empire."*[2]

This is of course a far more subtle approach to the issue of European integration; we support the proposition, but do not wish to partake ourselves.

Britain at that time was of course still an Imperial power with colonial possessions in Asia[3], Africa and the West Indies. Britain also appeared to have considerable global influence in the emerging Cold War World; she was only the third declared nuclear armed state, her engineers had developed the world's first jet airliner, a Union Flag flew atop Mount Everest[4], and she "punched above her weight" diplomatically at the United Nations and other international organisations having emerged victorious from the Second World War.

European integration therefore seemed anathema to Churchill and to a nation confidently predicting a Second Elizabethan Age, whose Empire and

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[1] Quoted in David P Calleo, *Europe's Future, The Grand Alternatives,* (New York: Horizon Press 1965), p. 124.

[2] Hansard, HC Deb 11 May 1953 Vol. 515 c891. Churchill expressed similar sentiments in Parliamentary Debates as leader of the opposition in 1950, see Hansard HC Deb 27 June 1950 vol. 476 c2156 & c2157.

[3] Although the new states of India, Pakistan, Bangladesh and Burma, had secured their independence between 1947-48, Britain still maintained a number of smaller colonial possessions in Asia, most especially Malaya and Hong Kong.

[4] Though the flag was actually planted by a Nepali and New Zealander.

emerging Commonwealth could provide markets, men and materials for Britain's apparently ever growing needs[5].

The zeitgeist in which the current British Premier, David Cameron, made his long anticipated speech on Britain's relationship with Europe[6] could not have been further from the apparently halcyon triumphant Albion of some six decades ago. Britain today is one of the older members of the EU; though as David Cameron acknowledged perhaps not one of the most mature: *"…the United Kingdom is sometimes seen as an argumentative and rather strong-minded member of the family of European nations."* He justified this on the basis that; "…*we come to the European Union with a frame of mind that is more practical than emotional.'* He conceded that: "*For all our connections to the rest of the world – of which we are rightly proud – we have always been a European power – and we always will be."*

Ever the silken tongued politician, the Prime Minister diplomatically acknowledges the widely held view that Britain is the "awkward" member of the club, whilst also noting the fact that a proportion of the British people view "Europe" through the myopic prism of pejorative sentiments and frame discussion of Europe in terms more resonant of a bellicose war time speech, in which "Europe" is the enemy.

This author contends that the British hostility to "Europe" is born from two factors: A fundamental misunderstanding as to what the United Kingdom Government sought membership of, and acceded to, in the early Nineteen Seventies; and a continued state of confusion and suspicion as to the nature and scope of the EU's "legal order", which serves domestic political ends.

3. The challenge of European law and the British Constitution - "*Would I lie to you?*"

The study of English Law is underpinned by the teaching of Constitutional Law, the fundamental tenet of which is based on the writings of the 19th Century jurist and theorist A.V. Dicey. Dicey defined the doctrine of Parliamentary Sovereignty as being: "*the right to make or unmake any law whatever . . . and . . . no person or body is recognised by the Law of England as having the right to override or set aside the legislation of Parliament."*[7]

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[5] "*With our position as the centre of the British Empire and Commonwealth and with our fraternal association with the United States in the English-speaking world, we could not accept full membership of a federal system of Europe."* Hansard HC Deb 27 June 1950 vol. 476 c.2158.

[6] Delivered at Bloomberg in London on Wednesday 23 January 2013.

[7] A.V. Dicey, An Introduction to the Study of the Law of the Constitution (Liberty Fund Inc.) 8th Ed. 1982.

This supremacy of the "English" Parliament is a greatly revered precept, reflecting as it does the sovereignty of the people through their elected representatives. It allows for unlimited legislative freedom which is unhindered by the cumbersome constitutional architecture of other states. This cherished doctrine is venerated by politicians, lawyers and especially newspaper editors and columnists; woe betide any perceived challenger to this status quo condemned as they are for causing a dangerous compromise to the nation's sovereignty and an act of betrayal upon our heritage.

It must therefore have been an act of beguilement, which secured British membership of the then European Economic Community (EEC) in 1972, under the then Conservative Government of Edward Heath. Heath provided a categorical assurance, despite commentary to the contrary[8], that: "*There are some in this country who fear that in going into Europe we shall in some way sacrifice independence and sovereignty. These fears, I need hardly say, are completely unjustified."*[9]

Heath echoed an assurance made in a 1971 Government White Paper which was then re-published as a short booklet and distributed to every British household, the document made clear that: "*There is no question of Britain losing essential national sovereignty; what is proposed is a sharing and an enlargement of individual national sovereignties in the economic interest."*[10]

It appeared that the British could have the best of worlds, a trade agreement, but a freedom to act legislatively; we could "have our cake and eat it".

The Heath Governments enthusiasm for British membership appeared to blind many in his own Conservative Party, whilst simultaneously neutering the Labour opposition, and hoodwinking the wider public, to the actual realities of membership. Interestingly Churchill had presciently predicted some twenty years prior that sovereignty would be challenged by the fulfilment of the Schuman Plan. He rightly acknowledged the fact that: "*We are asked in a challenging way: "Are you prepared to part with any degree of national sovereignty in any circumstances for the sake of a larger synthesis?" …. [T]he Conservative and Liberal Parties say, without hesitation, that we are prepared to consider, and if convinced to accept, the abrogation of national sovereignty, provided that we are satisfied with the conditions and the safeguards…[N]ay, I will go further and say that for the sake*

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[8] Though such commentary was more often than not little more than xenophobic sentiments, most famously Victor Montagu, President of the Anti-Common Market League stated that the British people did not wish to, "*subject [themselves] to a lot of Frogs and Huns".* Quoted in Lieber, R.J, British politics and European unity: parties, elites and pressure groups. (University of California Press 1970), p. 210.

[9] Edward Heath, prime ministerial TV broadcast, January 1973.

[10] The United Kingdom and the European Communities (Cmnd 4715).

of world organisation we would even run risks and make sacrifices. …. [T]he Conservative and Liberal Parties declare that national sovereignty is not inviolable, and that it may be resolutely diminished for the sake of all the men in all the lands finding their way home together."[11]

Churchill appreciated what was a necessary compromise to the Dicean doctrine in order to achieve the objectives of the Schuman Plan, indeed his words appear to indicate his willingness to countenance such an abrogation, and make such necessary "sacrifices" in order to secure Britain and Europe's wider interests.

In anticipation of British membership Churchill's prophetic caution of some twenty years past went unnoticed, but more alarming perhaps was the fact that the jurisprudence of the European Court of Justice was also either neglected, or convivially, unheeded by British observers.

4. The jurisprudence of the Court of Justice

The fallacy of unchallenged sovereignty coupled with membership of the EEC was exposed as early as 1962 in the case of *NV Algemene Transporten Expeditie Onderneming van Gend en Loos v Nederlandse Administratie der Belastingen*,[12] in which the Court of Justice declared that: "*To ascertain whether the provisions of an international treaty extend so far in their effects, it is necessary to consider the spirit, the general scheme and the wording of those provisions. The objective of the EEC Treaty, which is to establish a Common Market, the functioning of which is of direct concern to interested parties in the Union, implies that this Treaty is more than an agreement which merely creates mutual obligations between the contracting states. This view is confirmed by the preamble to the Treaty which refers not only to governments but to peoples. It is also confirmed more specifically by the establishment of institutions endowed with sovereign rights, the exercise of which affects Member States and also their citizens. ... The conclusion to be drawn from this is that the Community constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights, albeit within limited fields, and the subjects of which comprise not only Member States but also their nationals."*

The Court of Justice makes clear the fact that in its opinion the EEC is not to be considered as merely another international organisation confined to the

[11] HC Deb 27 June 1950 vol. 476 c2158 – c2159.

[12] Case 26/62 *NV Algemene Transporten Expeditie Onderneming van Gend en Loos v Nederlandse Administratie der Belastingen*, [1963] ECR 1.

sclerotic diplomatic world, nor is it hamstrung by the traditional provisions of Public International Law; "European Law" is an "new legal order".

The reader might consider this an example of quasi judicial activism by an unelected judiciary, whose judgment defied the express wishes of three of the then six members of the EEC. The fact remains that this judgment was never overruled, or set aside, by a legislative act of the political institutions of the Community, or latterly the Union.

The implication of this judgment is that EU Law is supreme and that any illusory notion that the then EEC Treaty was merely just another trading agreement was shattered. Should any observers have any doubt as to the direction of travel, the Court of Justice instructively re-iterated its position in the later case of *Costa v. ENEL*[13], were the Court made explicit the supremacy of European Law: "*The EEC Treaty has created its own legal system which ... became an integral part of the legal systems of the Member States and which their courts are bound to apply. The Member States have limited their sovereign rights, albeit within limited fields, and have thus created a body of law which binds both their nationals and themselves. The executive force of Union law cannot vary from one State to another ... without jeopardising the attainment of the objectives of the Treaty. The precedence of Community law is confirmed by Article 189,* [now Article 288] *whereby a regulation shall be 'binding' and 'directly applicable in all Member States.' This provision, which is subject to no reservation, would be quite meaningless if a State could unilaterally nullify its effects by means of a legislative measure which could prevail over Union law. The transfer by the states from their domestic legal system to the Union legal system of the rights and obligations arising under the Treaty carries with it a permanent limitation of their sovereign rights, against which a subsequent unilateral act incompatible with the concept of the Community cannot prevail."*

The Court of Justice justifies its position as being necessary in order for the Community to operate effectively; how can parallel provisions operate with the Member States without fundamentally compromising the objectives of the Community? Whilst purposive rather than textual, the judgment is carefully crafted so as to re-iterate the fact that Member States have themselves consented to these provisions and that the States have "limited their sovereign rights", though the Court of Justice is happy concede "albeit within limited fields".

Evidently such clear and unambiguous pronouncements by the highest judicial authority within the EEC went unnoticed in the United Kingdom.

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[13] Case 6/64 *Costa v. ENEL* 1964] EUR 585.

Helpfully, should any doubt have remained, prior to British membership the Court added to this jurisprudence in 1970 in the case of *Internationale Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle für Getreide und Futtermittel*[14], and stated that: "*... the validity of a Community measure or its effect within a Member State cannot be affected by allegations that it runs counter to either fundamental rights as formulated by the constitution of that State or the principles of a national constitutional structure."*

The primacy of European Law was therefore settled, even when faced with a conflicting Constitutional provision; surely this could not have gone unheralded.

The sad fact remains that these three cases were not considered as part of the national debate prior to British membership, nor during the 1975 national referendum on continued membership of the EEC.

Such a spectacular oversight (or deliberate deception?) has undoubtedly shaped the Eurosceptics arguments, and appears to prove that the British people were "*sold a pup"* by an elite which cared little for the sentiments of "ordinary" people, nor indeed for "the national interest"; however this was not at first apparent and the reality was not to be revealed for some twenty years, and it was the judiciary who sought to illuminate us.

5. The British judiciary and the "European question"

The challenge to the Dicean construct of Parliamentary sovereignty posed by the primacy of European Law was first addressed by the judiciary in the person of Lord Denning in the case of *Bulmer v. Bollinger*[15]. Denning, in typically flamboyant terms, likened European Law to: *"…an incoming tide. It flows into the estuaries and up the rivers. It cannot be held back. Parliament has decreed that the treaty is henceforward to be part of our law. It is equal in force to any statute..."*

Denning appeared to appreciate the dynamic nature of European Law, likening it as he does to an "incoming tide". He seemingly sensed that further legislative pronouncements would emanate from the supranational institutions[16]. His judgment alludes to the fact that he did not believe that this was a "static" treaty based international organisation, and did not doubt that

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[14] Case 11/70 *Internationale Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle für Getreide und Futtermittel* [1970] EUR 1125.

[15] *Bulmer v. Bollinger* [1974] 2 All ER 1226.

[16] Usual referred to by Eurosceptics by the pejorative shorthand "Barmy Brussels".

the judiciary would be called upon to pronounce on such matters "European" in future.

This author would however contend that whilst Denning was correct in his assessment of what the EEC was, he was labouring under a misconception as to the question of sovereignty. Denning apparently understood that the supremacy of European Law stemmed not from the pronouncements of the Court of Justice, but rather because Parliament had declared that to be so. He re-iterated his position some five years later in the case of *Macarthys v. Smith*[17], in which he stated that: "*Under s.2(1) and (4) of the European Communities Act 1972, the principles laid down in the Treaty are 'without further enactment' to be given legal effect in the United Kingdom; and have priority over 'any enactment passed or to be passed' by our Parliament ... In construing the statute, we are entitled to look to the Treaty as an aid to its construction; but not only as an aid but as an overriding force. If on close investigation it should appear that our legislation is deficient or is inconsistent with Community law by some oversight of our draftsmen then it is our bounden duty to give priority to Community law. Such is the result of s.2(1) and (4) of the European Communities Act 1972."*

Denning was not satisfied with simply stating the legal position as was, he apparently felt unable to resist the temptation to consider the possible outcome of a head-on clash between the provisions of European Law and English Law. "*I pause here, however, to make one observation on a constitutional point. Thus far I have assumed that our Parliament, whenever it passes legislation, intends to fulfil its obligations under the Treaty. If the time should come when our Parliament deliberately passes an Act with the intention of repudiating the Treaty or any provision in it or intentionally of acting inconsistently with it and says so in express terms then I should have thought that it would be the duty of our courts to follow the statute of our Parliament.*"

Whilst the second paragraph is *obiter*, the fact remains that Denning viewed Parliament as sovereign, unbound by either its predecessors, or the Court of Justice, the British Parliament was therefore free to deviate from the "tyranny" of European Law should it so wish[18].

This misconception appeared to sufficiently placate the sceptical among the British. In the interim, Europe could be tamed as it was subservient to our

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[17] *Macarthys v. Smith* [1979] 3 All ER 325.

[18] Interestingly a similar conclusion, regarding the British position was reached by the German Constitutional Court in *Solange II* (*Re Wuensche Handelsgesellschaft*, *BverfG,* decision of 22 October 1986 [1987] 3 CMLR 225, 265). The Court held that: "*There is no dispute under British constitutional law that the House of Commons could, by an Act of Parliament, immediately stop the applicability of European Union law on British soil. ... As long as the Union system has not developed into a federal structure, questions of sovereignty or final priority as to sources of law have to be kept in suspense."*

Parliament, and our judges would be bound, under the Dicean doctrine to always follow the will of Parliament. This state of affairs persisted for over a decade until the *Factortame* litigation shone a light upon the realities of a collision between European Law and "British" Law.

6. The fallacy, the fish and *Factortame*

The Factortame litigation concerned the application of the UK Merchant Shipping Act of 1988. The legislation was a response of the then Conservative Government of Margaret Thatcher to the perceived threat posed by the Spanish and Portuguese commercial fishing fleets to the livelihoods of the British Commercial Fishing Fleet. Conservative Parliamentary Members representing fishing communities were greatly exercised by Spanish and Portuguese membership of the EEC in 1986 and demanded action to prevent the Iberian fishermen, newly entitled to fish in British waters, from "stealing our fish".

Sections of the resultant Merchant Shipping Act were however in direct conflict with the principle of non-discrimination based upon nationality, which is now contained within Article 18 of the Treaty for the Functioning of the European Union (TFEU), and the matter was referred to the Court of Justice by the UK's judiciary under the aegis of Article 267 (TFEU)[19].

In *R v. Secretary of State for Transport, ex parte Factortame Ltd. and others* (Factortame I)[20] the Court of Justice stated that: "*The full effectiveness of Community law would be ... impaired if a rule of national law could prevent a court seised of a dispute governed by Community law from granting interim relief in order to ensure the full effectiveness of the judgment to be given on the existence of the rights claimed under*

[19] Interestingly Denning's judgment in *Bulmer v. Bollinger* had sought to limit referrals under Art. 267 TFEU.
Denning established detailed criteria for judges to consider prior to referring a matter, which in reality meant that most cases were never referred. This position was only finally rejected by Lord Bingham MR in *R.* v *International Stock Exchange, ex parte Else* [1993] QB 534 . Bridghe MR held that; "*In considering whether it can with complete confidence resolve the issue itself, the national court must be fully mindful of the differences between national and Union legislation, of the pitfalls which face a national court venturing into what may be an unfamiliar field, of the need for uniform interpretation throughout the Community and of the great advantages enjoyed by the Court of Justice in construing Community instruments. If the national court has any real doubt, it should obviously refer."*
One can only guess at the adverse effects that such a perceived impasse had on the development and understanding of EU Law in the UK during the critical nascent years of British membership.

[20] *R v. Secretary of State for Transport, ex parte Factortame Ltd. and others* (Factortame I) (Case C-213/89) EUR I-2433.

Community law. It follows that a court which in those circumstances would grant interim relief if it were not for a rule of national law is obliged to set that aside."

The Court of Justice, once more, re-stated the primacy of European Union when in conflict with national law, but the Court also went further than in previous cases and expressly instructed the judiciary in national courts to "set-aside" contrary national provisions in favour of the relevant European provision(s).

Significantly the Court of Justice wisely, and rightly, did not seek to cause a Constitutional crisis by demanding that national courts "strike down" and/or issue a declaration of incompatibility betwixt the national law and European provision. Rather national courts were asked not to apply national law.

This legal subtlety did little to assuage the growing number of British Eurosceptics who emerged in the late nineteen eighties. They viewed European integration in anticipation of the completion of the single market in 1992 with increased suspicion and often overt hostility. Such sceptics seized upon the Court of Justice's judgment as yet another example of the threat to parliamentary sovereignty posed by "Europe"[21].

Here was definitive proof that the role of the judiciary was being deliberately altered so as to satisfy the "European agenda", and that "foreign meddling" in our constitution was an inevitable consequence of continued membership of an increasingly federalised super state, the demonised "United States of Europe" supposedly advocated by then European Commission President Jacques Delors.

Thankfully Lord Bridge provided a much welcome rational assessment of the situation, in *R v. Secretary of State for Transport, ex parte Factortame Ltd. and others* (No 2)[22], when he noted that: "*Some public comments on the decision of the Court of Justice, affirming the jurisdiction of the courts of member states to override national legislation if necessary to enable interim relief to be granted in protection of rights under Community law, have suggested that this was a novel and dangerous invasion by a Community institution of the sovereignty of the United Kingdom Parliament. But such comments are based on a misconception. If the supremacy within the European Community*

[21] Such a challenge posed by a "tentacle like EU" was also demonstrated by the Court of Justice, which in 1991 acknowledged that, the primacy of European Law was recognised as having limited the sovereignty of Member states, *"in ever wider fields."* Opinion 1/91 Re the Draft Agreement on a European Economic Area [1992] 1 CMLR 245. Denning's incoming tide had now become a flood of bureaucratic and legislative measures which were "swamping" Britain.

[22] *R v. Secretary of State for Transport, ex parte Factortame Ltd. and others* (No 2) [1991] 1 AC 603.

of Community law over the national law of member states was not always inherent in the EEC Treaty it was certainly well established in the jurisprudence of the Court of Justice long before the United Kingdom joined the Union. Thus, whatever limitation of its sovereignty Parliament accepted when it enacted the European Communities Act 1972 was entirely voluntary. Under the terms of the 1972 Act it has always been clear that it was the duty of a United Kingdom court, when delivering final judgment, to override any rule of national law found to be in conflict with any directly enforceable rule of Community law... Thus there is nothing in any way novel in according supremacy to rules of Community law in those areas to which they apply and to insist that, in the protection of rights under Community law, national courts must not be inhibited by rules of national law from granting interim relief in appropriate cases is no more than a logical recognition of that supremacy."

Lord Bridge's judgment demonstrates an objective approach and provided much needed clarity. He identified the fact that the position regarding setting aside, as outlined by the Court of Justice, was merely a reflection of a legal obligation imposed voluntarily by the UK Govermnent. Thus the fallacy was finally exposed; the British had entered into Europe with their eyes wide shut and the supposed assurances of the Heath Government and others were exposed as little more than a legal fiction[23]. Lord Bridge's position has since been repeated in subsequent judgments[24].

This should clearly serve as a cautionary example to any state considering membership of the Union; seek to obfuscate the reality all you will, but ultimately the truth will out. Today the supremacy of EU Law is made explicit in the Declaration attached to the Treaty of Lisbon, which states that: "*The Conference recalls that, in accordance with well settled case law of the Court of Justice of the European Union, the Treaties and the law adopted by the Union on the basis of the Treaties have primacy over the law of Member States, under the conditions laid down by the said case law."*[25]

Whilst this latest clear statement, emanating from the political institutions of the EU renders questions of sovereignty moot whilst British membership continues, sadly the perception of stasis and sense of incomprehension remain when considering matters "European".

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[23] Interestingly enough this revelation did not prevent the same Euro Sceptics from hysterically decrying the Treaty establishing a Constitution for Europe (TCE) of 2004, as an attempt to impose the supremacy of EU Law above national law, where previously they claimed it had not.

[24] See for example, *Thoburn v Sunderland City Council* [2003] QB 151 and *Fleming (t/a Bodycraft) (Respondent) v Her Majesty's Revenue and Customs (Appellants) Condé Nast Publications Limited (Respondents) v Her Majesty's Revenue and Customs (Appellants)* [2008] UKHL 2.

[25] Declaration 17 [2008] OJ C 115/344.

7. Which Europe? This isn't what I ordered

In his speech David Cameron identified, "…*a growing frustration that the EU is seen as something that is done to people rather than acting on their behalf."* He identified the cause as being multifaceted but essentially he claimed that, "*People feel that the EU is heading in a direction that they never signed up to. They resent the interference in our national life by what they see as unnecessary rules and regulations, [A]nd they wonder what the point of it all is. Put simply, many ask 'why can't we just have what we voted to join – a common market?"*[26]

This leads to the second posited cause of British Euroscpetism, the continued misapprehension as to the nature and scope of "Europe" and British politicians' complicity in such.

8. Europe, "the Font of all Ills"

The British media, in particular the reactionary tabloid press which, on an almost daily basis, publish rabid headlines condemning and bemoaning "Europe" for apparently most, if not all, of Britain's ills[27].

The solution, as advocated by such bastions of a free society, is therefore simple; withdrawal from "Europe" and a resultant restoration of British sovereign independence in which an elected government can act without concern for such limitations on its legislative powers.

All too often in a society in which national politicians seek to covet the support and loyalty of the media, the result is that debate surrounding Europe is stifled with Euro-enthusiasts being dismissed as either naively delusional, or condemned as treacherous and dangerous.

The effects of such a tightly framed and indeed myopic debate are not to be dismissed lightly; a recent opinion poll demonstrated that the Euro Sceptic United Kingdom Independence Party (UKiP) enjoyed a poll rating of some 17%, some 9 points ahead of one of the parties of the Coalition Government,

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[26] See note 6.

[27] A selection of truly alarmist, and frankly shameful, headlines drawn from even the quality press make for unhappy reading, the most "amusing" examples include: "New EU jobs rights will derail British recovery", The Telegraph, 25 August 2011, "MEPs reject EU spending cuts and demand extra £1.7bn from British taxpayers", The Telegraph, 13 March 2013, "British tradition of voting on Thursday could be overturned by Europe", The Telegraph, 12 March 2013. A recent favourite is "The great EU bank robbery: British taxpayers will have to bail out victims of outrageous raid on accounts in Cyprus", The Daily Mail, Monday 18 March 2013.

the Euro Enthusiast Liberal Democrat Party, who languish on only 8% support[28].

The perceived threat which UKiP pose to David Cameron's Conservative Party is in no doubt responsible for Cameron's pledge to offer a referendum following the 2015 election. In addition to this the Government has expressed greater Eurosceptical sentiments in recent months[29].

9. What is "Europe" for? and "What have the Europeans ever done for us?"

In the face of such overt hostility to the EU one is compelled to ask, as David Cameron did, "*what the point of it all is",* and why do the British persist with their membership? Cynics might conclude that the EU's sole purpose is to now provide national governments with a convivial scapegoat, a means by which blame can be accorded for unpopular political decisions, a process sometimes referred to as "political laundering". At the time of writing the Cypriot Government is seeking to apportion the blame for their planned "tax" on savers deposits on the EU, whilst the ECB retorts that the method of securing the necessary financing was within the gift of the Cypriot Government[30]. However apparently appealing such an opportunity to obfuscate responsibility and thereby deflect the opprobrium of the people is, can it be a justification for continued membership?

This author contends that this could be a feature in Britain's uniquely hostile Eurosceptism and such reactions are often predicated upon, and serve to re-enforce such sentiments. British politicians famously "play to the gallery" on matters "European" and publicly decry "Europe", often enough in conjunction with the media they conflate the EU, European Convention on Human Rights (ECHR) and its Court (ECtHR) and apportion blame on them for protecting the rights of terrorist suspects, foreign criminals, asylum seekers, "unwelcome" minority groups and others at society's margins.

David Cameron acknowledged in his speech this concern directly and sought to correct this long standing error: "*They are angered by some legal judgements made*

[28] See comment by Toby Helm, political editor, "UKiP only 10 points behind Tories, latest poll shows", The Observer, Saturday 9 March 2013.

[29] The efficacy of these efforts is however a question of speculation as UKiP emerged second in a recent By-Election, in which the Conservatives came only third in the poll. See "Eastleigh by-election: Ukip inflicts major setback on David Cameron", The Telegraph Friday 1 March 2013.

[30] See The Financial Times, Tuesday 19 March 2013.

in Europe that impact on life in Britain. Some of this antipathy about Europe in general really relates of course to the European Court of Human Rights, rather than the EU."

The depth of this entrenched belief is truly staggering. One witnesses' even members of the legal profession within the UK attributing the genesis of the UK Human Rights Act of 1998 to an imaginative EU initiative, one which cannot be remedied without withdrawal. Equally unsettling is linking of the EU to nonsensical health and safety rules which are enforced with a peculiarly British pernicious zeal not witnessed within other states[31]. Such examples serve to illustrate the level of discourse in British public life and one can only wonder, "what must the neighbours think?"

It may be that such mendacity is unique to these Islands and this Islander mentality is no doubt a key feature in its manifestation as Euroscepticism. As David Cameron acknowledged: "…*it's true that our geography has shaped our psychology. We have the character of an island nation-independent, forthright, passionate in our defence of our sovereignty. We can no more change this British sensibility than we can drain the English Channel."* [32]

In conclusion this author contends that the essence of British Euroscepticism emanates from the original deception of the British public by a Government that was anxious for Britain to join, "at any cost". This original error was then compounded by a farcical lack of understanding as to what it was that Britain had "signed up to", *caveat emptor* indeed. The continued sense of distrust and resentment is fuelled by British politicians' wilful and mendacious exploitation of "Europe" as a scapegoat and a lack of an effective "devil's advocate" for Europe. Whilst David Cameron did concede though that: "*I want the European Union to be a success. And I want a relationship between Britain and the EU that keeps us in it",* one can only hope that he can convince the British people to stay at the party, this author does not envy him the Herculean task.

Dewi Williams*

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[31] See for example, "Children to be banned from blowing up balloons, under EU Safety rules", The Telegraph, 9 October 2011.

[32] See note 6. It is worth noting, as many foreign visitors to Britain do, that unlike other EU States, the EU Flag is rarely, if ever flown in the UK. When this author approached the local authority and suggested that they might fly it with the Union Flag the suggestion was dismissed as "dangerous", as "someone might pull it down and set it on fire".

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