

▲

WHY LIBERTARIANS SHOULD STOP WORRYING AND LEARN TO LOVE THE EUROPEAN UNION

▲

▲

MARK LITTLEWOOD

▲

INTRODUCTION

The vociferous debate about Europe in the UK has generated more heat than light. The British libertarian movement is not peculiar in being divided by the issue, although I start from the assumption that an overwhelming majority of libertarians would consider themselves “Euro-sceptics”. Some libertarians feel particularly strongly about the issue — to the extent that on occasion, they characterise the debate as one between “good” and “evil”.¹

The purpose of this brief submission is to argue that the process of European integration is basically benevolent, gently edging the European Union in a more libertarian direction, that libertarians should attempt to shape the future direction of the European union rather than destroy it

and that, in any event, any major success for the forces of Euroscepticism in Britain would be (and would be seen as) a triumph for collectivist nationalist forces in which libertarians were bit players.

This is a contribution to an ongoing debate, I do not claim to address every concern ever raised by libertarians or to cite every counter-example to such concerns. Without apology, I will paint a broad-brush picture of the benefits of Britain’s continued involvement in EU integration.

THE USUAL ARGUMENTS WHICH SHOULD BE IGNORED

It is unusual to frame a pro-European argument which specifically addresses the concerns of libertarians.

Most of the charges laid at the door of the EU come from collectivist forces and relate to one of three concerns — that the EU is undemocratic, that the very fabric of our nationhood (usually meaning Englishness) is being torn asunder by foreign forces and that the British people have never properly consented to accession to the European Union or to subsequent changes in the EU’s structure. These charges form the basis of the most commonly heard anti-EU case. But none of them should cause concern to libertarians, so I shall not seek to rebut them here.²

THE LIBERTARIAN ATTACK

On the basis of discussions with anti-EU libertarians³ and having read and, as far as possible, comprehended a range of “pro-freedom” anti-EU literature, I take the libertarian attack on the EU to be made up of the following claims.

1. The European Union is a fundamentally statist/inter-ventionist/socialist construct. It is peopled (or more menacingly, “policed”) by socialist utopians who will stop at little to realise their blueprint.

▲

Foreign Policy Perspectives No. 32

▲

ISSN 0267-6761 ISBN 1 85637 467 X

An occasional publication of the Libertarian Alliance,
25 Chapter Chambers, Esterbrooke Street, London SW1P 4NN
www.libertarian.co.uk
email: admin@libertarian.co.uk

© 1999: Libertarian Alliance; Mark Littlewood.

Mark Littlewood read Philosophy, Politics and Economics at Balliol College, Oxford, where he discovered and fell in love with Robert Nozick’s *Anarchy, State and Utopia*. After two years of legal training, he became Youth Officer of the European Movement. He is now Head of Regional Campaigning for the European Movement and Campaign Director of the Pro Euro Conservative Party. The views represented here are personal and don’t necessarily reflect those of the European Movement or the Pro Euro Conservative Party.

The views expressed in this publication are those of its author, and not necessarily those of the Libertarian Alliance, its Committee, Advisory Council or subscribers.

Director: Dr Chris R. Tame
Editorial Director: Brian Micklethwait
Webmaster: Dr Sean Gabb

▲

FOR LIFE, LIBERTY AND PROPERTY

▲

2. The last thing we need is more government. The EU adds to the overall weight of government forces ranged against us and thus needs to be opposed. This is a softer version of the first proposition. On this analysis, the precepts and personnel guiding the EU project are largely incidental. The important point is that the EU is some kind of government and pretty much every kind of government is bad news.
3. A network of competing, sovereign nation states is likely to yield better results for freedom (and other things we might care about) than an EU monolith, in much the same way that competition amongst a range of firms in a free market is better than an artificially constructed monopoly. The free market and free trade can operate perfectly well in the absence of any form of supranational infrastructure. All that's needed is democracy and free markets to ensure that wars, or other undesirable afflictions, are avoided.
4. There is some peculiarly Anglo-Saxon commitment to freedom or "negative liberty" which is alien to Continental culture. British libertarians are therefore best advised to pull up the drawbridge and fight their battles on "home territory" than to become even more hopelessly outnumbered by hordes of Euro-pinkos.
5. There is a malevolent conspiracy amongst some grand European elite to create a fascistic new world order. Libertarians must organise a resistance movement. At the extreme end of this argument is the assertion that things are so grim that we need to gather together our powdered milk, canned foods and AK-47s, take to the hills and lie in wait for the German Social Democrats/Christian Democrats/National Socialists.

SOME THINGS PRO-EUROPEANS HAVE TO ADMIT

I will tackle each of these assertions in turn, but before so doing it behoves me to begin with some admissions. For whilst it seems clear to me that libertarians are wrong to oppose the European project, this is not to assert that the European Union is a libertarian paradigm. It isn't. It's not even close to it.

Firstly, it is true to say that social/christian democrat forces are in the ascendant. There is no appetite amongst the leaders of the European Union, and even less amongst the European public, for anarcho-capitalism. But then the only place I have ever found such an appetite has been at libertarian *soirées*.

Secondly, the EU is not a shining beacon of civic and political virtue. There is corruption. There is waste. There is fraud. There are certainly petty regulations. There are probably people in the EU bureaucracy who benefit from the corruption and the fraud, who are indifferent to the waste and who derive a perverse satisfaction from regulating pettily.

I must confess that — despite searching extensively — I have never found where such people hang out in Brussels. But I have come across dozens of such people in local government and in Whitehall, so it seems only reasonable to assume that they must exist in the European Union bureaucracy too.

Thirdly, the European Union has done some things which have made the world (or at least Britain) a less libertarian place. None of these things have been particularly horrific. The EU is not guilty of torture or genocide. Broadly speaking, it allows European citizens to pursue their own conception of the good life. True, it does have the Common Agricultural Policy. And the Common Agricultural Policy is stupid, inefficient, unnecessary and anti-free market. But the CAP is an example of a policy created by compromise, horse-trading and wrong-headed economics. It is not, I hope we can agree, evidence that the EU is an evil tyranny bent on crushing the human spirit.

Fourthly, the EU will continue to carry out some things which diminish the overall amount of human freedom. I don't see it doing very many of these things. And I don't imagine that the things it does will cause me or any other level-headed individual to lose a great deal of sleep. But it would be absurd to say that every endeavour of the European Union from here to eternity is likely to provoke libertarian celebration. On balance, the EU is likely to lead the world in a more libertarian direction, but it will be by a painfully slow, deeply frustrating, and often very confusing route.

So, the thrust of my argument is not that there is a clear, black and white distinction to be made. It is not the case that the EU is the best prospect for the advancement of human freedom that the United Kingdom has ever witnessed. It is not true that the proponents of further EU integration are, to a man and woman, heroic freedom fighters or that their opponents are all Nazis. If one is looking for these sort of certainties in the complex debate about supranationalism, you will find them quite common amongst the so-called Eurosceptics.⁴

My case is that, on balance, the direction that the EU is taking and the institutional infrastructure that is being created are a force for good from a libertarian perspective. Libertarian opponents of the European Union, whilst sometimes raising legitimate and well-founded complaints, also prove one of the age-old *clichés* of realpolitik. Like most age old *clichés* it rings true. The best is often the enemy of the good.

REBUTTING THE LIBERTARIAN ATTACKS

1. The European Union is intrinsically socialist

The most common basis for this assertion is merely to show that there are indeed senior socialists within the European Union. Hence, former German Finance Minister Oskar Lafontaine was generally portrayed as the personification of the European Union's scheming statism, rather than as an anachronistic and somewhat tiresome politician who could not even retain the confidence of his own country's Chancellor.

Quotes from Jacques Delors are frequently used by those who wish to demonstrate the socialist tendencies of the European Union. Little matter that he is no longer President of the Commission or that the single market legislation was the most notable success for the EU during his Presidency. If Delors said it, it must — apparently — be the agreed agenda of the EU.

These sort of tactics by the opponents of European integration are tiresome and sloppy. The thoughts and ideology of Oswald Moseley, once a senior figure in the Labour Party, could hardly be considered to represent the agenda of the Blair government. This is not to say that Delors and Lafontaine are the moral equivalent of Moseley or that the current political leanings of the EU are Blairite. It merely underlines the point that proving that there are socialists who are or were senior figures at the EU level, does not prove that the EU is socialist.

It seems to me preferable to analyse what the EU has actually done. Over the past ten to fifteen years, two projects stand out in particular. The European Union's agenda has — to a large extent — been dominated by the creation of the single market and the single currency. To characterise either of these initiatives as leftist is absurd.

The creation of the single market⁵ allowed free movement of goods, capital and labour throughout the European Union. It has encouraged competition and enterprise. It has made illegal many national restrictive practices. Unfair competition has begun to become interpreted as the subsidisation of industries by national governments. Complaints about national governments operating restrictive practices can be — and are — dealt with by EU authorities.⁶

The single currency⁷ has provoked the sort of rationalisation of the European Union's public sector which should bring a glow to the bosom of any genuine Thatcherite. The ability of national governments to borrow beyond their means has been substantially curtailed. President Chirac faced down the French unions — and effectively provoked a general strike — in order to meet the convergence criteria.

The opponents of both the single market and the single currency within the EU have generally emerged from the old left, the environmentalist movement and nationalist forces.⁸ The supporters have tended to be liberals and free-marketeters.

2. The EU represents more government and is therefore necessarily bad

This assertion can be rebutted in three ways — two political and one strategic.

Firstly, the EU has acted as a brake on the interventionist tendencies of governments. The activity of the European Court of Justice has frequently been to strike down the actions of national governments or of restrictive organisations.⁹ The EU institutions can be seen more credibly as creating a balance of power, not wholly dissimilar to the US model, rather than as an unnecessary and superfluous layer of bureaucracy. The Supreme Court in the United States is a governmental institution, but it is by no means clear that its abolition would ensure that there would be less governmental intervention in America.

Secondly, the quantity of legislation and regulation produced by the European Union institutions are trivial compared to what is produced at nation state level. For those who fear that the EU is little more than a Franco-German conspiracy to regulate our fruit, it is worth noting that there has been British legislation about the size and shape

of bananas since the 1960s. Where the EU has generated regulations, it has therefore been to replace a series of national regulations rather than to add to the level of red tape.¹⁰

Thirdly, the attack on the EU as a vehicle of immense statutory and economic weight is wide of the mark. The European Commission employs less people than Birmingham City Council. The proportion of EU GDP spent by the European authorities is about 1.25%, compared to upwards of 40% on the part of national governments. It strikes me as an astonishing strategic misjudgement on the part of anti-EU libertarians to concentrate their attacks on “big government” on an institutional structure that is so small. It would be rather like the anti-hand gun lobby in America spending an inordinate amount of time highlighting the potentially harmful effects of a pea-shooter.

3. Competition between sovereign nation states is better than a universal supranational structure

The flaw in this argument is the belief that, in the absence of some sort of supranational structure, nation states can be treated like private companies. Without becoming too theological, it is here that I would draw a distinction between anarchists and libertarians.

In a free market world, relationships between companies and within companies are established by contracts upheld by the law. If contracts are broken, the courts will intervene to guarantee either compensation or specific performance.

In an anarchic world, this doesn't, or needn't, happen. Companies or employees may resort to theft, fraud, coercion or outright violence to secure their ends. This is roughly how purely sovereign nation states work. If diplomacy fails, either capitulate or send in the tanks.

Supranational institutions — particularly supranational courts — normalise relationships between nation states in the same way that national courts normalise relations between companies. It would be considered most bizarre if a British company were to argue that the law against murder fatally compromised its sovereignty. Perhaps this company finds murdering one or two employees increases its productivity. Too bad.

A balance, of course, needs to be struck. If companies are burdened by vast amounts of red tape, social legislation and the like, they tend to complain that their freedom is being unreasonably curtailed. Similarly, if EU member states are unduly burdened by EU intervention, they squeal. But this is not to say that some form of supranational structure isn't necessary.

A very tricky question for the anti-supranationalists to answer is what should happen in the following scenario. Let's say that under various pieces of European legislation, I'm allowed to trade my brand of fizzy drink, Choker Cola, to France. Enough French citizens like my drink in order to secure me a good income. Suddenly, and without warning, the French national authorities confiscate all cans of Choker Cola at Calais. Who do I appeal to? From where do I seek recompense? If one really does believe in national sovereignty, I am entitled to no recompense and should be unable to seek any.

My essential point is this — my rights to free trade as a British citizen cannot be wholly divorced from my right to trade with French citizens. Given the British government has no jurisdiction over France, I require a supranational agency to secure these rights.

The argument that all that is needed is for free market democracies in sovereign nation states to prevail is fallacious. Such democracies will naturally tend to assimilate and create shared organs of government. In market terms, supranationalism is a natural monopoly.

It is wrong-headed for libertarians to argue that the EU should do “nothing”. They should applaud former Commission President Jacques Santer’s view that the EU should do “less but better”.

4. Freedom is more easily defended in an Anglo-Saxon culture

This is an intriguing assertion, but not one that stands up well to rigorous analysis. If there is any element of truth in it at all, the case is often greatly overstated by its advocates.

It is patently not the case that the United Kingdom and the United States of America are pursuing classical liberal objectives, whilst the European Continent embraces socialism. It may be reasonable to claim that Western Europe only enacted certain free market reforms a number of years after the Reagan-Thatcher revolution, but in 1999 both the US and the UK have broadly social democratic governments, and popular ones at that. The Libertarian Party in the United States secures less than 1% of the vote.

In contrast, forces of classical liberalism (as distinct from libertarianism) on the Continent are not wholly absent. For example, the German Free Democrats typically secure between 5%-7% of the popular vote. The Dutch Liberal Party (VVD) is one of the major political parties in Holland.

The suggestion that, in an age where ideas and concepts can cross-borders immediately and without hindrance, libertarians should be trying to save the Anglo-Saxon world from any further erosions of liberty rather than engage in what is a serious debate, and one open to influence, about the form of supranationality we want is highly anachronistic.

5. The European Union is a “New World Order Fascist” conspiracy

I always find it amazing that whilst libertarians are past masters at pointing out the remarkable flaws and blunders carried out by governmental authorities, they often ascribe to these authorities the competence to organise vast conspiracies.

I am certain there are certain psychological comparisons between those who believe in the over-arching, tentacle-like influence of organisations such as the Trilateral Commission and those who are obsessed by the supposed cover-up of a crashed alien spacecraft at Roswell in 1947.

There has been no serious academic suggestion that the European Union is anything other than what it describes itself as in the treaties.¹¹

Bureaucracies are not good at organising conspiracies. But they are mysterious and detached enough to generate considerable paranoia on the part of conspiracy theorists.

I was recently discussing the cult libertarian TV show *The Prisoner* with a colleague who had spent many years working for the Foreign Office. For readers unaware of the series, it involves a secret agent who resigns his job in a fit of anger, is followed home, kidnapped by the authorities and whisked off to a mysterious “Village”. My colleague said that he enjoyed the series but found it hopelessly unrealistic. When I asked him why, he said that in the event of a senior and sensitive resignation from the secret services, it would take the bureaucracy several months to work out what form to fill in.

Governments are incompetent in all sorts of areas. There is no reason to credit them with a comparative advantage in organising conspiracies.

CONCLUSION

As I indicated at the outset, the question of Britain’s relationship with the European Union cuts across many traditional political divides. There is no reason to believe that the libertarian movement should be any different. It may not be feasible for libertarians to agree on what position to take with regard to the present European debate. My fear is that many libertarians will ally themselves to the “anti-EU” campaign, which if successful will be a victory for some rather dubious and deeply collectivist forces.

Irrespective of tactical considerations, a serious debate about libertarian attitudes to supranationalism would be most welcome. I hope this article does something to provoke such a debate.

FOOTNOTES

1. In *Free Life* No. 31, the normally sober Sean Gabb suggests that the most important divide in politics at present is between supporters of national sovereignty and new world order fascists.
2. Some libertarians would actually welcome one or more of these factors.
3. Most recently at the Putney Debate, June 11th 1999, where I spoke against Marc-Henri Glendening.
4. I have a deep semantic dislike of the term Eurosceptic. It should be used to refer to someone who is open-minded about the European Union, but it is typically applied to those who are opposed to the EU in virtually every aspect.
5. Created by the Single European Act 1986.
6. There are innumerable examples — see *EUROPE 97* available from the European Movement, 52 Horseferry Road, London SW1P 2AF, for several good ones.
7. I don’t intend to enter the question of privatising national currencies here.
8. Secure a copy of the magazine *These Tides* from the Europe of Nation Groups at the European Parliament to see just how collectivist the anti-EU coalition really is.
9. It was a European ruling on the Bosman case which allowed footballers to enter contracts and secure a salary on the same basis as any other citizen, rather than being formally tied to a club when their contract expired.
10. Dr Andreas Boltho of Magdalen College, Oxford, tells a remarkable story about how the tractor industry was regulated prior to the creation of the single market. There is still red tape, but one piece of EU red tape is better than fifteen pieces of national red tape.
11. All of which, it is often forgotten, have been analysed and ratified by the British Parliament.