

Tony Benn, Against the Tide

Caption: On 18 March 1975, the British Government approves, by 16 votes to 7, the outcomes of the renegotiation of the conditions for the United Kingdom's accession to the EEC, by virtue of which, the country decides to remain a member of the common market. In his memoirs, Tony Benn, the then Secretary of State for Industry, recalls the debates within the Government.

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[...]

Tuesday 18 March

A momentous day in the history of Britain – the day of the Cabinet decision on Europe, the day of the parliamentary decision, the day of the dissenting Ministers’ declaration, and of the Early Day Motion on the Order Paper.

At Cabinet we had before us the papers detailing the renegotiation package, and for the first time the issue of sovereignty was discussed properly. The crucial question was whether the Community was to be a supranational structure or a community of sovereign states.

Crosland wasn’t concerned with sovereignty because he thought sovereignty has passed anyway to the power workers and the hospital workers. He *was* concerned about the host of gratuitous harmonisations which he found he had to deal with. He said he would like this matter put to Ministers to try to stop it.

I said, ‘Sovereignty is not the same as omnipotence – nobody is omnipotent. The Americans aren’t omnipotent; they were beaten by the Vietcong, they couldn’t do what they wanted. Sovereignty means democracy, in the sense of power to make your own laws.’

‘There are three options open to us. One is to protect our parliamentary democracy, which would offend the Community; the second is to abandon parliamentary democracy which would offend the Manifesto; the third option is to fudge it.’

‘This is the most important constitutional document ever put before a Labour Cabinet. Our whole political history is contained in this paper. It recommends a reversal of hundreds of years of history which have progressively widened the power of the people over their governors. Now great chunks are to be handed to the Commission. I can think of no body of men outside the Kremlin who have so much power without a shred of accountability for what they do.’

‘The Community will destroy the whole basis on which the labour movement was founded, and its commitment to democratic change. That’s one of the reasons we have a small Communist Party, why the ultra-Left is so unimportant, because we can say to people “Change your MP and you can change the law”. That’s where the attack on democracy is coming from. If we accept this paper, we’d be betraying, in a very special sense, our whole history.’

Michael spoke. ‘We’re being asked to accept everything we opposed when we were in Opposition. Take tachographs as an example – we opposed them, but they have still been imposed on us. We are conniving at the dismemberment of Parliament. We are destroying the accountability of Ministers to Parliament, and if we elect a European Parliament by 1978, it will destroy our own Parliament. It will encourage Scottish and Welsh separation because they’ll say, “If you can do *that*, what about helping us to govern ourselves?” People will think we’re crazy to dismember our Parliament at the most dangerous moment in our history.’

Jim said that it was not the first time that a document of this importance had been before a Labour Cabinet. It was all set out in the 1967 White Paper. Sovereignty of Parliament was not an issue, it wasn’t even in the Election Manifesto.

This led to a protest from Michael who said that what was at stake was a draconian curtailment of the powers of Parliament. Harold pointed out that Michael was quoting from the February Manifesto. So Michael said that the phrase “authority of Parliament” was used in the October Manifesto. ‘Well’, said Wilson, ‘these are the differences between the old and the new testaments.’

Jim disagreed strongly with me when I said that there was more of a danger posed by the Commission than

by Mick McGahey or even the International Socialists. He said, 'Well, the Communist Party may have gone over the top, but the International Socialists are penetrating the authority of Parliament.'

He too was worried about things like the standardisation of rear-view mirrors which he said was offensive; there may be too many Commissioners, but the time to study the Commission would be after the Referendum. 'We don't want to give Parliament the power to hold things up. Sovereignty was destroyed anyway by interdependence,' he said and he was confident in what Elwyn Jones had said, that the power was there if the people felt strongly enough.

Harold Lever commented, 'Tony Benn is a legal pedant,' and debates on whether this was irrevocable were silly. The decision to withdraw would be disastrous.

Harold Wilson said, 'The British Parliament has the power to come out at any time.'

I asked if he'd be prepared to say that publicly.

'We can discuss that later,' he replied, 'when we come to the handling of the statement.'

For Elwyn Jones, political sovereignty was the power to make our own laws and Parliament could repudiate the Treaty at any time. 'Parliament has handed over part of its law-making powers already. When we were in Opposition, it was the exercise of those powers which we had ceded that we criticised. British influence can be exercised in future by the Foreign Office. Government can continue to declare war, Parliament can continue to throw out the Governments that fail. We have given limited powers to the Commission, and Parliament can take them away again. A legal framework is difficult and disturbing. The practice is more important than the legal machinery.' This from the Lord Chancellor!

Reg Prentice accepted Paragraph 2b – the surrender of sovereignty and improved scrutiny. 'We need to strengthen the power of Parliament over the pressure groups at home, and we must institutionalise our external interdependence, but of course, the juggernaut lorries can and must be stopped. We mustn't be too neurotic about a seepage of powers away from Parliament.'

Barbara Castle said that the philosophy and theology of the Common Market were to remove the distortions to market competition – that was what the free movement of capital and labour was all about.

Peter accepted that there was anxiety, and he regretted there hadn't been earlier discussions. 'Sovereignty is the right to make your own laws, and the minutiae are not the real issue. Freedom of movement of labour is very important, and our Courts may enforce our law at the moment but they won't later.'

'The free movement of labour was never an issue,' Harold said.

Ted Short told us that one of the new Commissioners had cut down on attempts to harmonise. Parliament could not divest itself legally of its own sovereignty. We could only strengthen our parliamentary procedures, and he, therefore, favoured radical proposals for doing so.

That was the end of the discussion on sovereignty. But as is already evident, the referendum will produce some deep thinking about the nature of our Government. I've had so long to think about it, with the experience of the peagee battle and all that, that I feel I am one jump ahead of my colleagues.

Harold then brought us on to the main question. Should we accept the terms or not? I recommend that we should stay in and that is the view of the Foreign Secretary, though he will speak for himself. We have substantially achieved our objectives, the Community has changed *de facto* and *de jure*. The attitude of the Commonwealth has changed too. The Commonwealth wants us to stay in, and the Commonwealth trade patterns have regrettably changed. If we had a free trade area for the UK, the conditions upon us would be stiff or stiffer. I am only persuaded 51 per cent to 49 per cent, indeed I had anxieties right up to the last few days, but I now recommend that we stay in.

Jim Callaghan followed, 'In supporting you, Harold, I would like to say something about the development of Europe. I am unashamedly an Atlanticist, but we are living in a regional world and we must use the regional organisations. The Soviet Union does not find our membership of the EEC a hindrance to détente. Indeed, I believe that secretly they might like us in, to control the Germans. The seventy-seven non-aligned countries which are now banded together at the United Nations have the potential to destroy the UN and we are better able to withstand them in a regional group. As the prospects for democratic socialism in the Community, four of the countries are Labour, or have Labour representation in the Government: Holland, Denmark, Germany and the Republic of Ireland, and now Britain. The market economy as an idea is quite fly-blown, and the withdrawal of Britain would strain our relations with Ireland.'

He quoted Benjamin Franklin: "When I first looked at the terms for this Constitution I was not persuaded of it. As wisdom came, I came to see that I was wrong."

Willie Ross said, 'We cannot ignore the Manifesto. Parliament has lost its power, and the only power remaining would be the power to come out. Anything less than that the Courts would have to decide. We haven't changed the CAP. On fishery policy the anxiety in Scotland is that under the Common Market rules fishermen would be able to fish right up to the shore. Indeed, the Scottish National Party has won constituencies on the coast on these grounds.'

'Well, that point has never been raised at all in the last twelve months,' Harold Wilson pointed out.

On the terms, Willie quoted the Foreign Office paper. 'Regional policy is another problem. Once in, it will grow. A greater degree of oversight from Brussels is being urged.'

Ted Short wanted us to stay in. He said Jim Callaghan should be awarded a doctorate in re-negotiation. He would take advantage of the agreement to differ if Cabinet decided to *come out*.

'You know, this is not a great divide,' said Harold Lever. 'This is the beginning of a new relationship with Europe.' He favoured staying in.

Shirley Williams agreed. 'We could stop the Commission, and indeed we did when they tried to harmonise our milk and beer measures. On the market economy, they have gone much further on the Continent than we have, and in Germany industrial democracy is far ahead of us. Europe spends more on the public services than we do. France and Italy have a larger public sector than us and they see it not as an ideological matter but as a practical advantage to their country. On democracy, they're doing well too.'

Bob Mellish said that the Common Market was here to stay and we should stay in.

I made my final speech. 'Prime Minister, I fear that the Cabinet is about to make a tragic error, if it recommends that Britain stays in. I recognise that Jim has done his best and probably got the best terms that are compatible with continuing membership. But we have not achieved our Manifesto objectives and indeed we did not even try.'

'We have deferred the real issues, like the authority of Parliament and regional and industrial policy, until after the re-negotiation was over. We have confused the real issue of parliamentary democracy, for already there has been a fundamental change. The power of electors over their law-makers has gone, the power of MPs over Ministers has gone, the role of Ministers has changed.'

'The real case for entry has never been spelled out, which is that there should be a fully federal Europe in which we become a province. It hasn't been spelled out because people would never accept it. We are at the moment on a federal escalator, moving as we talk, going towards a federal objective we do not wish to reach.'

'In practice, Britain will be governed by a European coalition government that we cannot change, dedicated

to a capitalist or market economy theology. This policy is to be sold to us by projecting an unjustified optimism about the Community, and an unjustified pessimism about the United Kingdom, designed to frighten us in. Jim quoted Benjamin Franklin, so let me do the same: "He who would give up essential liberty for a little temporary safety deserves neither safety nor liberty." The Common Market will break up the UK because there will be no valid argument against an independent Scotland, with its own Ministers and Commissioner, enjoying Common Market membership. We shall be choosing between the unity of the UK and the unity of the EEC.'

'It will impose appalling strains on the Labour movement. No one in this whole discussion has mentioned the TUC with whom we signed the Social Contract, or the National Executive, or Conference who are joint partners in the Manifesto and to whom we should report back. I believe that we want independence and democratic self-government, and I hope the Cabinet in due course will think again.'

Michael took over, 'We're giving up so much. The Commonwealth view is not our view. We shall dismember Parliament and the UK. Western Europe is a coalition system and the British don't want coalitions. We must present this fundamentally. The cost of coming out is used. But it is a defeatist argument. Gaitskell said that we should make that clear.'

Denis Healey said that it would be a mistake to present the issue as Michael Foot and Tony Benn had suggested. The consequences outside would be serious, and economic problems were more important. He said this was a matter of judgment and a choice between evils. The Commission was set by the Treaty of Rome and it would have been better if we had been in there at the start. Leaving now would not end the matter and there would be pressure for reversal of the decision and for our continued entry later. That is why he approved the application. The decision to leave now would be more damaging than the decision not to join would have been. We would have no sympathy from the white Commonwealth if we left, we'd have no sympathy from the US which is turning inwards, and the idea of a North Atlantic Free Trade area was out. Europe was a bargaining counter with the US, and there would be a long period of uncertainty if we decided to leave, whereas industry needed certainty. It would not be a disaster if we left but it would be a risk, and he hoped we would not overplay the disaster aspect or we would have no credible posture with the British people if they did vote for withdrawal. He hoped the people would vote to stay in and improve the Market from the inside.

Tony Crosland agreed with Denis. He was an agnostic, sceptical about large markets but he thought there were strong arguments for staying in. If we did not go in, we would go back to a sort of Churchillian myth that we were the greatest and most important country in the world.

Reg Prentice said, 'I am a one-world man and regional groupings help the Third World. The EEC exists and we're in it. It would be a danger to détente if we came out. The Third World food crisis is our great problem and we would make a bigger effort to deal with it if we were in.'

Eric Varley said, 'We are being asked to take too much on trust. There have been no fundamental changes in the Common Agricultural Policy or the Economic and Monetary Union. I'm worried about Parliament, but my main worries are about energy and oil, because if the Treaty of Rome is applied to the Continental Shelf – and the Community is studying its application – then we'll be in difficulties. We *can* survive outside. I regret the long campaign which will strain the Party, but I am opposed to our remaining in.'

Peter Shore felt that the balance of advantages was unfavourable. 'Britain's relationship with the English-speaking Commonwealth was closer than that with the Continent. That is how the British people feel.' As to the regional and national argument, Peter said, 'The EEC disintegrates when it comes up against real issues like energy. Our base is not in Western Europe. It is too weak, too small and too old fashioned. In real instances it makes the problems worse. France is no friend. I do not think you can have this degree of intimacy without a real community. We are friends and allies with most neighbours on the Continent but we don't have that degree of intimacy with them. We can survive without them, and prosper and contribute more.'

Malcolm Shepherd the Lord Privy Seal said, 'It has been a privilege to listen to this debate and I hope the same spirit will illuminate the Referendum and the Government and the Party will come out of it stronger.'

Fred Peart's attitude of course was coloured by agricultural matters. We should stay in.

John Silkin believed that it was an irrevocable decision and to suggest we could change it would be like suggesting we could repeal the Treaty of Paris of 1789 and bring the United States into colonial status again under Britain. This was the last chance. A federated Europe would require a fundamental change in the Common Market and therefore he would vote against staying in.

Merlyn Rees said he was not a federalist but he had noticed that the French and Germans were working together and the youngsters today in Europe didn't think nationally at all. The Commission worried him a bit, and the Party and the Conference and the unions might take a different view, but he had read every paper he could find and he had come to the conclusion that we should stay in.

Roy Mason believed we had succeeded in getting substantial changes and these successes were well known. To unravel Europe, beginning with Denmark, would be terrible, it would mean the UK would wither on the vine. Our balance of payments would be badly affected. It would be traumatic for Britain, an embarrassment for the City. He was for staying in.

Barbara felt it was bad to ask people to stay in an organisation whose principles we did not share. We had accepted that we could not challenge the central theology, and so we had not tried hard on parliamentary control, on steel or the CAP. The power of the veto to safeguard national interests sounded attractive, but it was not as simple as that. The EEC worked by compromise. Everything was a bargain, and this was a charter for coalition which would destroy the Labour Party. The EEC was an institutionalised constitution.

Roy Jenkins said he had been wrong to underestimate the scope there had been for improving the terms. He was an Atlanticist too, more at home in America than on the Continent. But Europe was a pillar of Atlantic cooperation.

Willie Ross believed in the maximum strength for the UK to prevent its division.

John Morris said that on forms and principles, he thought the Common Market was frightening. In practice, it was more acceptable.

So, in the end, it was sixteen to seven for staying in. Harold then said, 'I hope that nobody will think the result has anything to do with the way I composed the Cabinet because when I formed it a year ago, there were eight for Europe, ten against and five wobblers. Now, of those who have expressed their view, who intends to take advantage of the agreement to differ?'

Six of us said Yes – myself, Barbara, Michael, Willie, Peter and Eric.

Thus it was that the Cabinet reached its view to stay in the Common Market.

The guidelines on the agreement to differ were passed round, strongly discouraging debates between Labour Ministers, or Members of the Government taking a different view without advance permission, or appearing on platforms with people from other parties.

Shirley asked, 'What about me appearing with Geoffrey Howe on the Tory side?'

Harold said he didn't want to discuss that until Thursday.

We finished and at 1.30 I walked through Downing Street, back to the office. After that, I just needed to unwind.

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