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800 Years Magna Carta: Law, Liberty and Power
Round Table on EU: Continuity and Change
Daniel Johnson

In Britain we have just celebrated two great anniversaries: Magna Carta and the Battle of Waterloo. To us, these two milestones in our history represent two of the most important British contributions to Western civilisation. Magna Carta symbolises liberty under the rule of law; Waterloo symbolises the defence of a free society against tyranny.

Magna Carta is all about the rights of the "free man": "No free man is to be arrested, or imprisoned, or disseised, or outlawed, or exiled, or in any way destroyed…save by the lawful judgement of his peers or by the law of the land." The King too is subject to the rule of law, the integrity and impartiality of which he is also obliged to uphold: "To no one will we sell, to no one will we deny or delay, right or justice." In much of the world today, including parts of Europe, the rule of law cannot be taken for granted by individuals. Even within the European Union, it is by no means always and everywhere clear that the state is indeed beneath the law, or that the judiciary is impartial and incorruptible. The punishment of Nazi war criminals, for example, has been delayed in some cases for up to 70 years; many escaped justice entirely; others who were put on trial were acquitted or sentenced far too leniently, while their victims and their heirs have in many cases been denied restitution of their property (for example works of art) or adequate reparation for their suffering.

Waterloo, for the British, is all about the independence of the nation state from the domination of an imperial despot. The British fought Napoleon Bonaparte, not merely to preserve their own freedom, but that of Europe as a whole. In a famous debate in the House of Commons in 1807 George Canning, the Foreign Secretary, justified a resumption of hostilities with France in pragmatic terms: "The single rule for the conduct of a British statesman is, attachment to the interests of Great Britain." But he went on to explain why British and European interests must coincide in the defeat of Bonapartism. "The country has the means, and I am confident it has the spirit and determination, to persevere with firmness in a struggle, from which there is no escape or retreat; and which cannot be concluded, with safety to Great Britain, but in proportion as with that object is united the liberty and tranquillity of Europe."

This refusal to accept any domination of the Continent by one power has been the biggest British contribution to European peace and prosperity: we saw it in both world wars and in the Cold War. In a debate in the House of Lords in 1878, Disraeli recalled Britain's decision to stand, if necessary alone, during the Napoleonic wars: "[Britain] was isolated at the commencement of this century because among the craven communities of Europe it alone asserted and vindicated the cause of national independence…If that cause were again at stake, if there were a Power that threatened the peace of the world with a predominance fatal to public liberty and national independence, I feel confident that your Lordships would not be afraid of the charge of being isolated if you stood alone in maintaining such a cause and in fighting for such precious interests." By 1914, that cause and those interests were again at stake. The then Foreign Secretary, Sir Edward Grey, justified the decision to go to war for Belgium thus: "I do not believe for a moment, that at the end of this war, even if we stood aside and remained aside, we should be in a position, a material position to use our force decisively to undo what had happened in the course of the war, to prevent the whole of the west of Europe opposite to us – if that had been the result of the war – falling under the

domination of a single Power, and I am quite sure that our moral position would be such as to have lost us all respect."

Yet the presumption that British and European interests must normally coincide is not the sole determinant of our foreign policy. There is also a presumption in favour of liberty. Gladstone stated it well when in 1876 he insisted that Britain's "traditional policy was not complicity with guilty power, but was sympathy with suffering weakness". Whether we call the policy that arises from such sympathy "liberal internationalism" or "neoconservatism" matters less than the fact that it has exercised an enduring influence on British foreign policy.

However, when we come to consider the present predicament of Europe, faced as it is by multiple threats, above all from Russian aggression and Islamist anarchy, what is most striking in British foreign policy is its continuity. One of Winston Churchill's finest hours was his speech in the House of Commons on October 5, 1938. It was a philippic against the policy of appeasement immediately after the then Prime Minister, Neville Chamberlain, had returned from Munich proclaiming "peace in our time", to what Churchill himself acknowledged as "the natural, spontaneous outburst of joy and relief when they learned that the hard ordeal would no longer be required of them at the moment". Churchill was thus almost alone in his defiance of the consensus, and his speech was repeatedly interrupted, but he was undeterred: "What I find unendurable is the sense that our country is falling into the power, into the orbit and influence of Nazi Germany, and of our existence becoming dependent upon their good will or pleasure…We do not want to be led upon the high road to becoming a satellite of the German Nazi system of European domination." The British, he declared, "should know the truth. They should know that we have sustained a defeat without a war, the consequences of which will travel far with us along our road; they should know that we have passed an awful milestone in our history, when the whole equilibrium of Europe has been deranged, and that the terrible words have for the time being been pronounced against the Western democracies: 'Thou art weighed in the balance and found wanting.' And do not suppose that this is the end. This is only the beginning of the reckoning. This is only the first sip, the first foretaste of a bitter cup which will be proffered to us year by year unless by a supreme recovery of moral health and martial vigour, we arise again and take our stand for freedom as in the olden time."

Churchill's dire warning still echoes down the years; indeed, it resonates in this century too. The denial of justice and the rule of law to individuals in Russia and its client states offends against the principles of Magna Carta. And Vladimir Putin's denial of national independence to Ukraine threatens the principle established at Waterloo. The European Union and Nato have failed to assert these principles with sufficient energy to deter Putin.

The British have just voted to hold an in-out referendum on EU, and the result will ultimately turn not only on economic arguments about the costs and benefits of membership, but on the underlying question of sovereignty. The principles of Magna Carta and Waterloo are not obviously compatible with the EU's principle of "ever-closer union", the consolidation of political and legal power in a united Europe. The referendum is intended to resolve, once and for all, the tension between British traditions of parliamentary democracy and the constantly growing and largely unaccountable authority of the European institutions. But a referendum cannot prevent the emergence of a Eurozone with its own rules and momentum within the larger structures of the Union. As the collapse of the Greek economy over the past two years suggests, those structures are being tested and may not prove strong enough to withstand the forces that have been unleashed. The British are mere spectators in the Greek drama, but we are uncomfortably aware that its consequences will affect us too.

The continuity of British foreign policy means that periods of isolation, splendid or not, are a necessary price to pay for upholding our principles. The EU has its own continuities, but at present it is unclear whether its members are prepared to adapt its rules sufficiently to enable the Union to survive into a new era. The British choice is an unenviable one, but in the past they have always chosen to preserve their own principles and traditions rather than surrender national independence. Just as Churchill felt that appeasement was a betrayal of everything that Britain had stood for, so the British today will not vote for the EU at any price. Just as the British must not expect our partners to give up their vital interests to keep us in, so Europe must not expect Britain to sacrifice principles that we regard as permanent aspects of our national identity.