Learning from History?
The 1975 Referendum on Europe
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Ladies and gentlemen, this is a lecture on the previous referendum that we had on Europe, in 1975, held not by a Conservative Government but by a Labour Government, and I think it does show that Europe has been a very divisive issue for many years - it is not just on the present time. Perhaps the most prescient comment made about Europe was made by Ernest Bevin, the Foreign Secretary in the Labour Government after the War, when Britain was asked to join the European Coal & Steel Community, which was the precursor of the European Union, and Bevin said no. He said, “Once you open that Pandora's Box, all sorts of Trojan horses will fly out.” We joined the European Community, as a precursor of the European Union, in 1973, after two failed applications, but we wanted, in a way, to be in Europe but not perhaps quite of it.

All Prime Ministers I think have tried to straddle the benefits of membership with the Eurosceptic feelings of the British public. The question now of course is whether one can still keep those two horses, to change a metaphor, whether you can still straddle those two horses. But Europe has been the poisoned chalice for so many post-War Prime Ministers: Harold Macmillan, whose Government was ruined by De Gaulle's first veto; Edward Heath, who lost narrowly in 1974, partly because of the European issue; Margaret Thatcher fell from power because of the European issue; John Major's Government was ruined by the squabble over Maastricht, another European issue; and Europe of course helped split the Labour Party in the 1980s. We do not know how Cameron will be vis-à-vis Europe.

But there is only one Prime Minister who has triumphed over Europe, and that was Harold Wilson, the Labour Prime Minister at the time the referendum was held in 1975, or at least he triumphed in the short run, and it was a great success, at least in the short run, that it gave the result that Wilson wanted to keep us in Europe, and the Labour Party, for the moment, held together. That triumph was achieved through our first national referendum in 1975. We have had only one other until now: that was on the alternative vote in 2011, which did not quite excite public opinion very much - the turnout was only 43%. It was 66% in 1975, and then our third referendum will be occurring in around a month's time.

In the first national referendum, in 1975, voters were presented with first a statement and then a question. The statement was this: “The Government have announced the results of the renegotiation of the UK's terms of membership of the European Communities.” The question which followed was: “Do you think the UK should stay in the European Community (the Common Market)?” Those two things were kept there because each side said that there were emotional feelings about the phrases because if you talk about being a member of the Community, people said, yeah, we would all like to be members of communities of course; if you talk about markets, people perhaps are not so keen, so they balance them out. But this time, the question is much simpler and there is no statement. The question is: “Should the United Kingdom remain a member of the European Union or leave the European Union?” and you have to tick one of the boxes.

The referendum was advocated in the 1970s, as today, primarily by those who wanted Britain to leave Europe, by those who were opposed to Europe. But, in 1975, the outcome was a two to one victory for Europe, on a two-thirds turnout - roughly two-thirds voted yes and one-third voted no, and the result was announced on 6th June 1975, which was the 31st anniversary of D-Day.

You might draw two conclusions from this referendum: the first was that it was held because the Labour Government had a sincere wish to discover what the British people thought about Europe; and the second was that the outcome of the referendum showed that the British people were enthusiastic Europeans. I think both of these conclusions would be false, and part of my purpose is to show why they are false.

But one very remarkable feature of the 1970s was that party attitudes towards Europe were almost the opposite of what they are today. The Conservatives were almost wholly united in favour of Europe, and the new leader of the Conservative Party, Margaret Thatcher, was almost as enthusiastic as Edward Heath, the deposed leader, about Europe. Labour were split down the middle, the way the Conservatives are now. A majority of MPs were against, and the majority of party members in the country were against, and a minority in the Cabinet were against - roughly similar to the Conservatives today. The Liberals are the only ones of the three major parties who are consistent, the Liberals, or Liberal Democrats today. They were the most enthusiastic pro-European party.

In the 1970s, the nationalist parties, the SNP and Plaid Cymru, advocated a no vote, and they were the only parties in Scotland and Wales to advocate a no vote. They joined the national referendum campaign to argue for exit. The worry then was that, while Britain as a whole might vote yes, Scotland and Wales might vote no and that would cause problems. Now, the problem is different but perhaps more serious now because, with devolution, Britain is more obviously a multinational country than it was in 1975 when there was no devolution. We often hear that the Scots might call for a second independence referendum if they vote yes but the rest of
Britain votes to leave. I think that is overdone, and I think it is unlikely, that with the oil price falling, a Scottish independent government would find it more difficult than it would have done even two years ago. The OBR has said you cannot expect tax revenues from North Sea oil or North Sea gas for five years. And, if Scotland wished to remain in the European Union, they would almost certainly be required, as all new states are required, to join the Euro, and that would be a problem for them because, under the Maastricht criteria, their budget deficit has to be 3% or less, but the Scottish budget deficit at present is 15%, so that would cause serious problems. They also would not benefit from the rebate that Margaret Thatcher secured in 1984. So, I tend rather to think that the suggestion there would be a second independence referendum is something of a bluff.

I think the non-English part of the United Kingdom which would be most affected by a difference in the vote with England is not Scotland but Northern Ireland. That of course is the only part of the United Kingdom with a land border with another country, and I think Britain leaving the European Union would bring the border back into Northern Irish politics. Now, the Nationalists are for Remain, while the leading unionist party, the Democratic Unionist Party, DUP, is for Brexit. The Nationalists say that a Brexit vote would harden partition because of course Ireland would remain in the European Union while Britain was out, so the border would take on more significance. The Irish Government is particularly worried because, while Northern Ireland is a small part of the United Kingdom, of course it is a large part of Ireland. Before we entered the European Union, we had a common travel area with the Irish Republic, which meant broadly free immigration between the two countries, but could you maintain such a common travel area if one country had left the European Union and was having restrictions on immigration from the European Union, but the other country, Ireland, remained in the European Union with free movement of peoples? It would be very, very difficult. Ireland could not negotiate a common travel area on its own with the United Kingdom, it would have to negotiate as part of the European Union. Indeed, it might be required to close the border with Britain by the European Union. The difficulty with that is the border is not what we think of perhaps as the border – it is a rather twisty border that goes in and out of Northern Ireland and the Republic, and in the past, it has been found very difficult to police it, both for purposes of stopping terrorism and for purposes of customs. The difficulty of a common travel area was shown between Sweden and Norway, because Norway is outside the European Union and Sweden in, but Norway joined the Schengen agreement in order that there should be a common travel area. Presumably, Britain, if outside the EU, would be no more likely to join Schengen than inside, so that would not help very much. There would also be a problem of policing the border because there would be a tariff between Britain and the Irish Republic because, for example, cars would be subject to a 10% duty, which is the rate of the common external tariff of the European Union, so you would have to deal with that as well. And the Irish could not on their own sign a trade agreement with the United Kingdom; it could only sign such an agreement as part of the European Union. So, all that could affect the delicate balance of the Belfast Agreement, which was premised on the fact that both Britain and Ireland are part of the European Union, and this assured the Unionists that the north/south dimension was not a step to a united Ireland, but it also of course satisfied the Nationalists that, with the European Union, things were becoming more integrated. So, I think there would be a problem there.

There would be a further problem, which I think has not been fully addressed: if England were to vote to leave by a narrow majority but was overcome by the votes in Scotland, Wales and Northern Ireland, outvoted, if you like, by what people used to call “patronising the Celtic fringe”. That would strengthen I think the arguments for English identity, for an English Parliament, perhaps regional devolution, stronger provisions for English votes for English laws, and so on. So, I think those problems of a multinational Britain are much greater now than they were then, though they were seen then as well but in a different context - Scotland might vote to leave while the rest of the country would vote to stay in.

As I have said, the battle over the referendum then was primarily a battle within the Labour Party, as today it is a battle within the Conservative Party, and in both cases for ideological reasons, that Labour then was a party believing much more in state control than it does today and that it was not natural for such a party to support Europe because there seemed, at that time, a left alternative to Europe which was socialist planning, if you like, socialism in one country or social democracy in one country, and the argument was, if we were free of Europe, we could use state planning and state controls to improve the economic position of Britain. That is paralleled, to some extent, by attitudes in Sweden today, where Eurosceptics are worried that the EU would undermine Sweden’s advanced welfare state.

The first two post-War leaders of the Labour Party, Attlee and Gaitskell, were both strongly against Europe. Attlee was asked, shortly before his death, to address a meeting - this was in the late-‘60s, in the House of Commons of what was called the Common Market Safeguards Committee, which was an anti-European committee, and he gave a very typically laconic Attlee speech. He got up and said “We are asked to join the six,” and then he repeated “the six.” And then he said, “I seem to remember that we spent a lot of blood and treasure during the War rescuing four of them from the other two,” and then he sat down – that was his speech. Gaitskell, as I will say later, said that joining Europe could mean what he called “the end of a thousand years of history”.

Much later and after she left office, Margaret Thatcher was opposed to Europe for the opposite reason, that she said there was a right ideological alternative to Europe, namely the free market, and today, many Conservatives, Neo-Liberals, whatever you call them, people who belong to the Institute for Economic Affairs’ way of thinking, they continue to believe this, though belief in the socialist alternative has mainly disappeared.
There is a group of economists called Economists for Brexit, and the leading economists Professor Tim Congdon and Professor Patrick Minford say that, out of the European Union, we could remove onerous social regulations and become a kind of free-trading global hub, like Singapore or Hong Kong – in other words, Thatcherism in one country.

So, both the ideological left in the 1970s and what you might call the ideological right today were against Europe because it interfered, if you like, with their strategy or their ideology, the policies they thought were right.

But of course, the main argument, then as now, is the argument about sovereignty, and this was well-expressed I think by Attlee’s successor, Hugh Gaitskell, in a speech to the Labour Party Conference in 1962, and I think that he gave the strongest arguments for Euroscepticism and he made very fundamental points which I think are resonated throughout the European debate. He said that, first, if Europe was to be more than a free-trade area, which was always the intention, that power would be taken away from national governments and transferred to unaccountable, transnational bodies, with power to make laws binding on Parliament, and he said this led to the possibility of majority decisions on political issues, just as we are to have majority decisions on economic issues – do we want that?

So that he realised that the European Communities was not merely an international organisation like NATO or the United Nations but a system of law superior to that of Parliament. He then said that any attempt to make the European Communities more democratic would lead to some sort of federal structure that if those unelected European bodies were to be made accountable, there would then be a democratic institution superior to Parliament and Britain would in effect be a subordinate unit in a quasi-federal organisation. It means that powers are taken from national governments and handed over to federal governments and federal parliaments. It does mean, he said, this is the idea, the end of Britain as an independent state, and he said: “We would be foolish to deny, not to recognise, and indeed sympathise, with the desire of those who created the European Communities for political federation. When it is pointed out the Commission is a body which has powers but is not responsible or under anybody’s control, what is the answer? The answer they give us is: “That is why we should set up a federal assembly with powers over them.” What does federalism mean? It means that powers are taken from national governments and handed over to federal parliaments. It means, I repeat it, that if we go into this, we are no more than a state, as it were, in a United States of Europe, such as Texas or California. It may be a good thing or a bad thing, but we must recognise that this is so. We must be clear about this. It does mean, if this is the idea, the end of Britain as an independent European state. I make no apology for repeating it: it means the end of a thousand years of history. You may say let it end, but my goodness, it is a decision that needs a little care and thought.”

What Gaitskell was doing was separating out the two issues of national and parliamentary sovereignty, which are often confused. During the debates in the 1970s, some politicians said no loss of fundamental sovereignty, we could share sovereignty. Now, you can share national sovereignty, as we do in NATO and the United Nations and all sorts of other organisations, but parliamentary sovereignty is an absolute: either Parliament can legislate as it wishes or it cannot legislate as it wishes. It is not a matter of degree, like say baldness. It is something you either have or you have not. You cannot be a qualified sovereign, any more than you can be a qualified virgin – you either are or you are not.

Some may argue the development of the European Union has actually qualified Gaitskell’s criticism because it is developed more into a system of continuous consultation and association of independent states, what De Gaulle called a Europe des Etats, rather than a federal system, but nevertheless, there remains a law-making body which is superior to Parliament. Parliament no longer has neither the sole right to authorise law nor the sole right to tax, and this has become concrete in many people’s minds with the argument about controlling EU immigration because some people say we ought to control EU immigration the way we control, for example, Commonwealth immigration. Now, whether you think that is a good thing or not, Parliament cannot do it – it is legally prohibited from controlling EU immigration, and that is a clear illustration of what it means to sacrifice parliamentary sovereignty. You may think it is a good thing or a bad thing, but it is there.

Gaitskell made a further point which has resonated, that the issue of Europe was of such transcendental importance it could not be settled by Parliament alone but had to be settled by the people, though he did not recommend a referendum but a general election to settle it. He said: “We are now being told that the British people are not capable of judging this issue - the top people are the only people who understand it. That is the classic argument of every tyranny in history. It begins as a refined intellectual argument and it moves into a one-man dictatorship. We did not win the political battles of the 19th and 20th Centuries to have this reactionary nonsense thrust upon us again.” He said the argument that Government knew best was, he said, “an odious piece of hypocritical, supercilious, arrogant rubbish”.

His view, later on – he was long dead by this time – but in 1974, when the referendum was being discussed, Jean Rey, who was an ex-President of the Commission, said this in London: “A referendum on this matter consists of consulting people who do not know the problems instead of consulting people who know them. I would deplore a situation in which the policy of this great country should be left to housewives. It should be decided instead by trained and informed people.”

The referendum came about not for reasons of principle, because the Labour Government had a sincere wish to
understand popular opinion, but for tactical reasons. It was first proposed by a left-winger, Tony Benn, in the late-1960s, and then after the Labour Party's 1970 defeat, in Labour's National Executive, but it had no seconder at first. But James Callaghan, in opposition, very shrewdly said, “The referendum might be a rubber life-raft into which the whole Party may one day have to climb.” Perhaps Cameron could have said the same.

It came about in an unpremeditated way, accidentally, proposed for tactical reasons to avoid a split in the Labour Party because, in opposition, after 1970, the Labour left argued that Britain should leave the European Communities and there was a threat to Wilson's leadership, which he got round by finding a formula to hold the Party together. He said the Labour Party opposed entry on what he called “Tory terms” that a Labour Government would re-negotiate and put the outcome to the people in a general election or referendum. Now, the debate about the political and constitutional merits of the referendum came about only after the commitment was made, and all this is not too dissimilar from what happened in the Conservative Party I think. The referendum was not adopted for principled reasons, but I think, both in 1975 and this year, the concession of a referendum, if you put it that way, reflected popular feeling, that people wanted to be consulted. In his Bloomberg speech proposing the referendum, in January 2013, David Cameron said that consent for Europe was wafer-thin and needed to be legitimised by a further referendum.

I think, in both cases, there was a principled argument for a referendum. The first part of that was that, in 1970, the last General Election before entry, and also in 2015, all three parties were in favour of Britain being in Europe, so if you were a voter who was against Britain being in Europe, there was no way you could show that by the way you cast your vote, so, the party system was not working effectively to allow this issue to be settled in the normal way.

Secondly, I think, even if this had been the case, a decision by Parliament alone would lack legitimacy, and it is a weakness perhaps in the doctrine of parliamentary sovereignty, that some decisions are so fundamental that a decision by Parliament alone does not secure legitimacy. This was well-expressed by the leader of the House of Commons in the 1970s, Edward Short, who said: “The issue of Europe continues to divide the country. The decision to go in has not been accepted. That is the essence of the case for having a referendum.” Cameron, as I said, in his Bloomberg speech, insisted that consent to the European Union was wafer-thin and needed popular endorsement.

This doctrine, of course, has been accepted for transfers of authority now to Europe and also downwards, through devolution, and in any case where a territory wishes to secede, like Northern Ireland or Scotland. So, the referendum gives us some form, perhaps the only form you can have in a system dominated by parliamentary sovereignty, the referendum gives us a check, a form of constitutional protection on a sovereign parliament, a safeguard if you like against major constitutional changes which people do not want.

This perhaps played a crucial role, the promise of a referendum, in Labour's narrow election victory in February 1974. The Labour Government said we will seek a fundamental re-negotiation of the terms of entry – the words were “fundamental re-negotiation”, very similar to the words Cameron used. They proposed six areas where re-negotiation was needed, though some of the Eurosceptics in the Labour Party wanted something further, as the Conservatives have done today: they wanted the right of the British Parliament to reject any European legislation that Parliament did not approve of. The Conservative Eurosceptics also wanted that. That was not achieved. It is not possible to achieve. It is fair to say that the Foreign Office report on the balance of competencies after Cameron’s Bloomberg speech concluded the present distribution of powers between the national governments and the European Union was about right – there wasn't much scope for alteration.

Now, the re-negotiation in the ‘70s was not in fact fundamental but largely cosmetic, and the key decision of principle taken immediately after the February election was not to seek an amendment to the Treaty of Rome, and that outmanoeuvred the ants. By chance, Labour had not won a majority. It had a minority Government and they were going to have another election very shortly – there was a second election in October, just seven months after the first. So, the ants felt they could not rock the boat with another election coming, or they might have said they would resign unless there were amendments to the Treaty of Rome, but they were in a weak position and they were outmanoeuvred by Wilson. Wilson was very skillful in outmanoeuvring them. He told the Cabinet, he said, “If I do not get the changes that I want, that I have laid down in the re-negotiation, I will recommend a no vote,” and the ants went home very pleased about that – Michael Foot, Tony Benn, Barbara Castle, Peter Shore and the rest. But then, shortly afterwards, he made a speech at the Mansion House and said, “If I can get the changes that I want achieved, I shall recommend a yes vote,” and the ants then protested and said “You had no right saying...!” He said, “I did - you look at the minutes! It’s exactly what I said.” But of course, it was put in a quite different way. The re-negotiation process prevented the no side from organising, kept them quiet really, and the other members were broadly willing to concede on a few minor, comparatively minor, specific issues. You may argue the Labour Party had shown, as Cameron has shown, that the EU is fairly flexible. It does not consist just of ill-intentioned foreigners trying to do the British down, and that Europe was prepared to think again if a state felt there was clear injustice.

People said that Cameron really played the same trick, and in the 2015 Conservative Manifesto, it is said that the Government will “reclaim power from Brussels on your behalf”, which you may argue it has not done, though the other things in the manifesto have been achieved. But I think Cameron’s re-negotiation, in some ways, is more significant than Wilson’s, for this reason, that he has achieved, or at least made explicit what perhaps was
already implicit in the European structure: the first is that Britain need not, if it does not wish to do so, accept the aim of ever-closer union, that is political union, and so Britain has an opt-out from the criteria laid out for membership in 1993, the so-called Copenhagen Criteria, by which any member state has to commit itself to economic, monetary, and political union – Britain is committed to none of these aims; and secondly, that Cameron got the Europeans to make explicit that there is to be no discrimination against non-Eurozone member states. It’s accepted the Euro is not the only European currency and that the Euro is not the central feature of Europe, that the central feature is the internal market. So, in my opinion, Cameron’s re-negotiation is perhaps more significant than it may at first sight appear.

But of course, neither Wilson in the ‘70s nor Cameron today could meet the complaints of the Eurosceptics, and whether the Eurosceptics were aware of it or not, they were against the very principle on which Europe was founded, namely the transfer of powers from member states to a European body.

The Cabinet then divided, in the way the Conservatives had: it divided 16 to seven, in favour of Europe. Harold Wilson did what Cameron has also done: he said there would be an agreement to differ during the referendum campaign outside Parliament. The seven included heavyweights in the Government – Michael Foot and Tony Benn and Barbara Castle, leaders of the left-wing, Peter Shore, and three other ministers. Today, seven out of 22, by chance the same number, objected to Britain staying in Europe – it became six after Iain Duncan Smith resigned – and although you may say they’re perhaps not quite heavyweights of the Benn, Foot and Castle variety, two former Conservative leaders favour Brexit, namely Iain Duncan Smith and Michael Howard, although two other former leaders favour staying in, that is John Major and William Hague.

The agreement to differ has become almost commonplace now because of the Coalition of 2010-15, which the Conservatives and Liberals differed on a lot of issues, in particular the electoral system, but it was an innovation then. It had only been used once before, in 1932, which was also a coalition government. This was a single-party government. But the agreement was there only outside Parliament, and one junior minister, a left-winger called Eric Heffer, was dismissed for breaking the guidelines and he was not, very usual, he was not even allowed to resign. He simply received a letter from Wilson saying he was no longer a member of the Government. It was odd, it was very difficult, as I think it perhaps will be today, when anti-market ministers were defending Government policy, and one of them, Peter Shore, said at one point, “When I am speaking from the dispatch box, I am reflecting Government policy as a whole, except when I am clearly reflecting my own policy as the Secretary of State for Trade.”

The Labour Party in the Parliament and in the country was against the majority in the Cabinet, and the Labour Party Conference rejected the re-negotiated terms by two to one, so the Government was at odds with its supporters, as I think Cameron is also.

The issue in the referendum, both then and now, was not really “Do you approve of the re-negotiated terms?” but “Do you want to stay in or do you not?”

They faced the same problem as they do today, a technical problem in a way, but reflects something important, of: who is to be allowed to vote in the referendum? The decision the Wilson Government came to, which the Cameron Government has followed, was this: that we are consulting the people who are sovereign – who are the people? Wilson said, very fairly, the basic importance of the referendum is the outcome should be accepted as legitimate and fair by all, and especially by the losing side, and that meant that “people” must be the standard electorate, not to be altered except as part of a general alteration of the law of citizenship and franchise. That is so today, standard parliamentary franchise. So, the people who can vote are the following: British or Irish citizens resident in Britain, qualifying Commonwealth citizens, and service voters or overseas voters who have not been abroad for longer than 15 years. The only alterations are comparatively small ones: members of the House of Lords and people entitled to vote in Gibraltar, and they’re not probably large enough to affect the issue. The people not allowed to vote, who some think should be allowed to vote, are: citizens of EU countries resident in Britain, except for Cyprus and Malta, which are part of the Commonwealth, so if they qualify as Commonwealth citizens, they can vote, and Irish citizens living in Britain because Ireland became independent, we treated them as if they were still in the Commonwealth, so they can vote. So, the legitimacy of the outcome depends on a genuine belief that the consultation has been in fact with the sovereign people, the electorate, not an ad hoc re-definition of the people undertaken for a particular purpose.

Those who followed the Scottish Referendum of 2014 will know that there was an ad hoc alteration there, because those over 16 were given the vote for that purpose – they do not have the vote for parliamentary elections, for Westminster, but they did for that referendum. In my view, that was a bad precedent, though I am in favour in general terms of giving people of 16 the vote, but in my view, it should be done by a general alteration in the law of the franchise, not for ad hoc purposes, and if there had been a narrow majority one way or the other and the losers had alleged it had only been carried by giving the votes to those from 16 to 18 and that was illegitimate, it would have cast doubt on the whole legitimacy of the Referendum, in my view.

As I said earlier, on a two-thirds turnout, the outcome was a two to one majority for staying in Europe, and that was not due to enthusiasm for Europe. Europe was a low-salience issue, as it, on the whole, is today. The main worry, as you would expect with the British voters, who do not care much about constitutional procedures, rather sadly for the sale of my books, the main worry was a substantive worry: then, it was food prices; today, it is immigration. Oddly enough, the supporters of Europe did not win that argument about food prices because,
just before the Referendum, by 58% to 28%, people still believed food prices would go up more if we stay in – that was the main worry. Immigration is the main worry now. You may say behind that is the issue of sovereignty: should we make the decisions for ourselves or should we surrender that to other people for other benefits, like access to markets and so on? The pattern was set that Europe was unpopular but of low political salience.

It is fair to say that, in the general history of referendums, not always but often, the status quo becomes more attractive as the day for decision goes near, so those who favour radical change must want it very strongly indeed to convince people. The outcome, I think, might have been different if we had held the referendum before we entered – we entered in 1973 – rather than after we entered. I think there were two fundamental reasons for the result.

The first, which may be there today possibly, was fear, that we were then economically the sick-man of Europe, and the Continent seemed to be thriving. Inflation, in June 1975, the month of the referendum, reached 27%, the highest ever recorded. Unemployment was rising and there was a fear of the trade unions. Our European Commissioner, Sir Christopher Soames, who is the father of Sir Nicholas Soames, a strong pro-European, and of Rupert Soames, who, you may have read in the papers, was involved in negotiations between Serco and the Government, Sir Christopher Soames, who was then a European Commissioner, and he said: “This is no time for Britain to be considering leaving a Christmas club, let alone the Common Market.” It seemed that Europe had found the secret then of economic progress, very different from now, and that we could not afford not to be in it. Now, today, of course, the opposite seems to be true, and there is much less enthusiasm for Europe, and the argument is less positive I think. The argument is Europe may not be terrifically good, but better to be in than out.

There was more enthusiasm then, I think, in terms of that particular context.

The second reason for the vote was that people then followed, much more than they do now, the signals given by the political party they supported and by the leaders they supported. The leadership effect was particularly important, and the three party leaders were all for staying in. The ex-Prime Minister, Edward Heath, who was then quite popular in the country, was in favour of staying in. Roy Jenkins, Shirley Williams, William Whitelaw, all popular centrist politicians, said we should stay in. Those who were against were Enoch Powell, Tony Benn, Michael Foot, Ian Paisley, who said “The Virgin Mary is the Madonna of the Common Market”, the National Front, the Communist Party, and the main trade union leaders. The pro-market figures had a strong positive rating in the opinion polls. The antis had mostly a negative rating, except for Enoch Powell, who had a small positive rating – very divisive of course. The pro campaign was very skilful because they tarred all the opponents of the European Union as extremists, and they said this is a question of whether you are a moderate or extreme. So, the fear factor worked again. It was not just fear of what happened economically if we left Europe, but the kinds of politicians it would benefit, the fear of extremism.

At the final rally of Britain in Europe, at the beginning of June 1975, Roy Jenkins said that for Britain to leave would be to go into what he called “an old people’s home for fading nations”. He said: “I do not think it would be a very comfortable old people’s home. I do not like the look of some of the prospective wardens.” Harold Wilson said the main reason for a yes vote was the victory for no would empower the wrong kind of people in Britain, the Benn-left and the Powell-right, who were often extreme nationalists, protectionists, xenophobic, and backward-looking. So, people took their cues from what you might call the Establishment, and once the issue was polarised as moderates versus extremes, the antis had not much of a chance. Would that happen again today, when the parties are more discredited, less tribal voting, and less deference towards political leaders than there was in the ‘70s?

The financial and business establishment was strongly in favour, and the pros had about 10 times more in money than the antis, and outspent the antis in press advertising by over three times. No major newspaper supported the “no”s, except the Daily Express and the Morning Star, which is a communist paper with a small circulation. The antis could legitimately claim unfairness in terms of spending and media coverage. Of course, there is much more balance in spending and much more balance in press coverage, and there are a large number of popular papers that are anti – the Sun, the Daily Mail, and also the Daily Telegraph.

There was a further positive reason for voting yes, that people remembered the War, and they thought about the Cold War, and said there would be no more wars. Now, of course, memories of that have faded, the War and the Cold War, and there is no longer so much fear that if Britain left Europe, the danger of war would increase. So, that was a further factor at that time.

Those who studied the referendum said it was an unequivocal result, two to one, but also unenthusiastic. Support for membership was wide but did not run deep. It was not an expression of confidence, that Europe was a good thing, but fear that we should not leave, so difficult to argue much enthusiasm for Europe.

There was one dog in the referendum that did not bark and it was this: that what united Enoch Powell and his largely working-class Conservative support, and the left of the Labour Party, was a hostility to the Establishment, united by nationalism. What they tried to do was to bring forth an anti-Establishment, grassroots movement against Europe, which we’ve got now with UKIP, the Farage phenomenon. That movement had come about in Norway and had been responsible for Norway voting no, although the elite in Norway, all the main political parties, wanted a yes vote, and that referendum wrecking the governing party. So, again, Wilson’s achievement in Britain is notable.
Enoch Powell, in particular, tried to arouse this grassroots feeling. He said that the British people are being told they must take the advice of the people who know best, as Gaitskell had said, and Powell said: “So, let’s look at the record of those people who know best, who can tell you what can be good for Britain, not just this year or next year but for generations to come. We discover these are the very people who have always been wrong. Not one horse they have tipped has ever won!” Now, this is UKIP’s cry today. Will it be more successful today than it was?

People later said they were deceived, that they were voting for a free-trade area and nothing more. Now, were people deceived? I think, on that issue, they were not.

The Foreign Secretary, Sir Alec Douglas-Home, told the Commons, in June 1971: “On two counts, I am in full agreement with the most vocal opponent of our entry into Europe: the first is that our application is a step of the utmost political significance; and the second is there is a danger of its political importance being overlooked in the public debate on the economic issues.”

The term “Common Market” appeared extensively in the No pamphlet but not in the Pro pamphlet at all, and the Conservative guide to the referendum campaign made it clear that Britain and other member states of the Community are therefore pooling their national sovereignty in certain agreed areas in order to secure a wider and more effective common sovereignty.

Edward Heath, in his first Commons speech since returning to the backbenches, said: “The European Community was founded for a political purpose, not a party purpose, not even a federal purpose as some would argue. The political purpose was to absorb the new Germany into the structure of the European family, and economic means were adopted for that very political purpose.” Today, the issue is still a great political issue. The Government pamphlet to every household did mention sovereignty and the need to share it, though it did not say the European Union was a superior legal order and was superior to Westminster.

In defence of the Government, you might say that they did emphasise the national veto which then existed for most policies, so it was not misleading to say what they said, that no important new policy can be decided in Brussels or anywhere else without the consent of a British Minister, answerable to a British Government and a British Parliament. We can see Edward Heath saying that, before we entered the European Community...

Recording

When I first discussed all of this with Jean Monnet in 1960, when I first was asked by Mr Macmillan to start exploring the possibilities, I went and talked to Jean Monnet and we went over the whole field, and he said, “You people in Britain, you’ve always been worried about sovereignty. Now, I must tell you that if one of the members of the Community has something which it regards as vital, the others are not going to overrule it. And why? Because they know it would break up the Community.”

The Anti market pamphlet, which was also distributed to every household, did point out that European law was superior to Westminster, but it said the Common Market sets out, by stages, to merge Britain with France, Germany, Italy and other countries into a single nation, which was, I think, absurd. But the Anti marketeers themselves did not say that Heath and others misled the British people, and you can see that from the following video, from a leading Anti marketeer, Enoch Powell.

Recording

...re-elected by the electorate, then this is an ongoing debate.

Yes, but you, with respect Mr Powell, you have picked out one sentence from a passage which deals with the constitutional position...

That is right.

...and not with the practical position, because are you suggesting that, from now on, you and others who feel like you should continue a parliamentary struggle to get Britain out?
But of course! Of course! This is like September 1938. In September/October 1938, I am sure that the vast majority - if Neville Chamberlain had gone to the country, he would have had...he would have swept the country for an active abnegation, but the very same people, within 12 months, when they saw behind the façade, when they penetrated to the realities, stood up to fight for the continued existence of their nation, and that is what will happen.

But, yeah, you are saying that this is a kind of Munich?

Yes, I am.

I see.

You seem surprised.

And when you do you see our 1940 coming, when we’re going to stand alone?

Well, let us have 1939 first, when we decide that we have to fight. You see, I simply do not believe, although - and I make no complaint of the Pro marketeers, particularly people like Edward Heath and Peter Kirk. They have been beyond criticism in that they have made it perfectly clear that to remain part of the Common Market is to renounce national status for Britain. They say the nation state is obsolete and we are to recognise it.

Who are you going to get to support you in your continuing parliamentary struggle to get Britain out of the Common Market, Mr Powell?

Well, as the House of Commons, week by week, has to debate the consequences of being in the Common Market, it will, as it tends to do, filter through to wider and wider areas that they were rightly told by people like Edward Heath that this did in fact mean that they would become a province in a new state. I do not believe that when that it is realised that it will be assented to.

I’ll come to Mr Whitelaw, who’s down at the Waldorf Hotel listening to us, in just a moment, but-

I have got something for Mr Whitelaw.

May I put one point to you, Mr Powell? I remember you, two or three years ago, when you were still in the Conservative Party, at the Party Conference in Brighton, predicting, with total conviction and certainty, that this country would not go into the Common Market. May I suggest to you that your prediction now is no more right than that one was?

You have two events, if I may say so, slightly confused. One was the Conservative Party Conference where I said that I would never assent to the act of abnegation involved in Britain joining the Common Market, and a meeting in East Ham, in September 1971, when I said it will not happen. I am still convinced that it will not happen. I am still convinced that the people of this country cannot be absorbed into a European state.

May I just point out that Wiltshire has said yes and Oxfordshire has said yes, and could I point out to Mr Powell that he did say, as he has confirmed, that we will not go into the Common Market and we did go into the Common Market, and are you not just as wrong now as you were then?
No, Sir, the British people do not mean it because they still have not been able to credit the implications of being in the Common Market. They still think they will be a nation. They still think they will govern and tax and legislate for themselves. They are mistaken. It is not the fault of many of the Pro marketeers that they are mistaken, but it is a thing so incredible to them that I’m not inclined to blame them over-much, but they will learn.

Mr Whitelaw, have you been listening to us?

Yes, I have.

Well now, what do you say to that, a parliamentary struggle, led or perhaps solely carried on by Mr Powell, to get Britain out of the Common Market, on the basis of this clear and unequivocal statement in the Government pamphlet that our membership will depend on the continuing assent of Parliament?

Well, Enoch Powell of course is entitled, as always, to say what he intends to do, and I don’t dispute what he will do because I’m sure that is exactly the line he will take. What I would hope is that now the British people have voted, or look like voting anyway, overwhelmingly, for staying in the European Economic Community, we can put all the uncertainty of the past behind us and we can now go forward as constructive partners in that Community, sharing with our partners exactly how that Community should develop in the future to the benefit of all its peoples.

Do you think, Mr Whitelaw, that this Common Market campaign has perhaps had some effect in re-opening the question of how the Conservative Party should be led, because many people are remarking on the tremendous personal resurgence and revival of popularity of Mr Heath? May I point out that Durham has said yes? And come back to the point that people are saying Mr Heath is making a tremendous political comeback and who can know what will happen?

Well, of course, the first thing I think one ought to say is that the Conservative Party, as a whole, has overwhelmingly supported Britain staying in the European Economic Community. Indeed, an enormous part of the result and what has been achieved is due to those people who normally support the Conservative Party. I am delighted. I am delighted about that. I think it is very important indeed. Margaret Thatcher made it perfectly clear that’s what she wanted our Party to do. That is what our Party has done. Certainly, Ted Heath has had an enormous success in this campaign. He is the person who, as Prime Minister, took us into Europe. I was proud to be one of his Cabinet Ministers at that time. He did it, and he has shown to the country the great conviction he had behind doing it, and it is an enormous achievement.

So, you are saying, Mr Whitelaw, that the Chairman of the Conservative Backbenchers’ Committee, Mr Edward du Cann, was talking tripe the other night?

Mr du Cann must talk for himself.

Was he talking sense, in your view?

No.

Do you think he can remain as Chairman of the Conservative Backbenchers’ Committee when he makes-?
Well, there is a lot in that, but you can see that Enoch Powell did concede that the pro-Europeans had not said we were just joining a free-trade area, that they had put the argument fairly. He said that they were wrong, but that they had not tried to deceive people, and I think that is right.

The referendum, in one sense, legitimised Europe, and one of Harold Wilson’s advisors said that Edward Heath had taken the British Establishment into Europe but it needed Harold Wilson to take the people into Europe. You may say, now, the case for the second referendum is that most of the Establishment remain in Europe but it is doubtful, and we need to test perhaps, whether the people are still in Europe.

The result was very much, I think, due to Harold Wilson’s very skilful handling of the Labour Party – no split in the Labour Party, held together. Europe, which had destroyed, I think, Heath, Margaret Thatcher, and Major, did not destroy Harold Wilson. Now, Wilson said, after the referendum, and this is where Powell contradicted him, the referendum had settled the issue. He said: “The verdict has been given by a bigger vote, by a bigger majority than has been received by any Government in any general election. Nobody in Britain or the wider world should have any doubt about its meaning. It was a free vote, without constraint, following a free democratic campaign, conducted constructively and without rancour. It means that 14 years of national argument are over. It means that all those who have had reservations about Britain’s commitment should now join wholeheartedly with our partners in Europe.” The outcome seemed very fortunate. It was clear, indisputable, and an endorsement of the view of the majority in the Cabinet – a large majority and a high turnout, a yes in Scotland. Only two parts of the country voted against: the Western Isles and Orkney and Shetland. It seemed to hold Labour together. Tony Benn, who was in favour of us leaving, said: “I have just been in receipt of a very big message from the British people. I read it loud and clear. By an overwhelming majority, the British people have voted to stay in, and I’m sure everybody would want to accept that. That had been the principle of all of us who advocated the referendum.”

You have to ask what would have happened with a “no” vote, and what will happen with a “no” vote this time, when people would have said we reject the policy of the Government, we reject the Prime Minister’s advice – can the Prime Minister survive such a rejection? Can Parliament and Government carry through a policy to which they are opposed?

The antis want to restore parliamentary sovereignty, but if they succeed, parliamentary sovereignty would be limited not by Brussels but by the people because Parliament will have to carry out a policy it does not agree with, both in 1975 and 2016. That would be the first time in British history and it shows that the referendum can be a new method of making laws, a new way of making laws, in which the people are the third chamber who can overcome the first chamber, that is the House of Commons.

Could the Government have gone on? The failure of devolution in 1979 destroyed the Callaghan Government. The Government in Norway resigned after its recommendation that Norway should join Europe in 1972 was rejected. Cameron said that he would have resigned in 2014 if Scotland had voted for independence. Can he stay on if there is a Brexit?

I want to conclude with two paradoxes. The first paradox was that the purpose of the referendum was to hold the Labour Party together, but by bringing the Labour right-wing together with the Liberals in the campaign, it made many of them, like Roy Jenkins, think they had more in common with the Liberals than they did with their own left-wing, so the referendum exposed Labour’s differences with the “agreement to differ”. You had members of the Cabinet arguing with each other in public, in an unseemly way, as you can see from the third episode...

Recording

Tonight, for the first time in this referendum campaign, Labour minister meets Labour minister to discuss the arguments for and against Britain’s continued membership of the Common Market.

Do not put words-

Tony Benn: Cut the umbilical cord that links the lawmakers with the people and you destroy the stability of this country.

You are asking the British people now-
Tony Benn: ...to destroy democracy.

...to take a terribly disruptive decision...

Tony Benn: ...to destroy parliamentary democracy.

...at a time of great fragility for the British economy and to subject themselves to great dangers in the future.

So, you can see, that appeared unseemly.

Jenkins said he found it increasingly difficult to take Benn seriously as an Economics Minister and that he should resign in case of a yes vote in the referendum. You may say if you thought the policy was so disastrous of staying in, why are you remaining in the Cabinet? This shows I think that collective responsibility is not just an abstract constitutional principle but a maxim of prudence for any public body. What confidence would we have in a board of directors which disagreed on fundamental matters in public, or any public body, any public organisation that squabbled in public amongst themselves? Even if a student union came to the Vice-Chancellor with various demands and the Vice-Chancellor said “Do you all agree with this?” and one lot said, “No, we do not actually – we think something different,” you wouldn’t take it very seriously. So I think collective responsibility, the undermining of it, causes trouble. It did not matter in the short run, but it did later on because the referendum pre-figured the split in the Labour Party in 1981 when the SDP was formed, and the referendum had loosened tribal loyalties in the Labour Party. Will it do the same with the Conservatives, not perhaps for a new centre party but perhaps encouraging people to join UKIP?

The second paradox was this: that the referendum was meant to put an end to the argument for good. You remember what Wilson said: the verdict means that 14 years of national argument are over. But you will also remember what Enoch Powell said, and he said it was a provisional result since the Government’s official statement had actually admitted “our continued membership will depend on the continuing assent of Parliament”. By 1980, the Labour Party in opposition, under Benn’s influence, was proposing to leave Europe without a referendum, and that was in the Labour Party election manifesto under Michael Foot in 1983. In 1992, Margaret Thatcher was calling for a referendum on Maastricht. So, the referendum settled the European issue only for a short period. Now, it was not really an endorsement of Europe. It was perhaps something else because the real question was not so much, then, should we stay in Europe, but which set of leaders do you really trust to govern the country? So, it did not settle the issue because it depends, as Powell said, on the continuing consent on Parliament, but also, something he did not say, on the continuing consent of the people, just as a referendum has not finally settled the issue of Scotland, or I think probably the electoral system, and the referendum answers a question but it does not settle it, and there is an asymmetry because I suspect, if we leave Europe, that is final, we would not join again, but if we stay in, particularly by a small majority, there will be further campaigning to alter the verdict, as of course there is in Scotland. So, it did not really legitimise British membership of the European Union, as people hoped it would do, and it’s not clear whether it will now or not.

One has to remember the Conservatives see themselves as the patriotic party, the party of the nation, and therefore perhaps the European orientation always stood a bit awkwardly with them, and they favoured Europe not for reasons of nation but of state, that it would help the economy, that Europe will, as it were, deliver, and many Conservatives say it has not now delivered. For many Conservatives, I think Brexit is a way of traumatising the guilt of the past, the defenestration of Margaret Thatcher, annoyance at the ERM experience from 1990 to 1992, annoyance at the Maastricht Treaty. All these factors have legitimised Euroscepticism so that pro-Europeans are on the defensive in the Conservative Party. It is quite easy to have a leadership election in the Conservative Party. It needs only 15% of Conservative MPs, which is 50, to write anonymously to the Chairman of the 1922 Committee, and there is then a leadership election.

The effects, either way, I think, of the referendum could be very strong indeed. As I said, if Brexit wins, it will be very difficult I think for the Prime Minister and Government to carry on. There would be a crisis of confidence in British politics and it would be of great difficulty.

Europe is still a low-salience issue, so opinion can switch rapidly and there is no guarantee that voters would be voting on Europe rather than some other issue, and we do not know to what extent the voting will be influenced by what politicians and leaders say. But of course, the key question really is whether the Establishment can still pull it off in the way they did in 1975 or whether the anti-Establishment campaign that Enoch Powell vainly tried to summon up in 1975 will succeed today. The fear element then kept us in. Will it do so today? No memories of the War now, and even memories of the Cold War are fading.

Roy Jenkins, when asked to explain the yes victory, said, I think rather incautiously, in 1975: “People took the advice of those they were used to following.” This leaves open a large question: will they still take the advice of
those they are used to following?

Well, I am not going to make a prediction because it is difficult enough to find out, as a historian, what actually happened in the past, let alone what is going to happen in the future. I once heard the Oxford historian, A.J.P. Taylor say that we learn from history not to make the mistakes of the past, and that leaves us free to make new and different ones instead.

But I will draw one perhaps slightly sententious conclusion, that both referendums are good things, that they compel us, the public, to think more carefully about the issue than we would otherwise have done, and there are discussions and arguments amongst families and friends, many of whom are divided, and it means we are much less passive consumers of policies than we would otherwise be. The greater danger to democracy, in my view, is an inert electorate, one that has ceased to think about public issues. John Stuart Mill once said, “We learn to swim or cycle not by reading books about swimming or cycling but by actually practising it by doing it.” Similarly, we learn about democracy not by reading books about how good it is but by doing it, that is by participating in making decisions. So, the one firm conclusion that I am prepared to offer you is that the referendum is a good thing, whatever the outcome on 23rd June.