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Brexit's Libertarian Fallacy

Le Brexit : un libertarianisme de posture

Alicia-Dorothy Mornington

Introduction

- 1 On 23 June 2016, 51.9% of Britons decided their country should leave the European Union (EU). The official Vote Leave campaign, led by Gisela Stuart and Michael Gove, triumphed. So did the UK Independence Party (UKIP), which campaigned with the other Leave group, Leave.EU. The victory of the Brexiteers is due, at least in part, to their rhetoric, as they succeeded in framing the EU as a despotic power encroaching on British freedom. Britons were exhorted to regain self-government and free themselves of an illegitimate entity. “*Take back control*”¹ – this call to the British people was a powerful plea to regain an alleged loss of sovereignty.
- 2 This argument for self-rule was one of many put forward. The discussion also focussed on how leaving would benefit trade and the NHS. The Vote Leave’s motto was “*we send the EU £350 a week, let’s fund the NHS instead*”, a statement which was later disavowed. Brexiteers also played on voters’ fears of being swamped by immigration. UKIP played a key role in framing the debate towards this issue, for example with its “*Breaking Point*”² poster, which showed a long queue of non-white migrants, suggesting an impending invasion of a horde of foreigners. Anti-elite stances also dominated Brexiteers’ speeches. A salient point of this tendency was perhaps Michael Gove questioning the legitimacy of economic expertise forecasting Brexit’s negative impact, when he claimed Britons “*have had enough of experts.*”³
- 3 The Brexiteers’ discourse was multifaceted, yet the argument for sovereignty does appear to constitute a recurrent and uniting cry. It can be interpreted as liberal in the sense that it is a demand for autonomy and freedom. The pro-Brexit discourse features some irresolutely liberal and even libertarian elements this paper proposes to define and analyse. Voters may have been convinced by the Leave campaign’s libertarian message rather than by its xenophobic undertones. It is important to acknowledge this, in order to

avoid caricaturing the Leavers' intent and understand the result of the referendum. To discuss this, we will start by looking at the role liberalism played in the Brexit debate, before examining the place of libertarianism with particular reference to UKIP. We shall conclude by looking at the libertarian case for Brexit.

Brussels the Despot

- 4 To begin with, a discourse analysis of the Brexiteers' speeches reveals frequent references to classical liberalism. Self-determination and sovereignty constitute recurrent themes. This conveys the impression Brexiteers are eager to be seen as the true heirs of the liberal tradition. We see this in this speech of Boris Johnson, a leading Brexiteer: *"It is we in the Leave Camp - not they - who stand in the tradition of the liberal cosmopolitan European enlightenment (...). They are fighting for an outdated absolutist ideology, and we are fighting for freedom."*⁴
- 5 Classical liberalism⁵ is a theory seeking to denounce illegitimate political authority, typically opposing individuals to the state. Locke, who is often seen as the founding father of classical liberal thought, argued that: *"men being by Nature, all free, equal and independent, no one can be put out of his Estate, and subjected to political power of another, without his own consent."*⁶ Because man is free to determine himself, he must consent to political authority for it to be valid. In other words, this innate natural freedom of man makes consent a prerequisite to political legitimacy.
- 6 Lockean liberalism is highly suspicious of the state, and seeks to protect individual freedoms against infringements by offering a system of checks and balances. For Locke: *"whoever gets into exercise of any part of the power, by other ways, than what the Laws of the Community have prescribed, hath no Right to be obeyed (...) since he is not (...) the Person the People have consented to."*⁷ Violation of the people's consent justifies civil disobedience. The social contract does not give the state a *carte blanche*.⁸
- 7 The Leave campaign represented itself as the champion of liberalism. Brussels was satirised as an overbearing tyrant encroaching on Britons' natural right to determine themselves, and the British Parliament as a victim of this despotism. Nigel Farage, the former leader of UKIP, expressed this idea clearly when he claimed that with EU membership *"Parliament is reduced to the level of a large council. No one knows for sure exactly how much of our law comes from Brussels. Could be 70 or 80 per cent."*⁹ The idea that the extent of domination is such that it cannot be properly estimated overemphasises the argued loss of sovereignty created by EU membership. The British Parliament is portrayed as Brussels's vassal. In a country that prides itself on its liberal heritage, this rhetorical strategy painting the EU as an illegitimate super-state was a persuasive one.
- 8 Using liberalism's core paradigm of the state antagonising the individual reinforces this idea. Yet this classic dichotomy is applied here to a radically different context, because the EU is not a state, and Britain is not an individual whose rights are being encroached. This is an intentional confusion of scale. In fact, Britain is precisely the state Locke was weary about. He sought to prevent the British state's possible violations of liberty, not to defend it. Yet the Leave discourse forces the EU into the figure of liberalism's opponent, the despotic state. The Leave campaign probably exploited liberalism's rhetoric because it was presumed to be highly effective, in particular in the UK, the birthplace of liberal thought. Yet in fact this contradicts liberalism's core message by substituting the classical

opposition of the individual and the illegitimate state, for that of Britain versus a despotic EU, as if the substitution was perfect. Boris Johnson does this in the following quote:

What was once the EEC has undergone a spectacular metamorphosis in the last 30 years, and the crucial point is that it is still becoming ever more centralizing, interfering and anti-democratic (...) The independence of this country is being seriously compromised. It is this fundamental democratic problem – this erosion of democracy – that brings me into this fight.¹⁰

- 9 Portraying himself as a champion of democracy, Johnson utilizes classical liberal arguments to support his anti-European position. Arguing the EU is ‘interfering and anti-democratic’ means it is illegitimate as it exceeds its remit. Lord Howard of the Leave campaign similarly argued “*we should resolve to recover control of our destiny and once again become an independent self-governing nation.*”¹¹ This classically liberal call for independence is an explanation of Leave’s success – it managed to frame itself as representing the liberal side of the referendum, thereby necessarily designating Remainers as enemies of freedom.
- 10 It appears surprising that this argument was not addressed (to our knowledge) by Remain, given that its premise is incredibly weak. It naïvely assumes the UK can do no harm although in the liberal model the state is precisely the chief suspect. Of course, from a liberal perspective, one may be tempted to try removing as many layers of government as possible. Therefore it would make sense to describe the EU as a threat to freedom. However, the EU can also be depicted as a powerful tool to limit the state. In reality, a very good argument could be made that Brussels, far from being antinomic with freedom, actually constituted an eminently liberal system of checks and balances, much needed to protect individual rights against their encroachment by Westminster. What we can say for now is that the caricature of the EU as a despotic ruler relies on an overly optimistic perception of the British state. This blind faith in the state blatantly contradicts the Lockean heritage. We can therefore say that Leave’s portrayal of its cause as liberal is a fallacy, because it erroneously substitutes liberalism’s opposition to the state with the EU, even though the latter can be envisaged on the contrary as an antidote to an overbearing illiberal state.

UKIP and/or libertarianism

- 11 The second remark we wish to make regarding political discourse in the Brexit campaign is the hijacking of the term ‘libertarian’ by UKIP in British politics.¹² UKIP is a party created in 1993. It evolved from being a single-issue party – entirely focused on securing British withdrawal from the EU – to coming third in the 2015 general elections. According to Article 2.5 of its constitution, available on its website, the party defines itself as: “*a democratic, libertarian Party.*”¹³
- 12 What is libertarianism? Before looking at UKIP’s choice and inflections concerning the libertarian label, we must first define this concept. Libertarians believe in keeping state power to a minimum in order to maximise individual freedom. The state’s sole purpose should be maintaining security and guaranteeing contract enforcement. This theory is deontological, which means it reasons in terms of abstract rights and the notion of justice.¹⁴ In other words, it is not consequentialist.
- 13 Libertarianism claims individuals possess natural rights, and respecting them is a matter of justice. Political legitimacy rests on the consent of the governed. A state is only

legitimate if its citizens have consented to its authority. Defined as such, libertarianism is indistinguishable from Lockean liberalism. Libertarianism does indeed retrace its footsteps back to Locke. The other main work composing the classical liberal tradition is Mill's *On Liberty*, which argues that the state should be as neutral as possible in order to protect individual freedoms.¹⁵ Advocates of classical liberalism value autonomy and, as previously discussed, are suspicious of the state, seen as a potential despot. Libertarians concur: the state is only legitimate when it helps individuals exercise their rights, and always illegitimate when it tries to impose preference-specific policies. People should have the freedom to decide how they want to lead their lives, regardless of how others may feel.

- 14 The difference between classical liberalism and libertarianism is blurry. Libertarians usually claim affiliation to classical liberalism, because of their shared values of liberty, autonomy and freedom of contract. Although Locke and Mill can be read as libertarians, this reading is selective, because elements in their theories can justify a much more significant degree of state intervention than what libertarians are happy with.¹⁶ Moreover, libertarians are more radical than classical liberals in their questioning of the state's remit, advocating for the abolition of borders.
- 15 The Austrian School of Economics significantly influenced libertarianism. Thinkers such as Friedrich A. Hayek,¹⁷ Ludwig von Mises, and Milton Friedman were pivotal in developing this theory, advocating economic *laissez-faire*, principally because they argue that the state is inefficient. Libertarianism has been mainly developed in the second half of the twentieth century by American thinkers such as Murray Rothbard¹⁸ and Robert Nozick. The latter is the figurehead of the deontological approach of libertarianism. For him, justice requires minarchy. In his pivotal work *Anarchy, State and Utopia*,¹⁹ written in 1974 as a reaction to John Rawls' *Theory of Justice*,²⁰ which defends redistributive justice, Nozick argues in favour of: "*The night-watchman state of classical liberal theory, limited to the functions of protecting all its citizens against violence, theft, and fraud, and to the enforcement of contracts.*"²¹
- 16 Nozick understands freedom and justice as respect of self-ownership, which consists in property rights that every person has on their body. To ground his theory, he uses Locke's idea of property developed in *Two Treatises of Government*, in which he explains "*every Man has a Property in his own Person.*"²² Locke means that man, with the work of his hands can acquire objects or land: labour has an acquisitive power. The state is illegitimate if it tries to redistribute property. Libertarianism is a capitalist doctrine in the sense that it understands property as inherent to individual liberty.
- 17 Nozick thus stands against redistributive justice (but not against charity): this may irk liberals with egalitarian sympathies. At the same time, his position justifies absolute *laissez-faire* and toleration concerning religious and private sexual practices and thus forbids any sort of state-led discrimination. Libertarian arguments have been essential in fighting for LGBTQ and women's rights. '*It is my body*' – all who oppose social conservatism use this proprietary rhetoric to defend autonomy. None outside the individual owns their body, and this ownership trumps the interest of others. In moral discussions, this argument has become ubiquitous. Anyone convinced minorities have the right to live as they wish will find libertarianism appealing at least in this respect.

Seeds of libertarianism

- 18 After defining libertarianism, we can now examine UKIP's claim to be a libertarian party. This must first be put into historical context: this choice fits in a long yet often overlooked British libertarian tradition. In the UK, libertarianism is not as prevalent as in the US where there is a Libertarian Party that is politically significant.²³ However libertarianism forms a growing undercurrent in British politics. Several academics, in particular Heath, Evans and Martin, have argued that since the 1960s, the main polarising axis of political opinion in British life has been the classic left-right opposition as well as the tension between authoritarianism and libertarianism.²⁴ Authoritarianism can be defined as a political system advocating for a strong central state and limited civil liberties.²⁵ For Greenleaf, British politics is the product of a tension between collectivism and libertarianism.²⁶
- 19 Moreover, as Tilley shows in a study based on British Election Survey data, the British electorate has become significantly more libertarian from 1974 to 2001.²⁷ Palmer concurs when he says that libertarian preferences have been instrumental in the return to power of the conservatives in 1979.²⁸ Heppell argues that the conservatives have had a libertarian faction since the 1970s: *"libertarian conservatism, based on a mistrust of the state, was on the defensive for the majority of the twentieth century, until the disillusion with the post war consensus prompted a growth in libertarian thought."*²⁹
- 20 For Heppell, Thatcherism is a derivative of libertarian conservatism.³⁰ We can see how Thatcher appealed to libertarian sympathisers. Her famous speech on society can be understood as quintessentially libertarian: *"a man's right to work as he will, to spend what he earns, to own property, to have the state as a servant and not as master: these are the British inheritance. They are the essence of a free economy. And on that freedom all our other freedoms depend."*³¹ This credo is eminently Lockean and Nozickean – property rights are exclusive and absolute. No entity can have a claim on private property. This line attempts to counter ideals about justice requiring redistribution of property.
- 21 Thatcher did indeed possess libertarian credentials – she cited Hayek as a source of inspiration³² and fought against unions. During her term, the Police and Criminal Evidence Act³³ was passed (1984), which protects civil liberties by limiting the police's search authority. She was one of the few Tories to vote in favour of legalising both abortion and homosexuality in 1967, a brave move considering the politically conservative context. Yet it was under her watch that Section 28 of the Local Government Act 1988 was adopted, a piece of legislation stigmatising homosexuals, forbidding schools from teaching *"the acceptability of homosexuality as a pretended family relationship."*³⁴ Her belligerence in the Falklands and advocacy for British nationalism also contradict pure libertarian ideology, which defends non-aggression.³⁵ Moreover, Thatcher did not succeed in completely rolling back the welfare state, although she did oversee major privatisations (British Airways, British Gas, etc.); the NHS and the BBC were still standing at the end of her mandate. To conclude, economic *laissez-faire* was an essential part of Thatcherism, but she was less inclined to follow through with social liberalism. This is why Rothbard criticised her for using free market rhetoric to defend a statist agenda.³⁶³⁷
- 22 So far, we have seen that at least since the Thatcher era, a significant part of the electorate sympathises with libertarian ideas, and that Thatcher used libertarian rhetoric to defend her pro-market agenda. UKIP's affiliation to libertarianism, as stated in its

constitution, fits in this tradition. Farage himself cites Thatcher as an inspiration: “as an individual and a libertarian, however, I was an enthusiastic supporter of Maggie and a believer in the self-reliant, self-determining society which she envisaged.”³⁸ As we shall see, UKIP’s professed libertarianism shares Thatcherism’s ambiguity towards libertarianism.

Half-hearted or crypto-libertarians?

- 23 One hypothesis to explain UKIP’s self-definition as libertarian is that it sought to avoid other epithets. First, defining oneself as a libertarian is far less stigmatising than as a far-right sympathiser. UKIP tried to distinguish itself very clearly from the British National Party (BNP). As Tournier-Sol argues: “UKIP was infiltrated by the far right in the past, and has been striving since then to project a non-racist image.”³⁹ Farage emphasized this point in 2013: “we are the only party that bans the BNP from membership (...) UKIP opposes racism.”⁴⁰
- 24 Second, the libertarian label was perhaps more attractive than that of populism. Canovan defines this term in the following manner: “populists see themselves as true democrats, voicing popular grievances and opinions systematically ignored by governments, mainstream parties and the media.”⁴¹ Populism is an “appeal to ‘the people’ against both the established structure of power and the dominant ideas and values of the society.”⁴² As Taggart holds populist movements are “of the people but not of the system.”⁴³ They seek to destabilise the existing system and systematically attack its core structure, and its perceived representatives.
- 25 There is some overlap with libertarianism in a minor sense, because it is also radical – getting rid of the state means existing institutions need to be replaced. The main difference between the two is that populism often relies on stigmatising groups whereas libertarianism is non discriminatory. Moreover, populist movements develop a much less coherent worldview. UKIP’s discourse features the catch-all denunciation of the political establishment. For example, Neil Hamilton, a former Tory MP who defected to UKIP, attacks “the deracinated political elite of parasites, the bureaucrats, the Eurocrats, the quangocrats, the expenses-fiddlers, the assorted chancers, living it up at taxpayers’ expense”, arguing that it is UKIP’s role “to sweep them all away.”⁴⁴ UKIP also uses xenophobic arguments, for example when Farage claimed: “this country in a short space of time has frankly become unrecognisable (...) you don’t hear English spoken any more. This is not the kind of community we want to leave to our children and grandchildren.”⁴⁵
- 26 Farage himself admits that UKIP’s core ideology is weak: “the typical UKIP voter doesn’t exist. (...) One thing many have in common: they are fed up to the back teeth with the cardboard cut-out careerists in Westminster.”⁴⁶ Being anti-establishment is what holds UKIP together. This goes with a gloves-off approach characteristic of populism: speaking the truth in a compassed politically correct liberticidal environment. As Farage claims “we don’t go ‘are you thinking what we’re thinking’. We say it out loud.”⁴⁷

Removing the label

- 27 Tournier-Sol argues that UKIP initially adopted libertarianism but more recently moved away from it.⁴⁸ It sought to cease being a niche, fringe or single-issue party to one that can actually win elections. UKIP’s self-branding confirms this. In late 2014, the party manifesto changed, it no longer describes the party as “a libertarian, non-racist party seeking withdrawal from the European Union,”⁴⁹ even though its constitution stills uses this

epithet. It would thus make sense to conclude the party sought to change its labelling, from being a libertarian party – a term most people are not necessarily familiar with – to a professional party able to compete with the Labour and Conservative parties. Indeed, in 2015 Farage also stated “*we’re not libertarians.*”⁵⁰ This contradicts his self-description as libertarian in 2011, as cited above. Between 2011 and 2014 then, the term was dropped. This suggests libertarianism would then only constitute a stage in the party’s development.

- 28 Another view would be that the move was simply tactical and that UKIP is in fact now a crypto-libertarian party. This is what Tom Burnsall, a UKIP Councillor in Windsor who defected from the Conservatives in 2012, argues in a column posted on the far-right opinion website *Breitbart* in 2014. He claims dropping the label was only strategic, and that UKIP remains strongly libertarian at heart. He starts by explaining the initial choice of the libertarian label: “*The narrative UKIP started to take in 2009 was a libertarian one: small state, low taxes etc. Naturally this appealed to many of those in the Conservative Party. However, the party also had (and still does) strong policies in law and order, immigration, and of course Europe.*”⁵¹
- 29 Burnsall admits the tension between authoritarianism and libertarianism but does not see a contradiction; UKIP represented the fusion of these two theories. Further on he contends that:

all parties evolve with time and it is sensible that they do so. (...) In our constitution, UKIP is still a ‘libertarian party.’ Sure, our internet strapline no longer reads ‘a libertarian, non-racist party seeking withdrawal from the European Union’ – but this is a change of political professionalism not policy departure. (...) Also, does the average chap on the streets of Basingstoke or Bromley know the philosophical attractions of Neo Classical Liberalism? Probably not – so, best communicate on a level we all understand.
- 30 In other words, the term ‘libertarian’ was probably too obscure for the working class electorate UKIP is now aiming to sway.
- 31 However, we must question Burnsall’s response to *Breitbart*. Was he simply trying not to alienate *Breitbart*’s libertarian readers by claiming UKIP remained libertarian at heart? Or was he simply expressing his own opinion, yet which does not represent the party’s? At any rate, the libertarian label has not completely disappeared from UKIP’s website and thus it remains ambivalently libertarian.
- 32 UKIP’s change of description takes us back to the definition of populism. Canovan argues that “*populism challenges not only established power-holders but also elite values.*”⁵² For her, values defended by populism depend on those defended by the establishment at any given time. UKIP’s position is thus constantly adapting to its political environment. If the establishment is defined as David Cameron and his brand of liberal-conservatism, emphasized during his alliance with the Liberal Democrats since 2010, it makes sense that the libertarian label would eventually be dropped by UKIP in 2014. In other words, in 2014, libertarian ideas perhaps seemed to have become too mainstream for UKIP.

Anarchy, State and the European Union?

- 33 If we now turn back to the Brexit debate, it is ironic that Brexiteers were the ones to claim to be libertarian because in fact their project contradicts this theory. First, libertarians are committed to free movement of people. The libertarian utopia is one of a

world without borders, such as the one described by libertarian thinker Chandran Kukathas in *The Liberal Archipelago* for example.⁵³ The EU, in particular the Schengen agreement which guarantees free movement of people, which the UK did not sign, is eminently libertarian in spirit, as it seeks to break down barriers between people. Brexiteers stood against the libertarian agenda by arguing for stronger borders.

- 34 Second, libertarianism advocates free trade. Leavers in favour of localism or nationalism contravene this. For example, Daniel Hannan, a senior figure of the Vote Leave campaign, argued EU membership prevented striking trade deals with non-EU countries.⁵⁴ But nothing prevented the UK from trading as it wished with Commonwealth countries as well as with the single market. On the contrary, access to the single market was a way to maximise free trade. Therefore, economically speaking, libertarianism was not followed through.
- 35 Third, the socially liberal libertarian agenda was not on Brexiteers' minds. We already mentioned xenophobic arguments, directly contradicting libertarian equality. Another example has to do with religious bias. Some Ukipers are in fact part of a far-right evangelical movement. David Silvester, a UKIP councillor who defected from the Tories, claimed in 2014 that flooding and heavy storm across the UK had been caused by the recent legalisation of gay marriage, as though a divine punishment against Britain.⁵⁵ As Tom Barker argues, "*while there is no suggestion that this particular view is widespread within the party, it nonetheless hints at an undercurrent of extreme, evangelical social conservatism.*"⁵⁶ Silvester was later excluded from the party because of his comments. UKIP's position on the topic is ambiguous though. It does not want to alienate its core electorate which is against marriage equality. Yet UKIP does not want to seem prejudiced, as this could prevent it from broadening its electoral support. Again, we see that concerning social issues UKIP is more than ambiguous. Claiming in its constitution that it is libertarian appears misleading, whether intentional or not, because UKIP is by no means supporting libertarian policies. It opposes three cardinal libertarian values: free movement, free trade and state neutrality. This comes as no surprise because libertarianism is fundamentally incompatible with populism because of its methodological individualism. Individuals have rights, the people or the nation do not. It is impossible for a party to synthesise libertarianism and populism given that the two are inherently irreconcilable.

Strasbourg – in defence of equality

- 36 Contrary to the libertarian argument in favour of Brexit, it seems to us that the EU is better equipped to protect liberties than a national parliament. The EU and related institutions such as the Council of Europe and the ECHR in particular, constitute a powerful protection of individual freedom against biased states. An obvious example of this is the ECHR case *Dudgeon v. UK* (1981). At the time, Northern Ireland criminalised homosexual behaviour. The Strasbourg Court found this was illegal, based on article 8 of the European Convention on Human Rights, which holds that anyone is entitled to the "*right to respect for private and family life.*" As a result, Northern Ireland decriminalised homosexuality in 1982. The verdict was highly significant and set a precedent leading to Ireland's 1993 decriminalisation of homosexuality, it also paved the way for Cyprus (*Modinos v. Cyprus* 1993). Even in the American *Lawrence v. Texas* case (2003) concerning the repeal of anti-sodomy law, *Dudgeon* was cited as a precedent. The ECHR then constitutes

a powerful progressive force to fight against states unwilling to extend toleration to those it perceives as deviant.

- 37 Leavers feel ambiguous towards the ECHR because it is not an instrument for the good from their perspective. There are two cases Leavers like to refer to. First the *Abu Qatada v UK*⁵⁷ (2012), which prevented the UK from deporting a hate preacher although he had been found guilty of hate speech, on the basis that he would be tortured if sent back to Jordan. Second, in 2010 Mohammed Ibrahim, an Iraqi asylum seeker who had killed a child in a hit and run, avoided deportation on the basis of the European Convention's right to family life.⁵⁸ The *Daily Mail* notoriously made this a *cause celebre* to epitomise anti-EU feeling.⁵⁹ This is based on a confusion the Leave campaign voluntarily played on, because strictly speaking the ECHR is technically not an EU institution but part of the Council of Europe. Leaving the EU does not necessarily entail leaving the latter, so the UK will still be tied to the ECHR even after article 50 is triggered. To withdraw from the European Convention on Human rights, as PM May stated she would,⁶⁰ the UK will need to start a new procedure.
- 38 Both cases created strong resentment, and were perceived by many as a loss of national sovereignty. For example, Neil Hamilton, UKIP leader in Wales, denounces this loss of sovereignty when he declares that "*when unelected judges of the European Court of Human Rights in Strasbourg or the Court of Justice in Luxembourg hand down ridiculous judgments, politicians are powerless to alter or reverse them.*"⁶¹ Hamilton further also questions the validity of the Court's judgments by questioning asylum seekers' motives: "*hard-pressed taxpayers have to accommodate and pay for bogus asylum seekers for ever. Terrorist fanatics demand human rights from us while plotting to stamp out ours altogether through a sharia state imposed by violence.*"⁶² The EU is depicted as an illegitimate authority preventing the UK from defending itself against its enemies, against obvious threats, such as the fantasized imposition of Sharia law by bogus asylum seekers. The ECHR was criticised for having more scruples concerning terrorists than it cared about protected British citizens.
- 39 This jurisprudence shows here again the tension between fighting for individual rights, which libertarians seek to do, and the populist authoritarian trend embodied by UKIP. In the two cases mentioned above, the Court protected individual freedoms guaranteed by the rule of law. Anti-ECHR criticism is often authoritarian, arguing for ever stricter punishment for criminals. It comes as no surprise then that Paul Nuttall, UKIP's leader as of late 2016, declared he wanted UKIP to lead a referendum on re-establishing the death penalty for child molesters.⁶³
- 40 The EU is a perhaps slightly deformed yet coherent emanation of a libertarian dream. Free movement of goods and people, the protection of civil liberties... Brussels and Strasbourg can be seen as bastions against authoritarianism. Acknowledging this pays tribute to Brexiteers' rhetoric, because they succeeded in portraying themselves as defenders of freedom, when in fact they stood against the values libertarians defend.

Conclusion

- 41 To conclude, we can therefore say the Leave campaign used liberal and libertarian arguments as a mere posture, because its position contradicted its very core principles. This is due to libertarianism's pliable rhetoric and the universal appeal of the call for liberty. It is also owed to careful exploitation of this doctrine by UKIP, in order to benefit

from its appeal as a revolutionary doctrine. It also manipulated classical liberalism's narrative of the fight against the despotic state, although the EU constitutes an effective tool as a way to put checks and balances to the state. The EU's liberal agenda – freedom of movement for goods and people, the defence of civil liberties, but also its mere existence as a means to curtail Westminster makes it a liberal ally. The success of the Leave campaign therefore lies at least in part in affirming that it portrayed itself as standing for freedom.

- 42 The failure of the Remain campaign is perhaps due to its refusal to engage the discussion in terms of this cardinal value. This is regrettable because a strong case could have been made against Brexit from a liberal and even from a libertarian standpoint. Remain did put forward economic arguments in favour of the free market, but socially liberal arguments would perhaps have been more persuasive. It would not have harmed the Remain cause in any case to remind voters of the ECHR's progressive force, or of the benefits of freedom of movement.
- 43 **Alicia-Dorothy Mornington is a lecturer at Paris 1 – Panthéon Sorbonne University. She holds the French agrégation teaching qualification in English and is a former student of Sciences Po (PhD, 2015). She has held various visiting research positions as Oxford University, the LSE, UCL, the University of York and Columbia University. Her research focuses on political and legal theory.**

BIBLIOGRAPHY

- Altemeyer, Bob, *Right-wing Authoritarianism*, (Winnipeg, University of Manitoba Press, 1981).
- Boaz, David and Kirby, David, *The Libertarian Vote*, (Washington, Cato Institute, 2006, no. 580).
- Caldwell, Bruce, *The Road to Serfdom: Text and Documents – The Definitive Edition*, vol. 2 of *The Collected Works of F.A. Hayek*, (Chicago, University Of Chicago Press, 2007).
- Campbell, John, *The Iron Lady: Margaret Thatcher, from Grocer's Daughter to Prime Minister*, (London, Vintage, 2007).
- Canovan, Margaret, "Trust the people! Populism and the two faces of democracy", in *Political Studies*, 47, no. 1, 1999, pp. 2-16.
- Carbone, Peter, "John Stuart Mill on Freedom, Education, and Social Reform", in *The Journal of Educational Thought (JET) / Revue De La Pensée Éducative*, 17, no. 1, 1983, pp. 3-11.
- Evans, Geoffrey, Heath, Anthony, and Lalljee, Mansur, "Measuring Left-Right And Libertarian-Authoritarian Values in the British Electorate", in *The British Journal of Sociology*, 1996, pp. 93-112.
- Farage, Nigel, *Flying Free*, (London: Biteback, 2011).
- Farage, Nigel, *The Purple Revolution, The Year That Changed Everything*, (London, Biteback Publishing, 2015).
- Flanagan, Scott and Inglehart, Ronald, "Value Change In Industrial Societies", in *American Political Science Review*, 1987, 81 (4), pp. 1303-1319.

- Gamble, Andrew, *The Free Economy and the Strong State: the Politics of Thatcherism*, (London, Basingstoke Macmillan, 1988).
- Greenleaf, William Howard, *The British Political Tradition*, (London: Methuen, 1983).
- Hamowy, Ronald, (ed.), *The Encyclopaedia of Libertarianism*, (Thousand Oaks, CA, Sage Publications, 2008).
- Heath, Anthony, Evans, Geoffrey, and Martin, Jean, "The Measurement of Core Beliefs and Values: The Development Of Balanced Socialist/Laissez-Faire And Libertarian/Authoritarian Scales", in *British Journal of Political Science*, 1994, 24 (1), pp. 115–158.
- Heppell, Timothy, "The Ideological Composition of the Parliamentary Conservative Party 1992–97", in *British Journal of Politics and International Relations*, June 2002, 4 (2), pp. 299–324.
- Kukathas, Chandran, *The Liberal Archipelago, A Theory of Diversity and Freedom*, (Oxford: Oxford University Press, 2003).
- Locke, John, *Two Treatise on Government*, ed. Laslett, Peter, (Cambridge UK: Cambridge University Press, 1988).
- Mendle, Michael, (ed.), *The Putney Debates of 1647: The Army, the Levellers, and the English State*, (Cambridge, Cambridge University Press, 2001).
- Mill, John Stuart, *On Liberty*, (New York, Prometheus Books, 1986).
- Nozick, Robert, *Anarchy, State, and Utopia*, (Oxford, Blackwell, 1974).
- Palmer, Harvey, "Effects of Authoritarian and Libertarian Values on Conservative and Labour Party Support in Great Britain", in *European Journal of Political Research*, 1995, 27 (3), pp. 273–292.
- Rawls, John, *A Theory of Justice*, (Oxford, Oxford University Press, 1999).
- Rothbard, Murray, *Making Economic Sense*, (Auburn: Ludwig von Mises Institute, 1995).
- Skinner, Quentin, "Rethinking Political Liberty", in *History Workshop Journal*, 2006, 61-1, pp. 162–165.
- Taggart, Paul, *The New Populism and the New Politics: New Protest Parties in Sweden in a Comparative Perspective*, (London, Macmillan, 1996).
- Thatcher, Margaret, *The Path to Power*, (New York: Harper Collins, 1995).
- Tilley, James, "Research Note: Libertarian-authoritarian Value Change in Britain, 1974–2001", in *Political Studies*, 2005, vol. 53, no 2, pp. 442–453.
- Tournier-Sol, Karine, "Reworking the Eurosceptic and Conservative Traditions into a Populist Narrative: UKIP's Winning Formula?", in *Journal of Common Market Studies*, 2015 Vol. 53, No. 1, pp. 140–156.

NOTES

1. Michael Gove in an interview with Faisal Islam, on *Sky News*, June 3rd, 2016.
2. This poster by UKIP was released on June 16th 2016. It displayed a long queue of refugees with a slogan saying "Breaking point, the EU has failed us all". See "Nigel Farage's anti-migrant poster reported to police", *The Guardian*, 16 June 2016, <https://www.theguardian.com/politics/2016/jun/16/nigel-farage-defends-ukip-breaking-point-poster-queue-of-migrants>. Consulted 20 October 2016.

3. Michael Gove, *ibid*.
4. Boris Johnson, 9 May 2016, speech given in London at the Vote Leave Headquarters, http://voteleavetakecontrol.org/boris_johnson_the_liberal_cosmopolitan_case_to_vote_leave.html. Consulted 21 July 2016.
5. The difference between classical liberalism and liberalism proper is often merely historical. Locke and Mill are usually accepted as the main classical liberals. Classical liberalism is roughly the defence of civil liberties. Contemporary liberalism looks at other issues too, such as redistributive justice, politics of recognition, etc. For our purpose, we shall only look at liberalism in its earlier form – classical liberalism.
6. John Locke, *Two Treatise on Government*, Peter Laslett (ed.), (Cambridge UK: Cambridge University Press, 1988), pp. 330-331.
7. *Ibid*, p. 398.
8. *Idem*.
9. Nigel Farage, UKIP conference speech, 19 September 2013, <http://blogs.spectator.co.uk/2013/09/nigel-farages-speech-full-text-and-audio/>. Consulted 20 October 2016.
10. Boris Johnson, *idem*.
11. Lord Howard, “The lack of democracy in the EU is hurting business”, 18 May, 2016, available online on the Vote Leave website: http://www.voteleavetakecontrol.org/lord_howard_to_the_cbi_the_lack_of_democracy_in_the_eu_is_hurting_business.html. Consulted 21 October 2016.
12. A British Libertarian party was founded in 2008, yet it bears no electoral weight at the moment. In 2010 it claimed 1,000 members. See: <https://libertarianpartyuk.com/category/the-movement/history-founding-of-the-movement/#>. Consulted 20 October 2016.
13. UKIP constitution, available on the party’s website: http://www.ukip.org/the_constitution
14. Classical and neo-classical economists also argue *laissez-faire* capitalism is the best social arrangement. They defend it in consequentialist terms: capitalism minimises the threat of tyranny as Hayek argues in *The Road to serfdom*. See Bruce Caldwell, *The Road to Serfdom: Text and Documents – The Definitive Edition*, vol. 2 of *The Collected Works of FA Hayek*, (Chicago, University Of Chicago Press, 2007).
15. John Stuart Mill, *On Liberty*, (New York, Prometheus Books, 1986).
16. A concrete example would be the case for state education made by Mill in *On Liberty*. For a discussion of this see: Peter Carbone, “John Stuart Mill on Freedom, Education, and Social Reform”, in *The Journal of Educational Thought (JET) / Revue De La Pensée Éducative*, 17, no. 1, 1983, pp. 3-11.
17. Bruce Caldwell, *ibid*.
18. See Ronald Hamowy, (ed.), *The Encyclopaedia of Libertarianism*, (Thousand Oaks, CA, Sage Publications, 2008).
19. Robert Nozick, *Anarchy, State, and Utopia*, (Oxford, Blackwell, 1974).
20. See John Rawls, *A Theory of Justice*, (Oxford, Oxford University Press, 1999).
21. Robert Nozick, *ibid*, p. 26.
22. John Locke, *ibid*, p. 287.
23. The Libertarian Party was founded in the US in 1971. It does not do well in terms of percentages at presidential elections (never above 1%) given the bi-partite electoral system, but a considerable number of voters in absolute terms have voted for libertarians and increasingly so. According to a study conducted in 2006, 13% of the American electorate would identify as libertarian. See David Boaz, and David Kirby, *The Libertarian Vote*, (Washington, Cato Institute, 2006, no. 580).
24. See Scott Flanagan and Ronald Inglehart, “Value Change In Industrial Societies”, in *American Political Science Review*, 1987, 81 (4), pp. 1303–19; see also Anthony Heath, Geoffrey Evans, and Jean

Martin, "The Measurement Of Core Beliefs And Values: The Development Of Balanced Socialist/ Laissez-Faire And Libertarian/Authoritarian Scales", in *British Journal of Political Science*, 1994, 24 (1), pp. 115–158.

25. See Bob Altemeyer, *Right-wing Authoritarianism*, (Winnipeg, University of Manitoba Press, 1981).

26. William Howard Greenleaf, *The British Political Tradition*, (London: Methuen, 1983); see also: Geoffrey Evans, Anthony Heath, and Mansur Lalljee, "Measuring Left-Right And Libertarian-Authoritarian Values In The British Electorate", in *The British Journal of Sociology*, 1996, pp. 93–112.

27. James Tilley, "Research Note: Libertarian-authoritarian Value Change in Britain, 1974–2001", in *Political Studies*, 2005, vol. 53, no. 2, pp. 442–453.

28. See Harvey Palmer, "Effects Of Authoritarian And Libertarian Values On Conservative And Labour Party Support In Great Britain", in *European Journal of Political Research*, 1995, 27 (3), pp. 273–292.

29. Timothy Heppell, "The Ideological Composition Of The Parliamentary Conservative Party 1992–97", in *British Journal of Politics and International Relations*, June 2002, 4 (2), p. 302.

30. *Ibid*, p. 301.

31. Margaret Thatcher, speech addressed to the Conservative Party on October 10th 1975. Quoted in John Campbell, *The Iron Lady: Margaret Thatcher, from Grocer's Daughter to Prime Minister*, (London, Vintage, 2007), p. 351.

32. See Margaret Thatcher, *The Path to Power*, 5New York: Harper Collins, 1995°, p. 50.

33. The Police and Criminal Evidence Act (PACE). Available online at: <http://www.legislation.gov.uk/ukpga/1984/60/contents>, Consulted 18 January 2017.

34. Local Government Act 1988. Available online at: <http://www.legislation.gov.uk/ukpga/1988/9/section/28>. Consulted 18 January 2017.

35. Andrew Gamble, *The Free Economy and the Strong State: the Politics of Thatcherism*, (London, Basingstoke Macmillan, 1988).

36. Murray Rothbard, *Making Economic Sense*, (Auburn: Ludwig von Mises Institute, 1995).

37. This quest for autonomy can be traced back to the Levellers. They were political activists in the seventeenth century during the English Civil war, were characterised by their pamphleteering in favour of census voting. They defended the abolition of privileges. Quentin Skinner argues that for the Levellers, freedom originated from land ownership. Only those who owned property could count as 'free men', as they did not have masters and were thus truly independent. Leveller ideology is believed to be one of Locke's influences, in particular on his understanding of self-ownership. See Michael Mendle, (ed.), *The Putney Debates of 1647: The Army, the Levellers, and the English State*, (Cambridge, Cambridge University Press, 2001). Also see: Quentin Skinner, "Rethinking Political Liberty", in *History Workshop Journal*, Oxford, Oxford University Press, 2006, 61-1, pp. 162–165.

38. Nigel Farage, *Flying Free*, (London, Biteback, 2011), p. 30. As cited in Karine Tournier-Sol, *ibid*, p. 145.

39. Karine Tournier-Sol, *ibid*, p. 146.

40. Nigel Farage, 2013 Speech to UKIP Conference, 19 September 2013.

41. Margaret Canovan, "Trust the people! Populism and the two faces of democracy", in *Political Studies*, 47, no. 1, 1999, p. 2.

42. *Ibid*, p. 3.

43. Paul Taggart, *The New Populism and the New Politics: New Protest Parties in Sweden in a Comparative Perspective*, (London, Macmillan, 1996), p. 32.

44. Neil Hamilton, "The death of democracy", *The Express*, 14 June 2009, <https://www.express.co.uk/comment/columnists/neil-hamilton/107445/The-death-of-democracy/amp>. Consulted January 3 2017.

45. Nigel Farage, quoted in Andrew Sparrow, "Farage: parts of Britain are 'like a foreign land'", 28 February 2014, *The Guardian*, <https://www.theguardian.com/politics/2014/feb/28/nigel-farage-ukip-immigration-speech>. Consulted 18 January 2017.
46. Nigel Farage, UKIP conference speech, 20 September 2013, *ibid*.
47. *Idem*.
48. See Karine Tournier-Sol, "Reworking the Eurosceptic and Conservative Traditions into a Populist Narrative: UKIP's Winning Formula?", in *Journal of Common Market Studies*, 2015 Vol. 53, No. 1, pp. 140–156.
49. This was available on UKIP's website until late 2014.
50. Nigel Farage, *The Purple Revolution, The Year That Changed Everything*, (Biteback Publishing, 2015, p. 213).
51. Tom Bursnall, "UKIP Has Not Moved To The Left Or Dropped Libertarianism", *Breitbart*, 8 October 2014, <http://www.breitbart.com/london/2014/10/08/ukip-has-not-moved-to-the-left-or-dropped-libertarianism/>. Consulted 3 January 2017.
52. Margaret Canovan, *ibid*, p. 3.
53. See Chandran Kukathas, *The Liberal Archipelago, A Theory of Diversity and Freedom*, (Oxford: Oxford University Press, 2003).
54. Daniel Hannan, "The six best reasons to vote Leave", *The Spectator*, 11 June 2016, <http://www.spectator.co.uk/2016/06/six-best-reasons-vote-leave/>. Consulted 3 January 2017.
55. "UKIP councillor blames storms and floods on gay marriage", *BBC news*, 18 January 2014, <http://www.bbc.com/news/uk-england-oxfordshire-25793358>. Consulted 3 January 2017.
56. Tom Barker, "Where Is British Conservatism Today: Ukip, Conservative, Libertarian Or Something Else?", *Oxford University politics blog*, 10 December 2014, <http://blog.politics.ox.ac.uk/british-conservatism-today-ukip-conservative-libertarian-something-else/>. Consulted 21 October 2016.
57. Othman (Abu Qatada) V. The United Kingdom, ECHR, 2012, Available online at: [http://hudoc.echr.coe.int/eng#{"itemid":\["001-108629"\]}](http://hudoc.echr.coe.int/eng#{). Consulted 20 October 2016.
58. The Secretary of State for the Home Department v Respondent [2010] UKUT B1 (10 December 2010), ECHR, Available online at: <http://www.bailii.org/uk/cases/UKUT/IAC/2010/B1.html>, Consulted 20 October 2016.
59. Jack Doyle and Jaya Narain, "Asylum seeker who left girl, 12, to die after hit-and-run can stay in UK... thanks to the Human Rights Act David Cameron promised her father he'd scrap", *Daily Mail*, 17 December 2010, <http://www.dailymail.co.uk/news/article-1339142/Asylum-seeker-Aso-Mohammed-Ibrahim-let-girl-12-die-stay-UK.html#ixzz4OxMTJFa>. Consulted 20 October 2016.
60. Will Worley "Theresa May 'will campaign to leave the European Convention on Human Rights in 2020 election'", *The Independent*, 29 December 2016, <http://www.independent.co.uk/news/uk/politics/theresa-may-campaign-leave-european-convention-on-human-rights-2020-general-election-brexit-a7499951.html>. Consulted 15 January 2017.
61. Neil Hamilton, *ibid*.
62. *Idem*.
63. Kate McCann, "UKIP leadership candidate backs death penalty for paedophiles", *The Telegraph*, 1st November 2016, <http://www.telegraph.co.uk/news/2016/11/01/ukip-leadership-candidate-backs-death-penalty-for-paedophiles/>. Consulted 20 October 2016.

ABSTRACTS

The Leave campaign successfully managed to exploit both liberalism and libertarianism's core principles, even if in fact a powerful case could have been made against Brexit from these theoretical standpoints. First, the liberal framework was used to depict the EU as the despotic state liberals tried to circumvent, and Britain as the individual whose rights were at threat. This intentional confusion of scale is designed to obfuscate the issue. Second, the term libertarianism was hijacked by UKIP as a part of its anti-establishment populist agenda. This corresponds to the growing presence of a libertarian undercurrent in British Politics since the Thatcher era. In fact, the case for remaining was far more compatible with libertarian values because the EU stands for freedom of movement, free trade and toleration.

Cet article montre que la campagne en faveur du *Brexit* a exploité les principes fondamentaux de la pensée libérale et libertarienne, alors qu'ils auraient pu être mobilisés pour s'opposer à la sortie de l'UE. En premier lieu, le cadre théorique du libéralisme a été utilisé pour présenter l'UE comme l'Etat despote contre lequel le libéralisme s'insurge. Dans cette confusion d'échelle, le Royaume-Uni est assimilé à l'individu dont les droits seraient menacés. En deuxième lieu, la théorie libertarienne a été détournée par le UKIP, qui en a fait un outil antisystème. Il s'inscrit ainsi dans un courant libertarien croissant dans la politique britannique depuis Thatcher. A *contrario*, le maintien dans l'UE aurait pu être soutenu par le libertarianisme, en invoquant par exemple la liberté de mouvement, le libre échange ainsi que la tolérance.

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