

# British Independence Day

Just as the American Revolution became the momentous break with the divine right of kings and the true birth of government instituted to protect the rights of the governed and led to an affirmation of individual sovereignty and the rights of man, the recent British exit from the European Union promises to re-establish the rights of the English, re-establishing their sovereignty over all matters social, political, and economic within the realm while condemning the vices of EU autocratic bureaucracy.

While our revolution may have taught the British a lesson in the incongruity between absolute monarchy and liberty, the Brexit is teaching Americans a lesson in the incongruity between the modern equivalent of absolute monarchy, i.e., autocratic bureaucracy, and liberty.

Most Americans are unaware of the authoritarian nature of European Union governance. Once touted as a means to ensure free trade within all of Europe and to protect the economic interests of a united Europe against the outside world, the European Union has evolved into an enormous, costly autocratic bureaucracy, based in Belgium. The twenty-eight member states of the EU (soon to be twenty-seven) cede their sovereign constitutional and legislative powers to the Council of the European Union and the European Parliament to enact laws pursuant to treaty, most notably the Maastricht Treaty of 1992. The EU Council and Parliament have seen fit to enact a large number of broad laws and to enforce those laws through various "authorities" that are un-elected bureaucratic institutions having jurisdiction over all manner of commerce, including foods, food supplements, drugs, industry, labor, and contract. In effect, just as in the United States almost all federal law is the product of unelected officials who rule the bureaucratic agencies rather than elected officials, so too in Europe, almost all law affecting every EU member state is the

product of unelected officials who run the various departments and authorities.

Derived from the power vested in it by treaty, the EU operates under a supremacy principle whereby its laws are deemed sovereign and superior to all conflicting laws of the member states, meaning that any member state law in conflict with EU law is deemed void, even if that law is the constitutional law of a member state.

The effect of this usurpation of power by the EU has been hard on the citizenry of individual countries who deeply resent it. The power grab has imposed one continuous and increasing loss in individual rights within the member states. For example, private contractual disputes, local economies long protected by domestic laws, and environmental law has become the province of the EU, running roughshod over political and economic liberties long enjoyed by the citizens of the member states. A few instances will suffice to prove the point. The EU governs food safety regulation in Europe. So, for centuries in England medicinal herbs have been popular and in the last half century herbal food supplements have been popular. Despite that fact, the European Food Safety Authority has seen fit to ban medicinal herbs and virtually all herbal food supplements, causing the people of England to watch as their consumer choices disappear in deference to laws imposed from outside the country. In addition, environmental directives have imposed huge costs on the British public, passed on by affected industries, even when popular desire for retention of jobs in those industries has been greater than the desire to hasten environmental compliance. Perhaps the proverbial straw that broke the camel's back in Britain was the threat of imminent EU climate change regulation that would have banned the electric tea kettle. For a very long time indeed the English have relied on electric tea kettles to obtain their fix of Earl Gray tea in the morning.

Imagine how an American would feel if he sued for breach of

contract in a local court only to discover that the law to govern the matter was not the precedent of the local jurisdiction, but law imposed by a foreign bureaucracy. Americans would be incredulous to see their courts taken over by foreign powers, causing their rights to be dependent on the interpretations of bureaucrats who are entirely unaccountable to them. Indeed, we fought the American Revolution in no small part because we opposed laws imposed on us by the Crown without colonial representation in Parliament.

The Brexit is thus a momentous victory for individual liberty. It has sent a wave of freedom out from the British Isles to all nations of the earth. It sets the proper course for all of Europe, reasserting the notion that local government representative of the interests of indigenous peoples against unrepresentative bureaucracy, is indispensable to the protection of individual rights and to individual sovereignty.

The lesson we can learn from Brexit is that bureaucracy is not indispensable, that the rule of law depends on representative democracy, and that inextricably intertwined with the administrative state is authoritarian rule. We would do well to reject the administrative state and reassert law making by those we elect, who are thus accountable to us for their abuses, unlike the unelected heads of the bureaucratic agencies. If we were to eliminate federal bureaucratic agencies in favor of direct legislation, we would not only ensure restoration of individual sovereignty where the state is our servant rather than our master, we would also re-establish the separation of powers, a constitutional barrier to abuse of power long since lost as the federal courts have condoned the rise of the administrative state since the New Deal.

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