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# Brexit reveals what parliament thinks of the people

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12:00AM SEPTEMBER 6, 2019 • 58 COMMENTS

For the past few months Britain has been a nation busily engaged in building its own funeral pyre.

This week Britain leapt into the roaring flames.

Perhaps something will be saved from the conflagration but, regardless of how Brexit ends, it is becoming harder and harder to believe that Britain will ever be the same again.

It is not only that the chaos will leave enduring scars in the country's political culture. It is also that it has shattered the complex web of make-believe on which Britain's system of government rests.

At the heart of that make-believe lies the relationship between parliament and the people.

Thus, it may be true that "sovereignty comes from the people to parliament", as Conservative MP Jacob Rees-Mogg said in the House of Commons debate on Tuesday night.

But it is every bit as true that the British constitutional tradition has never accepted the notion that "the people" have a will that is separate from, and superior to, the will of parliament. Rather, once it is properly elected, parliament is "the people" and its sovereignty is limited only by those customs that it chooses not to repeal.

There is, as a result, a chasm between the British political tradition and that of continental Europe, with its sharp distinction, inspired by Rousseau, between sovereignty, which lies inalienably with the people, and the institutions of government, which are (or should be) merely the channel that translates the “general will” of the people into legislative reality.

And while, given that distinction, it is perfectly appropriate for the people to not just select its representatives but also to instruct them on matters of fundamental importance, the British tradition has always opposed the claim that the people’s role can legitimately extend beyond that of selecting its representatives, since it is only during the election itself that “the people” are sovereign.

The eminent attorney-general John Willes made the point in 1734 when he told the Commons: “After we are chosen we have no longer any dependence on our electors so far as regards our behaviour here. Their whole power is devolved upon us, to regard only the public good in general.”

And Edmund Burke was simply crystallising the accepted wisdom when he adamantly rejected, in the election of 1774, the radical Whigs’ demand that candidates pledge to obey any instructions given to them by the voters.

Parliament, he famously declared, “is not a congress of ambassadors from different interests, which interests each must maintain, as an agent and advocate. Parliament is a deliberative assembly of one nation, with one interest, that of the whole. You choose a member, indeed; but when you have chosen him, he is not a member of Bristol, he is a member of parliament. Your representative owes you, not his industry only, but his judgment; and betrays, instead of serving you, if he sacrifices it to your opinion.”

Nor did the conviction that parliament could be selected by the people but was never subject to voters’ specific direction change over subsequent decades. On the contrary, as referendums became common in what were viewed as radical, if not revolutionary, regimes, it hardened.

There were, of course, those who viewed referendums as highly desirable.

With the pressures for social change becoming increasingly intense, AV Dicey, the leading constitutional scholar of the late 19th century, suggested that referendums would “balance the weight of the nation’s common sense against the fanaticism of the reformers”.

And writing a few years later, John Hobson, who (unlike Dicey) was a social reformer, argued that recourse to referendums would help wrest “control of legislation” from the party machines, undermining the stranglehold exercised by the “cabinet, selected mainly out of a aristo-plutocracy, with a leaven of successful lawyers”, and a “powerful bureaucracy whose class sympathies are notorious”. But those contentions never garnered widespread support. Referendums, wrote Ramsay MacDonald, the first Labour Party politician to become prime minister, were a “clumsy and ineffective weapon” that invited voters to express “an incoherent and ill-considered mixture of motives”, severing the link between elections and the choice of a systematic program of government.

It was, moreover, difficult to see how they could be introduced into the British institutional system without fundamental change, including a formal constitution that clearly defined and circumscribed their role.

Absent that change, the obvious risk was that the views of “the people”, as expressed in a referendum, would at some point clash irreconcilably with those of their elected representatives, pitting two starkly contradictory principles against each other: that of the sovereignty of the people, which, in the popular mind, was the basis of British democracy, and that of untrammelled parliamentary sovereignty, which was its reality. Were such a clash to occur, the British constitution had no way of resolving it, ensuring that the consequences would be disastrous — first and foremost for the constitution’s legitimacy.

Almost exactly a century after that debate unfolded, those consequences are playing themselves out. The process David Cameron rashly unleashed when he called the referendum is not one of entopic decline — it is a headlong plunge into the abyss, as one convention after the other crumbles and as all signs of political civility are lost.

And with parliament now knocking back Boris Johnson’s call for an early election — so that Britain has joined Italy in having a legislature that refuses to face the electorate — the

relationship between the parliament and the people is being frayed to the breaking point.

To highlight those outcomes of the referendum is not to deplore the initial decision to leave the EU. Nor is to condone the behaviour of the Remainers and their fellow-travellers, who seem determined to destroy the country if they cannot have their way. Least of all is it to suggest that Britain, with its glorious history, will never recover from the Brexit trauma.

But no one today would say, as Dickens has his Mr Podsnap tell “a foreign gentleman” in *Our Mutual Friend*: “We Englishmen are Very Proud of our Constitution, Sir. It was Bestowed Upon Us By Providence. No Other Country is so Favoured” — much less link that providential gift to a national character defined by “a combination of qualities, a responsibility, a repose, combined with an absence of everything calculated to call a blush into the cheek of a young person, which one would seek in vain among the Nations of the Earth.”

That happy confidence is gone. So, too, are the myths that sustained it. It may require a long march through the dry desert of wasted years before new ones arise to take their place.