New Blackfriars

DOI:10.1111/nbfr.12240

Comment: *Post-Brexit*

On 23 June 2016, on a 72.16% turnout of registered voters, 16,141,241 (48%) voted to remain in the European Union, while 17,410, 742 (52%) voted in favour of Britain leaving. The majority of 6%, thus of nearly 1,300,00 people, is widely regarded in the media, and by people in general, as overwhelming. However, more than one in four registered voters did not vote at all, for whatever reason. Moreover, it was reported that a significant number of people eligible to vote, young people in particular, never registered, perhaps since we now have to do so individually, rather than being listed willy-nilly by the head of the household. Citizens of other countries in the EU, however long settled in the UK, were not allowed to vote, except for the Irish and Maltese (though as former subjects of the Empire). British citizens settled in their thousands in Spain, France and other EU member states, were likewise not allowed to vote, though, as they feared, their lives will be quite seriously affected by the UK leaving the EU. On the other hand, Scotland, Northern Ireland, Gibraltar and London voted in favour of the UK's remaining in the EU, by quite significant majorities. But Wales, and every region in England, voted to leave the EU, establishing the majority.

Referendums are not as democratic, ultimately, as they look. National referendums are banned in the Federal Republic of Germany, for example: they were decisive in introducing the Nazi tyranny in the 1930s. In Britain, the 'Mother of Parliaments' has never bowed to the supreme authority of plebiscites, constitutionally.

For a start, deciding great questions by simple majority is surely not the fairest way. People with some interest in political affairs in Scotland will no doubt remember how, during the passage at Westminster of the legislation for the devolution referendum, an amendment introduced by George Cunningham (a Scot, who represented an English seat) required approval by 40% of Scotland's total registered electorate (a modest enough proportion, one might think). In 1979, when the referendum took place, 1,230,937 (51.6%) voted in favour of devolution, a narrow majority of about 77,400 over those voting against; but since this total represented only 32.9% of the registered electorate as a whole, the proposal to devolve some government functions from London to Edinburgh went no further.

Incidentally, this led the handful of Scottish National Party MPs at Westminster to withdraw their support for the already shaky Callaghan administration, which brought about its collapse and the fairly predictable election of the perhaps rather unpredictable

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https://doi.org/10.1111/nbfr.12240 Published online by Cambridge University Press

Margaret Thatcher. Anyway, as things turned out, by the law of unintended consequences, the SNP's opening the way for the Thatcher years, the poll tax, the accelerated de-industrialisation of the Central Belt, and the wastage (as many would say) of North Sea oil tax revenue, created the hostility against the Westminster power elites (as some see them), which almost secured a majority in the 2014 referendum in favour of Scottish independence.

As it turned out, on 18 September 2014, with 85% of the registered voters in Scotland taking part, 44.7% favoured seceding from the United Kingdom, while 55.3% remained loyal: in round figures 1, 600 000 to 2 million.

Obviously, a margin of 400,000 in such an unprecedentedly enthusiastic electorate is difficult to argue with. This too was an in/out decision on an extremely important matter, by a simple majority, though in this case after serious and widespread public and popular debate (unlike the ignorant and often mendacious and acrimonious exchanges in the run-up to the Brexit vote), and likewise acclaimed as settling the issue, if not for ever then at least for a generation. Yet the margin was not all that great, with the result that many, perhaps most, who voted for independence, look forward eagerly to a second referendum in the near future, which would most likely go in their favour, particularly now that, while Scotland voted 62% to 38% in favour of remaining in the EU, the UK as a whole has decided to leave.

When David Cameron resigned as Prime Minister, having lost the vote for Britain to remain in the EU, he said that the decision 'must be accepted', adding (however) that it would be for his successor and his or her Cabinet (hers as it turned out) to decide whether the House of Commons should have a vote on the decision to trigger Article 50, the formal process set out in the Treaty on European Union for member states to follow should they decide to leave the EU. According to the best information, the majority of MPs at Westminster, elected as recently as 2015, are in favour of Britain's remaining in the European Union. Our elected representatives, so the story of the British constitution goes, make up their own minds on how they vote, they are not delegated to endorse what the majority of their constituents want, let alone what polls and newspapers demand. Legally, it seems, the referendum was advisory, merely a consultative vote — though very few people know that, and perhaps few MPs would be likely to defy the result. Anyway, if Cameron is right, the so-called royal prerogative powers would enable the Prime Minister to decide that prior parliamentary approval for Britain to open the lengthy procedure to leave the EU would not be required. So much for Parliamentary Sovereignty, won back from the Eurocrats in Brussels, so dramatically and unexpectedly.

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