

Parliament must decide

The United Kingdom is in a mess about Brexit, and only Parliament can get us out of it.

In principle, the constitution of the UK (like that of most countries) is based on the separation of powers between three institutions. The legislature (Parliament) makes the nation's laws. The executive (Government) conducts the nation's affairs according to the law. The judiciary (the Courts) deal with complaints by any person (including the Crown) who believes that they have been (or will be) harmed by other persons (including Government ministers) breaking the law. (That includes working out exactly what the law says as it applies in a particular case.)

In practice, things work a bit differently. The whole process has to be guided by a coherent policy. Political parties have come into existence to provide that. Members of the legislature join one party or another. The party with the largest number of members in Parliament forms the Government. The Government decides what laws are put before Parliament for a vote. The party has powerful tools to make sure that the vote goes its way. It can deprive members who vote the wrong way of a chance to serve in the Government (which is something most of them want), or even take away their membership. The parties decide who will be allowed to run for election to the House of Commons, and who will be appointed by the Government to the House of Lords. The political party that forms the Government thus has almost complete control over Parliament.

That's fine, as long as each party is driven primarily by a desire to guide the nation's affairs according to a policy that it believes serves the best interests of the people. But it breaks down when the primary motive of the party in power becomes merely a desire to hold on to power – and that seems to be the situation now. When that happens **Parliament must have the courage to take back control**, to resist the Government by refusing to pass its Bills.

The people of the United Kingdom are currently victims of a massive confidence trick played on them by the Government, which misused a law made by Parliament. When it passed the EU Referendum Act in 2015 Parliament authorized a referendum that was **consultative** only, a national opinion poll if you like, on the question of whether to Leave or Remain in the EU. The Government wilfully misrepresented the referendum as a decision-making process. Ministers claimed that it was loudly and frequently at every opportunity, to Parliament and to the public at large. The Government circulated a flyer to every household in the country that made the claim in print. But vehement repetition doesn't make a thing true: the claim was false.

The Government's political bluff seemed harmless enough, when nobody expected anything but a solid Remain vote. The point of it was to make it look as if their declared policy of remaining in the EU was backed up by an unassailable "mandate from the people". But, with incredible irresponsibility, they forgot to give any serious thought to the possibility that their bluff might be called.

When it was, they were trapped by their own rhetoric. Rather than admit his **deception**, the Prime Minister resigned. His successor chose to perpetuate the deception, as the only way to keep her party united and in power. She stridently and caustically asserted that Britain had decided to leave the EU, insisted that she had the right to implement that decision, and radically overhauled the machinery of Government in order to do it. She did not tell us, however, exactly when and how decision was supposed to have been made.

Parliament must decide (cont'd)

Before the High Court, the Queen on behalf of various claimants has, through the claimants' lawyers, asked for relief from the Government's high handed proposed action, and has been granted it. The judges ruled that neither the **Government**, nor "the **people**" through the referendum, have the power to make the decision that the Government claims has been made, because it is a decision that only Parliament could make. (They were very careful to avoid suggesting that Parliament should decide one way or the other, or even that Parliament should consider the matter at all: Parliament is sovereign, and the Courts may not presume to advise it.)

Great damage has been done. The Government has convinced everyone that Brexit has been decided. It is now almost impossible for anyone in the press or the broadcast or social media to voice a dissenting opinion, or even to imagine one: everyone has been brain-washed. We are in a **totalitarian** vortex. It will take courage to resist its dangerous pull.

But the law is now clear. Sooner or later, the Government will have to ask Parliament to decide whether the UK should leave the EU or remain in it. To save face, they will probably try to hide the decision in some indirect wording about the timing of notice to the EU, or about acceptance of this or that **negotiating** strategy. Parliament must not allow itself to be distracted or deceived. It must face the real question – Leave or Remain – squarely, and make the Government face it **squarely** too.

That decision must be made clearly and openly, and Parliament must make it alone, on its own authority and judgement alone. It must choose what it believes is best for the people and the nation it represents. It must consider three things: the benefits of being **inside** the EU; the benefits of being **outside** the EU; and the **costs** of moving from inside to outside. It should give careful consideration to the result of the referendum, and bear in mind that the majority was both **small** and **dubious**. It must not be intimidated into believing that it is bound by it. It must have the **courage** to make its own decision.