

# Session 2

## Brexit and the UK Constitution

Anthony Barnett

# After the Deluge

Remaking the Constitution  
Bonavero Human Rights Centre  
Oxford 22 February 2019

## The 7 per cent club

**Janice Turner** Why is our public life still dominated by a privately educated elite?

**Lynn Barber** on  
stockpiling sardines  
**Grace Blakeley** on  
the UK's jobs con

**Richard Dawkins**  
on Brexit, wild  
tweets and his  
terror of eternity

# NewStatesman

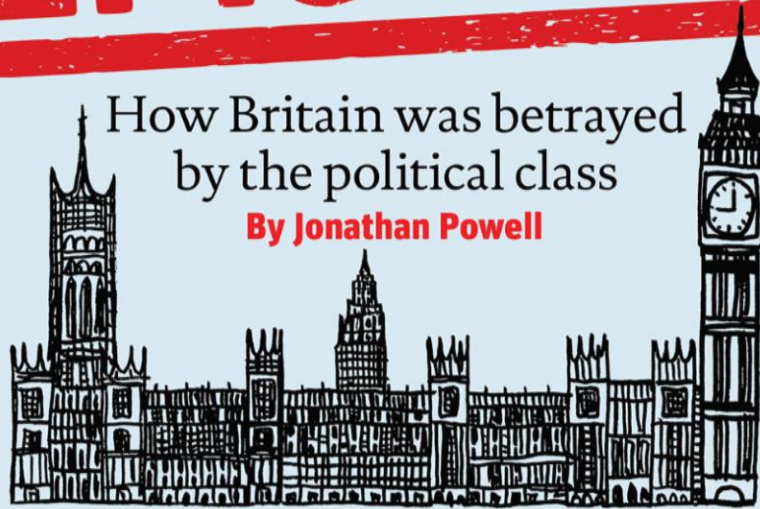
Enlightened thinking in dark times

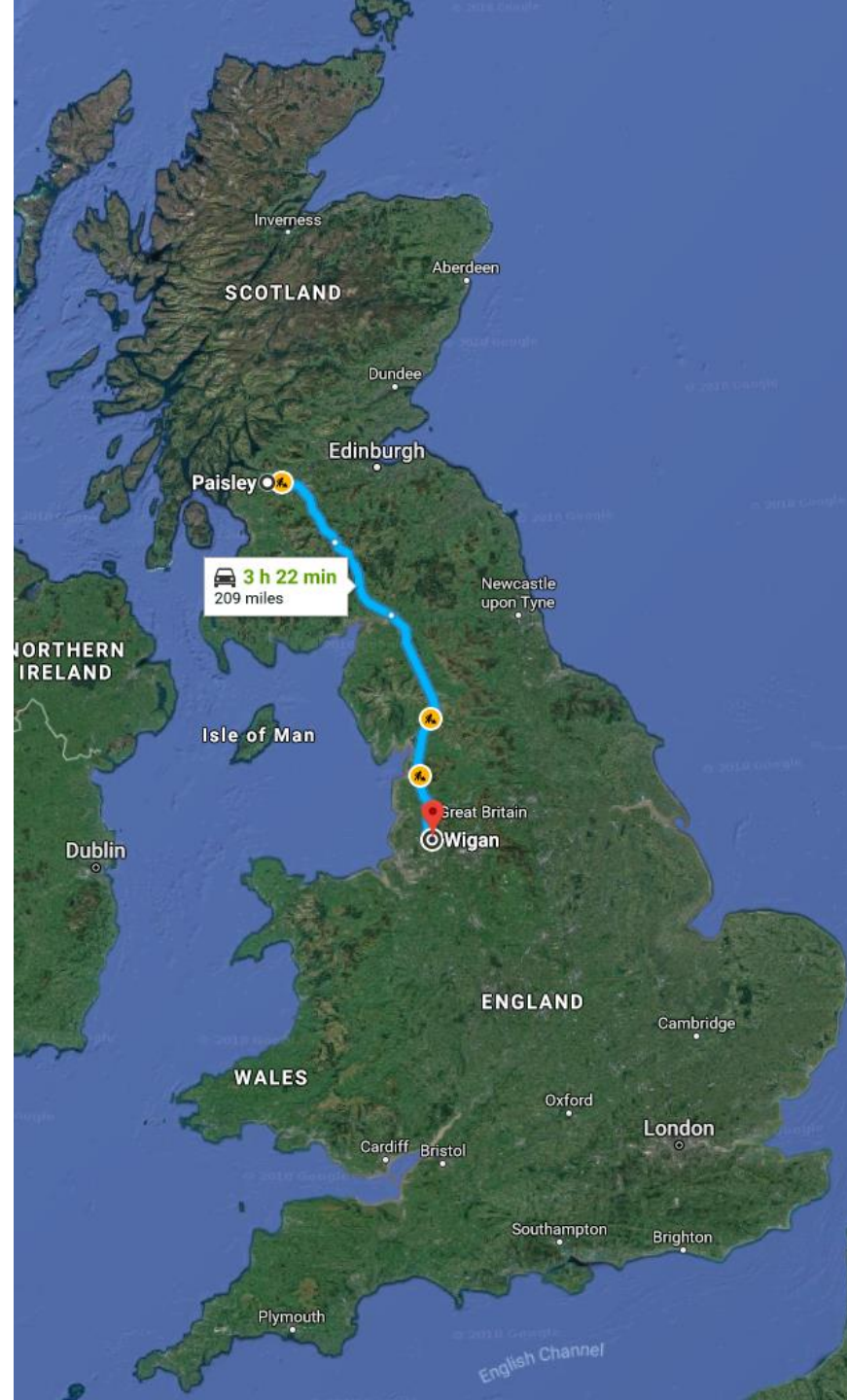
1-7 February 2019/£4.50

# EPIC FAIL

How Britain was betrayed  
by the political class

By **Jonathan Powell**





# **What is a Constitution?**

**Constitutions lay down the rules for changing the rules**

1. They set out the power relations between different institutions
2. They set out the powers of citizens vis a vis authority
3. They establish their societies' aspirations

# **A race through British history (1688 – 1988)**

# CHARTER 88

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**A Bill of Rights**

**Freedom of Information**

**Accountable government**

**A fair electoral system of  
proportional representation**

**A reformed House of Commons**

**A democratic Upper House**

**Reform of the judiciary**

**Redress for all state abuse**

**Independence for local government**

**Scottish and Welsh Parliaments**

**Devolution of power**

**A written constitution**



# A Citizen's Democracy

The Rt. Hon. John Smith QC MP

Leader of the Labour Party

at an event hosted by Charter 88 Church House Westminster 1/3/1993



*"Our crumbling constitution can no longer be dismissed as a sideshow. It is at the heart of what is wrong with our country. People care, and they want change."*

## CHARTER 88

# The Deluge



10 DOWNING STREET  
LONDON SW1A 2AA

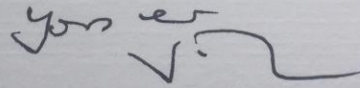
From the Prime Minister's Chief of Staff

26 February 1998

*Dear Anthony,*

Thanks for your note of 13 February which the Prime Minister has seen. He found it extremely helpful and we will give the issue some thought. We will be back in touch in due course.

*We might do a speech on this*

*Yours ever*  


JONATHAN POWELL

Anthony Barnett, Esq.

# **The Genie and his Bottle**

## Tony Blair's Conference Speech, Blackpool, 30 September 1998

To those who say devolution has let the genie out of the bottle, I say, look at the Tories. They clung to the status quo; they do not have a single seat in Scotland or Wales to show for it. (Applause) The enemies of the Union are the advocates of the status quo and the separatists alike. We have defeated the one and we will defeat the other. (Applause)

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG



HOUSE OF LORDS,  
LONDON SW1A 0PW

Anthony Barnett Esq  
2 Hugo Road  
LONDON  
N19 5EU

1 November 1998

Dear Mr. Barnett,

Many thanks for sending me your Memorandum setting out your thoughts on the need for a new constitutional settlement for Britain. It is most interesting and I have passed it on to my officials for further consideration. I am also grateful for the copy of Gordon's speech.

As you say it is important to recognise the links between the Government's various constitutional reforms. It is for that very reason that the Prime Minister charged me with overseeing our constitutional programme. You also rightly point out these are matters requiring change over time, but with a clear objective in mind. In framing that objective the contribution made by you and Charter 88 has been and will, I am sure, continue to be of great value.

Yours

*Sincerely,*  
*Irvine of Lairg*







We either embark on an ambitious and risky plan of further democratic reform - an English Parliament, federal Britain, a written constitution - or we will end up, one day, in a chilly churchyard of the mind, throwing handfuls of clay on the Union Flag.  
Which is it to be?

— Andrew Marr —

The trouble with many of the politicians engaged in the argument over Brexit is that they have not absorbed that duty and have let their passion and the means they are prepared to use overcome their sense of proportion. They are also disregarding the consequences, intended and unintended.

The reason this particularly matters in Britain is that we have an unwritten constitution. It depends largely on convention and precedent rather than written rules. It is a delicate balance and when people no longer care about the means they use or the consequences of their actions then it risks collapse. We have seen Brexit MPs challenging the good faith of the Speaker, the government being held in contempt of parliament for the first time in history and Brexiteer rebels arguing that pro-European parliamentarians are usurping the role of the executive.



**“After us, the deluge”**



22nd October 2018



Adam Ramsay



Constitution

Trying to milk a vulture:  
if we want economic  
justice we need a  
democratic revolution

**When we look at how to *remake the constitution* we have to work through the most difficult aspect of it: the meaning it gives to society as a whole.**

Paul Gillespie

**Table 1: The UK's Dual Sovereignty Crisis in its External and Internal Relationships: Four Constitutional Future Scenarios**

<b>External dimension: Relationships between UK and EU</b>	
	<i>Distant/Hard</i> <i>Close/Soft</i>
<b>Internal dimension:</b> Power relationships in the UK	<b>Centralised</b> <b>Future Scenario 1</b> <b>Breakup of UK</b> <i>Suggested impacts</i> Unity option NI + RI Failure of unionism Britishness weakened I-B links renewed Irish border poll Scottish independence English sovereignty Welsh independence
	<b>Future Scenario 2</b> <b>Renegotiated UK</b> <i>Suggested impacts</i> BA muddles through/up <u>Unionism</u> reimagined Britishness reconfigured I-B links renewed NI + RI debate unity Scottish discontent English resentment Welsh discontent
	<b>Dispersed</b> <b>Future Scenario 3</b> <b>Differentiated UK</b> <i>Suggested impacts</i> NI stays in CU + SM Unionism weakens Britishness erodes I-B links renewed RI + NI shift to unity Scottish resentment English discontent Welsh resentment
	<b>Future Scenario 4</b> <b>Federal UK</b> <i>Suggested impacts</i> BA reaffirmed Unionism inscribed Britishness reinvented I-B links renewed NI + RI deepen links Scottish stability English satisfaction Welsh satisfaction

*Note:* BA = Belfast Agreement; I-B = Irish-British; NI = Northern Ireland; RI = Republic of Ireland; CU = EU customs union; SM = EU Single Market. [Source: Paul Gillespie, Institute of British-Irish Studies, University College Dublin, pegillespie@gmail.com]