

Arguments when talking to ‘soft’ Remainers, the non-committal or indifferent

Here are five points when debating with those who voted Remain in 2016 but think either that “we should just get on with it” or that it would be undemocratic or unprincipled to have another Referendum on the terms of Brexit with an option to stay in the EU. (They can also help when discussing with Leavers, of course, but the Remainers scare me!)

Please read this alongside the sheet I wrote last October (*Brexit is not Democratic*) as below I deliberately avoid other arguments challenging the calling, terms and conduct of the 2016 Referendum. Likewise I don’t dwell on the economic arguments, the state of the Union, the Irish question or the status of UK citizens living in the EU or other EU citizens living here. I focus only on why there’s no constitutional, legal or moral case to take the UK out of the EU as a result of the Referendum and why, given the circumstances, Remainers should not give up, roll over or change their minds.

- 1. Any UK referendum is constitutionally and legally advisory not mandatory.** The Monarch in Parliament (i.e. Parliament) is sovereign, not “the people”. The EU referendum was also **explicitly advisory** [*House of Commons Briefing Paper 07212*, 3rd June 2015]. Therefore no one has to accept the result, least of all Parliament. Those in Parliament and beyond who saying it must take us out of the EU because of the 2016 Referendum result are either mistaken or lying. Those who claim that a promise was given that the result would be honoured are also wrong: no one, even the Prime Minister, is entitled to make such a promise; no Parliament can bind its successors and we have had a general election since then.
- 2. We are a representative not a referendum-based democracy.** This is absolutely essential when making the case. We elect MPs to represent our interests at general and/or by-elections. But however much we may want them to do our bidding, MPs are not delegates. We don’t elect them to carry out our will but to consider and make decisions on what they believe is in our and the nation’s interest. It follows that they should vote with that uppermost in their minds. If this goes against what people want we can reject them at the next election. The accepted authority here is Burke’s speech to the Bristol electors of 3rd November 1774, which you can read here: <http://press-pubs.uchicago.edu/founders/documents/v1ch13s7.html>
- 3. The key here is not “the will of the people” – however solicited – but the interest and well-being of the nation.** This must be Parliament’s – and our – overriding concern, not whether a single vote was held on a binary issue. If Parliament considers that Brexit (or anything else) is against the national interest, they must act accordingly. So far they have not managed to play that role. Although a big majority of MPs were – and are – in favour of remaining in the EU on the grounds that leaving will hugely damage our country, nearly all have (wrongly) claimed to take instruction from a “people’s will” that doesn’t exist and would have no mandatory power if it did.
- 4. Why, then another Referendum?** Parliament shows no sign of carrying out its constitutional duty to represent national not party interests. There is chaos within the Government, the Conservative Party and Labour, the official opposition. There is chaos in the country. It’s clear that there was no shared belief among Leavers why we should leave and what it would mean. The negotiations with the EU have been disastrous and there will be no political consensus for whatever deal comes back. Since a referendum set off the chain of events we are now witnessing and Parliament refuses to do its sovereign duty, there is a case for putting the final Brexit deal to another referendum when we have an informed idea what it will mean.
- 5. And here’s the clincher.** The EU Referendum was held well over two years ago in conditions of widespread ignorance. Some of that ignorance was down to the poor campaign. But much was inevitable: no one had thought through what leaving would entail let alone foresee what the exit deal would be. Any democracy **MUST** be based on knowledge not ignorance. **How, therefore, can a vote taken in ignorance be called democratic but an informed one be labelled undemocratic?**

It is *not* asking the same question as before. *Nor* is it “asking the question again and again until the elites get the answer they want”. This is the biggest peacetime crisis in our country since the early 17th century. It is not a game. It is not a time to roll over or make excuses. It is about our kids’ future. We need to write history not let it write us.