

Dark days for Western democracy

By Greg Sheridan, The Australian, 19 January 2019

Theresa May's omnishambles of a Brexit wreck, with her government in mortal crisis, has only one saving grace — the alternative is the unspeakable Jeremy Corbyn.

The British government is confused, disoriented and dogged. It resembles a dying man desperately driving to hospital but finding he's going the wrong way down a one-way street.

Here's the Kafkaesque twist — if it turns around and drives the other way, it finds itself in a new one-way street, still going the wrong way, against all the traffic. Its circumstances resemble a nightmare in which the dreamer knows the environment is irrational but cannot find the way back to consciousness.

This week May's government suffered the biggest parliamentary defeat in the history of British democracy, and it did so on its core policy. May's Brexit agreement with the European Union on how Britain will leave the EU was defeated by 432 votes to 202, a staggering margin of 230 after 118 Conservative Party MPs voted against their government.

Next day May easily defeated a vote of no confidence. The House of Commons is thus clear in its resolution — it wants Theresa May in government but is determined that she will not govern.

However, let's not get too superior in our attitude to the British mess. It is an acute version of the crisis that is crippling Western democracy in many nations, and is as likely to spread.

Western democracy has a virus in its central operating system. It can no longer perform its core tasks. Democracy has lost the ability to make decisions.

At its heart, democracy is about choosing between contradictory policies. Sometimes this involves compromise and splitting the difference, sometimes it involves a clear choice. But choices must be made. If a society can't do it democratically and in an orderly manner, it does so through the naked use of power — the power of mobs in the streets, the power of autocrats who break the rules.

Look around. France elected a charismatic President on a modest economic reform program. He tried to implement the reform and hundreds of thousands of rioters took to the streets to burn his presidency down.

Donald Trump won a tight election with no promise clearer than his commitment to build a wall along the border with Mexico. His opponents in congress will do anything to stop him.

Democratic accountability is no longer about keeping the bastards honest, it's about keeping the bastards paralysed.

The EU has made its own epic contribution to democratic deficit by systematically eroding national sovereignty and preventing elected governments from exercising the mandates they win at national elections.

In the new political environment of 24/7 social media activism, of dark conspiracy theories and apocalyptic visions, of perceived social inequality and a collapse of trust in institutions, of a premium on anger and outrage for their own sake, no one any longer accepts that any decision has gone against them. The incentive to keep trying to thwart any vote you lose — the towering power of “nope” — is the addictive but arrhythmic adrenalin surge.

Because of the singular incompetence with which May has tried to manage these dynamics, like a cricketer who mistakenly went to the crease with a table tennis paddle instead of a bat, there is now a good chance that Britain will not leave the EU at all.

Yet the British people have voted to leave again and again. In 2015 David Cameron won a surprise majority at the general election by promising an in/out referendum on EU membership. The subsequent bill to establish this referendum was supported by the overwhelming majority of the House of Commons. In the 2016 referendum there was a vast fear campaign against leaving. The media was furiously pro-Remain. All the main parties — Conservative, Labour, Liberal Democrats, Scottish Nationalists, Welsh nationalists, Greens — supported Remain.

Robert Manne once quipped that you’d have a better chance of getting a referendum passed in Australia if it faced bipartisan opposition rather than having bipartisan support. That’s what happened in 2016. All the big British parties, the media, business, trade unions, every quango and NGO you could poke a stick at, all supported Remain, but in the biggest vote in the history of the British Isles, a clear majority voted to leave.

Then at the 2017 election both the Conservatives and Labour promised to honour the referendum and actually leave the EU. Between them they won 80 per cent of the vote. The pro-EU Liberal Democrats got smashed and the even more pro-EU Scottish Nationalists lost a dozen seats.

Here, though, is the paradox — there was a Leave majority in the nation but a Remain majority in parliament. So parliament has not seriously worked to bring about Brexit and the EU has actively worked to frustrate it.

David Davis, the former Brexit secretary, has suggested the most obvious way forward. Britain should leave with the misnamed “no deal”, which means trading with the EU on World Trade Organisation terms. But there should be a transition period of a year or more while both sides simultaneously work to achieve a Canada-style free trade agreement and also prepare all the regulations and practical arrangements necessary if an FTA could not be negotiated in time.

This is not fiendishly complicated and could certainly be achieved if there were a coherent government in London, committed to Brexit, and a reasonable partner exercising minimal goodwill in Brussels. Sadly, neither of those exists.

This process would undoubtedly involve some new costs and complications for business, but as even the left-wing Paul Krugman of *The New York Times* points out, it would create plenty of economic winners as well. And there would be the opportunity, through trade and economic policy and all the rest, for Britain to make its own economic destiny. Many “just-in-time” supply chains are maintained across modest tariff walls of the kind that would exist between Britain and the EU.

May once had something like this in mind. At the time of the referendum she was a quiet though clear Remainer. When the referendum result came through, Cameron resigned, the Brexiteers were triumphant and she became for a while a polemical Brexiteer.

But her disastrous performance in the 2017 election unnerved her, and since then she has exhibited the clarity of an uninterpreted Rorschach test and the policy strength of a jellyfish. Her instincts as a Remainer all along have been to secure minimum fidelity to the referendum result while causing minimal disruption, which also means minimal change.

This led to the catastrophic deal she brought back from Brussels. It would tie Britain to obeying EU institutions and rules but rob it of any influence on how those rules are formed. Britain would regain control of immigration but nothing else. It would be subject to EU court rules, trade policy, regulatory policy. And it would still have to pay into EU coffers indefinitely.

If it ever wanted to change anything about that, it would have to get approval from the EU, in this case all 27 EU national parliaments.

More than that, it also provides that even if it ever gets such EU agreement, Northern Ireland would remain forever ruled by EU regulations and institutions, thus destroying Northern Ireland's constitutional status as part of the UK.

May's deal was literally the worst of all worlds. To understand this it is necessary to conceive of Brexit as a kind of binary choice in which any splitting of the difference, the seeming middle ground, is actually far worse than the main two alternatives.

Thus Alexander Downer, who knows British politics better than any Australian, thinks the best choice is for Britain to leave the EU altogether. The second best choice is not a soft Brexit, either of the kind May proposed or of that similar kind now gaining momentum in the House of Commons, but rather simply to stay in the EU.

And the worst choice of all is a May-style deal or any other variant of the "soft Brexit". That alternative not only means Britain must abide by rules it has no say in forming, it also means the EU can force Britain to take actions that are directly against its economic interests.

This is not eccentric or strange or unlikely. It is utterly obvious. Say, for example, the EU negotiates a free trade agreement with the US or Japan or some other nation. It can give up any single interest that affects Britain to benefit companies in, say, France or Germany.

The biggest financial centre in Europe is London. Guess which is the second biggest financial centre? Edinburgh.

Under a soft Brexit, Brussels can make any regulation it likes to penalise London or Edinburgh and advantage Frankfurt or Paris, and London has no avenue even to complain, much less do anything. Britain ceases to be a full, representative democracy and becomes, politically and economically, a governed colony of Brussels.

Outside the EU and its economic institutions, Britain can easily compete with EU capitals, and change its own regulations if necessary. And it can entice business from the rest of the world. Brussels hates and is terrified of this possibility.

Similarly, inside the EU Britain can oppose policies that uniquely harm it, make coalitions with other similarly minded Europeans such as the Dutch, even find common ground with the anti-EU government in Italy.

That is why a clean Brexit, a no-deal Brexit managed in an orderly way, or continued membership of the EU, are both infinitely superior to the kind of soft Brexit May is moving towards.

Here again, the British people are stymied by having a pro-Remain parliament that never had its heart in Brexit at all and only temporarily pretended to follow the will of the people.

London political insiders tell me May is determined never to enact a no-deal Brexit.

There are sharp parliamentary manoeuvres under way now for the bulk of the opposition to join with 20 or 30 or perhaps more pro-Remain Tories to legislate to make no-deal effectively illegal. They are prepared to overturn all parliamentary procedure so that the house majority, made up mostly of the opposition but with some Tory rebels, controls which motions are put, what legislation is considered and so on.

So the conflict is not just plebiscite versus parliament, but plebiscite versus parliament versus executive government.

Labour under Corbyn has been a study in ambiguity, not wanting to relieve Conservative divisions. Yet the latest polls actually put Labour six points behind the Conservatives, an astounding result for an opposition facing a government in this much disarray.

Corbyn has not said exactly what kind of Brexit he would favour but in general has supported Britain staying in the EU customs union, the softest of soft Brexits and, as Downer argues, a terrible outcome.

If May goes down this path herself, there is probably a clear parliamentary majority for such a deal. But it would be a majority comprised overwhelmingly of Labour and Scottish Nationalists, with a few dozen Tories thrown in. It would very likely lead to a crippling, bitter split within the Conservative Party.

The proposal for a second referendum is much less democratic than it looks. Already there are myriad Remain proposals to rig such a vote. There would be pressure to reduce the voting age to 16, to let EU citizens living in Britain vote and to rig the question itself, offering some specific and unpopular Brexit deal against remaining in the EU as the only two options. And of course the whole contest would be incredibly divisive and bitter.

And if they get a halfway fair question, the British people could still vote to leave. What then?

No problem has been solved and Britain is back where it was in 2016: a people who want to live in a sovereign, independent democracy and a parliament too scared or incompetent to give them what they want

These are dark days for Western democracy.