



# A tour through brexit Britain

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## Abstract

This article embarks on a tour of Brexit Britain in the company of the eighteenth-century writer Daniel Defoe. The closer text is his *A Tour Through the Whole Island of Great Britain*, published between 1724 and 1726. Defoe wrote his *Tour*, in considerable part, as a gentleman's guide to the newly 'United' Kingdom of Great Britain. It seems apt to revisit Defoe's *Tour* given the stresses which presently test the integrity of this same union three centuries on. Stresses which moreover have been exacerbated by Britain's tortured attempt to extricate itself from another Union, the European. The article will, in fact, revisit just three of the places to which Defoe invited his readers; Rochester, Westminster and Edinburgh. The reason for these three destinations will become apparent.

**Keywords** Defoe · Brexit · *Miller* · Sovereignty · European Union

As might befit the man who is commonly supposed to have founded the modern novel, Daniel Defoe has proven to be a prescient writer. He saw climate change coming and appreciated that when it came to dealing with plagues the British were commonly useless.<sup>1</sup> Nothing about the present climate 'crisis', nor our ham-fisted attempt to deal with Covid-19 would have surprised him. And the same is precisely true of Brexit, of all the blights which currently afflict British political life, perhaps the most tragically avoidable, and the most tragically predictable. The purpose of

<sup>1</sup> His short essay *The Storm* might be read as an early-day climate-change treatise, at least insofar as Defoe was evidently puzzled by increasingly erratic weather-patterns. His *Journal of the Plague-Year* is an uncompromising portrayal of the variously hopeless strategies deployed by the authorities during the 'great' plague of 1665, chief amongst which was a brutal 'lockdown' of dubious facility.

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this article is to take a brief ‘tour through’ Brexit Britain, some of it at least, in the company of Defoe.

Our conceit inspired by the publication of *A Tour Through the Whole Island of Great Britain*, which appeared between 1724 and 1726. A ‘description of the most flourishing and opulent country in the world’, the *Tour* was written in celebration of the newly devised ‘Kingdom by the Name of Great Britain’, as it was proudly described in the recently enacted *Act of Union*.<sup>2</sup> An early day gentleman’s ‘travel companion’, of the kind anticipated in Camden’s similarly topographical *Britannia*. Later contributions to the genre would include Boswell’s *Journal of a Tour to the Hebrides with Samuel Johnson LLD*, published in 1785, and Laurence Sterne’s more whimsical *Sentimental Journey to France and Italy*, which had appeared seventeen years earlier.<sup>3</sup> Horizons would, over time, grow. But for Defoe in the mid-1720s, the outer, and inner, reaches of ‘Great Britain’ was far enough.

The *Tour* is a long book, and this is a short article. So, we must be selective in choosing where we might go. In fact, we will venture to just three destinations, each chosen for their peculiar Brexit resonance. Our first trip will take us to Kent. It will allow us to revisit the politics of Brexit up to and through the referendum of 2016, in all its mad fury. Our second will see us back in London, Defoe’s home city. We will pass a couple of mornings in the environs of College Green in Westminster. Our final trip will be our most extensive, up the ‘high road’ to Edinburgh to contemplate a collateral consequence of Brexit, not entirely unanticipated, but hardly thought-through. There again not much about Brexit, it transpired, had been thought-through.

A busy trip then, and not especially cheery, as we will see. Necessary though, for the very reason that compelled Defoe to publish his *Tour*. Not just so that his readers might discover a bit more about the new Britain, but that they might discover a bit more about themselves.

## A reckless moment

Our first journey, as advertised, takes us Kent, the ‘garden of England’ as Henry VIII termed it.<sup>4</sup> The city of Rochester to be precise. We might, for reasons which will become apparent, have started in Eastleigh or Clacton. But sadly, Defoe skipped both. Or Rotherham or Wythenshawe or South Shields. But he skipped them too. He did though pay a visit to Rochester. The city itself was ‘little remarkable’, except for ‘the ruins of a very old castle, and an ancient but not extraordinary cathedral’. Chatham docks, nearby, was a different matter; ran ‘like a well-ordered city’. Defoe was fascinated. If anyone wanted to understand how ‘great’ Britain managed to run an

<sup>2</sup> Defoe (1986), 43.

<sup>3</sup> Boswell would also publish accounts of journeys to *Germany and Switzerland*, and *Italy, Corsica and France*.

<sup>4</sup> Reputedly. The story goes that Henry was so taken by a locally-sourced bowl of cherries when visiting Flanders on one occasion, that he ordered the cultivation of a ‘garden’ dedicated to cultivating English fruit, and suggested Kent.

empire, they only need to spend an afternoon at Chatham docks.<sup>5</sup> Our closer interest is, however, in what happened in Rochester on the late evening of 20th November 2014.

Earlier that day, the inhabitants of Rochester had voted for a new MP. And they chose Mark Reckless, representing the UK Independence Party. The only thing new about Reckless, in truth, was his party affiliation. He had previously represented the city as a Conservative MP. Now though he had defected to a party which, if not exactly new, could certainly be said to be ‘up and coming’. Just a month earlier UKIP, as it was more familiarly known, had won its first ever by-election, at Clacton.<sup>6</sup> But Defoe did not go to Clacton, as we have already noted. So, Rochester works better for us, our conceit being that there is a common thread running through these various English towns. They all experienced by-elections between 2013 and 2016, and more importantly witnessed significant successes for UKIP. So significant that the governing Conservative Party, and its leader David Cameron, sensed an existential threat. Back in 2006, Cameron had airily dismissed UKIP as a gang of ‘fruitcakes, loonies and closet racists’. Perhaps. But the age of the fruitcake, it seemed, had arrived, and the loonies and the closet racists.

Cameron firmed up on a vaguer promise, made the previous year, to hold a referendum on continued membership of the European Union, which was duly enshrined in the manifesto for the 2015 general election.<sup>7</sup> Hindsight supposes a considerable gamble, not just on Cameron’s own future, but that of his party, and the country. Cameron though was confident that his compatriots would vote to remain in the EU.<sup>8</sup> At which point, UKIP would be wizarded away. Perhaps the most significant political misjudgement in British politics since the Suez crisis.<sup>9</sup> Not simply because Cameron misread the room, but because referenda are a rubbish way to govern, snapshot glimpses of public opinion, rarely able to present questions that can reflect the complexity of tendentious issues. Referenda are designed, in essence, for those disinclined to think very long or very hard. Dangerous too, ‘absolutist’ even, in their preference for reaching past established mechanisms of constitutional legitimacy.<sup>10</sup>

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<sup>5</sup> Defoe (1986), 123–125.

<sup>6</sup> Re-electing its formerly Conservative MP, Douglas Carswell, with an overwhelming majority of 60%.

<sup>7</sup> Made in his so-called Bloomberg Speech in January 2013. As recently as 2011, Cameron and his Foreign Secretary, William Hague, had both rejected calls for a referendum, on the grounds that there was no question which could encompass the complexity of the issue. See Adam (2020), 50–51.

<sup>8</sup> He loudly announced his intention to negotiate a ‘better deal’ for Britain; a proclamation met with icy disdain in Brussels. This deal secured, Cameron assumed, his compatriots would see the wisdom in remaining.

<sup>9</sup> ‘Startling and catastrophic’, according to the former Chancellor, Ken Clarke. In Burton (2002), 104. Or maybe not that startling. See Tombs (2022), 56–59, noting opinion surveys revealing a growing Euro-scepticism in key demographics in the years leading up to the referendum, and concluding that the only thing that was surprising about the result was that so many people seemed so surprised.

<sup>10</sup> A ‘bald, prerogative-based constitutional power grab’, according to Elliott (2017), 282. See also Sumpston (2020), 30–32, and Adam (2020), 113–118.

This is not the place to indulge an extended history of the European Union, or the UK's membership of it.<sup>11</sup> Suffice to say that, whilst post-Imperial Britain has been obsessed with the emergent European 'union', it has never been sure what to think of it; probably because it is so obsessed.<sup>12</sup> Churchill famously recommended the idea of a 'United States' of Europe.<sup>13</sup> But he did not expect Britain to be part of it. More enthused was the renowned Bagehot scholar, Norman St John Stevas, who hoped that Queen Elizabeth II might become 'Empress of Europe'.<sup>14</sup> The UK joined the European Economic Community on 1st January 1973, but to St John Stevas's chagrin was not immediately put in charge. Even those who admitted the need, principally economic, to join the incipient union were hardly enthusiastic. 'We have not overcome the Divine Right of Kings', Harold Macmillan declared, 'to fall before the divine right of experts'.<sup>15</sup>

The technocracy bothered some. Others worried about constitutional consequence, especially the seeming diminution of parliamentary sovereignty. Achieved by statutory sleight of hand in Sect. 2 of the 1972 *European Communities Act*, which supposed that sovereignty would be ceded in matters pertaining to European law, but otherwise retained.<sup>16</sup> A feint that was designed to accommodate the competing principle of legal 'supremacy' which was presently being refined in the European Court of Justice.<sup>17</sup> The more jurisprudentially-perceptive further wondered if the 1972 Act might have somehow bound future Parliaments, at least to the 'manner and form' of later repeal; a position intimated in an early 'integration' case, *Macarthy's v Smith*.<sup>18</sup> A constitutional 'revolution' some surmised.<sup>19</sup> A proper 'mess', according to others.<sup>20</sup> Reconcilable opinions. At the least, further evidence that certain statutes might indeed assume an elevated constitutional status.

The seriously over-wrought supposed that the legislative sorcery masked a more prosaic truth, that sovereignty was in the process of being lost, maybe for ever; a

<sup>11</sup> Histories of the latter are legion. Young (1998), is a classic, albeit increasingly dated. A more recent summation can be found in Bogdanor (2021), Chap. 1.

<sup>12</sup> McConalogue (2020), 1.

<sup>13</sup> In his 'Zurich speech', given in September 1946. 'Great Britain' and the British Commonwealth of Nations', Churchill assured his audience, along with 'mighty America', would be 'friends and sponsors' of this 'new Europe'. In Adams (2020), 1.

<sup>14</sup> In Haseler (1996), 130. St John Stevas, a prominent Conservative politician, served as Lord President of the Council and the Leader of the House of Commons. An unlikely ally of Margaret Thatcher too, it might be thought, until it is remembered that the latter was, in the earlier part of her career, a fervent pro-European. And never wavered from her support for the Single Market.

<sup>15</sup> In Adams (2020), 4.

<sup>16</sup> A piece of trickery that has elicited differently toned critical comment. A 'skilful form of pragmatism', according to Bogdanor (2021), 63.

<sup>17</sup> In cases such as *Costa v ENEL* (1964) Case 6/64, and *Simmenthal* (1978) 106/77.

<sup>18</sup> [1979] 3 All ER 325. Supposing that repeal might, in the circumstance, need to be 'express', as opposed to simply 'implied'. See here Allan (2010), 155–162.

<sup>19</sup> See Bogdanor (2021) 87. A perception shared by Sir Malcolm Jack, former Clerk to the House of Commons, commenting in the preface to the twenty-fourth edition of *Erskine May*, in 2011. Whilst the British constitution has never been 'immutable', the pace of recent change, accelerated most obviously by membership of the EU, has been 'remarkable'. See Jack et al. (2011), viii.

<sup>20</sup> See King (2007), 99.

particular instance, perhaps, of the broader fear that globalisation might be ‘hollowing out’ democratic institutions.<sup>21</sup> The idea that it might have been ‘pooled’ failed to convince.<sup>22</sup> Instead, what mattered was getting it ‘back’ before it was too late. It is, of course, a matter of perception; like all constitutional fictions.<sup>23</sup> No UK government was ever prevented from enacting important domestic legislation because of EU membership.<sup>24</sup> Nor the converse. Protocols exist precisely to preclude such eventualities. Moreover, engagement with any international commercial order necessitates some sharing of legal sovereignty. It did in the Roman Empire and the Hanseatic League, it does in the European Union and the World Trade Organisation. The constitutional was not, however, the only fiction exercising the British public.

Others were fixated by numbers and shapes. The ‘Vote Leave’ campaign conjured up a figure of £350 million pounds a week that might be saved if the UK left the EU.<sup>25</sup> Money that could be invested in the NHS, and which might come in very handy in the event of viral pandemic. No-one wants to be unprepared when one of those arrives. Quotas too, of fish and humans. Too little of the former, it seemed, all being nicked by the Spanish. And far too many of the latter. Britain was already at ‘breaking point’, and now there was the likelihood of seventy-four million more immigrants pitching up at St Pancras International, brandishing their shiny new EU passports and specimen social security forms.<sup>26</sup> The Hun at the platform-barriers again.<sup>27</sup> Brexit was not all about immigration, and it would be a mistake to assume that every ‘Leave’ voter was a racist. But it is reasonable to suppose that every racist voted to leave.<sup>28</sup> And then there was all the shape-shifting, of fruit and veg especially. The future British

<sup>21</sup> Loughlin (2019), 443, 450.

<sup>22</sup> A defining fiction of EU public law, ‘pooled’ sovereignty supposes that each member state relinquishes some of its domestic sovereignty in order to share EU sovereignty. For a discussion, see Peterson (1997), 559–578.

<sup>23</sup> See Bogdanor (2021), 1, on the ‘illusion’ of ‘taking back control’.

<sup>24</sup> See Burton (2002), 23, quoting Tony Blair: ‘I was Prime Minister for 10 years and I can’t think of a single law that I wanted to pass that Europe told me I couldn’t, or any law they made me pass that I didn’t want to’.

<sup>25</sup> The figure was a of course nonsense, as the chair of the UK Statistics Authority immediately countered. The real figure was nearer to £180 million, and readily offset by incoming subsidies.

<sup>26</sup> The figure premised on the prospect of Turkey joining the EU. The Breaking Point image was taken from a photograph of asylum-seekers crossing the Croatia-Slovakia border in 2015, white faces covered over or erased, just leaving black. In front of which the UKIP leader Nigel Farage happily posed. The template was a Nazi anti-Jewish poster from the 1930s. The storm it duly raised only helping to advertise the essential message. See Esler (2021), 156.

<sup>27</sup> In truth, internal EU migration had increased significantly following the most recent expansion in 2004, which added ten new members. But most of those who made their way to the UK were looking for generally lower-skilled employment, not hand-outs. And were indeed vital to the functioning of the UK economy; as became apparent after Brexit, when it was discovered that there were not enough prospective workers to pick fruit, or service care homes, or restaurants, or to make the airports work properly, or the ferries. A case can indeed be made for supposing that the economic ‘boom’ which the UK enjoyed during the half decade leading up to the start of the Great Recession in 2008 was, to a considerable extent, a consequence of free movement of migrant workers. See Burton (2002), 36–37.

<sup>28</sup> It can even be argued that the referendum mutated into a vote on immigration policy. See Burton (2002), 169–170, and also Adam (2020), 299, commenting on the tragic death of the MP Jo Cox, just a week before the referendum. Murdered, her assailant declared, because she was a ‘passionate defender of the EU and a traitor to white people’.

Prime Minister Boris Johnson made his name as the man to lead Britain through Brexit on the back of a series of brilliant articles on ‘bendy bananas’. In truth, there are few more ridiculous pieces of EU legislation than Regulation 2257/94.<sup>29</sup> There again there are few more ridiculous reasons for breaking up an economic and political union.

Cameron lost his gamble. On 23 June 2016 the UK held its ‘Brexit’ referendum. 36% of the adult population voted to leave, 35% voted to stay, and 29% did not vote at all.<sup>30</sup> A narrow defeat for apathy, a still narrower victory for ‘Vote Leave’. Enough, though, to plunge the UK into constitutional crisis. The result had brought into open view a fundamental ‘gulf between two nations’, or maybe three. A ‘deep and bitter cultural divide’.<sup>31</sup> It also meant that there was, not for the first time in Anglo-British history, a break with Rome to get ‘done’.<sup>32</sup> And no-one, it became quickly apparent, had bothered to do much by way of contingency-planning.<sup>33</sup> Just as nobody had thought to put a ‘lock’ on the referendum, or make provision for a confirmatory referendum down the line.<sup>34</sup> There again, the UK has little experience of organising referenda; something which might, with the benefit of hindsight, have been cautionary.

All very familiar to scholars of England’s first break with Rome though. There would need to be a statute, in ‘restraint of appeals’ to the European Court of Justice. A ‘Great Repeal Act’, as Cameron’s successor, Theresa May, preferred to term it. And before that, some negotiations, most likely of the tetchy variety. Or maybe not. Perhaps the UK could leave the Union by the simple sweep of the Prime Minister’s pen? Without all the bother of securing Parliament’s approval. Article 50 of the EU Treaty suggests that any member state can withdraw from the Union ‘in accordance with its own constitutional requirements’. A sensible provision provided someone knows what, in each circumstance, such requirements might be. Otherwise, a recipe for chaos, and an excuse for conceit. So much so that May decided to give it a go. And was duly challenged in court, by anti-Brexit campaigner Gina Miller.<sup>35</sup> At which point, it is time to reorient ourselves, and get ready for our second venture. Which in fact takes us back home.

<sup>29</sup> The Regulation sought to categorise bananas in terms of shape. A Class 1 banana would suffer only ‘slight defects of shape’, if any. A Class 2 banana might be riddled with any number of un-shapely ‘defects’. They should though all taste the same; which most people might reasonably conclude is all that matters.

<sup>30</sup> A winning margin of around 700,000 in a population of 64.5 million.

<sup>31</sup> See Tombs (2022), 86, and also Adam, *Brexit*, at 195, referring to a country of ‘embittered animosities’.

<sup>32</sup> A conceit that plays on the fact that the original agreement to establish a European Community was sealed by the Treaty of Rome, in 1957.

<sup>33</sup> Burton (2002), 193–194, 210.

<sup>34</sup> Of the kind that might have required a ‘super-majority’ of those voting, or a certain percentage of the entire adult population. Or perhaps have required a confirmatory vote, once the terms of a final ‘deal’ had become apparent. For the significance of this error, see Bogdanor (2021), 264–265.

<sup>35</sup> *R (on the application of Miller) v Secretary of State for Exiting the European Union* [2017] UKSC 5; [2018] AC 61; 1 WLUK 387 (SC).

## A morning in middlesex

Defoe's home at least. London, 'the great centre of England'.<sup>36</sup> And getting greater, physically at least. 'New squares and new buildings rising up every day to such a prodigy of buildings'.<sup>37</sup> He compared it to the growth of Rome under the Emperor Trajan, only absent the planning. Defoe was born in St Giles, Cripplegate, and it is evident in his account of the 'City of London' that his greater interest lies about here, in the place of 'commerce and wealth'.<sup>38</sup> Our closer location is, however, a few miles to the west, in Westminster, where parliament sat, along with the great courts of law. Not that Defoe was much impressed with what might be discovered there in 1726. All a bit shabby, a pervasive 'air of venerable, though ruined antiquity', Palace-yard now reduced to 'little offices for clerks, rooms for coffee-houses, auctions of pictures, pamphlets and toy-shops'. As for the great abbey church, frankly a bit of a 'heap', whilst Westminster Hall 'resembles nothing so much as a great barn'.<sup>39</sup> He did not describe the area to the south-west of College Green; there was probably nothing then to describe.

There is today, though. For it is here, four centuries on, that we can admire the Middlesex Guildhall, acclaimed by Pevsner as a prime example of 'art nouveau gothic' architecture. And now the home of the UK Supreme Court. Established under the terms of the 2005 *Constitutional Reform Act* to serve as a constitutional court, in everything but name. It is here that Gina Miller's case was decided in 2016, and it was here that another case brought by Miller would be decided three years on. Directly concerned with the legal circumstance of Brexit, both cases tested fundamental 'principles' of British constitutional law. In the words of one of the Justices, the second *Miller* case in particular invited the Court to resolve 'a question as fundamental as any that a British court' has 'ever had to answer'.<sup>40</sup>

We have already sketched the backdrop to the first *Miller* case. Miller argued that the use of crown prerogative to trigger the Brexit process would preclude parliamentary oversight and was thus contrary to constitutional law. The Supreme Court agreed. Repeal of the *European Communities Act* would require primary legislation. It could not be implied, nor resolved by the exercise of Crown prerogative alone. There was nothing surprising in this opinion.<sup>41</sup> Prerogative vests a power in ministers to sign foreign treaties. It does not vest a power to implement them in UK law. Parliament is supposed to do that. A 'major change to UK constitutional arrangements', as Lord Reid confirmed, cannot 'be achieved by ministers alone'.<sup>42</sup> A precedent found in the early seventeenth-century *Case of Proclamations*, and then confirmed in Article 1 of the *Bill of Rights*, the 'pretended power of suspending of laws or the execution of

<sup>36</sup> An apposite descriptor, he supposed, given that his account of the city appeared at the 'centre' of his *Tour*, the fifth of the thirteen 'letters'.

<sup>37</sup> Defoe (1986), 286–287.

<sup>38</sup> Defoe (1986), 306.

<sup>39</sup> Defoe (1986), 323–325.

<sup>40</sup> See Sumption (2021), 196–197.

<sup>41</sup> More 'vanilla' than 'thriller', as Young (2017), 280–295 puts it.

<sup>42</sup> Para.82.

laws by regall authority without consent of Parlyment is illegal'. As well as the very statute that the government was hoping to repeal. Still, the ruling was met with fury by Brexit-supporters. The judges, the headline of one far-right tabloid read, were the 'enemies of the people'.<sup>43</sup> Ranting aside, it did leave the government in something of a predicament. 'Brexit means Brexit', May declared helplessly, as her government fell about her.<sup>44</sup> Two and half years of thrashing about and May gave up, resigning in July 2019.

To be succeeded as Prime Minister by Boris Johnson. And a decision a few months later to have another go at trying to circumvent Parliament, in order to get Brexit 'done'. This idea this time was to prorogue Parliament for an extended period, principally so that it could not pass legislation intended to block the UK leaving the Union without a 'deal', when the clock wound down on the last day of the year. Brexit by *fait accompli*. Hardly subtle, but then subtlety was no more part of Johnson's skill-set than was honesty or bare competence. And there is nothing in the constitution which determines the length of parliamentary prorogations. Convention supposes three to four weeks to be the norm; but it is only convention.

There again there is nothing much in the British constitution which determines anything. In fact, there is an arguable case still that there is no real constitution at all, as Alexis de Tocqueville famously quipped in 1840. In England 'the constitution can change constantly, or rather it does not exist at all'.<sup>45</sup> It is why governments can order random referenda, and why no-one really knows how to run them or what to do with their resolution.<sup>46</sup> The constitution of 'nods and winks' that Kipling perceived half a century after Tocqueville, 'largely inarticulate, being void of self-expression'.<sup>47</sup> Johnson winked, the Queen nodded, and Parliament was duly closed for five weeks.

At which point attention turned once again to the courts. Proceedings commenced in Scotland, with an action brought by Joanna Cherry, an SNP MP. The Inner House of the Court of Sessions held that the 'principal reason' for the extended prorogation was to 'impede Parliament' and declared the prorogation unlawful. Prompted by a similar action brought by Miller, the English High Court, however, reached a different decision, accepting the argument that the exercise of prerogative power is 'intrinsicly one of high policy and politics'.<sup>48</sup> At which point the cases were joined

<sup>43</sup> Headline in the *Daily Mail*, an ardent supporter of Brexit, on 14 November 2016, in response to the initial High Court judgement. Amongst the many things it seemed to dislike about Sir Terence Etherton, who was one of the three judges who gave judgement, was the fact that he was an 'openly gay ex-Olympic fencer'. Berating disobliging judges would become something of a habit over the coming years, both in the right-wing press and amongst government ministers. As childish as chilling. See Rozenberg (2023), 32–33.

<sup>44</sup> There were various possible 'withdrawal' models around which negotiations with the EU might have moved, describing different kinds of beneficial trading regimes. But party political exigencies preventing May from countenancing any. After a series of parliamentary defeats, May resigned in June 2019; blaming everything on a Parliament which had caused 'potentially irreparable damage to public trust'. In Adam (2020), 181–182.

<sup>45</sup> de Tocqueville (1994), 101.

<sup>46</sup> See Bogdanor (2021), vi, on the *Miller* cases revealing the fragility of an 'unprotected' constitution.

<sup>47</sup> Kipling (1946), 533. For the reference to a constitution of 'nods and winks', see Colls (2002), 84.

<sup>48</sup> [2019] CSH 49, and [2019] EWHC 2381 (QB). The decisions of the two courts are reviewed in *R (on the application of Miller) v Prime Minister* [2019] UKSC at paras. 24–25.



and remitted to the UK Supreme Court.<sup>49</sup> Which announced its decision on 24th September 2019. The judgement, read out by the President of the Court, Baroness Hale, was unanimous, and concluded that the decision to prorogue was indeed ‘unlawful, null and of no effect’.

A decision to prorogue parliament (or to advise the monarch to prorogue parliament) will be unlawful if the prorogation has the effect of frustrating or preventing without reasonable justification, the ability of parliament to carry out its constitutional functions as a legislature and as the body responsible for the supervision of the executive. In such a situation, the court will intervene if the effect is sufficiently serious to justify such an exceptional course.<sup>50</sup>

By asking the Queen to prorogue Parliament at that moment, and for an extended period, the Prime Minister had sought to ‘impede the essential function of Parliament in holding government to account’.<sup>51</sup> An evident threat to the sovereignty of Parliament. Whilst the fact that the prorogation convention was executed by mean of crown prerogative meant that it became a matter of constitutional ‘legality’, rather than mere ‘political sentiment’.<sup>52</sup> Prerogative powers, Lady Hale emphasised, that have been justiciable since the days of Sir Edward Coke.

The decision to prorogue was accordingly void, which in turn meant that Parliament had never been prorogued at all, merely ‘adjourned’; the sort of legal fiction of which Jeremy Bentham despaired. In practice it had been forcibly shut down, for three weeks. Not anymore though. Shortly after the judgement had been delivered, John Bercow, the Speaker of the House of Commons, appeared on College Green sporting an exceptionally bright tie, and a still brighter smile. Parliament, he confirmed, would reopen for business the following day. Nothing less than a ‘constitutional coup’, the arch-Brexiteer Jacob Rees-Mogg trilled. An opinion shared by the conservative jurist John Finnis, who announced that the Court had reached a ruling which ‘would unhesitatingly have been rejected by all previous generations of judges back to the Bill of Rights’.<sup>53</sup> It was an excitable moment.

The Brexit-supporting press defaulted once again to fulmination. Hale was a ‘quintessential liberal blue-stocking’ hell-bent on preventing the ‘will’ of the people; or a few of them at least.<sup>54</sup> Her choice of brooch was an affront too. A spider-design, in silver. A tangled-web seemed the obvious allusion. Or perhaps a feminist icon. The ancient Egyptian spider-goddess Neith sprang to some minds, the spinner of destiny, good at dealing with slimy reptiles too. Johnson took it personally. Having added a botched response to the Covid-19 pandemic to his prime ministerial *curriculum vitae*, Johnson left office in spring 2022, taking the opportunity in his resignation speech to launch an attack on Hale, who he had apparently ‘seen off’. A closing act of childish petulance, which ignored the fact that, having reached retirement age, Hale

<sup>49</sup> Paras. 50 and 61.

<sup>50</sup> Para. 50.

<sup>51</sup> Sumption (2021), 219.

<sup>52</sup> Sumption (2021), 197.

<sup>53</sup> See Finnis (2019), 10.

<sup>54</sup> Quoted in Rozenberg (2023), 47.

had stepped down as President of the Supreme Court two years earlier. And the still simpler fact that he had lost.

That the decision in the second *Miller* case seemed to catch the government by surprise is itself surprising. There are certainly plenty of precedents regarding the jurisdictional contention. Courts have long reviewed the operation of Crown prerogative. As Lord Diplock had noted in *ex parte Lain*.<sup>55</sup> Lord Scarman likewise in *CCSU*.<sup>56</sup> And then again Lord Browne-Wilkinson in the *Fire Brigades Union Case*.<sup>57</sup> In each case making recourse to the same seventeenth-century precedents which Reed and Hale revisited in their respective opinions. Most pertinently Coke's renowned injunction in the *Case of Proclamations*, that 'the King hath no prerogative, but that which the law of the land allows him'. 'Time and again', as Hale noted, English constitutional history confirms that the 'limits of prerogative powers were set by law and were determined by the courts'.<sup>58</sup>

And there was nothing especially surprising about the resolution of the substantive question either, that of government accountability. Prescient though, for in any ways accountability is the animating controversy of contemporary constitutional debate.<sup>59</sup> In deference to Dicey, orthodoxy supposes that the UK courts cannot assume a capacity for constitutional review, at least not of primary legislation. That would be a threat to parliamentary sovereignty. A century on, however, modern government has become altogether more complex, whilst losing none of its instinctive authoritarianism. Executive over-reach is 'hard-wired', as Peter Hennessy puts it, and the thought that political 'conventions' might serve as a sufficient check is dangerously naïve. Nothing more than 'parliamentary gossip', as Disraeli long ago observed. The age of the 'good chaps' has only too evidently passed.<sup>60</sup> To be replaced by that of the liars and the cheats.<sup>61</sup> All of which makes the case for courts holding government to basic 'standards of decency, honesty' and 'competence' compelling.<sup>62</sup>

Which brings us back to the *Miller* cases. In both instances animated by 'bad chaps' trying to circumvent Parliament. In this context, both cases can be read as defences of parliamentary sovereignty, even if, to borrow from Walter Bagehot, it is a matter of saving Parliament from its own 'caprice'.<sup>63</sup> To allow the government to sequester Crown prerogatives to personal use and political convenience would have been an affront to the very idea of a sovereign Parliament. Time now for the final leg of our 'tour'.

<sup>55</sup> *R v Criminal Injuries Compensation Board, ex parte Lain* [1967] 2 QB 864.

<sup>56</sup> *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374, at 418.

<sup>57</sup> *R v Secretary of State for the Home Dept., ex parte Fire Brigades Union* [1995] 2 AC 513.

<sup>58</sup> At para. 32, citing in addition the authority of *Entick v Carrington* (1765) 19 State Tr 1029, and then again at para. 41 and 49.

<sup>59</sup> See Rozenberg (2023), 1–4.

<sup>60</sup> Hennessy (2018). For the passing of this age, see Esler (2021), 242.

<sup>61</sup> To prefer 'circumspection' over 'candour', to put it more delicately. Judge (2021), 285, 291.

<sup>62</sup> In the words of the former Lord Chancellor, Lord Falconer, quoted in Rozenberg (2023), 172.

<sup>63</sup> Bagehot (2001), 156–157, speaking more closely to the convention of dissolution.

## The high road

Which will take us up the ‘high road’, to the ‘north part of Great Britain’.<sup>64</sup> Edinburgh more precisely, which Defoe described in his eleventh ‘Letter’. The first of three in which he sought to convey to his English readers what Scotland was like. Not as bad as they might think, was the gist. All it needed was better ‘husbandry’, and a ‘change in the disposition of the common people’.<sup>65</sup> Defoe had been to Scotland before, despatched in late 1706 by Lord Harley to gather intelligence on the mood of the capital as the prospect of union loomed.<sup>66</sup> The merchants and their lawyers seemed keen, Defoe had reported back, but no-one else much.<sup>67</sup> On his return to Edinburgh in 1725, Defoe focussed rather more on topology, and dodgy sanitary conditions.<sup>68</sup> Built in the wrong place, the ‘city suffers infinite disadvantages and lies under such scandalous inconveniences as are, by its enemies, made a subject of scorn and reproach’. A city which seems to have become inured to ‘stench and nastiness’.<sup>69</sup> That said, Defoe thought the Royal ‘Mile’ one of the most ‘handsome’ streets in the kingdom, from its ‘impregnable’ castle, past the ‘great church’ of St Giles, and down to ‘Haly-Rood’ palace. The latter a ‘handsome building, rather convenient than large’, and a bit neglected, the Chapel Royal notably ‘decayed’. And the stables were in the wrong place, stuck in front. He liked the ‘physic’ garden though, a pleasant spot to pass a couple of hours.<sup>70</sup> After which, it was off to Leith.

We, though, will stay in the immediate environs of Haly-rood. Because it is here, three centuries on, that the Scottish Parliament sits. An institution established to satiate Scottish nationalism under the terms of the 1998 *Scotland Act*, and thereby keep the Union intact. Not that Defoe would have acknowledged the need. In his opinion, the Union was anyway ‘indissoluble’.<sup>71</sup> So far, history has proved him right. It might, though, be about to prove him wrong, for the prospect of dissolving the ‘union’ of crowns has rarely seemed greater than it is today.<sup>72</sup> The pending ‘problem’ of dissolution, which started with the over-wrought imperial aspirations of James

<sup>64</sup> Defoe was following the terminological precedent set in the 1604 *Merchant Shipping Proclamation*, which distinguished ‘our subjects of South Britain’ from ‘our Subjects of North Britain’. See Defoe (1986), 446.

<sup>65</sup> By husbandry Defoe meant farming. At the cusp of the agricultural revolution, improvement in farming techniques is a common refrain throughout Defoe’s various ‘letters’.

<sup>66</sup> Necessary, Harley jovially informed Parliament, because he knew no more of Scotland ‘than of Japan’. A little disingenuous. Harley had already implanted a sophisticated intelligence network across the border. West (1997), 125–126.

<sup>67</sup> Hardly a night seemed to pass without the ‘rabble’ wandering the streets of Edinburgh, smashing windows and cursing the English. Only ‘providence’ keeping him alive, or so he reported. Glasgow was even worse. In truth, Defoe seemed happy enough to continue shuttling between Edinburgh and London for the better part of four years, persuaded no doubt by a very nice stipend. See Richetti (1987), 115–121.

<sup>68</sup> The lack of political commentary, given his previous sojourn in Scotland, and the context of Union, is striking. See West (1997), 372–373.

<sup>69</sup> Defoe (1986), 557.

<sup>70</sup> Defoe (1986), 584–585.

<sup>71</sup> Defoe (1986), 580.

<sup>72</sup> See Bogdanor (2021), 171.

Stuart in the early seventeenth-century, and the failure to properly comprehend from that very moment what a ‘greater’ Britain was supposed to be. Aside, that is, from being an insider-dealing scam; the rationale of 1707.<sup>73</sup> The lack of purpose and planning, the ‘walking shadow’ that has haunted the union since its inception.<sup>74</sup>

The *Scotland Act* was one of three devolution statutes enacted in the last years of the twentieth century. Along with re-establishing a Scottish Parliament, the *Act* determined certain ‘reserved’ matters that remained in the exclusive competence of Westminster. Imputing that all other matters, by default, fell within the competence of Holyrood. Along with the *Scotland Act* came a *Government of Wales Act*, which established an Assembly in Cardiff. The third devolution statute addressed Northern Ireland. Different again, conscious of historical sensitivities, and stipulated under the terms of the ‘Good Friday Agreement’, the *Northern Ireland Act* reinvested a devolved Assembly at Stormont, the governance of which is subject to ‘power-sharing’ arrangements, designed to ensure the functioning support of various unionist and nationalist constituencies. In terms of legislative competence, the *Northern Ireland Act* distinguished ‘transferred’, ‘excepted’ and ‘reserved’ matters, the Assembly enjoying discrete competence regarding the former.<sup>75</sup>

The three statutes thus confirmed that devolution is an asymmetrical process and is likely to remain so. Statutes in 2012 and 2016 saw the devolution of further powers to the Scottish Parliament, in the latter instance granting significant fiscal competences. Likewise, statutes in 2006, 2014 and 2017 enhanced the legislative competence of the Welsh Assembly.<sup>76</sup> Governance in Northern Ireland has likewise been adjusted on various occasions, principally to sustain ‘power-sharing’ arrangements and keep Stormont functioning.<sup>77</sup> The devolution statutes did not, however, do much to ‘contain’ the nationalist genie; in any part of Britain.<sup>78</sup> Further referenda would be held in both Scotland and Wales, in the former instance taking the shape of a full-blown independence vote in 2014. The fact that 45% of those who voted in ‘indyref’, as it became known, expressed a preference to leave the Union, implies that Scotland is just as torn as the rest of the UK. Political sensitivities have precluded anything similar in Northern Ireland, as yet. But it is very evident that the *EU Withdrawal Act* has done nothing to stabilise governance at Stormont.<sup>79</sup>

In a famously muddled metaphor, Ernest Bevin advised against accession to the then European Coal and Steel Community in 1950, on the grounds that ‘If you open

<sup>73</sup> See Wormald (2021), 378–382.

<sup>74</sup> Shakespeare (1984), 5.5.26. See also Wormald (2021), 420.

<sup>75</sup> Excepted matters remain within the exclusive competence of the UK Parliament. Reserved matters fall to Westminster by default but can be ‘transferred’ to Stormont with the agreement of the Secretary of State.

<sup>76</sup> The 2006 *Government of Wales Act* devolved authority to legislate on certain Assembly ‘measures’, whilst statutes in 2014 and 2017 did similarly for fiscal, and transport and environmental matters respectively.

<sup>77</sup> Most significant here is the 2006 St Andrew’s Agreement.

<sup>78</sup> Nairn (2002), 83–85.

<sup>79</sup> For discussions of the peculiar problems which Brexit has created in Northern Ireland, and more especially for the sustainability of the Good Friday Agreement, see Bogdanor (2021), 232–244, and Murray (2022), 8–36.

that Pandora's box, you never know what Trojan horses will fly out'.<sup>80</sup> Prescient still. Except that it is not the joining, but the leaving. There is every likelihood that Brexit will hasten the dismemberment of the United Kingdom, constituent nations shearing off sequentially. Leaving behind the 'little England' prophesied by JB Priestley in his *English Journey* in 1934.<sup>81</sup> Still elusive, still in search of an identity. 'Of any people in the universe', David Hume declared in 1741, the English have the 'least of a national character, unless this very singularity may pass for such'.<sup>82</sup> An opinion echoed by the radical socialist Herbert Read, writing in the same moment as Priestley. 'Alone of national ideals', Read proclaimed in suitably cryptic terms, the 'English ideal transcends nationality'.<sup>83</sup> An attitude of patronising whimsy which has hardly lessened with time. A 'simple and politically unsophisticated people', Simon Heffer says of his compatriots.<sup>84</sup> No wonder they seem so confused. And still, famously, quieted: 'Smile at us, pay us, pass us; but do not forget;/ For we are the people of England, that never have spoken yet.'<sup>85</sup> GK Chesterton's England, imagined amidst the horrors of the Great War.

Not any more though for 'little England' had decided that the time had come to make a very big statement. Every single English region, except London, voted to leave the EU in the 2016 referendum.<sup>86</sup> Misshapen fruit and veg might have something to do with it, along with an irrational fear of foreigners. Nostalgia too, the debilitating 'ghetto of sentimentality' identified by Geoffrey Howe in the Commons speech which precipitated the fall of Margaret Thatcher in 1990.<sup>87</sup> At the end of the day, though, it was the plainer grievance intimated by Chesterton. Neglect. Not just because the English were denied a referendum in 1997, and much of a voice amidst the surrounding debate, but more generally. For the Brexit referendum was not, again, about the European Union. At least not much, and certainly not so much in the collective mind of 'little England'. Rather it was, to echo Thomas Carlyle's prophesy, about the 'condition' of this England.

Which was, in the Brexit moment, bad; and getting worse. The 'great' recession, triggered by the credit crisis of 2008, had bitten deep.<sup>88</sup> The strength of the Leave vote was found amongst the English working-class. More especially the male, the elderly, the white, and the less well-educated.<sup>89</sup> Carlyle's constituency of the perpetually aggrieved. The 'just about managing', as Theresa May would later term them,

<sup>80</sup> In Adam (2020), 221.

<sup>81</sup> Priestley (1977), 389.

<sup>82</sup> Hume (1987), 207.

<sup>83</sup> Young (1998), 8.

<sup>84</sup> Heffer (2012), 13.

<sup>85</sup> 'The Secret People', first published in 1915, at lines 1–2, quoted in Colls (2002), 289.

<sup>86</sup> Bogdanor (2021), 200.

<sup>87</sup> In Tombs (2022), 44.

<sup>88</sup> Up until 2008, campaigns to leave the EU had gained very little traction. For an extensive commentary on the 'great recession', see Burton (2002), 9, 25–27.

<sup>89</sup> 55% of Leave voters were male. 84% of younger voters, aged 18–24, voted Remain, as did 57% of those with university degrees, 67% of Asians, 70% of Muslims and 73% of Black voters. For a statistical overview, see Tombs (2022), 61–63.

the ‘left-behind’.<sup>90</sup> Who expressed their frustration at not being able to detach themselves from the United Kingdom, by instead detaching themselves from the European Union. Their ‘simmering rage’ redirected away from Westminster, and themselves, towards a diabolic Brussels.<sup>91</sup> The anti-Christ and all his Hunnish minions. A second reformation.

Failing to appreciate the depth of grievance, and the virulence of a Eurosceptic press, the ‘Remoaners’, as they would become called, allowed themselves to be similarly demonised.<sup>92</sup> The poetics, of course, was always going to give succour to the little Englanders. The time-honoured rhetoric of Gaunt’s ‘sceptred isle’, of Crecy and Agincourt and Waterloo; all victories, as one prominent Brexiteer put it, against ‘Europe’.<sup>93</sup> The English love a poetic war; it is after all the ‘seat of Mars’.<sup>94</sup> The England of ‘ancient time’ celebrated in William Blake’s paean; still ‘the greatest nation on earth’, as another similarly excitable Brexiteer chirruped.<sup>95</sup> The England of ‘gloomy Sundays, smoky towns and winding roads’, as Orwell imagined in it, in slightly hazier, and warier, terms.<sup>96</sup> Warier still in Defoe’s *True-Born Englishman*. A different paean to the same pretended ‘antiquity’. This time, though, nurturing an ‘ugly, surly, sullen, selfish spirit’, its perennially ‘discontented’ citizens forever inclined to blame the ‘neighbours’ for every ‘pothor’ (3, 44, 161, 673). A poignant rhyme. The self-denying ‘mongrel’ (340), cowering behind his ‘moat defensive’, anxiously scanning the Channel for rubber-dinghies crammed with dark-skinned people.

There was still time, of course, to heal the wounds, and the Union. But the exigencies of party ‘pollitricks’, to borrow from Bagehot, militated conversely. The second responsibility of a British Prime Minister is to save their party. The first is to save themselves. Saving the country comes, at best, around third. For which reason there could be no compromise, no healing; just purgation.<sup>97</sup> ‘Brexit means Brexit’, and, if need be, ‘no-deal’, or so Prime Minister Johnson kept threatening. Bluff, of course. Thwarted by the Supreme Court and a Parliament that refused to countenance ‘no deal’, Johnson was forced to back down. There would be a deal, and a *European Union (Withdrawal Agreement) Act*, the weaknesses of which would become quickly apparent. By then, though, the damage was done. Britain had, as foretold, become a ‘pariah’ nation.<sup>98</sup> And a little closer to falling apart. Each of the devolved assemblies, in Edinburgh, Cardiff and Belfast, passed motions condemning the terms of the *Agreement*.

<sup>90</sup> Not that she seemed inclined to do much to help them along; the demands of getting Brexit ‘done’, and saving the Conservative Party, mattering so much more. Burton (2002), 43–46, 222, 229.

<sup>91</sup> Esler (2021), 40–43, 100.

<sup>92</sup> Not just ‘moaning’, but also inert. ‘Leave’ supposed movement, change, dynamism. ‘Remain’ supposed the converse. See Adam (2020), 72–73, and Burton (2002), 15, 166.

<sup>93</sup> Jacob Rees-Mogg at a Conservative Party conference in 2017, closing with the assurance ‘We win all these things!’ See Esler (2021), 24.

<sup>94</sup> Shakespeare (1966), 2.1.41.

<sup>95</sup> Esler (2021), 108, quoting Andrea Leadsom.

<sup>96</sup> From Orwell (1984), 116–117.

<sup>97</sup> Burton (2002), 190, 195, 220.

<sup>98</sup> See Nairn (2022).

The more urgent concern was felt in Belfast. The ‘Good Friday’ Agreement, reinforced by the *Northern Ireland Act*, had ended a century of sectarian violence on the island of Ireland. But then came Brexit, and the conundrum of how to reinstate a border between the UK and the EU, whilst not reinstating a border between the UK and Ireland. The former was deemed necessary by the Union in order to protect the *acquis communautaire* of its ‘single market’. The latter was necessary to forestall the risk of renewed violence. The solution written into a Protocol created a fictive border down the Irish Sea, which effectively left Northern Ireland subject to EU law in matters relating to the regulation of the market.<sup>99</sup> And, as a consequence, considerably richer too. It was not, however, a solution that sat comfortably with the political leadership of the Unionist community in the province.

Nor with those politicians back in Westminster who were reluctant to see what was left of the Anglo-British empire further diminished. In due course, the UK government took unilateral action in the shape of an *Internal Markets Act*, designed to ensure ‘unfettered’ trade throughout the UK. Article 16 of the Protocol permits such actions if ‘strictly necessary’.<sup>100</sup> But Article 5 also requires parties to have first negotiated, in ‘good faith’, to resolve their differences.<sup>101</sup> Muttering vaguely about the failure of the EU to do so, the UK government claimed that it was left with no alternative but to threaten a breach of the terms of the *Agreement* in a ‘specific and limited way’. More particularly by removing the possibility of any legal challenges to the *Act* which sought to enforce rights and remedies enumerated in the *Withdrawal Agreement*.<sup>102</sup> Another act in ‘restraint of appeal’. Criticism, at home and abroad, was unsurprisingly fierce, not least because it, rather more than the Protocol, seemed to threaten the ‘delicate balance’ achieved in the Good Friday Agreement.<sup>103</sup> And thus, by intimation, the integrity of the ‘united’ kingdom. The mooted ‘Windsor Agreement’ is purposed to dispense with the Northern Ireland Protocol, heralding a fresh, more constructive relationship between the UK and the EU. Perhaps. Time will tell. But one thing is for sure. here is still a lot more Brexit to ‘get done’.

## Home alone

It is in like spirit that we end our brief tour of Brexit Britain. An appropriate moment to take a breath and reflect upon what we have discovered. First, and very obviously, contemporary Britain is fractured and exhausted. Engaged in so many wars across

<sup>99</sup> For a discussion of the Protocol, noting the social as well as economic consequences, of Brexit in Northern Ireland, see Murray and Rice (2021), 281. Section 2 of the Protocol includes certain human rights and equalities provisions.

<sup>100</sup> If the application of the Protocol threatens ‘serious economic, societal or environmental difficulties that are liable to persist, or to divert trade’.

<sup>101</sup> Using the offices of the Joint Committee established in Sect. 164 of the Agreement.

<sup>102</sup> So the Secretary of State for Northern Ireland, Brandon Lewis, admitted. Other government ministers, most notably Michael Gove, appeared to take a different view. The breach related more closely to Sect. 47 of the Act, which specifically disappplies the principle of direct effect in any such disputes.

<sup>103</sup> The conclusion of the House of Lords Committee reviewing the prospective *Internal Markets Bill*. See the 14th Report of the House EU Committee, for the 2019-21 session.

so many fronts, against terrorists, against viruses, against ‘invading’ immigrants and their ‘lefty-lawyer friends, against a shadowy new collective too, the mystic ‘woke’, and, of course, still battling away with Brussels, and its demonic allies, the ‘Remoaners’. All in the context of the most devastating economic crisis since 1945. In this context, it is difficult to get a closer sense of the impact that Brexit might have had, and still be having, on our evidently desperate ‘condition’. But it can be reasonably, if blandly, supposed that it is hardly helping.

That Brexit has been a failure in economic terms is no longer arguable. The numbers speak for themselves. The *Centre for European Research* calculates a retraction in the UK economy of around 5.5% since the end of 2019, with a headline reduction of inward investment at 11%.<sup>104</sup> The cost in terms of lost tax revenue alone amounts to around £750 million a week, or £40 billion a year. The overall on-cost of Brexit, from year to year, is around £100 billion. Of course, Brexit is not the only cause for the deeper economic crisis in which the UK presently finds itself. There is a decade of longer-term under-investment, and a fateful forty-four days of wild financial experimentation during the short-lived Truss-Kwarteng administration in autumn 2022. It cost another estimated £40 billion. The botched response to Covid-19 is likewise estimated to have cost another £240 billion, and still rising. The consequence of being the only European country to be obliged to endure four lockdowns, or even three or, in some cases, two.<sup>105</sup>

A series of significant political and economic misjudgements then, of which Brexit merely one of the larger, and most tragic. An exercise in self-evisceration which, as the *Financial Times* has recently concluded, leaves the UK at a ‘permanent disadvantage’ in global markets, and thus ‘unable’ to experience the ‘recovery’ evident in other member-states of the European Union. The only G7 economy with an economy which is still smaller than it was pre-Covid-19.<sup>106</sup> The *Office of Budget Responsibility* reaches the same conclusion, that Brexit continues to exert a ‘significant adverse impact’ on the UK economy and is likely to do so for an indeterminate future. All of which might suppose that there is at least one very evident strategy for relieving the pressure. Whilst the future is harder to model than the past, logic would suppose that re-joining the Union would reap immediate economic dividends, at the least reversing the annual tax-take loss of £40 billion. But politics is not really about logic, as Defoe well knew. If it was logic, the UK would never have left the EU in the first place.

Politics is about feeling and sentiment and putting up with stuff. Recent polling supposes that upwards of a quarter those who voted to ‘Leave’ are now experiencing buyers-regret, with overall support for Brexit stuck at around 30%. The figure for those believing Brexit to be a mistake is now consistently in excess of 50%.<sup>107</sup> But

<sup>104</sup> Springford (2022).

<sup>105</sup> Not that they were all called ‘lockdowns’. As the strategy lost public support, lockdowns were re-cast as part of a ‘tiering’ system.

<sup>106</sup> Giles (2022).

<sup>107</sup> See, for example, polls published by *Ipsos* (30 June 2022), *YouGov* (17 November 2022), and *Statista* (8 December 2022).



the same polls confirm that there is no greater enthusiasm to re-join.<sup>108</sup> And no major ‘Anglo-British’ political party is prepared to vouch for the idea, or even speak of it. The Scottish Nationalist Party loudly proclaims its support for reversing Brexit, but hardly anyone else dare even breath the thought. So great is the trauma that Brexit has been cast beyond the margins of polite political conversation. All of which is oddly apposite, and quintessentially ‘British’. The ‘Blighty spirit’, just keep ‘buggering on’ as Churchill famously liked to say. And very much in the Reformation ‘spirit’ too, salvation through suffering. The UK will likely re-join the European Union one day, some of it at least. But not yet. There is so much more suffering to be enjoyed first.

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<sup>108</sup> On the apathy ‘catch’, see Walker (2022).

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