

UK Supreme Court rules Johnson's prorogation of Parliament illegal

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British politics entered uncharted waters yesterday as the Supreme Court—the UK's highest judicial body—declared illegal Prime Minister Boris Johnson's authoritarian prorogation of parliament.

Far from resolving the crisis over Brexit, the ruling has set in motion what one political commentator described as a “constitutional earthquake.”

Of a piece with the assault on democratic rights and constitutional norms by ruling elites internationally, Conservative Party leader Johnson prorogued parliament for five weeks from September 10, in order to halt plans by a majority of MPs seeking to prevent Johnson from acting on his threat to leave the European Union (EU) by October 31, with or without a deal.

Yesterday's decision by the Supreme Court's 11 justices overturned a High Court ruling that judged in favour of Johnson last week and endorsed a ruling of the Scottish Court of Session. It went much further than the Remain camp claimants and senior legal figures anticipated—with the justices ruling unanimously that Johnson's proroguing of parliament was unlawful and that therefore both Houses were still in session.

The judgement read, “It is impossible for us to conclude, on the evidence which has been put before us, that there was any reason—let alone a good reason—to advise Her Majesty to prorogue Parliament for five weeks. ... This means that the Order in Council [the legal mechanism that the queen personally approves] to which it led was also unlawful, void and of no effect and should be quashed.”

The Supreme Court did not echo the Court of Sessions' direct criticism of Johnson—which stated that his advice to the queen had been “motivated by the improper purpose of stymying parliament.” However, it said the decision was “unlawful because it had the effect of frustrating or preventing the ability of Parliament to carry out its constitutional functions without reasonable justification.”

The court made clear that its intervention had been made necessary by the exceptional importance of Brexit for the ruling class. A “fundamental change” was “due to take place

in the Constitution of the United Kingdom on 31st October [leaving the EU]. Parliament, and in particular the House of Commons as the elected representatives of the people, has a right to a voice in how that change comes about. The effect upon the fundamentals of our democracy was extreme.”

While confirming the widespread hostility to Johnson's Brexit strategy in ruling circles, the Supreme Court ruling also reflected concern that Johnson's naked flouting of parliament and the traditional mechanisms of bourgeois rule can have grave political implications in a country so deeply rent by class tensions.

The justices declared that “It is for Parliament, and in particular the Speaker and the Lord Speaker to decide what to do next...they can take immediate steps to enable each House to meet as soon as possible.”

They warned Johnson, “it is not clear to us that any step [for resuming Parliament] is needed from the Prime Minister, but if it is, the court is pleased that his counsel have told the court that he will take all necessary steps to comply with the terms of any declaration made by this court.”

John Bercow, the pro-Remain Speaker of the House of Commons, quickly announced that parliament would reconvene at 11:30 a.m. today.

Johnson has made clear that he has no intention of resigning. Instead, speaking from New York where he is attending the UN General Assembly, he said that while he would abide by the verdict, he “strongly disagreed” with it. But he refused to say that he would obey the last piece of legislation enacted in Parliament before the prorogation. The pro-Remain faction's legislation stipulates that the prime minister cannot leave the EU at the end of October without a deal unless this is authorised by parliament. Moreover, it is expected that Johnson will seek a recess of parliament from Sunday to Wednesday so that the Conservative Party conference can go ahead, and that he might seek a five-day prorogation prior to a Queen's Speech—to be held in October—laying down his government's legislative programme.

Johnson is emboldened to defy calls for his resignation made by the opposition for two reasons.

Johnson's agenda for Brexit centres on securing the support of the Trump administration, in the form of a trade and military alliance against the European powers. Trump has made a series of interventions in support of a hard Brexit. At a press conference with Johnson yesterday, Trump declared of Johnson, "I'll tell you, I know him well, he's not going anywhere." On Brexit he added, "They have to get it done otherwise it will be a terrible thing to do it any other way. ... I don't see another vote. ... I think they're going to get it done."

However, with the crisis in ruling circles over the UK's foreign policy orientation at fever pitch, the Tory government has only been able to remain in office for three years since the Brexit vote—and under three prime ministers—due to the role played by Labour Party leader Jeremy Corbyn.

Labour's annual conference effectively ended yesterday, with Corbyn delivering his keynote speech prior to returning to Westminster. Corbyn spoke as the potential saviour of the nation in this "extraordinary and precarious moment in our country's history." Johnson "broke the law" in order to implement "his reckless and disastrous plan to crash out of the European Union without a deal."

"This unelected Prime minister should now resign," he insisted. But Corbyn made clear he would not be calling a no-confidence vote in Johnson and would stick by his agreement with Labour's Blairite right-wing and pro-Remain opposition parties to prioritise ruling out a no-deal Brexit. "This crisis can only be settled with a general election," he said, but only once "this government's threat of a disastrous No Deal is taken off the table."

All his subsequent statements about what a Labour government would do—renationalising essential public services, tax increases on the top 5 percent, etc.—are understood as promises that will never be delivered by Labour MPs, who are bitterly hostile to all such reformist palliatives, and the dominant pro-Remain sections of the bourgeoisie to which Corbyn's appeal for a governmental role is really directed.

Corbyn touted Labour as the only party capable of preserving access to the Single European Market, considered vital to British imperialism's strategic interests, avoiding being "locked in with a one-sided free trade deal that would put our country at the mercy of Donald Trump," preventing the break-up of the UK, a return to civil conflict in Northern Ireland and, most important of all, stifling an eruption of class struggle fuelled by unprecedented levels of social inequality and exacerbated by the economic impact of Brexit.

He outlined a complex scenario in which, "within three months of coming to power a Labour government will secure a sensible deal based on the terms we have long advocated and discussed with the EU trade unions and businesses: a new customs union, a close single market relationship and guarantees of rights and protections. And within six months of being elected we will put that deal to a public vote alongside remain." Corbyn would then pledge "to carry out whatever the people decide." In this way, he stressed, "We can bring our country and our people together."

Corbyn made this appeal after thwarting efforts led by the Blairites to commit Labour to an explicitly pro-Remain position. On Monday, he rallied delegates to the plan he outlined yesterday that was passed Sunday by the party's National Executive Committee (NEC) on which he has a majority. The clear victory for the NEC motion, which stresses how "conference congratulates our party leadership," "supports the party leadership," etc., demonstrated how easily he could have defeated his Blairite opponents had he ever made any popular appeal for their ouster instead of insisting on preserving party unity.

But Corbyn was not breaking with this record of betrayal. He only opposed the Blairites tactically, in the belief that his policy was a more viable means of preserving national unity.

Corbyn entered talks with Johnson's predecessor, Theresa May, in the dog days of her premiership, after which he struck his deal with the "Remain alliance" to abandon calls for a general election. Then and now, Corbyn's overriding aim has been to suppress the class struggle, and prevent any independent intervention by the working class against both reactionary factions of the bourgeoisie—Remain and Leave—in what is the gravest crisis of rule for British imperialism in the post-war era.



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