

POLITICS

IN REVIEW

ELECTION BATTLE

UK DEMOCRACY

Plus

SUPREME COURT RULING

HOW POWERFUL IS
THE US PRESIDENT?

JUDICIAL REVIEW



THE GRAMMAR SCHOOL
AT LEEDS

Volume 2 December 2019

POLITICS

IN REVIEW

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EDITOR'S FOREWORD

Politics in Review returns as the Brexit battle has reached a climax. The arduous journey of exiting the EU has culminated with another delay. 3 years after the referendum and two Prime Ministers later, two deals have been agreed and two deadlines have passed but the UK has not left yet. Evidently, the current parliamentary make-up wasn't willing to deliver the demands from the largest democratic mandate in our history and so an election was the only path. In addition to further evaluation of the election and the parties, this volume provides detailed coverage of the landmark supreme court ruling and a summary of Boris Johnson's premiership so far.

The theme of this copy is power and

responsibility: the balance between exerting power and obeying the rule of law. With this we explore the abilities of both the US and UK executive, whilst also establishing the boundaries to their power and what constrains them. Furthermore, there is an explanation of Judicial review in America and whether that could or already is developing at home. We also discuss the distribution of power within the UK and how this might change with Brexit.

Politics in review would like to remind its readers that this is an independent journal, published entirely by politics students. Therefore, the opinions expressed in this journal are the opinions of the contributors and not the opinions of the school.



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NEWS

NEW PM

By George Gearty

At the end of July, the tory leadership contest drew to a close as the persistent front runner, Boris Johnson, won 66.4% of the votes from the election beating his competitor Jeremy Hunt profusely. Nearly 139,000 conservative members voted, and Johnson received over 92,000 of these. Therefore, on the 24th July 2019, the previous Mayor of London became Prime Minister when he accepted the Queen's invitation to form a new government. Predictably, many have criticised the new PM for not possessing a legitimate mandate as he wasn't elected to this role through a general election. This is of course a great misunderstanding of our system. As voters, we elect a representative for our local constituency and the party which gathers the largest number of seats is asked to form a government. It is therefore the prerogative of the party with the largest number of seats to select their own leader with whatever means they choose.

He came under further fire for his appointment of Dominic Cummings, campaign director of Vote Leave, as his senior adviser. But this title doesn't seem to reflect his real power; Cummings is at the center of government strategy and has a distinct hatred for the restrictive need to consult cabinet. To tighten his control further he set up several Brexit cabinet committees, which unofficially defer to him, effectively displacing the cabinet on any policies related to leaving the EU. Cummings may also be responsible for the wave of

indulgent domestic policies Johnson has announced. Since July, he has tackled the policy areas which have infuriated the public the most: funding of the NHS, combatting crime, investing in infrastructure and lowering taxes. Are these indicative of the one nation government Johnson wishes to build in the future or are they simply short-term persuasions to bribe his way into a majority victory at the coming election. The tactical and Machiavellian mind of his senior advisor would suggest the latter. Boris may paint a bumbling persona to the press, but his election opponents would be justified in worrying about his potential success at the ballot box. His premiership may have just launched one of the most strategically astute regimes in the history of modern politics.

However, Johnson's record in the commons has been considerably less successful. Most notably, within 14 days of taking office, Johnson lost his working majority, which already relied upon the Confidence and Supply agreement with the DUP. On the 3rd September, Phillip Lee crossed the floor during open debate to signify his resignation from the party and subsequent joining of the Liberal Democrats. On the same day, 21 Conservative MPs had the whip removed from them after voting with the opposition's motion to allow the commons to take control of the order paper and block a no deal Brexit with the subsequent 'Benn Act'. The PM suffered a further blow days later with the

resignation from the cabinet of his brother, Jo Johnson, whilst also announcing plans to resign as an MP stating he was "torn between family and the national interest". By the 7th September, Johnson experienced his working majority dip to minus 32 as Amber Rudd resigned as work and pensions secretary and quit the party leaving the number of Conservative seats in the commons a mere 288.

The Prime Minister's personal conduct has also been called into question. Though there was speculation that his relationship with his partner, Carrie Symonds, was on the rocks, it didn't manage to hinder his road to number 10. However, since taking office the PM has been subject to several accusations concerning his private life. Prior to the Conservative party conference, an accusation surfaced in the press that Johnson had 'squeezed the thigh' of journalist Charlotte Edwardes whilst he was editor of the Spectator in 1999. An investigation was also launched into the propriety of Boris Johnson's relations with an American businesswoman, Jennifer Arcuri, whilst he was London mayor. Both allegations were strenuously denied by number 10 but they still managed to overshadow the conference and linger in the spotlight of the media. Combined with the multitude of extra-marital affairs Johnson is accused of having in the past, it raises the issue of whether poor personal conduct compromises one's ability to lead

effectively. Surprisingly, history would suggest that successful leaders are not necessarily the most moral or kind. If we look to our American cousins, Bill Clinton is still seen as one of the most popular and admired Presidents of the recent era and left office with a 65% approval rating despite impeachment over his affair with Monica Lewinsky. Similarly, the current President had a plethora of accusations about his conduct with women, but it didn't prevent Donald Trump winning the Republican nomination nor hinder his success in the 2016 election. These would suggest that the electorate today is less concerned over the private conduct of their governors and instead decide how to cast their vote based on results. Johnson's poll ratings do not seem to have been affected by his checkered past or any of the claims against him.

Frankly, some criticisms of the new prime minister have simply come across as desperate attempts from the left to try

terminate his rising popularity without having to actually discuss policy or make a decisive stance on Brexit. This was transparent in the onslaught of condemnation from MPs over his use of "inflammatory" language." During a session in the commons, Labour MP Paula Sherriff and others challenged the governments classification of the Benn Act as a 'surrender bill' and other provocative language used by the PM and the front bench, such as capitulation and rather "die in a ditch" phrase, as it inspires actual violence. It isn't surprising that in 3 years parliament has made little tangible advances when there is such detailed deliberation over specific use of language. For centuries, poetic license and military metaphors have littered political speeches. It is beyond reasonable to single out Johnson for the technique he uses to express his opinion when we haven't for others. I don't hear calls for the statue of Churchill, a Prime Minister who won a Nobel Prize in literature partly for

his expertise in speechmaking, to be torn down from parliament square for his characteristic use of military references. Nor is it news that parliamentarians use derogatory terms to describe legislation they oppose. This was manifestly an attempt to berate the PM because he made a perfectly valid point; the Benn act does inhibit the UK from leaving without a deal and effectively removed all our negotiating power.

However, I firmly agree that there needs to be restrictions on public figures who use language, with intention or remiss, to directly incite violence. Instances such as John McDonnell, Shadow Chancellor, calling for Esther McVey to be lynched or Nigel Farage demanding we "take the knife to pen pushers in Whitehall" step far beyond poetic license to exaggerate a point and certainly do encourage death threats and actual violence.



SUPREME COURT RULING

By George Gearty

On the 24th September 2019, the UK supreme court ruled Boris Johnson's prorogation of parliament was unlawful and in doing so may have established a landmark precedent which will stand out through history.

On the advice of her Prime Minister, the Queen prorogued parliament, scheduled to last from the 10th September until the 14th October. This is a process whereby parliament is closed down in order to initiate a new parliamentary session, during which time neither house may sit nor do the committees function. Any outstanding motions or bills lapse and can only be brought forward into the new session with a 'carry-over' motion. Prorogation has long been in the spotlight. Previously, as it is a royal prerogative and doesn't require MPs consent, it has been used by the monarch to dissolve parliament for longer periods of time to evade scrutiny. Notoriously, Charles I ruled independent of parliament for 11 years in the lead up to the Civil War. However, under Queen Elizabeth II, prorogation has become less of a tool for the monarch to exploit and more of a standard process to control the length of parliamentary sessions. It has become custom that sessions last a year and following the 'fixed-term parliament' act in 2011, these have been timed to renew in the election period of May.

It was decided by Theresa May's government that the session following the 2016

referendum would last 2 years in order to ensure maximum scrutiny over the Brexit process. Subsequently, after Boris Johnson was elected as May's successor, it was only natural to demand a new parliamentary session begin to mark the establishment of a different government with a Queen's speech. The controversy of Johnson's prorogation lies with its duration. Ostensibly, closing parliament for nearly 5 weeks does appear to be a "constitutional outrage" to quote John Bercow. For an unusually long period of prorogation to be timed so immaculately with the lead up to the Brexit deadline of the 31st promoted great suspicion that it was simply a clever rouse by the government to prevent detailed scrutiny of their plan for leaving the EU, which at the time was still undisclosed and implicit of a no deal crash out.

But this was simply not the case. These claims were ignorant of the fact the prorogation period included the pre-existing party conference recess, which meant parliament was already scheduled to close between the 14th September and the 2nd October. Therefore, as it is also very rare for parliament to sit on weekends, Johnson's prorogation would have only closed parliament for an additional 11 sitting days, which in itself is not an unprecedented length of time. Moreover, people were wrong to proclaim this process had drawn the queen into political life as she is compelled by convention to follow

the advice of her prime minister, irrespective of his motives. In contrast, refusing to prorogue parliament would have been unconstitutional as the monarch is unable to take a political stance.

However, the motives of the prime minister were deemed unscrupulous and legal action was launched by Gina Miller. The High Court of Justice for England and Wales came to the sagacious decision on the 4th of September that the issue was non-justiciable. Conflict concerning prorogation should not be settled by a court for the basic premise that parliament is sovereign. Parliament was perfectly capable to prevent the prorogation and their inaction acts as their judgment. The courts have no right to use a ruling in the supposed interest of parliament. If parliament was unwilling to prevent prorogation, then we must accept that as their sovereign decision.

Of course, it was the case that many members of parliament did want to stop Johnson's unusually long prorogation. However, the reason they didn't take steps to prevent it was because the opposition parties were, at the time, unprepared to bring the government down with a vote of no confidence. In the UK it is the role of parliament, not the judiciary, to hold the executive to account. It is expected that, in the case of a government abusing its power, back bench MPs from the majority party will work alongside opposition MPs

to bring forward a vote of no confidence and replace the existing government. But, as the main opposition did not wield enough support from other parties and there was no consensus behind another individual to lead a temporary government of 'national unity', it would have led to an election- an outcome Labour were reluctant to pursue. Even considering this rare scenario, where the opposition party is so against an election, the court are not capable of intervening and rule on what they think the desires of parliament are.

Nevertheless, on the 11th of September all three judges on the Court of Sessions (supreme criminal court in Scotland) came to the conclusion that Johnson was motivated improperly to "stymie parliament" meaning he misled the Queen, making the

prorogation "null and void". As a result, the case had to be brought to the Supreme Court to settle the conflicting verdicts of the lower courts. The government argued that prorogation should be allowed to be politically motivated, evidenced by John Major's three week prorogation to delay a report into Conservative MPs taking bribes until after the 1997 election. Even if it can't be politically motivated, the court does not have the power to design new rules to equip them to decide on whether the prorogation was constitutional. Regardless of this, on the 24th of September the Supreme Court unanimously ruled the issue was justiciable and unlawful, arguing the 'Case of Proclamations' 1611 provided precedent for the court to assert its power concerning the limits of prerogative powers and that

the Royal prerogative must always have respect for parliamentary sovereignty.

The speaker of the house recalled parliament the following day, beginning with a cantankerous set of urgent questions, where Geoffrey Cox stubbornly defended his legal advice as Attorney General and Jacob Rees-Mogg, the Leader of the house, described the court's ruling as a "constitutional coup".

This sequence of events, in addition to the 2017 Miller v Secretary of State for Exiting the EU (which prevented the government triggering article 50 without parliament's consent), suggests the role of our Judiciary is changing. For more detailed analysis, see Josh Grier's article on Judicial Review (page 30).



ELECTION BATTLE

The Conservative Party:



Founded- 1834

Leader- Boris Johnson

House of Commons seats- 288

House of Lords seats- 234

Key Policies:

- Implement the PM's withdrawal agreement
- Build 40 new hospitals and increase NHS funding by £20bn
- 20,000 new police officers and tougher prison sentences for violent crimes
- Raise national living wage to £10.50
- Invest £5bn in high speed broadband and £220m in bus upgrades

The Liberal Democrat Party:



Founded- 1988

Leader- Jo Swinson

House of Commons seats- 21

House of Lords Seats- 94

Key Policies:

- Repeal article 50 and remain in the EU
- £130bn investment in infrastructure
- Build 300,000 homes a year until 2024
- Increase corporation tax to 20%
- Employ 20,000 new teachers and increase their starting pay
- Plant 60 million trees a year, ban fracking, electrify the railways and having at least 80% of all electricity being generated from renewables

The Labour Party:



Founded- 1900

Leader- Jeremy Corbyn

House of Commons seats- 243

House of Lords seats- 181

Key Policies:

- Renegotiate a withdrawal agreement and hold a confirmatory referendum with remain as an option. The party would remain neutral during this referendum
- Abolish private schools, Ofsted and tuition fees
- Nationalise railways, mail, water, energy and partially broadband
- Establish 32 hour working week
- Increase corporation tax to 26% and new income tax band of 50%
- Invest £250bn in infrastructure over 10 years

The Scottish Nationalist Party:



Founded- 1934

Leader- Nicola Sturgeon

House of Commons seats- 35

House of Lords seats- 0

Key Policies:

- Second independence referendum
- Scotland to be a member of the EU
- Increase the top band of income tax to 50%
- Allow Scotland to have control of its own immigration

WHY VOTE FOR THE CONSERVATIVES

By Harriet Reeve

‘The Brexit Election’, a scary phrase. Not only has the upcoming December election been usurped by party policies on Brexit, but the country is increasingly divided on economic and social policy as millennials misguidedly hit twitter as a source of empirical knowledge.

The Conservatives have been in power since 2010, and between then and now, theoretically, there should have been just 1 general election, in truth, there will have been 3 by the 13th December, exemplifying

the divisiveness of the country’s decision to leave the European Union. This division has diversified party proposals: an instant no-deal exit, courtesy of the Brexit Party; a “Canada-minus” deal from the Tories; a second referendum from Labour; and cancelling Brexit altogether via the Liberal Democrats, as The Economist puts it, ‘Britain’s Christmas contest is its most important in living memory.’

What is more, the divide is along new axis. The old left-right split, along economic

lines has gradually been eroded by Brexit, and redefined completely, redrawing the political battleground. The Tories are targeting working-class seats with the promise of a hard Brexit and social conservatism, simultaneously; Labour, preaching Remain and social liberalism, is targeting the affluent, urban seats. This sea change in the traditional demographics of party campaigning is testament to the profound extent of Brexit’s reach.

“With a Conservative majority government, you can be sure that on day one of a new Parliament we will start the process to Get Brexit Done with the New Deal that the Prime Minister has already agreed with the EU and we will be out of the EU no later than the end of January 2020.”- Party Brexit pledge

In October Johnson’s Withdrawal Agreement was approved in principal by 15 votes, 329 to 299, but the proposed timeline for rushing the Brexit legislation through parliament was rejected by 7, 308 to 322. Given the approval in principle, with a majority government following the general election, the actual exit of the UK from the EU seems more tangible than ever before.

If this very optimistic outlook prevails (given divisions within the conservative party itself and the threat that poses), what the country will be left with is the domestic and economic policy of a Conservative government, and thus these details simply cannot be overshadowed by Brexit completely, especially considering the radical, verging on socialist Labour pledges of Corbyn.

At the Conservative Party Conference at the end of September, the PM Boris Johnson set out his plan for the future of this country. He congratulated his predecessors on clearing up the ‘wreckage’ of debt left behind by the Labour government, the clear up that led to Sajid Javid announcing ‘the end of austerity’, record employment, wages rising the fastest in 10 years, and record foreign investment, higher than any other country in the European Union. Following this proof of economic triumph, the Conservative’s pledge of uncharacteristic government

spending was released. Unlike Labour’s arguably misguided and short-sighted economic suicide, Johnson backed up his spending plan with a coherent economic growth objective. He said improving the disparities in opportunity across the country is key in unlocking its full productive potential and this will be achieved through an increase in funding into education, investment into transport connecting the north and south, and the existing broadband programme being brought forward by 8 years. In addition, development of new housing on Brownfield sites will mean young people will have more of an opportunity to get onto the housing ladder, and new developments will allow people to live near to newly created jobs, bringing life to economically stagnant areas. He also pledged social development with the recruitment of 20,000 new police officers with the aim of ‘stamping out county lines drug gangs and tackling knife crime’, and the recruitment of new doctors and nurses, as well as building 40 new hospitals as the “NHS is holy to the people of this country.”

Undermining the negative and ignorant media surrounding the Tories and privatisation of the NHS, Boris pledged the Conservatives to be ‘the party of the National Health Service’, representing the inching of the party gradually further into the centre, with the new conservative agenda of increased public spending and equality of opportunity. What needs to be understood is the fact the Conservative Party and Boris Johnson have never pledged to ‘scrap’ the NHS nor to privatise it in the sense of paying for medical treatment personally. This misconception seems to be rife among social media, and wholly untrue.

What is also rife, having attended the Leeds City Full Council Meeting last week, is the proliferation of the word ‘austerity’ in the lead up to the coming election, tellingly by members of the Labour Party. What is ironic is the prominence of this word was borne out of a Labour government’s economic mismanagement coupled with the Financial Crash of 2008. The story goes that in 2010, following the election, the new Chief Secretary to the Treasury found in his newly inherited desk, a note brandishing the words “There’s no money left”. Pertinent now in that the Conservative party has been portrayed as almost malicious through social media for the (now historic) cuts to public services etc. cuts that this country’s economy would be in ruin without.

The economy, whether we like it or not, has monumental importance in shaping political policy and this should not be lost sight of. These are turbulent times and the result of the election is far from predetermined, with parties ‘wooing’ the electorate with utopian and unattainable policies, I urge you to consider the reality, economic potential, and indeed consequences, because it should not be the job of future generations and governments to have to pick up the pieces.

“The problem with socialism is that you eventually run out of other people’s money.” - Margaret Thatcher.

WHY VOTE FOR THE LIBERAL DEMOCRATS

By Peter Crystal

This election offers a real chance to change our country and society for the better. There is no easy answer on Brexit but our policy is clear. Stop Brexit and begin the task of reuniting our country and being able to spend the extra £50 Billion boost to GDP that independent experts confirm would be available for improving our NHS, environmental protection and the much needed extra housing availability. However, we also need to begin to fundamentally change how our Constitution works to better reflect the realities of the 21st Century.

Over the last 100 years our democracy has changed. In the early 19th Century enfranchisement of the Middle Class was followed by the vote passing further to the Working Class and later to a full franchise to include all workers and, after the First World War, all women. This led to the growth of the Labour Party and the eclipse of the Liberals as the anti-Conservative Party. Two party Government became divided between Labour and the Conservatives and in 1950 the Liberal Party was reduced to only 6 MP out of a

Parliament of 630.

This binary choice for the electorate in the United Kingdom was Labour or Conservative, capitalists or workers, right or left, red or blue with a smattering of Liberals based in a few faraway places such as Cornwall and the North of Scotland. The story of our Government has continued to evolve and although Governments have alternated between Labour and Conservative for the last 50 years, following the Second World War, the nature of the electorate and the choices have been changing. Traditionally from the 1960s onwards the “protest vote” in By-Elections was to vote Liberal and the Liberal Party had a small increase in its House of Commons membership but nothing major until the movement of the Labour Party to the left in the 1980s led to the formation of the SDP. The SDP and the Liberals formed a political alliance for the 1983 Election and this alliance obtained over 20% of the votes in 1983 and 1987. Voting had begun to reflect the changing views of society, the old duopoly was breaking down and this

development has continued. The Liberal Democrats became more and more popular in the later years of the 20th Century as a center party combining perhaps the heart of the left with the head of the right.

This changing vote for the two main parties evidenced a growing disenchantment with the primacy of these parties. This development reached its peak in the 2010 Election resulting in the first peace time coalition Government since the Second World War when the Lib Dems received enough votes to have nearly 60 MPs. To govern the Conservatives had to form a coalition with the Lib Dems. The introduction of referenda as a means of deciding major issues as opposing to leaving it to the MPs in Parliament has begun to change the whole way in which our democracy works -for the worse. We have now reached the stage in 2019 when Parliament is perceived by voters as not working and reform of our electoral system as a way forward and not developing a simplified binary choice of referenda is now essential.

There are now clearly at least 7 different viewpoints of varying strengths spread across our society which our present electoral system cannot accommodate properly under its first past the post, winner takes all rules. These can be summarised as the extreme right wing Brexiteers of the Tory Party (to include the now but soon to be forgotten Brexit Party) - e.g. Jacob Rees-Mogg etc, traditionally one nation Conservatives who are now being forced out of their party - e.g. Philip Hammond, the extreme left wing Labour socialist led by the Momentum Group and Jeremy Corbyn, the traditional social democratic/trade union central mainstream Labour Party - e.g. Sir Keir Starmer; the Liberal Democrats -internationally minded, pro Europe, moderate and capitalist, the Green Party -environmental pre-eminence; and the Nationalists in Scotland and Wales. Each of these viewpoints has many thousands of supporters and yet the system we have to cater for them is a first past the post binary one perfectly summarised by the way the benches are set out in the House of Commons.

The House of Lords has become the refuge for political donors and is now reviled by many people. In essence our Government is not working. How does this feed into the Election next month? As more and more moderate Labour Party members and MPs typified by Chuka Umunna on the one hand and one nation Conservatives on the other hand leave their parties many are joining the Lib Dems and giving the Lib Dems more credibility in the people it puts forward to the country as being potential ministers as well as having wide individual expertise and experience. With

the undoubted movement of Labour to the extreme left and the Tories to the extreme right there is now a massive gap in the center of British politics which the Lib Dems are going to fill. However, only when our voting system is changed and it is recognised that, like most other countries in Europe, there will have to be more and more compromise and we need proportional representation. A coalition to reflect the different viewpoints will usually be necessary in the interests of the good and last government for the U.K. and to give confidence in our democracy to so many more people.

The Liberal Democrats are not beholden to any particular viewpoint i.e. trade unions or big business and are more able to look objectively at any of the issues facing the country from time to time whilst highlighting their own views on these issues to the public, for example stronger environmental support, protecting the employment rights of the workforce, having a fairer taxation system, and introducing proper regulations to deal with the large international companies that dominate our society and make so much money but pay so little taxation. Changes are needed to reflect the increasingly international, open minded, environmentally friendly views and fairer taxation principles that are supported by more and more citizens of the U.K. People do not see themselves represented by a Tory Party looking back to the 19th Century and trying to create a Singapore off the coast of the U.K. and favouring extreme capitalism, nor by a Labour Party which is back in the 1950s and 1960s with its extreme socialist views of nationalisation,

union protection taxation and support for communist viewpoints overseas. These are not seen as relevant to the public's wishes for the U.K. A strong progressive Liberal Democrat voice could easily turn into a governing party and produce a system that better reflects our country. There is no doubt that the conduct of the Leave Campaign in the recent 2016 European

Referendum has had severe consequences for the U.K. unleashing the decades long Conservative civil war into the open and giving us a Prime Minister who thinks nothing of adopting the de-legitimisation of Parliament as a political campaign strategy. Blatant untruths from our Government has become the norm with our Prime Minister being the leading example. He is openly undermining Parliament in order to avoid democratic scrutiny for his actions which can only reduce further the confidence of the public in our democracy and parliamentary system. Our Prime Minister lies to his wife, the Queen, Parliament and the country as a matter of deliberate policy. It is a sad commentary on our existing electoral system though of course a deliberate one by the Labour and Conservative parties that people are told the only government on offer is Johnson's Britain or Corbyn's Britain. Each of these parties is continually trying to ignore the changes in society. The U.K. deserves better government. The Liberal Democrats represent the need for change and a new politics and approach which reflects who we are now and tries to develop a spirit of tolerance. Fundamental change is required.

Only the Liberal Democrats will provide it.

WHY VOTE FOR THE LABOUR PARTY

By Demi Oshin & Elio Costantini

Nowadays, Brexit is a dominant reason for voting a specific way and so it is vital we understand Brexit policies no matter how boring and repetitive they have become. Hence, we have separated our evaluation of Labour's policy for leaving the EU and their other policy areas. Having said that, I believe politics recently has been incessantly focused on Brexit, ignoring or simply dismissing other, quite important, factors which people will still take into account when making their final vote.

Although they have not strictly kept to their 2017 pledge to honour the 2016 referendum, they are still providing a democratic option, unlike the Liberal Democrats, with the pledge to present their own withdrawal agreement on a referendum so that the people have the final say. They have claimed if Labour were to agree a deal with the EU it would "prioritise jobs and living standards, build a close new relationship with the EU, protect workers' rights and environmental standards, provide certainty to EU nationals and give a meaningful role to Parliament throughout negotiations."

Now, despite being more naturally conservative ourselves, this sounds very good and refreshing to hear, in theory, compared to the abundance of ambiguous rhetoric on how to deal with the current situation from the government. If Labour do manage to negotiate a new deal which encompasses these aims, it would unequivocally be a better alternative to Johnson's withdrawal agreement.

The party has taken a middle ground position, strongly advocating we stay within the single market and the customs union. Therefore, it is apparent Labour appreciates the divisiveness of the issue as they are striving to please both the many people who want Brexit, but not necessarily the 'hard Brexit' that the Nigel Farage encourages, and those who do not want to leave but will accept a moderate deal. However, this reserved approach leaves Labour's policy susceptible of failing to please anyone as remaining in the single market doesn't qualify as a real Brexit.

It has been nearly 10 years since we have seen a Labour majority in parliament. This is significant because people may vote for change for the sake of change and 10

years of the same Conservative party to be in power can become monotonous. With this there is a sense that the UK political system is becoming increasingly polarized, where both Labour and the Conservatives, who are supposed to be broad church parties, are becoming more radical and the risk of alienating many of the electorate. Therefore, if the result of the election is decided by which party has the most appealing policies for the centrist voters, it is important we analyse their non-Brexit promises.

With regard to the economy, Labour have made a lot of spending promises. After a decade of relentless Conservative cuts, who can blame them? Firstly, they have committed to establishing a 32 hour working week within 10 years whilst preventing any loss of pay. In countries where this has been trialed, there has been a remarkable increase in productivity if the correct incentives are put in place to encourage people to work better. Shadow Chancellor, John McDonnell, announced in addition that Labour would set up a working time commission with the power to recommend increases in statutory leave, a major

incentive for the working class or anyone who may not enjoy as much holiday as they would like. They pledge to restore full trade union and workplace rights "from day one" and introduce a real living wage of at least £10 an hour which would be beneficial, especially for the lowest paid although it may cause some businesses to struggle with the increase to costs. Other pledges include re-nationalisation of the railways, the Royal Mail and energy in which they plan to go green and make several environmentally beneficial changes e.g. adding extra electric car charging ports. Increasing Corporation Tax was also another promise and will certainly bring in a substantial amount of revenue which will help to fund their spending commitments, though it will anger those who believe in low regulation. They will also give free personal care for Over 65's with an expected cost of approximately £700m. This is partly a tactical decision, with the hope it will attract the older generation and expand from their usual voter base. Quite a smart move when we consider they might lose some of their normal younger voters who are ardent leavers. If they can fund these extravagant promises, the UK will undoubtedly benefit. But the question remains, to what extent will taxes have to increase to finance them.

Labour's approach to education is very strong, they strive to nationalise the education system and abolish private schools. In Labour's 2017 manifesto they say 'governments have the responsibility to make lifelong learning a reality by giving everyone the opportunity to access education throughout their lives' and with this they seem to be suggesting that the current Conservative government aren't taking on this responsibility as effectively as they

should be. To meet this responsibility Labour would like to create a National Education Service, where education is free at the point of need 'from cradle to grave'. The NES will be built on the principle that 'Every Child – and Adult – Matters' and will include all forms of education from education as an infant to education as an adult. This policy will no doubt increase the likelihood of integrated meritocracy within British society and cause an overall increase to the skill levels of our workforce. Whether the issue of closing private schools is correct or not, no one can deny the state of our education sector needs improving and requires a huge injection of income.

The National Health Service is one of Labour's proudest achievements. The NHS is built on the promise that everyone has the right to free-at-the-point-of-use healthcare from cradle to grave. Although some would say, Labour have a few controversial policies it is safe to say, their policy on healthcare seems to be shared universally in all of the British parties. Like mentioned earlier, there is a huge crisis when regarding the NHS, and it is very interesting to look at how Labour seems to be handling it. There are over 100,000 staff vacancies in the NHS, including a shortage of 43,000 nurses. The point of staff vacancies in the NHS will be ever more prominent with the ever looming Brexit deal as many of the NHS workforce are from foreign countries, especially countries in Europe and it will be interesting to see what will happen to this workforce when Brexit is eventually passed... Labour pledge to end privatisation of the NHS and they want to create conditions whereby there is illness prevention and where people are enabled to live longer

and healthier lives. Labour intend to do this by increasing expenditure across the health sector by an average 4.3% a year. This investment will enable them to end patient charges and guarantee the standards of healthcare patients are entitled to receive under the National Health Service. Labour also claim they will strive to make sure the NHS is a net carbon zero service by aiming to plant 1 million trees and by using more efficient heating and insulation systems and by having a greater reliance on renewable energy. This is a key point to make especially so close this general election as everyone seems to be so focused on Brexit and therefore missing the wider purposes of a government such as tackling environmental issues and the frequent mention of solutions to these problems will definitely work in Labour's advantage especially if they can portray themselves as being serious and genuine.

Overall, despite us not being ardent Labour voters, we can at least see why many are attracted to their policies. With regards to government spending and the desire to create more equality between the supposed classes it appears quite promising. It could be said that Labour are prioritising those issues which have been forgotten about in the shadow of Brexit. The economy does require some spending but maybe not to the extent at which Labour are promising. You could also interpret their stance on Brexit as the most practical solution to an incredibly divisive issue; a second referendum enables the people, who will be much better equipped to choose, to make the final decision.



WHY VOTE FOR THE SNP

By Andrew McGough

Westminster politics is fundamentally broken. The Conservative and Labour parties have shifted significantly away from the centre, and neither can be trusted to form a sensible government. In my view, the most credible alternative is not the Liberal Democrats, with their dodgy bar graphs and bogus tactical voting advice, but with the party who have been pushing a sensible, progressive agenda in Scotland since they first formed a minority government in 2007. Understandably, none of you reading this will be able to vote SNP in the next election given that we are all based here in England. This article should, then, serve as a reason to hope that the SNP are as successful as possible in the upcoming general election. I have already written an article about why independence would be a positive thing for Scotland (which I would certainly recommend that you read if you haven't already done so), so I will instead focus on the other reasons for you to support the SNP in their upcoming campaign.

Obviously, it is very easy to brand the SNP as a simple one-issue party, however this is quite simply not the case. The only true single-issue party in Britain is the Brexit Party, unlike whom the SNP actually have a full policy platform. During their tenure in control of Holyrood, the SNP have managed to abolish tuition fees in

Scotland, which the Liberal Democrats notoriously failed the public over in coalition with the Tories. The SNP have also built or refurbished over 750 schools and introduced over 400 hours of free childcare per child every year. There have also been over 70,000 new affordable houses built under the affordable housing supply program. They also support small business, with the small business bonus scheme which gives relief on property tax for businesses with a value of £35,000 or less.

In terms of the NHS, the SNP government have delivered record spending on the NHS in Scotland as well as record numbers of additional NHS workers. They also completely scrapped prescription charges across Scotland, which has helped the poorest parts of society to access vital medicines and treatments. In addition to this they created the 'Baby Box' scheme, providing new mothers with a box full of essentials for a new born baby, completely free of charge. The SNP government also banned fracking in Scotland, something that the conservative government in Westminster has refused to do despite the evidence that it is damaging to the environment and causes earthquakes.

For anyone who still has any doubt, the proof is in the house of commons. The only party who has provided a proper, functioning opposition to the tory

governments under both May and Johnson is the SNP. The SNP MPs in the commons are the only ones who have attempted to hold the government to account in a competent manner, whilst also standing up for the interests of their constituents.

In terms of polling, the SNP appears to be the only party with a chance of unseating any current Tory MPs in Scotland, so it makes sense that if you believe the UK should remain in the EU, you should hope and pray that the SNP wipes out the Tories in Scotland. In addition, for any Labour supporters who may or may not be reading this, given that Labour are polling 4th according to the latest YouGov polls in Scotland, it makes sense to throw your support behind the only party in parliament who would be willing to prop up a Corbyn government, even if it comes at the price of a second independence referendum in the very near future

To summarise, there is only one party who presents a sensible alternative in Westminster to the escalating polarisation, who are actually capable of following through on manifesto promises, and you can't even vote for them. You just hate to see it...



ACADEMIC ARTICLES



HOW POWERFUL IS THE US PRESIDENT?

By Andrew Stodonly

In the case of Donald Trump we will soon find out. If he gets away with the now infamous quid pro quo phone call to Ukrainian President Volodymyr Zelensky in which he sought dirt on Joe Biden in exchange for military aid, the implication will be that Trump is indeed a powerful president, to some alarmingly so. If Trump is impeached and removed from office by the Senate the obvious conclusion will be that the carefully designed constitutional system of checks and balances is sufficiently robust to rein in a devious president; that there are clear limits to

a president's power, just as Watergate demonstrated in Nixon's case 45 years ago.

Whilst this is an accurate set of conclusions to draw it is also a simplistic one. If Trump is removed it will happen because Republican Senators, reacting to US voters, conclude that Trump is a serious liability to the interests of the Republican Party. If he is not, their forbearance will be based not on fear or affection towards Trump personally, much less respect for the prestige of his office, but on cruder concerns about the need to keep the President's keenest supporters in the

Republican base onside ahead of the 2020 Elections. Trump's potential fates highlight that presidential power is primarily the product of political circumstances and the personal qualities of the president rather than the structure within which they operate.

Nevertheless, examining that structure provides an essential starting point. The Founding Fathers were keen to avoid a powerful executive resembling the royal authority of George III that they bemoaned at length in the Declaration of Independence. Consequently, the president was granted only a handful of formal powers and the stage was set for Congress to be the driving force of the US political system. The Constitution gives the President the role of Head of State, Chief Executive, Chief Diplomat and Commander-in-Chief; it provides a veto over congressional legislation. However, there are check and balance limitations built into every role. As Head of State he is expected to carry out the laws made by Congress, rather than devise laws of his own and while he may nominate cabinet secretaries to run the executive branch they must be approved by Congress. He is Chief Diplomat but all treaties must be ratified by Congress; Woodrow Wilson had the vision to make the USA the driving force behind the League of Nations but Congress denied him the means. The Constitution gives the President command

of the military but Congress the decision on whether to go to war. Vetoes can be overturned by Congress.

It is fair to say that the system has not gone entirely to the Founding Fathers' plan. In practice, Congress has frequently chosen to cede some of its powers to the White House, particularly over legislation and the War Power. Presidents themselves have been able to supplement their formal constitutional powers with informal powers based upon conventions and precedent. These include executive orders and agreements whereby presidents can circumvent Congress and effectively legislate or make international agreements without them. Through sheer force of personality, several have been so elevated in the national consciousness that they have been regarded by many as defining the American zeitgeist of their era, from Franklin Roosevelt to Jack Kennedy to Ronald Reagan. Thus, the successful exercise of power has involved deploying an array of tools drawn from formal, informal and personal political sources; however, it has often also involved reacting effectively to events and circumstances they neither created nor controlled.

Arthur Schlesinger's thesis of an imperial presidency that has greatly expanded its power and autonomy over time, and Richard Neustadt's view that presidents are so restricted by the Constitution and the American political cycle that they "only have the power to persuade" neatly frame the scholarly debate yet due to the variables in play cannot be definitive when applied to the presidency as an institution, only to individual cases.

Schlesinger's thesis, published in 1973 was based strongly on the Nixon presidency. Nixon was indeed a powerful president, highly adept at wielding the levers of power, uninhibited by concerns about checks and balances, secretive, with a powerful mandate from the American people following the 1972 election. However, he was widely disliked and distrusted in Washington circles and as a result of his misdeeds related to Watergate, within a year he had been impeached and forced to resign before a Senate vote to remove him by the combined actions of his enemies and opponents on Capitol Hill, the media, the Supreme Court and even within the executive branch itself.



Ronald Reagan presided over a scandalous misuse of power known as the Iran Contra Affair. The administration ignored Congress's express instruction not to provide aid to anti-communist insurgents in Nicaragua, financing their activities by selling arms to America's sworn enemy Iran. This was wrong on multiple levels. A different president in such a situation might well have been impeached for running a covert and duplicitous foreign policy. However, unlike Nixon, Reagan was widely held in great affection by both the American public and the Washington establishment. He had an amicable relationship with the Democratic Speaker Tip O'Neill. When he said he had not realised what his underlings were doing, his word was trusted. The economy was flourishing. Reagan had given America back its sense of self-belief after the dark days of the 1970's. He went on to negotiate deep cuts in nuclear weapons with Gorbachev and was credited by his supporters with victory in the Cold War. Alongside all this, Iran Contra seemed to many a minor misstep.

Bill Clinton's affair with Monica Lewinsky involved abuse of office and lying to both Congress and the American people. A hostile House duly impeached him. However, after the Republicans made his removal from office an issue in the 1998 midterms, his survival was guaranteed. Like Reagan, Clinton was widely appreciated as a charismatic figure who had presided over an economic boom, embraced technology and increased American prestige around the globe. If anything, there was a certain regret that he was barred from the Constitution from serving a third term.

For a presidency whose power ebbed and

flowed by being buffeted by events and self-inflicted wounds, the obvious example is George W Bush. The basis of his 2000 election win was a controversial Supreme Court decision related to the failure to count votes properly in the Florida election; "Hail to the Thief" read the placards on Pennsylvania Avenue as his inaugural parade passed by. But by the autumn of 2001 his approval ratings were as high as 90% as the post 9/11 nation rallied behind their now wartime leader. Bush was able to expand executive power substantially via the Patriot Act and persuade Senators and Congressmen on both sides of the aisle of the pressing need to invade Iraq. Yet by 2006 his power had waned as the incompetence of the post-combat phase of the Iraq operation was laid bare and he turned the natural disaster of Hurricane Katrina into a personal public relations disaster.

By now, the most fundamental problem facing any American president seeking to wield power was the sheer polarisation of the country and the intransigence of opposition to whoever was in the White House by the opposite party. Obama was effective for the first two years of his presidency, then critically weakened after the Republicans captured the House in the 2010 midterms and proceeded to defy and challenge him at every turn, most notably on gun control. Obama's response was to resort increasingly to executive orders on immigration or to the series of executive agreements which composed the 2015 Iran Nuclear Deal. However, these were precarious and could all too easily be blocked in the courts or overturned by his successor.

Trump has faced similar problems wielding power. His Travel Ban was persistently

opposed in the courts; Congress has failed to dismantle Obamacare. He is clearly unpopular and divisive, resulting in the Republicans' loss of the House in the 2018 midterms. Yet judged by results, he is an effective president who knows how to wield power. Congress has legislated the deepest tax cuts since Reagan. Democrats' hostility to the border wall has been circumvented by his State of Emergency declaration; he has used his veto three times. The Supreme Court eventually backed his Travel Ban after he installed two staunch conservatives within its ranks. He has defied the State Department and the Pentagon in his approaches to North Korea and Syria. Trump has abandoned any attempt at consensus, preferring to focus on pleasing his base; alarmingly, this seems to work.

Rather than fitting a neat universal pattern, the American presidency treads a varied path when it comes to exercising power. The devices and opportunities to wield power are certainly available, particularly when you are able to command loyalty from Congress and the people and one way or another avoid having your wings clipped by the Supreme Court. However, events can work against you as easily as they can enhance your status and in modern polarised America your enemies are legion. Each incumbent faces fresh challenges and opportunities.





HOW POWERFUL IS THE UK PRIME MINISTER?

By George Gearty

A Prime Minister is the head of a government and, unlike a President, must command a legislative majority. Similarly, as head of the executive and a member of parliament, there is no such separation of powers like in the US and instead the branches are unified. Its powers are less entrenched than the President's, with our uncoded constitution making the authority of the position more flexible. Over time conventions have developed the 'formal powers' the Prime Minister possesses. There are many Royal prerogatives vested in the sovereign but are

now exercised by ministers. This includes the power to declare war, the power to prorogue, the power to grant pardons and honours and until recently, the power to call an election.

The most notable of these is Commander in Chief of the armed forces. The Queen remains the official head and supreme authority but convention has led to the PM, along with the secretary of state for defence, being in charge over the use of the armed forces. However, a new convention has developed since the Iraq war in 2003 whereby the UK will not take

military action without consent of the Commons, except in times of crisis where immediate action is required. This was shown when David Cameron consulted the house in 2015 on whether to join the coalition of nations conducting airstrikes against Islamic State in Syria. However, there is no binding rules which force the Prime Minister to gather the common's consent to use the armed forces and questions have been raised as to whether this convention should be formalised to prevent the executive ignoring the opinion of the house.

Additionally, the Prime Minister is the leader of the cabinet; they decide which MPs to appoint as ministers and lead the legislative agenda which their government and parliament will follow. Subsequently they can determine the total expenditure of their government and prioritise specific departments. More widely, this makes them responsible for the overall structure of government and can create new departments and committees. They are also Minister of the Civil Service granting them the right to regulate the civil service and appoint the senior positions, who are key in the process of implementing government policies. They are also in charge of the security services and appoint the heads of intelligence. A new addition to the PM's power is Minister of the Union. Suggested by Boris Johnson, the role was created to emphasise how the PM should be committed to strengthening and maintaining the bond between the countries within the UK. As a result, the PM has been afforded a small budget, to spend at their discretion, in order to carry this out.

Historically, the flexibility of the Prime

Minister's role and the lack of clarity concerning their capabilities has sometimes been exploited to increase their power, but it now appears others are using it to restrict them. Therefore, the exact power of the Prime Minister depends on the individual in office.

The Blair premiership stands out as one of the most powerful contemporary examples to set as a base mark. With the stability of his 10 year long tenure and the significant majority he wielded, his time as Prime Minister couldn't appear any further away from our recent leaders. Tony Blair was first elected in May 1997 and won 419 seats, the largest proportion of seats any party has held in the post-war period. This landslide majority of 179, which only fell to 167 in 2001 and 66 in 2005, advanced his power as prime minister in two major facets. Firstly, winning so convincingly allowed Blair to claim a stronger mandate than most PMs. This, combined with his resounding popularity in his early years, ultimately made his leadership beyond reproach initially, allowing him to deal with issues such as national security with

legislation like the several terrorism acts. However, this gradually diminished as his popularity waned in the aftermath of the unpopular decision to invade Iraq in 2003, on what transpired to be incorrect reports of Saddam Hussein possessing WMD. Secondly, his significant majority made the role of legislating incredibly easier. Parliament arguably developed into a 'rubber stamp' under his regime, as partisan opposition was so weak, passing new laws became easier. Adjacent to this, Blair reduced the number of hereditary peers to 92 within the House of Lords in 2001, who were all predominantly Conservatives, further simplifying the ability of Blair's government to legislate. His governing technique, now described as 'sofa politics', where he persuaded ministers of his policy ideas in small informal groups, allowed him to bend the cabinet to his will and presidentialised his premiership. Johnathan Powell, his chief of staff, described the system of government under Blair as a change from "Feudal Barons to a Napoleonic system".



Since leaving office in 2007, the position of Prime Minister has never been as powerful. The declining faith in politics experienced during his regime led to the reduced powers of his successors. Gordon Brown's popularity went through many peaks and troughs before 2007, but after ascending from Chancellor to Prime Minister, he became one of the most unpopular politicians at the time. He inherited a weakened majority and a feeling in the country that politicians were untrustworthy- an issue not helped by the fact he hadn't won an election for the position. As a result, his authority over parliament and even his own government was feeble in comparison to Blair, demonstrated by the 'Lancashire plot' where backbench MPs urged him to step down in 2008 due to his terrible opinion ratings. Moreover, Brown actively suggested that several of the aforementioned Royal Prerogative powers exercised by the PM, should be transferred to

parliament, such as senior appointments, oversight of the intelligence services and the right to ratify treaties. Additionally, he delegated his powers as Minister of the Civil Service to Tom Watson.

The nature of the coalition produced by the 2010 election meant David Cameron wasn't very powerful either. The cost of Liberal Democrat support was a compromise on his control of the cabinet and was forced to select several of their MPs as ministers. Furthermore, the coalition agreement established the 'Quad' at the center of government. This was made up of two Conservatives (Cameron and Osbourne) and two Liberal Democrats (Clegg and Alexander), all of whom had a veto on policy making. This hamstrung Cameron as he now had to share his power of setting the legislative agenda. This was also a shift away from Blair's informal style of rule which had made him

so powerful in practice. Another Liberal Democrat stipulation was the passing of the 'fixed-term parliament act' in 2011 meaning Cameron lost his power to call a general election. Instead, these would be held every 5 years unless there is a 75% majority in the commons in favour of a snap election. Cameron would be unable to call an election early to align with a positive position in the polls, a strategy which worked very well for both Thatcher and Blair. Cameron was also bullied by critics into hosting a referendum he didn't support on Scottish independence in 2014. A referendum he marginally won, but only because of a last minute passionate performance from Cameron in Aberdeen two days prior to the vote. He failed to learn his lesson and bought his working majority of 12 in the 2015 election with a promise to host another referendum he also wouldn't support. A referendum on the EU...



Understandably, feeling unable to deliver on the result of the vote, Cameron stepped down as Prime Minister in 2016 and was followed by Theresa May. May is judged against the high expectation that she would deliver on the most divisive issue of modern politics and is therefore criticised for her time as PM. Whether this is a fair judgment or not, it is safe to say she was not assertive and was not a powerful Prime Minister. At the beginning of 2017, the Genui Miller supreme court case forced her to gather parliament's consent before she could trigger article 50. Later that year she lost her majority during the snap election which frustrated her ability to complete Brexit as well as normal legislation promises. Under her leadership, the Conservatives lost 33 motions, including the largest government defeat in history of 230 votes. For comparison, Blair and Brown only lost 7 motions combined and

the previous record defeat for a government was a margin of 64 less. She even managed to lose control of the order paper in the commons on multiple occasions, such as the set of indicative votes put forward by Oliver Letwin. Normally, the government decides what the house will debate but on these occasions, backbench MPs managed to steal control and force debates on issues May had been unwilling to put forward. After eventually losing the confidence of her own cabinet, May resigned in 2019.

Her successor won his leadership election convincingly and has gained the Conservatives 14 points in the polls since taking over. During the short time Boris Johnson has resided in number 10, his premiership has been inconsistent and it is very difficult to predict if he will be a powerful Prime Minister. His prorogation was deemed unlawful and has so far struggled

to deliver his promises with his diminishing majority, as he too has lost 12 motions already. However, he does seem to have adopted a more authoritarian leadership style over his government with less consultation of cabinet and more concentrated decision making. Ultimately, the result of the election on the 12th of December will determine his legacy.

If he wins a landslide majority, his withdrawal agreement will pass and he will be remembered as the PM who negotiated the impossible with the EU. His spending promises can be delivered and the nation will have a sense of relief after a decade of severe cuts. However, if the election is won by Labour, Johnson will be classed as a powerless Prime Minister who failed to ever win an election and didn't survive long enough to deliver a single promise he made.





JUDICIAL REVIEW

By Josh Grier

Americans are well accustomed to the Supreme Court being a crucial feature in the political landscape. Here in the UK, this is a decidedly foreign concept. There are key differences between our ‘Supreme’ Court and the fully-fledged constitutional court enshrined in the fabric of the US Constitution. However, recent decisions have thrust the judiciary to the forefront of British politics. Is the expansion of the role of the courts in our constitutional settlement a positive development to ensure the executive toes the line? Or does it threaten the introduction of a politicised body of unelected officials with disproportionate influence in our society?

Judicial review is a constitutional power allowing the judiciary to scrutinise the exercise of power by public bodies. It attempts to prevent public institutions from acting beyond their remit or abusing their position of responsibility in society. Currently in the UK, an appeal to

the courts against the actions of a public body occurs if the body is accused of acting ultra vires (beyond its jurisdiction), neglecting its duty or acting in a way which contravenes the legislation which awards it authority, or if it is in breach of EU law or Human Rights law. Crucially, the doctrine of parliamentary sovereignty exempts statutory legislation itself from judicial review. The court is unable to rule on the correctness of any law passed by the elected body of Parliament and is bound to apply the law as it stands regardless of any personal criticisms of said law. This ensures that the Court remains concerned with the actions of public bodies in accordance with the law as decided by our representatives in Parliament. Despite the ‘Supreme Court’ title, Parliament remains supreme in Britain.

In contrast, the US Supreme Court suffers from no such constraint. It has jurisdiction to strike down the actions of Congress and the executive if it decides they have acted

at variance with the constitution. This gives it power in greater magnitude than in the UK; it may decide on the correctness of Congressional legislation as well as the actions of any public body. However, it is also bound in a much stricter fashion to a document which dictates its actions. Where UK Supreme Court judges interpret precedent in common law, statute law and accepted conventions within our political system in a more subjective and holistic approach, the codified constitution in the US prevents any such ambiguity of where the decision may be found. While they may argue on specific points within that document, the fact that there is such a document that they are responsible for applying means there is a fundamental difference in the function of the two courts. This may also suggest the reason why US law can be struck down by the Supreme Court when the UK equivalent has no such power – the US decision will be based on a commonly accepted and commonly available constitutional document.

Criticism of the US Supreme Court often stems from the controversial issues they are asked to rule on. It will be the Court, not Congress, that will decide whether gender identity is a protected characteristic in employment law in *Harris Funeral Homes v EEOC* - with the Equality Act floundering in Congress. Furthermore, the current interpretation of the 2nd Amendment will be established in *New York v New York State Rifle and Pistol Association* rather than by elected representatives. Some argue that this is an abuse of the role of the judiciary, with their activism effectively legislating in place of Congress. However, the circumstances which have resulted in this trend of controversial issues being debated in the Court instead of in Congress are poignant considering the changing political climate in Britain.

The endemic polarisation within US politics is paralysing the legislature. Demonisation in the media and ever more toxic campaign battles are eroding consensus and bipartisanship which is necessary under the American political system for any decisive action to be taken by Congress. This dysfunction leaves a gap into which the Supreme Court has been shoehorned to ensure progress is made regarding these issues. Congress do not want to go near them for fear of significant electoral backlash so the judges, outside of any election cycle given their lifetime tenure, are tasked with making these decisions in their place.

This is interesting when considering current events in British politics. Brexit has exponentially increased division in Parliament and driven an ever more aggressive narrative on all sides of the debate. This division has become so

ingrained that an election has been called to attempt to find some sort of mandate for a future course of action. The Labour policy on Brexit is evasion; they do not want to take a stance on it thanks to its controversy. Meanwhile, Conservative governments have already attempted to sidestep Parliament to impose their will. The resulting conflict between executive and legislature has already resulted in judicial involvement upholding the sovereignty of Parliament - on two occasions. However, what good is sovereignty if the Commons is irreconcilable? The US example may suggest a rise to prominence of the judiciary in the absence of consensus and therefore inaction in Parliament.

If politicians are unwilling to compromise, it may fall to the judiciary to become ever more the umpire in disputes between the Government and Parliament. However, in order for them to do this they must take on characteristics henceforth exclusive to constitutional courts across the world. Without the ability to strike down legislation, the judiciary cannot claim to be able to check the actions of Parliament if they are ever deemed in opposition to the national interest. But in order to declare something unconstitutional there must first be a constitution to rule upon. This concept is yet to be established in the UK but with times changing in politics, division may dictate that the judiciary must take up a more active role in scrutinising not only the actions of public bodies but the legislation passed by an elected government. While the sovereignty of Parliament has been the hallmark of the British constitution over the years, these extraordinary times mean it may now more than ever subject the constitution to potential vandalism.

Without the power to strike down legislation, the UK must rely on self-imposed restraint within Parliament. In fact, the judges as it stands would be duty bound to enforce and uphold any legislation passed by Parliament, no matter the impact on the constitution and the nation if such legislation violated the rule of law. They would have no ability to prevent these abuses. A court with the ability to strike down legislation, however, would have jurisdiction in such cases. This comes with the question of whether Parliament can still be trusted to respect the constitution without any material check to their actions, but also whether an unelected court is desirable as a body to adjudge the constitutionality of legislation. The idea of offering power without accountability will always provoke criticism.

Therefore, a court with the power to strike down Parliamentary legislation requires corresponding restriction. This could come in the form of a codified ‘constitution’, bringing the UK in line with many European countries and of course the US. This would not necessarily have to be a ‘constitution’ per se; a set of guidelines by which a court could measure impending legislation to ensure they corresponded with accepted British values would suffice. This makes the judges accountable to and responsible for the application of a standard document which contains the values of the nation. However, this may also promote politicisation of the court which the UK Supreme Court currently escapes. A body with the power to unilaterally overrule legislation would be accused, as they were in the recent Brexit-related cases even without it, of bias one way or the other in Parliament and in the media. Boris Johnson himself called for US-like political



appointment procedures and hearings which only emphasise the danger of introducing such potent abilities on the judiciary which may morph them from an independent and incorruptible institution to something wildly different.

A compromise is therefore in order. For judicial review to operate effectively in the UK the judiciary must remain apolitical but assume the power to scrutinise and offer a judicial opinion on Parliamentary legislation. They must be limited by and responsible for a commonly accepted ‘constitution’ but must retain the doctrine of parliamentary sovereignty which is so vital to our current constitutional settlement. But there is a way to have all of these characteristics. As in human rights disputes or compliance with EU law, the UK Supreme

Court may be given the power to offer a ‘Declaration of Unconstitutionality’, similar to the ‘Declaration of Incompatibility’ currently used in those contexts. This would advise Parliament to repeal or amend legislation without undermining their sovereignty. The potential ‘constitution’ would also avoid threatening the sovereignty of Parliament if the courts could only offer an opinion on any dubious legislation. Without unilateral power to revoke, the court would likely avoid media notoriety or potential politicisation which may harm their credibility as impartial judges. If judicial review was strengthened to allow scrutiny of Parliamentary legislation, but exercised in an advisory manner, the country may benefit.

This would empower the Supreme Court

to ensure that not only in action but also in passing legislation the government and other public bodies are acting in accordance with constitutional values such as the rule of law. Currently, judicial review in the UK lags far behind that of constitutional courts around the world. The flexibility of our constitution may allow us to develop the role of the courts in a time of severe division to ensure that public bodies continue to fulfil their legal and procedural responsibilities, while avoiding politicisation by stopping short of unilateral power to overrule. This would offer more substantial judicial protection against tyranny while retaining the doctrine of parliamentary sovereignty which is so crucial to the function of our government – the best of both worlds.



A UNION OF EQUALS?

By Andrew McGough

The United Kingdom is often described as a union of equals, implying an equal partnership between the four constituencies of the United Kingdom. It is for this reason that devolved assemblies exist in Scotland, Wales and Northern Ireland as well as in London, which undermines the idea of the ‘equal union’. What is unclear, however, is how and if they function properly, and how powerful they really are. This is the question that I am seeking to answer in this article.

The Scottish Parliament was founded

following a referendum on devolution in 1997, and the details were specified in the Scotland act of 1998. The Parliament is able to legislate on any matter not reserved to the UK government, and as I have already shown in my article on the SNP, that legislative function has been used very effectively to improve Scotland’s infrastructure. However there are also significant limitations to what they can do even in areas of solely Scottish importance, such as the presence of the TRIDENT Nuclear deterrent program at the Clyde Naval base,

to which the current SNP government has made its opposition clear, yet as it is a matter of UK foreign policy and national security they are overlooked in favour of the current majority Westminster government. The same can be said of nuclear energy projects in Scotland. In addition, the majority of the Scottish Government’s funding comes in grants from the central government in Westminster, which highlights how dependent the success of the devolved government is upon the funding from Westminster.

The Situation is very much the same in Wales. A referendum was held in 1997, the result was a very narrow yes, and the government of Wales act of 1998 established the Welsh National Assembly, which can determine how the government’s budget for Wales is spent, much like the Scottish Parliament is able to do. The areas over which the Welsh National Assembly and government have exclusive jurisdiction are very similar to Scotland, though the Scottish government has more jurisdiction over matters to do with the criminal justice system than the Welsh government, from civil and criminal law to policing and prisons. They are also dependent upon Westminster for their budget as they too do not retain revenue that has been generated within their region.

Northern Ireland is a far more complicated matter than Wales and Scotland. The Good Friday agreement of 1998 established a new, power sharing executive in Northern Ireland, with powers that go further than the devolved assemblies in Scotland and Wales necessary to satisfy the Irish republicans. The executive is dependent upon cooperation between Sinn Féin and the DUP. This, however, presents a real problem, as the assembly has not been properly functional since June 2017 due to a breakdown in trust between the two parties, meaning that power has since remained in the hands of Westminster, to the degree that Same-sex marriage and abortion were automatically legalised as was already the case in the rest of the United Kingdom, suggesting that in its current format, the Stormont assembly is a completely unreliable form of democracy, given that the DUP and Sinn Féin are becoming more and more hostile towards each other,

which is largely down to the Irish border issue that was created by Brexit.

One of the main problems with devolution across the UK is the Barnett formula, which is the method by which the three devolved governments receive their funding from Westminster. The basic premise of the formula is that for any money spent by the government in England, the devolved assemblies all receive the same amount but scaled down in proportion of population. Though the devolved governments are able to determine themselves what this money is spent on, the main criticism of this formula is that the system should be based more on need than a population-based proportion of whatever funding England receives. Even Joel Barnett, who devised the formula whilst working as Chief Secretary to the Treasury in 1978, has disavowed it, calling it a “Terrible mistake”.

The other significant devolved power in the UK is the Greater London Authority, which consists of the executive, led by the mayor, and the assembly. Some of the authority’s main powers include control over police and fire services as well as Transport and land-planning, so its powers are far smaller than those of the main devolved governments and assemblies across the UK. The existence of the Greater London Authority has caused its own controversy, as other parts of England, particularly the north, have felt underfunded by Westminster for a long time and would like to have a similar form of devolution to that of London.

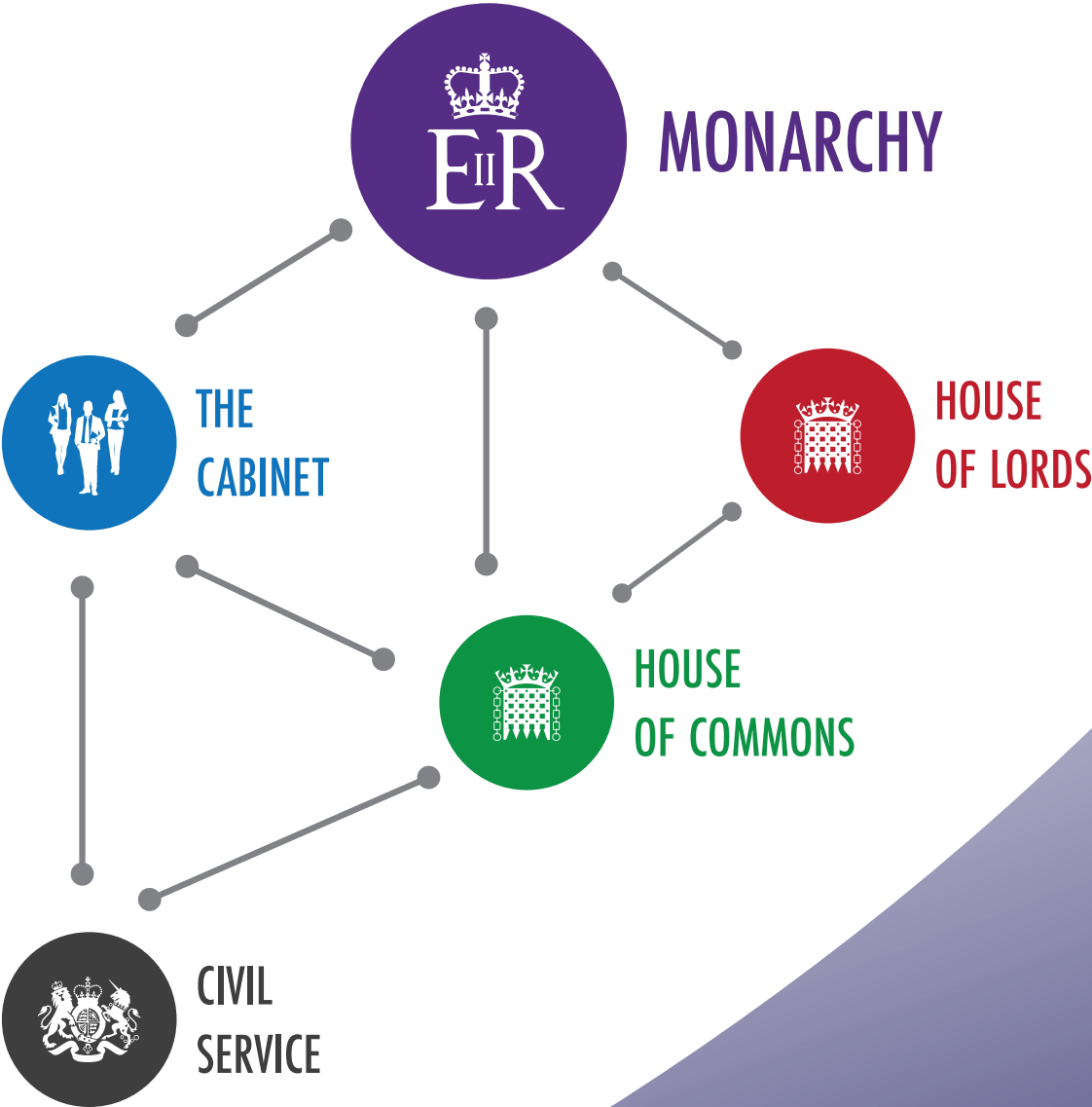
Overall, it would seem that every major devolved assembly presents its own major stumbling blocks, with the divisive

sectarianism of politics preventing any sort of devolution at all in Northern Ireland, being too closely tied to Westminster and a lack of say over certain areas pertinent to the devolved countries presenting a problem in Wales and Scotland, limiting any sort of domestic agenda from properly addressing every issue they need to, and the Greater London Authority raising a serious question about devolution being introduced across the rest of England, which suggests overall that devolution in Britain is not nearly as successful as it could be, and that introduction of further devolution is certainly a question to be asked of whoever forms a government on December 12th.



UK DEMOCRACY

By Josh Grier





MONARCHY

The monarchy remains the figurehead institution at the summit of our political system. The Queen is central to the functions of Parliament, but today survives only as a symbolic institution that retains little actual responsibility in the actual function of the political system. While the monarchy retains a key representative role in maintaining foreign relationships (especially with the Commonwealth nations) her role in Parliament is subject to constraint – she is not allowed to enter the House of Commons, for example. She remains able to dismiss and appoint Prime Ministers, open Parliament and gives Royal Assent before any legislation is passed, but these

capabilities are under the advice of the Commons or the Prime Minister at all times. If a monarch was ever to contravene these conventions, it is likely that the sovereign House of Commons would swiftly remove her symbolic role in the passage of legislation. It is essential that the monarch retains an impartial, apolitical stance for the constitutional settlement to function and therefore the monarch makes huge endeavours to separate themselves from politics. If a monarch was seen to influence Parliament at a level beyond that expected of a non-elected political figurehead, Parliamentary sovereignty would be undermined significantly, a

principle which has governed our nation since Magna Carta. The monarch remains a central figure in our political system, but the position today holds only symbolic value and requires significant discretion and restraint in order to be held effectively as a patriotic representative.



THE CABINET

The government traditionally makes key policy decisions within a select group of ministers assembled by the PM called the cabinet. It is designed to build consensus around certain policies and is driven by the concept of collective responsibility. This means that any decision made by the Cabinet is supported by all members following their discussion and resolved as a collective body. The cabinet system is designed to prevent our politics from becoming dominated by an individual and encourages the operation of a collective executive body. However, this is largely at the discretion of the Prime Minister. If a Prime Minister operates a strict “submit

or resign” administration, the Cabinet ceases to function. If this hard line policy is pursued, discussion and contribution of the ministers is limited and decision-making will suffer as a result. A PM may also reduce the importance of the Cabinet if they are consistently side-lined and kept out of the loop. Margaret Thatcher, for example, was renowned for her presidential style in dominating the Cabinet and this has been the ongoing trend in recent times. This is dangerous as the Cabinet system is designed to improve debate within the Government and therefore improve the major decisions which affect the public interest. A collective body of experienced

cabinet ministers should be the primary core of decision making in Parliament; it protects us from a potentially unchecked and overly powerful Prime Minister that threatens our democracy



HOUSE OF COMMONS

The House of Commons is the body of 650 elected Members representing the constituencies across the nation. It is the primary debate chamber where arguments are put forward and voting takes place on all aspects of government business. Its primary role is to scrutinise the government and ensure they are fulfilling their responsibility to the people in the way they are operating. There is some debate, especially since Brexit, on whether the Members should act as delegates or representatives in the Commons. Some argue that the UK functions as a representative democracy and therefore we elect politicians to make decisions in our best interests. They should be experts on the issues debated in Parliament and therefore are better placed to make judgements on the issues at hand than ordinary people with a profession outside politics. However, others would suggest that they are delegates and they are there to put forward the opinions of their constituents, despite

any misgivings held by the MP themselves. In terms of Brexit, the referendum was not technically legally binding, thus leaving MP's the option to change the course of the past few years with a simple vote. However, the political implications of such a decision would be catastrophic for the integrity of democracy in this country were it to be held in Parliament with no popular vote on the matter. Therefore, the Brexit saga has undermined the very principle of parliamentary sovereignty that entrusts Parliament with the decisions affecting the country and its citizens. This is in favour of popular sovereignty, where government must submit to the demands of its citizens despite the potentially damaging consequences to their livelihoods. The role of the Commons may have significantly changed if the trend of direct democracy is continued, which threatens the very nature of being an MP. If the expert judgement of a professional politician is jettisoned in favour of often poorly

informed public opinion, the Commons is in danger of losing its vital role in the operation of government in the UK.



HOUSE OF LORDS

The House of Lords remains unelected and is made up of 800 peers from diverse backgrounds. The majority are life peers who are appointed to the House of Lords due to their vast experience in a certain area, ranging from medicine to law, sport to the armed forces. There are also spiritual peers from the Church of England and 92 remaining hereditary peers. Unlike the Commons, the Lords is far less party-driven and debate is often more in depth and technical thanks to their successful careers outside politics. They are a subordinate chamber, however, and serve only to advise and scrutinise legislation proposed by the government. They remain an influential body, however, and are often persuasive in their arguments for amendments to draft legislation. There is often significant controversy over the democratic nature (or lack of it) of an unelected Parliamentary chamber. Although hereditary peers were severely reduced in 1999, 92 remain

members of the house without any legitimate explanation as to why they deserve to have such a privileged role in government. It is likely that these hereditary peers may be continuously whittled down out of existence in the coming years as the calls for reform continue. There is also controversy over the single-faith representation of the bishops in the Lords, suggesting that this should be amended to include representatives from all major faiths in order to reflect the multicultural nature of the UK. These seem more minor reforms which are quite probable to be implemented in order to modernise the House of Lords in the near future. Another controversial suggestion is to make the Lords a second elected chamber. They argue that another elected chamber would be more legitimate and offer the Lords a mandate to intervene in the passage of legislation which they do not have under the current system. However, this may undermine the supremacy of the Commons and will complicate the

operation of government with a competing set of politicians all claiming a mandate to amend legislation. It also threatens the quality of the members who may have no interest in campaigning for a place in the chamber but would be a valuable asset to have in scrutinising the government effectively. There are also calls for patronage to no longer be accepted as a legitimate reason for an appointment to the Lords. If a PM can appoint a significant donor with no other claim of deserving a membership, this should be ended as it does not contribute to the quality of scrutiny which is the primary role of the chamber. The Lords should be select group of established experts from all walks of life who offer their contributions to debate on legislation which they may have a valuable insight into, given their successful careers and significant knowledge on the issues within the legislation which may be lacking in the Commons, which is made up of professional politicians



CIVIL SERVICE

The Civil Service is an impartial body that serves the government of the day and aims to implement policy as effectively and seamlessly as possible. They operate in a variety of fields and are essential to enact the resolutions found in debate in Parliament. Their permanence requires that they are apolitical and rational no matter the administration in office at any one time. They offer a degree of stability to the political system given the potentially volatile nature of Parliament and also offer a wealth of experience gathered from work under successive governments which can prove vital in times of crisis. They are also responsible for objectively advising ministers on their boundaries of governance within the law, often in sensitive matters. It is clear, therefore, that a certain level of discretion is required for the CS to function as it is intended. The most clear threat to this is politicisation. If a Civil Service ceases to be objective in their advice and their actions, this threatens the credibility

of the organisation. When politics and administration blurs, it is dangerous for the constitution. Politicisation is also dangerous when considering the seniority of officials within the service. An 1870 Order in Council established the service as limited only by competitive examination and free from political patronage – in modern times this is undermined by ambition. A “groveler” may accede to power more easily than a truly impartial individual, especially if the administration is in power for a significant period of time, and this raises the issue of whether ‘party animals’ may dominate the senior ranks of the Civil Service thanks to this behaviour. Recent events have also harmed the integrity of the Civil Service. Long-serving Ambassador Kim Darroch made headlines for his comments on the Trump administration this summer; this leak of confidential advice from a civil servant, if continued, threatens the ability of a civil servant to effectively report back to the government without concern

for media scrutiny. While politicians are required to maintain working relationships with foreign administrations, if a civil servant is unable to - in confidence - give an unbiased report to the government, this threatens the function of our governmental system. The civil service, as a major facilitator of government, must be protected as an impartial institution at the service of any and all elected government in the UK.

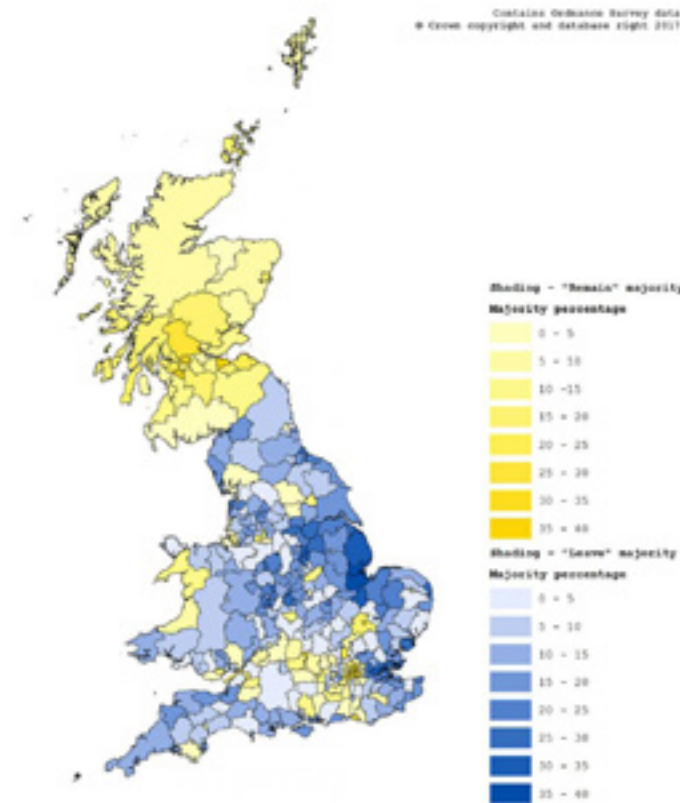


SPECIAL FEATURES

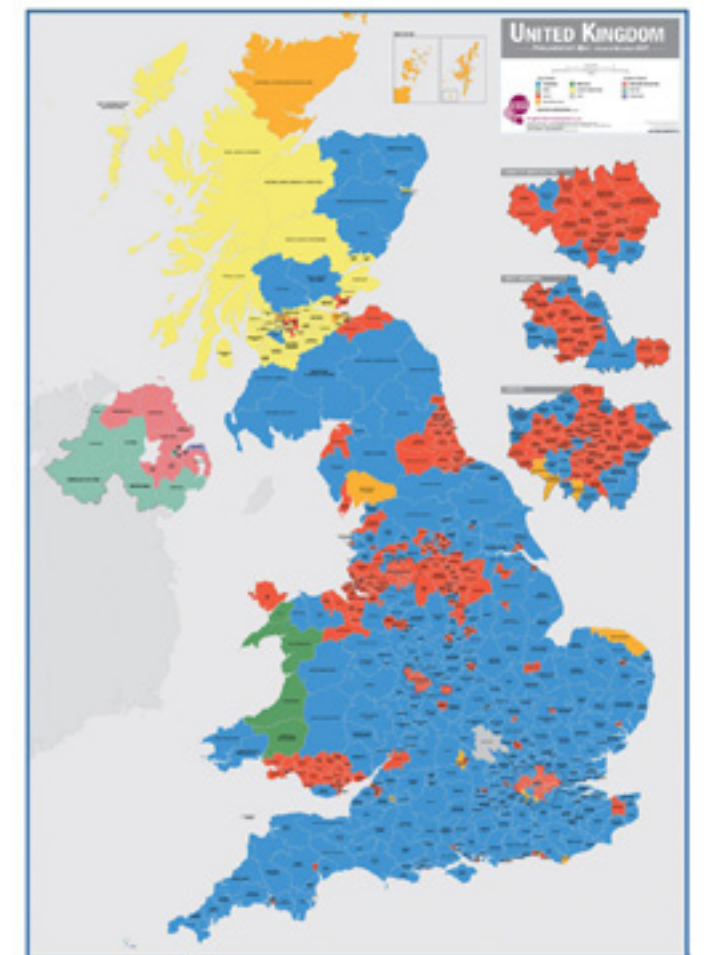
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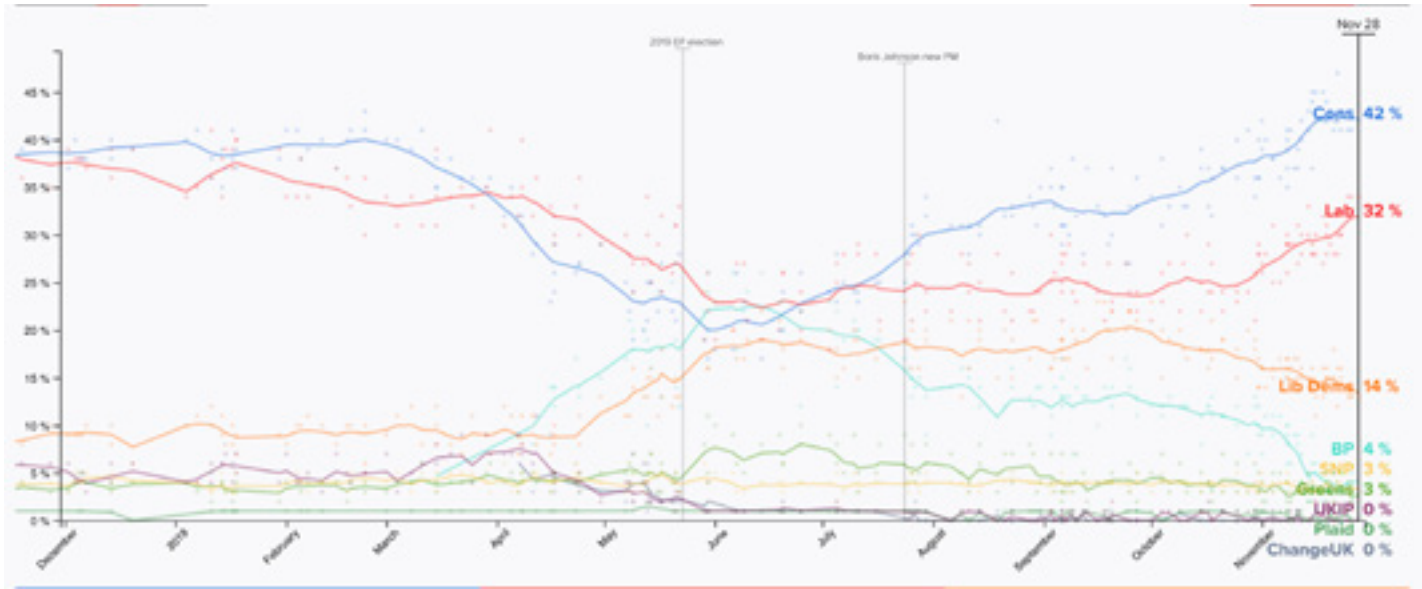
<http://www.ox.ac.uk/news-and-events/oxford-and-brexit/brexit-analysis/mapping-brexit-vote>



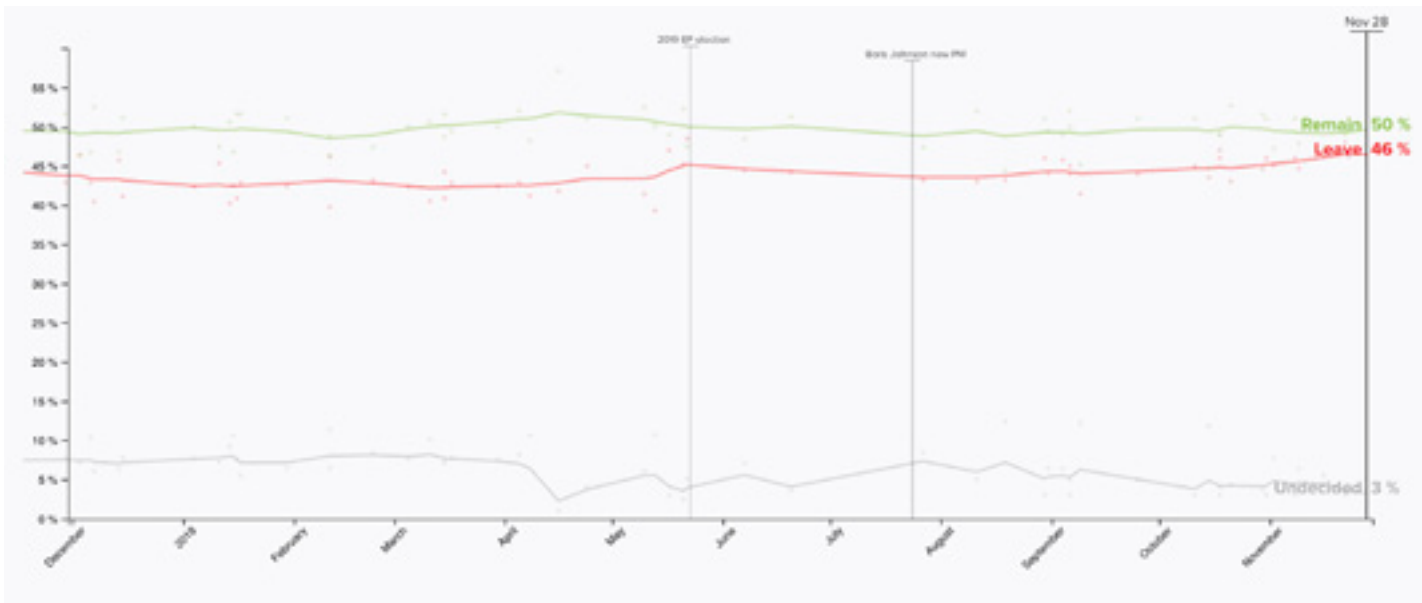
<https://www.mapsinternational.co.uk/blog/parliamentary-constituency-maps-updated-to-reflect-ge2017-results/>

UK VOTING INTENTION

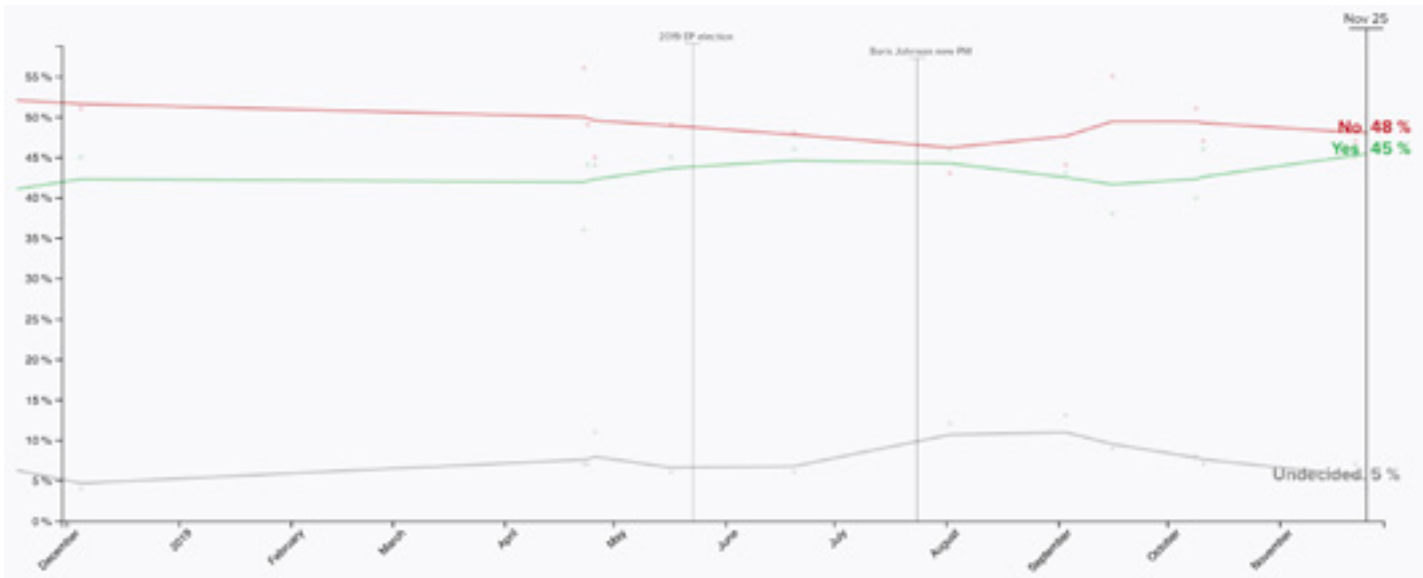
Politico Poll tracker- <https://www.politico.eu/europe-poll-of-polls/united-kingdom/>



SECOND BREXIT REFERENDUM

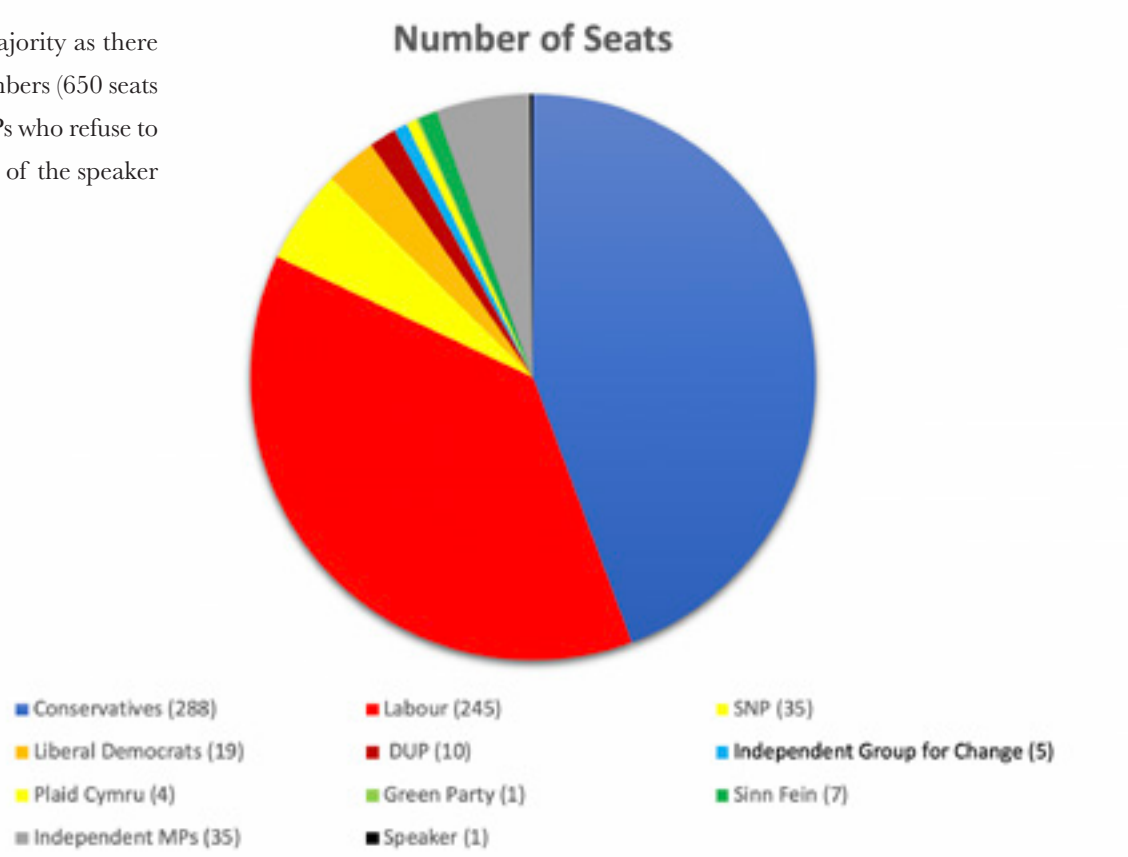


SECOND SCOTTISH REFERENDUM



OUTGOING PARLIAMENT MAKE UP

Need 320 for a working majority as there is a total of 639 voting members (650 seats subtract the 7 Sinn Fein MPs who refuse to sit and the non-voting seats of the speaker and his three deputies)





THE GRAMMAR SCHOOL
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