

John Bercow



Speaker of the House of Commons June 2009 – November 2019

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The referendum

UK in a Changing Europe (UKICE): David Cameron has subsequently claimed that a referendum was inevitable because of what was happening in the Conservative Party and what was happening in Parliament. Do you think that's the case?

John Bercow (JB): No. I don't think a referendum was inevitable at all. It may be that David genuinely believes that, and I don't want to impute false motives to him. Perhaps he was persuaded, or came to persuade himself, that it was inevitable. I don't myself think that that's true.

David had many talents, but given a choice between tactics and strategy, he would unerringly opt for the former, rather than the latter. Now that's a bit of knockabout. What is my more full-blooded and serious answer?

There was a demand within the Conservative Party for a referendum from a sizeable, growing minority that was also extremely vociferous. Those who felt strongly that there should be a referendum certainly weren't the majority of the Parliamentary Party when David was leader. And I'm not even sure they were the majority of the party at the grassroots, which tends to be pretty right wing.

But they felt very strongly what they felt. And those who felt strongly in favour of a referendum were much more vociferous than those who didn't feel

strongly against it. But it does seem to me that an important part of political leadership is to lead and to resist wrong courses of action, if you think that they're wrong or undesirable or that the case for them hasn't been made. And I really didn't think that the case was made. That's the key point, there wasn't in any sense a demanding majority in the Tory Party for a referendum.

UKICE: The first time it really appeared to mobilise in Parliament was the time you allowed an amendment to the Queen's Speech on the case for a referendum.

JB: You're right. And I've no regrets about that, although some people probably think it would have been better if it hadn't been selected.

In fact, there was a bit of a dispute between me and the clerks because the Standing Orders said that on the penultimate day of the Queen's Speech usually the lead opposition amendment would be taken, selected and voted on, and then there could be a further amendment.

It didn't say 'one' further, it said a 'further amendment', and I chose to read the Standing Orders successively. And I allowed a Plaid Cymru amendment, a minority party amendment, and John Baron's Brexit amendment. The clerk said to me he didn't think it was proper, he thought I should do one or the other.

And I said, 'Well, Robert, the way I read the Standing Order...' He said, 'It's never happened before,' and I said, 'That's as may be, that may very well be the case, but I feel that the minority parties shouldn't be disadvantaged and that I must select Mr Baron's amendment because it is heavily subscribed, it's got a lot of signatures and I think the will of the House should rightly be tested.'

So on that occasion I think it did get well over 100 votes, if I remember rightly. And it was still heavily defeated. But yes, there was a lot of Conservative support, but it wasn't a majority and a leader could perfectly well have stood up to it.

I think the other factor probably in David Cameron's mind was the rise of the UKIP vote, and I think he was worried about the upcoming European elections.

Being worried about things is part of the lot of leaders. The issue is not whether they're worried about them or they regard them as a challenge, but how do they deal with them? And I personally believe that there was no need to have a referendum, David Cameron could perfectly well have weathered the storm.

Why therefore did he not do so? Well partly for those reasons – intra-parliamentary party dissent and demand, and the growth in the UKIP vote. And I think, in fairness, there was a third factor, which I shall try to describe non-pejoratively as best I can.

And that is that David was, generally speaking, a lucky general. As you can probably tell, I'm not a particular admirer of his. I think he's an immensely able person and very dextrous and very fluent, very fleet of foot at the despatch box and all the rest of it. But, fundamentally, rather a superficial leader in my opinion.

But I think David basically thought, as he said to someone at the time, that he would win. And someone said to him, 'Why do you think you'll win?' And allegedly, in some private exchange, he said, 'I always do.' Which of course is very arrogant, but very David. He thought, 'I'll call the referendum, I'll make it clear to the British people that I think we should stay, and I'll win.'

But arguably you shouldn't take the risk of a referendum unless you're fairly confident of the outcome. And, if you look over the years, generally speaking, that has been the pattern. Prime Ministers call a referendum if they think they're going to win them.

Harold Wilson, to be honest, for all the criticism that has been lobbed in his direction over the decades, was very shrewd. Wilson agreed to the referendum in '75, and he agreed to allow licence to dissent, free votes in his own party, and members of the cabinet were entitled to take whichever side they wanted. He was actually rather more tolerant about it than Cameron was. But I think Harold Wilson knew at heart that the wind was blowing in his direction. David guessed, and he guessed wrongly.

Was a referendum inevitable? It absolutely was not inevitable. And I would go so far as to say – and I'd say it to David's face – 'David, if you want to defend your calling of a referendum, fine. But please don't plead a kind of Marxist

historical inevitability. There was no historical inevitability about it at all, you made the judgment, you got it wrong, and you'll go down in history as the person who led Britain out of the European Union by accident. And no doubt you can reconcile yourself to that fate.'

UKICE: If we come onto the legislation for the referendum, David Cameron's book has bits about how he thought about whether we should have a threshold. Did you think, as you were sitting there as Speaker, that Parliament thought hard enough about the mechanics of the referendum and the potential for setting up a sort of showdown between people versus Parliament, if the result went against the inclination of the majority of Parliamentarians?

JB: Well again, the short answer is no. I don't think Parliament did think long enough and hard enough about that. In general terms – notwithstanding that I'm an opinionated chap and some people think, as Speaker, I spoke too much or intervened too much – I'm generally loath to criticise my colleagues, for whom I continue to have very high regard. I believe in Parliament and I don't share the generally derogatory view of most MPs. I think most MPs work hard and are public-spirited and do a very good job.

But do I think that MPs really thought this through fully? I don't, I really don't. I think it's quite damning really that very little public thought appeared to be given to thresholds. And certainly, again perhaps because David was fundamentally confident of winning, or maybe because he thought it would be regarded as undemocratic, he didn't agree to a threshold.

But he wasn't that scrupulous. I mean, after all, once the announcement of the referendum was made, there was a minor row about the fact that the Government spent £9m on a leaflet that went through every door which was quite obviously a leaflet designed to persuade people to vote Remain. I think many things about David, but do I think David is fundamentally rather squeamish? No, that's not a word I would think of in relation to him.

Don't forget how brutal he was – effective, but how brutal he was – in the AV referendum in 2011. He well and truly went for Nick Clegg in that referendum. Nick tried to play fair and by the Queensbury Rules, and David Cameron didn't. So, I can only assume that it was not really a great democratic ethos that said to him don't have a threshold, I think he just didn't think it was

necessary. I'm not sure he'd researched the historical precedents or gave it enough thought.

But neither did the House. I don't recall an amendment being pressed on threshold but, if so, it certainly didn't have any frontbench support. The attitude seemed to be the Government has promised this referendum, 'We in the Labour Party,' I think the Opposition felt, 'We may not have made this call, but we can't be seen to be opposed to the people having their say.' So they weren't very resistant. And no very serious consideration was given to a threshold.

There was a little bit of consideration, if memory serves me correctly, given to the electorate. I think Alastair Carmichael, for the Liberal Democrats, tabled an amendment on 16- and 17-year-olds being able to vote. Now David of course was against that, and the Tory Party was whipped against it. And I don't think that the Labour Party supported and, if they did, they were outnumbered.

There was that 16 and 17-year-old amendment, but it wasn't carried. And David's opposition to it I think was genuine, clearly genuine, I think he was against votes at 16. And, to be fair to him, he probably thought, 'If I agree to votes at 16 in the referendum, it will be a wider read across and the pressure will become remorseless for me to agree to votes at 16 for a general election.' To which I think he is probably in principle opposed.

But also – and I don't necessarily knock him for this – political leaders do think about their own political party, and giving votes to 16- and 17-year-olds would not obviously be advantageous to the Conservative Party. So, for a whole number of reasons, he resisted that. But the irony is, ifs and buts are apples and nuts, I know, but the irony is that, if 16- and 17-year-olds had been able to vote at that referendum, the result might have gone the other way.

But all in all, I think what I would say, is that he was sloppy and casual in his handling of the legislation. I don't think he thought it fully through. And again, I think he just thought, 'I'll fly by the seat of my pants and, because I'm clever and fluent and personable, and the public like me more than they like my party, they will go on enabling me to win.'

And I suppose there was some historical basis, recent historical basis, for him

thinking that. After all, he'd just won the 2015 election, when a lot of people thought he wouldn't. And so on. So there was a reasoning behind it, but I stand by my view that he was sloppy and casual.

Much as it goes against the grain for me to criticise my Parliament colleagues, I think colleagues were too cowed, they were too worried about being accused of denying the voters their say, and therefore they went along with this idea of a simple yes/no referendum, with no votes for young people, and no threshold. And I think they probably again thought – as, to be honest, I thought – Remain would win.

I don't mind telling you that, on the Monday of the referendum week, there was the Jo Cox service in St. Margaret's Church. And I went to that service on behalf of Parliament with my wife, Sally, who is a fairly open Remainer and a very open Labour supporter. And as we came away from the church, David Cameron and I and Sally were all walking together. And Sally, trying to be polite, said, 'Good luck, Prime Minister, in the referendum on Thursday.'

He always had a problem with her, he always had a problem with rather independent-minded women. He said, 'Thank you. Yes, thank you, Sally, I'm grateful.' And he said, 'Mum's the word, but it's going to be alright.'

UKICE: It's really interesting what you said about 2011. Do you think that David Cameron, in the referendum of 2016, made precisely the mistake that Nick Clegg did in 2011? He tried to play by the rules, but was facing opponents who really didn't care.

JB: That's a very good point. I hadn't specifically thought of it in those terms, but I think you're right. I stand by the view that I think he thought his natural charm, power of persuasion, articulacy and popularity with the public would work. And I think he underestimated the extent to which very, very powerful forces raged against him.

I'm not an expert on the 1975 referendum at all, but I think, if you look back, you'll find at the time the Conservative press – the *Daily Express* and papers like that, probably *The Daily Mail* – were heavily for staying in, it was a pro-business referendum campaign. And, if I remember rightly from reading the histories, in 1975 the mainstream figures, in an era in which contempt for the

'them up highs' was not as great as it is now, the mainstream figures were for Remain.

And what do I mean by the mainstream figures? Ted Heath, Margaret Thatcher, Harold Wilson, Jim Callaghan, Shirley Williams, Roy Jenkins, etc. And there were very brilliant, articulate people on the other side, but they were really, to be honest, the mavericks. They were the mavericks. And they might well draw big audiences from the committed, Tony Benn on the left and Enoch Powell on the right. But in the end, I think people felt, 'No. They may be fluent and they may be clever people or whatever, but they're not the mainstream.' And this time around, quite a lot of mainstream voices were against David. I think he was enormously wounded by Michael Gove's decision, and even more wounded by Boris (Johnson). The intellectual force of Michael Gove was something I think he was quite worried about.

But actually he probably had more to worry about with Boris, because I don't think Boris represented any great intellectual force – one might almost say then or indeed now, for that matter. But Boris was a popular figure. And he may find it quite difficult to string a coherent sentence together, but he yapped in the right places and played the sort of dog whistle tunes.

And then, you add to that the mainstream Conservative press, Murdoch and the Barclay Brothers and all the rest of them. And quite a lot of other people – Nigel Lawson, a former Chancellor of the Exchequer, Peter Lilley, (John) Redwood. There were really quite a lot of people who were against him.

And I think David just thought, 'Well, if I go into this campaign and make the mainstream arguments, it will carry the day,' and it didn't. And of course the brake, the Jobseeker's Allowance break or whatever it was, the benefits brake that he negotiated with the EU, was an absolutely miniscule deal. Absolutely threadbare. He was operating way below the level of events. It was as though he just didn't realise what was going to hit him.

And there was, if I may so, one other thing. I'm sorry, in this rather long and rambling answer, there's one other thing to mention. And here I have some sympathy for David, because I myself was out of touch, if I'm honest about it. Politicians don't normally like admitting they're out of touch, I stand by my own personal view that Brexit is a great mistake. But I was out of touch.

I remember John Redwood coming up to me in the chair. He said something about the referendum and I said, 'How's it going?' and he said, 'Very well.' He said, 'There's a great difference between opinion, Mr Speaker, in this place, and indeed in London, and beyond. The further away you get from London...'

He said he was doing meetings, obviously not just in Wokingham, but around the country. 'The further away you get from London, the greater the intensity of Brexiteer opinion.' Now that may be simplistic, but that was his sort of shorthand summary of it. And I think David was not sensitive to that. And I admit that I didn't see that coming, I didn't envisage this sort of, in the end, silent majority coming out against.

And I didn't envisage a lot of rather dispossessed people, who weren't voting on the basis of a finer appreciation of the intricacies of the operation of the customs union or the Single Market, but who were rebelling against the 'them up highs', who felt dispossessed, who felt ignored, who felt rubbish.

And some of whom – I'm not going to make the mistake or commit the abuse of suggesting it was a majority necessarily – but some of them, quite a large minority, were also anti-immigration. And I would argue racist.

UKICE: In your capacity as Speaker of the House, at what point, if at all, did you start to worry that having a referendum would put popular sovereignty at odds with Parliamentary sovereignty, and cause the kinds of bitterness and struggles that we saw unfold after 2016? Was that an element of your thinking beforehand?

JB: No, not really. Perhaps it should have been. Although I don't think procedurally it should have been. And I don't think, in my role of Speaker, it would have been right for it to be part of my thinking. It wasn't for me to try to shift the tectonic plates one way or the other.

Just as I'd called the Baron amendment, if there had been a slew of Remain amendments to referendum legislation that were procedurally in order, my whole track record, I think, in the chair, shows – and I don't say this as a boast, but I think as a statement of fact – that I tended to err on the side of allowing more votes, rather than fewer. And making a greater number of

selections of amendment on new clauses to legislation, rather than fewer. There is some discretion from the chair there.

Sometimes the whips would come up to me – I don't just mean about Brexit – and they'd say, 'Can we be sure there will only be one more vote?' Why? Because they're all looking to go home, if it was late. And I tended to take the view that the purpose of this place is to debate and vote, and I was rather unsympathetic to whips saying, 'Colleagues are tired, they want to go home.' And sometimes part of the job of the Speaker is to protect minorities and allow their propositions to be put.

I remember, on one occasion, selecting several what I would call 'rebel Labour amendments' to one of the Brexit bills. And Nick Brown, with whom I generally got on very well, was mildly irritated one night. He said, 'Presumably you're not selecting any of the Chris Leslie/Chuka Umunna amendments.' And I said, 'Oh, indeed I am.' 'Really? Very odd. They're just rogue amendments, Mr Speaker, from just individual members of the Labour Party, they're not official.'

And I said, 'I know, I'm sorry Nick, but they are propositions that are subscribed to on a cross-party basis by a number of people and I think the will of the House should be tested.' And he said, 'Well I think I know what the will of the House will be.' And I said, 'Yes, but if we denied every vote on the basis that the whips know what the result would be, we wouldn't have many votes.'

So, no. But did I think about it at the time? Could I claim to be some sort of prophet or seer, envisaging great trouble ahead? The honest answer is, I didn't. Perhaps, as a human being, I should have done. But I didn't. That came later.

And the first thing – we will no doubt get onto this – that really shocked me, which I think I describe in my book that I published after I left the House, was the quite extraordinary lack of specificity on the part of the Government, as soon as they had won the referendum, as to what Brexit meant and how they were going to deliver it. I was absolutely shaken by the first statement to the House that David Davis made, I think something like a week or 10 days afterwards, or maybe it was slightly longer than that, in the Chamber before the

summer recess.

I was absolutely gobsmacked. I was simultaneously pleased for David personally, because I'd known him a very long time. He said it was an absolute surprise to him when Theresa May called him in and asked him to be Brexit Secretary. He wasn't expecting it, he claimed he hadn't been lobbying for it or anything. And he'd been off the frontbench for 19 years. And I was genuinely pleased for him personally.

When he came to the Chamber. he simultaneously performed well and badly, if you understand what I mean? He performed well, in the sense that he was chipper, almost cocky, and clearly loved being at the despatch box. And he's not a great public speaker, David, he's better on the media than he is in the Chamber.

But he performed quite fluently and he had answers – well, he had responses. He had responses to every question. He looked very happy and pleased with himself, and unfazed. But, if I remember rightly, his statement was supposed to be a set of principles. And one of them, I remember, was, 'In the upcoming negotiations, we will put the national interest first.'

And I thought, if the Secretary of State for Brexit, immediately after winning a referendum, had come to the House and said, 'Let me say, Mr Speaker, with crystal clarity and in terms that brook no misunderstanding to the House, the underlying principle on which we will conduct the negotiations is that this Government will put the national interest last,' well that would have been news.

But to come to the House and say, 'One of the key principles of our negotiating approach will be to put the national interest first,' I thought this isn't even GCSE stuff. It was pathetic, utterly pathetic. And I remember, at the end, two things about those exchanges.

One, Ken Clarke, in his wonderful, wonderful way – wounding but not personal – intervened to say words to the effect, 'When the Secretary of State has got some idea of what Brexit will actually look like, perhaps he'd do us the great courtesy of returning to the House, to explain to colleagues what the Government has in mind.' Which was his polite way of saying what I've just

said, that David's statement was threadbare.

And as David Davis sat down the SNP spokesperson Stephen Gethins called out – it's not a particularly original line, when somebody has finished a statement that you don't think much of, but it was quite telling, he got the timing just right. Stephen Gethins called out, 'Is that it?' And I thought Stephen caught the mood of a lot of members of the House. The Government clearly hadn't come to a view as to what Brexit meant.

Parliament and the First May Government

UK in a Changing Europe (UKICE): You've then got that whole period of the Government trying to work out its Brexit position in the run-up to Article 50, and the Government's is forced to seek Parliamentary agreement by the Supreme Court. What did you make of the Government's handling of Parliament and Brexit through that period, up to the triggering of Article 50. Were you concerned about the approach they were taking, or did it strike you as perfectly rational?

John Bercow (JB): I was slightly concerned about their approach by then, but I'm slightly reluctant to blame anyone and I wouldn't want to put it in those terms. But I got what turned out to be incorrect – honest and well-intentioned, but incorrect – advice. It didn't actually matter in terms of any decisions I had to make. Don't forget, I'm not a lawyer. But I remember thinking it was slightly odd that the Government clearly thought that the triggering of Article 50 was a prerogative power.

At the time, I asked the outgoing Speaker's Counsel, Michael Carpenter, who had served me, and I think my predecessor for that matter, very well. I regarded Michael as a very sound person and generally of very good judgment. I asked Michael about it, I said, 'Michael, I've not got to make any decisions at the moment at all, but I'm a little surprised that the Government think it's a prerogative power.' He said he thought it was, he didn't think it was a matter for Parliament.

He said, 'It may be regarded as undemocratic, but I'm pretty clear in my mind, Mr Speaker, that this is something that the Government can do off its own bat.' And then he left, he retired I think in the autumn of 2016 or thereabouts, and I

asked Sarah Salimi, who became Speaker's Counsel and is Speaker's Counsel still. And, ironically, she also thought that it was a prerogative power for the Government.

And I think she said, 'You don't seem very convinced, Mr Speaker.' And I said, 'Well it just seems to me that Parliament assented, Sarah, to the European Communities Act 1972, and it seems to me that only really Parliament can assent to its revocation.' And she said she understood that point of view but she thought I was wrong.

So I didn't pursue it, and I didn't need to pursue it. But it was clear, no doubt, the Government also got its own legal advice. And I didn't really think the Government was right, but I had to wait for the playing out of events. And of course we know what happened there, the Government lost that.

They then produced a bill, I think of 66 words or thereabouts. Was I then particularly bothered about it? Well then, to be honest, I took the view, which I hope was the proper view for the Speaker to take, that it was a matter for the House. And at the time, I don't think there were amendments.

And I did say at one point to the Prime Minister that I didn't think there was much scope for the amendment of the bill. I didn't say 'no scope', the unamendable bill I think has yet to be invented. But I didn't think there was huge scope for amendments that were orderly. But, in a way, it didn't matter, because it was a matter of numbers.

At the time, the Government was absolutely determined to invoke Article 50 and, as you will recall, the Opposition said, 'We won't stand in the way.' Now there was a small minority of MPs who voted against. I think the SNP voted against, if I remember rightly, and a sprinkling of Labour members.

A sprinkling – I think Mike Gapes and a few others – voted against. People like Chuka Umunna voted for it. Anna Soubry, as she'd be the first to admit, voted for it. I think the only Conservative MP who voted against invocation was Ken Clarke. So was I bothered procedurally? Not really, there was no procedural impropriety taking place.

If I may say so, I think procedural impropriety came later. Certainly, the whole

business of the suspension of Parliament, so to speak, in the summer of 2019, that was a very serious matter. And even before then, there was a procedural issue of whether the same question should be allowed to be put over and over again, and I made the controversial ruling about that. But that was two years later. In 2017, I didn't think the Government was guilty of any procedural impropriety. And when they lost the court case, they deduced from that, 'Obviously we're going to have to take this through Parliament,' but it was a cake walk, because the opposition were playing ball.

UKICE: I just wonder whether you were concerned by the Government's preference for making big policy announcements in set piece speeches: the Party Conference, Lancaster House and the Government's initial reluctant to produce a Brexit white paper. I think the Prime Minister's words were that there would be 'no running commentary'. Did that worry you through this? Or did you just think that's a sensible way of conducting negotiations?

JB: Sorry, that's a very fair point. Forgive me, my memory was deserting me, there. On the legal matters, I didn't have any particular concerns. Was I bothered about that?

Do you know, there was hardly a week of my Speakership, under both Governments or all Governments – the Labour Government and then the Coalition Government and then the Conservative-only Government and then the hung Parliament – when I wasn't bothered about the Government of the day briefing something to the media or having a minister pop up on the Today programme to announce something rather than doing so in the Chamber. Or indeed, as you say, speech-making at conferences or the like, rather than in the House.

So, yes, I was bothered about that, and I did communicate it to ministers. But ministers always tended to argue either that they weren't actually announcing a new policy, it was more mood music than a detailed policy. So they tried to say, 'Therefore we think, Mr Speaker, we're in order, because it's not a whole new policy. It's just developing, thinking or floating ideas,' or whatever. They would say that.

Or they would say, 'Well, actually, XYZ Minister is planning to come to the House anyway.' And to that I tended to say, 'Well the answer to that is the

statement to the House should be first. Your Minister can go and make any speech he or she wants afterwards, but it should be to the House first.'

But in the end, the way I tended to deal with that phenomenon of speech-making at conferences and outside the House, rather than in the Chamber first, was by granting Urgent Questions to whoever applied for them. And I know most of them tended to go to the Opposition, because the Opposition frontbench tend to apply for the most. But I also gave Urgent Questions to backbenchers on many occasions, on both sides of the Brexit argument, over a period of many years.

So the way I dealt with it was saying, 'Okay, well if that's the way the Government is going to behave, I will grant an Urgent Question' You may think this was muleish or stubborn. But I absolutely admit I took the attitude of: I'm going to call everybody. I shall call everybody.

I remember before he retired when Robert Rogers was Clerk, I remember Robert often disagreed with me. Robert thought I should bring the exchanges to an end. And he would often turn round and say to me, up to when he left in 2014, 'Mr Speaker, I think everything has been said, but not yet by everybody.'

And that was his way of saying, 'Draw a line under it.' And I tended to take the view, 'No, I prefer to give more people the chance to contribute, particularly if that's the big-ticket item of the day.' The fact that somebody is waiting to introduce the Police Superannuation Fund (Change of Rating Provisions) Bill afterwards, in which I know there is little interest because the speaking list is done by me and I know how many people apply, the fact that that has to be kept waiting a few minutes, so what?

If the big issue of the day is the statement or the UQ, then I prefer to let it run long. Betty Boothroyd used to cut statements off after 45 minutes or an hour. And sometimes, just arbitrarily, Betty was just bored and she'd had enough. And Michael Martin used to cut them off quite promptly. I erred on the other side, I admit, I used to run them very long.

And I remember on one occasion, not in relation to Brexit, Cameron saying to me that he was quite concerned for his bladder, because I'd run something for

three hours. To be fair, there was a serious point made to me about Theresa, that she's diabetic. And one of the whips at one point said to me they felt that I should have some regard to that. And I sort of said, 'Well, I can see that, and if ever a request is made for a break, I would entertain that.'

What I wasn't prepared to do was to say, 'Because of the Prime Minister's health condition...' The Government whips sometimes asked me, would I guarantee that a thing wouldn't run longer than a certain amount of time. I never agreed to that. I said, 'No, I'm not prepared to do that, we'll have to see how much interest there is.'

So my way of dealing with them freelancing out of the Chamber was to ensure that the matter was aired in the Chamber, very, very fully. And to be fair to Theresa May, she may have moaned and complained about it behind my back, I don't know, but she never did to my face. She never said to me, 'I regard this as excessively onerous,' or, 'I think you're unfair, Mr Speaker.' She was pretty grown-up about it.

Parliament and the Second May Government

UK in a Changing Europe (UKICE): Moving on to after the 2017 general election, the Prime Minister said she needed a Parliamentary majority for her deal. Obviously, that's not the way it ended up. Did you recalibrate your role as Speaker? What did you see your role as potentially being, as the Government tried to get Brexit done during that Parliament?

John Bercow (JB): Well I certainly never saw it as part of my role to get Brexit done, or to help the Government to get Brexit done, in that Parliament. I think in my own defence, I would say I didn't think it was part of my role to try to stop the Government getting Brexit done either. I genuinely did believe that it was my job to try to facilitate the House to have its say, and indeed for that matter to have its way.

Now, there is a serious argument made by people like Bill Cash, and he made it on the floor of the House a number of times, that we are a country characterised by Parliamentary Government, and he distinguished between Parliamentary Government and Government by Parliament. In other words, what he was really saying is yes, we have and we should have Government

through Parliament, but we do not have Government by Parliament.

And on one or two occasions he did say to me, pretty much I think on the floor of the House but certainly in private exchanges – he was frightfully courteous about it and I've always respected that – but he did say to me, 'Mr Speaker, I do think you are in danger of trying to help Parliament stop Brexit.'

And he said, 'The fact is I no longer think it is in any way legitimate for Parliament to try to stop Brexit. We've had the referendum, and although it wasn't legally-binding, it was very clearly intended to be politically-binding. And the decision was made. And I know this Parliament of Remainers doesn't like it, but that is what was decided.' And he said, 'I think it's quite illegitimate for Parliament now to put a spanner in the works.'

I took the view that, yes, there had been a referendum, but to go back to the David Davis statement a year earlier, in 2016, what did Brexit connote? What did it mean? Did it mean coming out of the main political institutions but remaining in the Single Market? Or remaining in the customs union? Or remaining in both? Or did it mean coming out of both, or one or the other of them? What did it mean?

Did it mean coming out but having a close link with the Single Market, and some sort of accession arrangement? In other words, did it basically mean Norway, or did it mean Canada, or something between? The truth of the matter is that Brexit campaigners, at the Parliamentary level, had in various speeches at different times expressed very different views, sometimes between each other and sometimes with themselves. They'd almost been debating with themselves what it meant.

So it seemed to me that it was absolutely for Parliament to be centre stage. But the fact is, the Prime Minister called the election, with Parliament's agreement, absolutely clearly to increase the majority and deliver Brexit. There is really no argument that says otherwise. That is why she called the election.

If you remember, she had the justification or the excuse, call it what you will, that she thought the SNP were going to try to frustrate Brexit and it was undemocratic and inappropriate. Therefore, she had reluctantly decided, against her previous public statement as it happens, to ask Parliament for an

election. But there is no doubt that she called the election to increase the majority and to deliver Brexit.

Now she not only didn't increase the majority, she ended up with no majority at all. And to me, the most interesting thing about that was not so much that the Prime Minister didn't immediately reconsider her approach to Brexit. It's the fact that clearly, absolutely blindingly obviously, the idea that it might be sensible to reconsider her approach to Brexit does not appear to have crossed her mind.

She turned up outside Downing Street and not only did she make no apology to those of her colleagues who had lost their seats in this rather useless election campaign, but she gave absolutely no impression that she thought anything terribly significant had happened. It was Theresa May, if I may say so, at her calmest but her most completely unimaginative.

She just turned up and said, 'Good morning. Well obviously I'm sorry not to have got the majority that I hoped, but we have of course secured more seats than the other parties and I'm intending to seek a form a confidence-and-supply agreement with the Democratic Unionist Party, and then to get on with the important business of delivering Brexit.'

And I just thought that was mind-boggling. It struck me as quite extraordinarily politically unimaginative. The notion that perhaps this policy needed to be reconsidered didn't occur to her, and didn't occur to a number of people. I can think of one, who probably better remain nameless because it was a private conversation. Take one friend of mine on the Conservative benches, who is a very strong Brexiteer. I said to him, 'Surely this is going to have to be reconsidered.'

I think we spoke in the early hours of 9 June. And he said, 'Absolutely not,' and I said, 'Why not?' And he said, 'Brexit was not very much debated during the election.' In other words, he didn't interpret the result of the election as being in any sense a reason to pull back on Brexit. He said, 'No, John, it was hardly debated during the election. And, in any case' – he said Theresa May's line – 'the two major parties went into the campaign, pledged to deliver Brexit.' And I said, 'Yes, but it is now starting to look-' And I thought this increasingly, over the subsequent year or so after the election, 'It's looking

increasingly difficult.’

UKICE: Having seen the Government determined to pursue Brexit, they then suffer a series of Parliamentary ambushes. Did you predict, when the first amendment went through to the EU Withdrawal Bill, requiring a meaningful vote, that the Government was storing up lots of problems for itself then?

JB: By then I did think it was in trouble. At that point I did. Because then, let’s face it, the Opposition did what oppositions normally do, which is oppose. The Opposition I think at that point did start to oppose, rather in the way, if I may so, that John Smith opposed Maastricht. The late John Smith, of course, was a notable and enthusiastic pro-European, in a way that nobody has ever accused Jeremy Corbyn of being.

But John Smith found a hook on which to hang his opposition to Maastricht. If I remember rightly, it was the fact that the Government hadn’t signed up to the Social Chapter, and that was sufficient justification for him – and I say this non-pejoratively – to play politics with the issue. Well, once you’ve got to the Dominic Grieve meaningful vote amendment, and other people were involved, I think that the Opposition smelt blood. So, at that point I did think the Government is running into serious trouble.

The Prime Minister herself, I’m afraid, was somewhere between tone-deaf and just, in the very traditional executive way, rank-dismissive of the rights of Parliament. And, as you know, sometimes people, in anger, say things they don’t mean. But sometimes people, in anger, say things that they do mean. And I know it was somewhat later down the line, but there was a moment at which the Prime Minister provoked considerable irritation – at least on the Opposition side and I think with people like Anna Soubry and Dominic Grieve – when she said, ‘This Parliament has indulged itself long enough.’ And that seemed to demonstrate a sort of note of contempt for the House, which played very badly.

It was always clear to me that the Government was not serious about a meaningful vote. Don’t forget they resisted it at first. They sort of rather implied that the House might have a chance to have a say, but that we were leaving anyway. The implication being that, if the answer was no, we will just leave without a deal. But the idea that they were ever really serious about granting a

meaningful vote in that early 2018 period was not so. The Government didn't want to do anything on that front, and they literally had to be beaten into it.

UKICE: I wonder whether you were surprised, watching the Conservative Party, at the sudden mobilisation of people like Dominic Grieve and Oliver Letwin in opposition?

JB: Yes, I was surprised. I did then start to think that the Government was in considerable trouble. But if you ask me, did I think they would act as they did? Politicians always tell you about when they were right. But no, I didn't really predict that coming.

And I think the reason is that a number of them, particularly the leaders of the group who were really Dominic and Oliver Letwin, were coming at it from a slightly different perspective. Dominic, increasingly as time went on, came to think there should be another referendum. And, having originally said he would, as a pragmatic Tory and as a democrat, do his best to give effect to Brexit, he increasingly came to the view that, no, the matter should be put back to the electorate.

Whereas Oliver Letwin voted for the Theresa May deal three times, and he was very open about saying that he'd been a Remainer but that Leave was the result, and was indeed intending to support any deal that would take us out in an orderly way. Oliver's point was that he had had some role in national security planning of the Minister, and he had come to the conclusion that a no deal Brexit would be a calamity. And that was his main concern.

But they were both very vociferous and articulate, and they pushed matters gradually. Not at first, but they started to push more matters to votes. And I did then think the Government was in trouble. Why didn't I think that would happen? Put very simply the Brexiteers, like the right of the Tory Party, are more ruthless. The anti-Brexiteers and the sort of centre-centre-left of the Tory Party, over decades, have tended to be less ruthless.

I wouldn't apply quite the same description to people like Anna Soubry. I have very high regard for Anna, but I wouldn't accuse her of a lack of ruthlessness. But Dominic Grieve is a gentleman. Dominic is fundamentally a gentleman. He's a very clever man and he's very urbane and intelligent, articulate, and

immensely civilised. But fundamentally, Dominic is a gent. He was at Oxford with Theresa, he'd known her for 40 years, and he had a basic respect for the office of the Prime Minister, a basic respect for her.

I remember, soon after we were elected, we both went to take part in a charity swim in her constituency, from which Theresa had very silkily excluded herself. She'd managed to persuade several colleagues to go and swim at some baths in Maidenhead on a Saturday morning – Nick Hawkins, myself, Dominic Grieve, Chris Bryant, various other people – and she and Philip very kindly, this was about in 1998 or 1999, took us all for a pizza lunch afterwards, I think. There were about a dozen of us. But when we said, 'Are you about to put on your costume, Theresa,' she said, 'No, I'm not actually swimming, I sort of brought the team together to do it.' She was very clever about it.

Anyway, she and Dominic had known each other for yonks, and Dominic felt a basic loyalty to her. And, as I say, I think he's a bit of a gentleman, he's not a natural rebel. He's quite an institutions person. He is naturally quite a team-player. Unlike me, for example. So I don't think it was his natural instinct to have this all-out war with the Government, it really wasn't. And I think the same is true of Oliver. And also, Oliver wasn't totally opposed to leaving, he thought it was his duty to try to facilitate it. And I think Oliver became increasingly shocked by what he thought was the Government's cavalier behaviour. Eventually I think they were – I won't say brutalised, but I think that they were persuaded – by the ruthlessness and impropriety of the Government's approach to put on their boxing gloves.

UKICE: So Theresa May gets her deal, had difficulty getting her legislation through, puts it to a meaningful vote, pulls the meaningful vote. And then we have this tussle, in the early part of 2019, of trying to get the deal through. And you making some decisions that were seen at the time as quite controversial. I just wondered if you wanted to talk us through that period of the Government.

JB: Well, my feeling about it was that it wasn't for me to facilitate Brexit and it wasn't for me to stop Brexit. It certainly wasn't my responsibility to protect the Government from the absence of a majority. And this played out in two decisions that I made, by which I stand and about which, of course, people will have different views.

First I remember in January 2019 the Government tabled a Business of the House Motion to set out the terms of the resumed debate on the proposed deal with the EU which they had called off in December halfway through. But rather than tabling it as a fresh motion, open to debate and amendment in the normal way, they tabled it as a ‘variation’ of the motion agreed by the House on 4 December which had governed the previous uncompleted debate. They thought that enabled them to have the question on it put forthwith, since that earlier motion had established that a question to vary or supplement it would indeed be put forthwith. I thought otherwise in light of the Government’s extraordinary and inexcusable treatment of the House.

And don’t forget, at that point, we were due to leave on 29 March. And I was genuinely concerned, I must say to you, that the Government was adopting a strategy of trying to run down the clock and to browbeat colleagues into voting for a deal on the basis that the alternative, of leaving with none, would be in most colleagues’ minds much worse. You will recall that section 13 of the European Union (Withdrawal) Act 2018 established that the Government would in the event of losing the “meaningful vote” have 21 days to table a paper on their policy, to be debated.

It was, as I say, a Business of the House motion – which changed the dates of debate, allowed members to speak even if they had already spoken on earlier days and also removed the limit on the number of amendments which could be selected. It is commonplace for such motions to be taken forthwith. Normally it is true, I absolutely admit this, that such motions have been regarded as unamendable.

Now Dominic Grieve tabled an amendment that would mean the government would have to table a motion on their position within three sitting days of losing a meaningful vote, rather than the three weeks the European Union (Withdrawal) Act 2018 set out. Obviously off his own bat, I didn’t have anything to do with it, it wouldn’t be appropriate for me to be involved in a decision to table such an amendment, of course not. That was his thinking, no doubt with Anna Soubry and Oliver Letwin and probably Ken Clarke and so on.

Dominic tabled it and I remember the clerk on duty the night that he tabled it, Philippa Helme, came to see me, to say should she not put it on the paper for the next day on the grounds that quite clearly I couldn’t select it because it

was an amendment. And it was going to be an amendment that required the Government to come back in three days, not three weeks. And I said, 'No, no, please do put it on the paper, I want it to be published on the Order Paper tomorrow.'

And I didn't, at that point, If I remember rightly, discuss with Philippa whether I would or wouldn't select it, but I said 'No, no, I want it to be on the Order Paper.' And she said, 'Done, agreed,' and it was.

And then at the conference the following day, which is a sort of briefing meeting where the Speaker and Deputy Speakers meet with the clerk and the clerk assistant and so on, David Natzler sort of said, 'Well of course there is an amendment now, Mr Speaker, but obviously you won't select it,' and I said, 'Well, no, I do intend to select it.' And there was a sort of silence. And David did a sort of sharp intake of breath and he said, 'But, Mr Speaker, you can't. You're not serious?' And I said, 'Absolutely, I'm absolutely serious, yes.' And he said, 'No, no, but you can't select an amendment to a forthwith motion.' And I said, 'Where does it say in the Standing Orders that I can't?' And he said, 'It's not a question of the Standing Orders, Mr Speaker, it's a question of precedent. In Erskine May, it is very clear on this matter.'

And I said, 'Well, that may very well be.' And he said, 'It would be unprecedented, no Speaker has ever, to my knowledge, selected an amendment to a forthwith motion.' And I said, 'Well, that may very well be the case, David, but we're in uncharted waters. The Government is deliberately holding a gun to the House's head and part of the role of the Speaker is to make rulings. And sometimes new precedents can be created.'

Now David, to be fair, accepted it. He clearly didn't agree with me at all and he was worried about it. I think he thought it would lead to a great row. He said to me something like, 'You'd better put your tin hat on,' and he thought I was going to get a barrage of abuse. And actually, I think you'll find, if you look up in the record of 9 January 2019, I think the record shows that I did get a barrage of points of order from the Government side.

I have to say – and I'm sorry, you'll probably think it's frightfully arrogant of me to say this, but I don't mean it to be arrogant – you have to have some belief in yourself and the merit of the way you're going about your work. I

never lost a wink of sleep over that subsequently, and I wasn't remotely bothered about that. That didn't bother me at all. I thought, 'I'm reasonably fit, and if I have to sit in the chair and take points of order for three hours, four hours, six hours, eight hours, ten hours, I've got a supply of water, and I can always ask for some cashew nuts or whatever, if I need them, or some Extra Strong Mints, which I sometimes have during long sessions in the chair. It doesn't matter to me. So what? People can sound off and voice their disagreement.'

I think, to be fair to David, he thought I was wrong and he thought it might genuinely be damaging to the chair. Not just to me personally, but to the authority of the Speaker. And that is something people can debate. But I can live with myself over it.

I remember getting all of these points of order, it was very obviously co-ordinated. So yes, there was an argument about it, and it didn't matter to me at all, and I made the decision. And I remember Julian Smith coming up to me in the chair, absolutely furious, and saying that I was out of order. And I said, 'No, that's absolutely not the case, I'm not out of order at all, Julian.' And he banged the table, by my chair. And I said, 'Julian, please don't bang the table like that. First of all, it's rather discourteous and, secondly, it's a threat to the wood. You mustn't behave like that, I'm not having it.' And he said, 'Well how do we protest?' And I said, 'I think you can find your own salvation there.'

I generally got on pretty well with Julian Smith, to be honest, but he said to me, there and then, 'You will not dictate what happens in this place, Mr Speaker.' And I said, 'With great respect, Julian, I'm not trying to dictate what happens in this place, I am seeking to facilitate the House in making the decision that it wants to make. I think it's perfectly orderly. If you don't like this amendment, my advice to you is to whip your colleagues to vote against it, and we'll see what happens.'

And I had a hunch – no more than that – that the Government might be in a minority. And sure enough, that's what happened. The amendment was put to the vote and it was passed. So I think I had better antennae for what the House wanted.

The second occasion on which there was a row was when I made this ruling on 18 March about the same question rule. There, I must say again, the clerks advised me against intervening. There was a paper put together on the matter for me, at my request. And I'm sorry to say this, because I have a very high regard for the ability of the clerks, most of them are very, very capable people, but I didn't think it was a good paper.

And I told the clerk, John Benger, who had presented it to me and said, 'This is the most excellent piece of work,' and he proceeded to praise various colleagues who had been involved in its production, and he said he'd been involved. He said, 'It's a first-class piece of work, and I hope you'll study it and benefit from it.'

And I read it and I came back to him and I said, 'I'm afraid, John, I don't share your view. I don't think it's a particularly good paper at all.' And he said, 'Well, you're saying that because you don't like the conclusion.' And I said, 'Well, I would respect the conclusion if I thought it was clearly argued on a principled basis. But I think that this paper is not well argued, it lacks principled foundations and it just seems to me rather a roundabout way of saying do nothing.'

And, in particular, I said to him, 'I note, John, that in the end you basically advise me against invoking the same question convention against the Government, on the grounds that it will cause a row and get me into trouble.' And I said, 'I'm sorry, I don't think that's a principled thesis. And, with the very greatest respect, I wasn't asking you for political advice, I've got plenty of people to advise me on that front. What I was looking for was clear procedural advice.' And frankly, the paper was very wishy washy.

It said it hadn't been invoked against the Government before. And I said, 'Yes, but the non-invocation of the doctrine in the past is attributable not to the fact that it doesn't apply to the Government, but to the Government's general compliance with it. And in this case, the Government is cocking a snook and basically proposing to put exactly the same question to the House a second time, and then a third time.'

Now, in the end, they changed it a bit and therefore it was in order. But I know that John Benger and the clerks thought I was wrong, and they were entitled to

their view. But I would say they suffered from the material disadvantage of being wrong.

UKICE: The other thing going on in March were attempts to take control of the Order Paper, which you also seemed to facilitate, and the indicative votes. I just wonder whether you actually thought Parliament might come up with a way forward in that process. Or did it just reveal to you that actually Parliament could just stop things?

JB: You've summed it up, I'm afraid, with that last sentence. When you said, 'Or was it just that they could stop things but didn't will a way forward?' I'm afraid that's what the evidence shows.

Did I think that they might find a way forward? I did, I thought they might. I did facilitate the House, when it decided it wanted to go down that route, and Oliver Letwin, Hilary Benn and Yvette Cooper, as you know, were some of the people involved. I did think that it might find a way forward. But, in the end, why wasn't a way forward found?

The answer is, people were too committed to 'my way or no way'. In other words, people wanted their option. And, if they couldn't have their options, they didn't want the others. And that was true of many people. There were people who, for example, went off to join Change UK, who were very committed. I can think of one, who is a very good personal friend of mine.

And I remember him saying to me he was absolutely determined to get another referendum but he said, 'I'm damned if I'm voting for a customs union.' He said, 'I'm not going to vote for anything, other than the chance for this to be put to the electorate again.'

Ken Clarke's customs union amendment came closest. It was only about three votes short of winning. Not of having a majority of the House, but of winning in that sort of indicative vote series. But people who wanted a referendum weren't prepared to vote for that. And a number of people who were prepared to vote for customs union, Single Market, Common Market 2.0, or whatever, weren't prepared to vote for a referendum.

On the other hand, and I know he's only one person, but for example Ken

Clarke – who is a wonderfully principled character in my view – has always been against referenda. And he wasn't prepared to support the idea of another referendum. He thought one was bad enough, but there was no merit in doubling down and having a second. So yes, I thought it might find a way forward, but the truth of the matter was that it didn't.

Now, there is a point about will here. If there had been a machinery that had to produce a result, if it had been, if you will, analogous to the FA Cup Semi-Finals, that is to say there has to be a result on the day. If it's 90 minutes, it's level, it goes to extra time. And if, after extra time, it's still level, it's sorted out by penalties.

Well, if there had been, through single transferable vote or exhaustive ballot or whatever, a mechanism for ensuring a result, that would have made a difference. I do remember at one point putting that proposition. I wasn't advocating it, that is a fine line. But I remember putting that proposition to Oliver Letwin. And he said he felt that the Government might wear having indicative votes, but they wouldn't wear something that was going to be binding. And he didn't want to push his luck. But maybe he should have done.

UKICE: Related to that, did you ever think there was a credible prospect of some sort of cross-party Government of National Unity forming?

JB: Yes. I don't think I thought it was the majority chance. I don't think it was the majority chance, but I did think that that might happen and there were certain people who tended to be mentioned as possible leaders – Margaret Beckett, for example, I think Hilary Benn's name was mentioned, and there were people on the Opposition side. I know, for example, I can think of at least Change UK people who would have been perfectly happy in the short term to have had Ken Clarke as the head of a short-term government, to facilitate another referendum or whatever.

But in the end, of course, the difficulty really was that Jeremy Corbyn wanted to have first dibs if there was to be a cross-party government. And the problem for Jeremy was that he was a unifying factor the other way. Most of the people who wanted that short-term cross-party government were pretty committed to the proposition that it should not be led by Jeremy Corbyn.

To be fair to Jeremy, I think there is an argument for saying that even those who felt that were rather sort of overly pedantic about it. Because, given that the arithmetic was what it was in the House, if say they had produced a cross-party government led by Jeremy, for the exclusive purpose of bringing about a referendum, and then Jeremy had tried to stay on after that, and make it into a permanent thing, then they could have voted him out anyway.

So I personally think they were overly squeamish and overly pedantic or fastidious about saying, 'We want this cross-party government but it absolutely mustn't be led by Jeremy Corbyn.' I think they were unnecessarily demanding in that sense. But nevertheless, that was the position of a number of those people – I think Chris Leslie, Anna Soubry, David Gauke, I think Dominic, Oliver, and quite a lot of people on the Labour side.

They weren't prepared to have Jeremy Corbyn. They could live with the idea of Margaret Beckett, Jeremy Corbyn absolutely didn't want that. They could live with the idea of Hilary Benn, but Jeremy Corbyn absolutely didn't want that. And they could live, some or all of them, with Ken Clarke, but Jeremy Corbyn absolutely didn't want that.

In the more absurd iterations of that story, I think in one or two newspapers my own name cropped up a couple of times. Did I ever think that, that I was going to lead a Government of National Unity? No, of course not. I think my name probably came up because, at a stretch, with a few of the Corbynistas, if they couldn't have Jeremy, they might, at a stretch, have been prepared to live with me for a few weeks, but they weren't prepared to tolerate Hilary or Margaret.

But in the end, again – just like with the indicative votes – it fell because of people being opposed to something.

The Johnson Government and Parliament

UK in a Changing Europe (UKICE): If we fast-forward on to Theresa May extending, standing down and losing the leadership, and Boris Johnson becomes Prime Minister. Were you surprised when the Government announced its prorogation move?

John Bercow (JB): Yes, I was. I'd had no wind of it. If you manage to get to

interview some of them, I don't know for sure what they'd say, but they would probably say, 'We were under no obligation to tell the Speaker.' And at that point, by that stage, they had obviously come to the conclusion that I was hostile and deeply unhelpful. And therefore they probably thought, 'Why give the Speaker any notice? All he'll do is make a fuss.'

So, was I greatly offended by not being consulted? Not greatly. It wasn't the most courteous thing. I discovered by the poolside in Turkey, I was with my wife and kids in Turkey, as we often are in August, and Sally, my wife, noticed it on the internet and referred me to it. About an hour later, I had issued a statement to the Press Association about it, saying that I thought it was a constitutional outrage.

And I stand by that view. I didn't expect them to try that. And of course it was also done, if I may say so, rather dishonestly really. In that the Government said it was not about closing down debate on Brexit. Well it quite obviously was. The Government's line, if you remember, was, 'No, no, it had been a long session and there needed to be a new Queen's Speech.' Well, when we got the Queen's Speech, it ended up not being debated, or not even being voted on.

So clearly that wasn't the motivation. And if you say to them, 'That was about closing down debate on Brexit,' – 'No, no, they say...' I think Jacob Rees-Mogg would say, 'No, no, that's not true at all, because when the House came back in September, we said we would introduce this prorogation some time in the week between the 9 September and the 12 September. If we'd really been hell-bent on stopping debate on Brexit, why did we allow the previous week?' As it turned out, there was an act passed to stop a no deal Brexit on 3 September.

Well I think the answer to that was the Government was careless. I don't think that was because they were quite happy to have more debate. I think if they'd known that a bill would be produced, and that it would pass and stop a no deal Brexit, they wouldn't have allowed that loophole.

I think they thought that, in the first week back, the europhile rebels would not have their ducks in order and wouldn't do anything, and that they would be safe to proceed with their prorogation motion between 9-12 September with no

harm to their position having been done in the week before that. And they proved to be wrong about that.

But it wasn't democratic scruple on their part, they quite obviously wanted to close down any significant debate on Brexit in the run-up to the European Council of 17 October. That's what they were trying to do. And I thought it was a totally improper way to proceed.

But just to prove to you that, as I often say in all sorts of contexts, you can't make people think what they don't think, and you can't make people not think what they do think. There is a friend of mine on the Brexiteer side, on the Conservative benches, whom I referred to earlier, without naming. And I do say, again, when the Supreme Court ruled, as it did, 11-0, he said, 'Absolute disgrace,' the judges interfering and so on.

And he said, 'You know, John, what is most revealing about it of all, and proves what an absolute disgrace and political interference it is, is the fact that it was 11-0. If it had been 6-5 or 7-4...' He still thought they were wrong and they shouldn't interfere and so on, he thought the prorogation was perfectly legitimate. I said, 'It's very different from previous prorogations.' He said he thought it was perfectly legitimate. And if they voted against it in that way, by that sort of margin, it would have shown there was a real mix of views, they were weighing the arguments carefully. But the fact that it was 11-0 shows that it was a put-up, politically motivated job. And I said, 'I don't think it proves anything of the sort. I think what it proves is that what the Government has done is gross and unconscionable.' But, as I say, this friend of mine a sort of hard line, dedicated Brexiteer, and he will convince himself of that for his remaining decades on the planet.

UKICE: Do you think prorogation backfired, in the sense that it triggered some maybe unlikelier rebels into the lobby to pass the Benn-Burt act?

JB: Yes, I think it did. I think people thought it was an extreme step to take. You'll probably find that there were some people who rebelled who hadn't previously. I think there were people who really felt this was a step too far. And to shut Parliament down like that, which was obviously a Dominic Cummings-inspired move, was the wrong thing to do. But I suppose Boris, in working for the Cummings Premiership, thought that he must of course do what the Prime

Minister was saying, and Prime Minister Cummings was very clear about it in his own mind: anything that served the cause should be done.

In the short-term at least, it backfired. But it was part, of course, of the developing narrative of people versus Parliament, which was then carried through September and October, and successfully of course through the General Election.

JR: If we move into October, we then have the Letwin amendment to the meaningful vote, followed by Parliament voting for the deal but rejecting the timetable. Do you think that Parliament ultimately would have voted the Johnson deal onto the statute book? Because they still had to do the Withdrawal Agreement Bill.

JB: I'm not sure that they would have done. I'm not sure that they would have done. It's very difficult to be certain. People don't have Kantian perfect information. I think if people then had sensed that the Government was going to get an election, and win it by a majority of 80, they might have done. But I don't think, at the time, people thought that.

And I can think of one ex-Labour MP, who was very anti-Jeremy and strongly pro-European and anti the Government, who said to me during the election campaign – because we played tennis together – that he thought that the Tories would win but that they'd win with a majority of about 20. I don't think that many people saw the scale of what was to come, in terms of a big Conservative majority.

So, might the House have voted through in due course the legislation? It might have done. But I'm not sure minds were in the process of changing at the time, not really.

UKICE: Were you surprised then that the Opposition parties eventually backed an election?

JB: Yes. I was. And I think it's easy to be critical, but I think it was a mistake on their part. If they wanted to give themselves a serious chance of stopping Brexit, a hung Parliament was the best prospect they had of pulling back from Brexit. Or either having a soft Brexit, with a customs union-type deal, or having

another referendum. I was surprised that they agreed to an election, and I personally think it was a mistake.

My argument, I suppose, would be that it was quite important for those people who held those views not to conflate Brexit and an election. Because it seemed to me that, if there was an election, the Conservatives were more likely than not to win it – and I don't want this to sound sour or uncharitable, and I don't mean it sounding uncharitably, I just mean it honestly – mainly because Boris Johnson was less unpopular than Jeremy Corbyn.

For that reason, it always seemed to me that, if there was an election, the Conservatives would probably win. I didn't subscribe to the view, even then, that Boris Johnson was especially popular with the votes, but I thought he was less unpopular than Jeremy. Jeremy, sadly from his point of view, by 2019 was not the Jeremy of 2017. Jeremy Corbyn's reputation had taken a big hit in the interim. Fairly or unfairly, I'm not knocking him. But Jeremy had suffered a lot of attacks because of anti-Semitism and so on and so forth, and his stock, by 2019, was not as good as it was in 2017. And in 2017 he'd benefitted from being the underdog and all the rest of it. And also from being up against Theresa May, who was a very wooden and leaden-footed campaigner. Whereas Boris Johnson – I believe that Boris is better at campaigning than he is at governing.

So I think it was a really very serious mistake for the Opposition to support an election. There are all sorts of rumours about this, but there are people who say that Chuka Umunna was pushing Jo Swinson to call an election. I don't know whether that's true. But there was a view that said that she was quite hopeful that the Liberals could win up to 100 seats. Well that of course proved to be pie in the sky. I think it was a mistake for Jo to agree to the election. And of course the SNP agreed to an election, I think for one primary reason and possibly a secondary reason. The primary reason was that I think they thought that they were going to do well, and certainly better than in 2017, and of course they were right about that. And I think the second reason – probably a lesser reason – was I think the SNP people were quite worried about the Alex Salmond court case coming up. They didn't know what it would produce or how damaging it might potentially be to Nicola Sturgeon and so on. All of that is now past and she's still in post and all the rest of it. But I think, at the time, they were quite worried about it.

So, in the end, the SNP, for SNP reasons, and the Lib Dems, for Lib Dem reasons, caved in. And I think the Labour Party leadership then felt they couldn't really resist. And maybe by the time the SNP and the Liberals were supporting an election, an election was inevitable. But I still think it was a mistake on all of their parts. And, of course, Boris's slogan – 'Get Brexit Done' – was effective. Whether it was true is another matter. It gets the first part of Brexit done, it leaves a huge amount still to be done. But election campaigns are not won on the basis of tomes, or reams of material, they're won on the basis of persuasive slogans and people's gut instinct. And a lot of people were fed up with the delay, and he played to that very successfully.

The future of Parliament

UK in a Changing Europe (UKICE): One of the effects of not passing some of the legislation under Theresa May, or indeed the version of the Withdrawal Agreement Bill that Boris Johnson presented in October was that Parliament has lost various of the safeguards that were going to be in there. Do you think it matters that Parliament is being cut out of that? Or is it irrelevant because there's a majority of 80 anyway, so it doesn't really matter?

JB: Well I still think on principle it does matter. I think you've got to fight for principles in fair weather and foul, if I can put it that way. Yes, in practice, with a majority of 80, the Government is going to get its way anyway. So the fact that Parliament is being cut out isn't stopping it deciding against the Government. After all realistically, particularly at this early stage of the Parliament but probably at any stage, it's very unlikely that the House would do so.

And of course the new Conservative Party is a bit more Brexitish, a lot of the anti-Brexiters have gone – the Dominic Grieve, Justine Greening and Anna Soubry and David Gauke and Ken Clarke – all of these people have gone and there's a new breed in. And they are either ideologically-strong Brexiters or Government loyalists with ambition, or a bit of both. So they'd get their way anyway.

But I do personally think it's a bad thing for Parliament, if Parliament is just cut out of these matters. And I think it's highly undesirable frankly to have government by plebiscite. Certainly the referendum was very unspecific, and

we're living with the consequences of this major failure of statecraft by David Cameron.

But if you say to me, do I think on the whole it doesn't really matter because they'd win anyway – no. My personal view would be it does matter, because it's important that Parliament should be engaged in these debates and taking a position on things. And just to be cut out and say Parliament doesn't matter at all is a bad thing. But it is, I'm afraid, emblematic of the Prime Minister's attitude to Parliament.

The most recent iteration of which we saw, of course, last week. It's a different matter, but the Government's attitude to the Chairmanship of the Intelligence and Security Committee. The Government hasn't got a leg to stand on, on that matter. I'm very familiar with the Justice and Security Act of 2013 and the Government has got absolutely no business interfering in who becomes the Chair of that Committee. That right, previously a prerogative of the Prime Minister, was taken away by that Act, a fact of which the Prime Minister seems either unaware or to which he is indifferent. But either way, he is 100% wrong, the Government has made a complete exhibition of itself on that matter.

UKICE: Do you think the experience of the last four years will change how Parliament behaves? That is to say we've seen challenges to party loyalty, cross-bench alliances. Do you think that the Speaker will become more independent because it's got a bit more used to being? Or do you think we'll just revert back?

JB: No, I'm very worried. Because I think that it's a good thing for democracy, and good for the reputation of Parliament, if there is bartering and cross-party discussion and backbench amendments that end up commanding support. And even occasionally the House deciding to take control of the Order Paper and stuff. No. I think that, with the majority of 80, we're reverting to the status quo ante, if you like, of the Government being very much in control. And I think Parliament, in this Parliament, will be greatly diminished.

UKICE: We've had a kind of U-turn on Sunday trading, a definite U-turn on Huawei. The government is a bit more sensitive than a government with an 80-seat majority perhaps might have been in the past.

JB: I think some of the people who are rebelling on some of those issues, on Huawei, are people who were basically quite supportive in general terms of Boris Johnson, so people like Iain Duncan Smith, for example. So I can't dismiss that point, you have got a point there.

But do I think that's because of what happened in the last Parliament? No. I think the Prime Minister does rather like to be liked, and I think if he maybe felt that he could make concessions here and there about things on which he didn't feel very strongly, then he was prepared to do so.

But overall, in big picture terms, do I think we're heading for a very assertive Parliament? I fear not. I hope I'm wrong, but I fear not. I think that Mr Speaker will take his own approach, which he's absolutely entitled to do. And I don't think he has dispensed with things like Urgent Questions and so on. He's granted a number. But I think that Speaker Hoyle will probably take a less interventionist role than I did.

And I'm not going to get into the business of criticising my successor. He won fair and square and he's got a mandate to proceed as he thinks fit, and he must do what he thinks is right according to his own merits. So I'm genuinely not knocking or criticising him, but I think his approach is a more 'small C' conservative one than mine.

UKICE: And on your former party, do you think that the changes in the Conservative Party now are permanent or temporary? It's a very different sort of party now, isn't it?

JB: Do I think those changes are permanent? Never is a long time. I'm not saying it's permanent, but I'm not sure anything is forever. If you ask me, do I think that the Conservative Party will shift back to a more sort of middle-of-the-road position soon, I don't. I don't think that will happen. I think they are absolutely obsessed with Brexit, it's the thing they care about more than anything else.

And I'm sorry to say, and it does pain me to say this, because I think there are many very distinguished Conservatives, but I do think that, leaving aside Brexit, the Conservative Party is afflicted by quite a serious problem of Islamophobia. There have been opinion polls on this that have shown that

large numbers of members of the Conservative Party think that it would be a problem to have a Muslim Prime Minister. And that seems to me to be a pretty shocking view, but it is a view of a lot of Conservatives at the grassroots.

I don't see the Conservative Party shifting back to a more middle-of-the-road position any time soon. They are of course shifting on the economic front because of Coronavirus, and therefore they're taking a hugely statist, interventionist and expansionary approach to the economy. And that in a way is very, not just un-Thatcherite, it's pretty un-Conservative really. But these are exceptional times.

I don't see the Conservative Party shifting away from its present position any time soon. With one caveat, which is rather a personal one really. I could imagine the Conservative Party shifting somewhat if Rishi Sunak took over from Boris Johnson. I think Rishi is a pretty open-minded character and I could imagine potentially quite a lot of things changing if he became leader and Prime Minister. And I think his stock is currently high and I think he's in with a real chance of succeeding Boris Johnson.

But at the moment, is Boris seriously vulnerable? I don't think at the moment he is. Clearly his stock is much lower than it was in December 2019, clearly Boris Johnson's stock is much lower than it was then. But is he in any immediate danger? I don't think so. Is the likelihood that he will lead his party into the next election, if he wants to? I will just insert that caveat, by the way – if he wants to. Boris Johnson is not very suited to governing in difficult times. “Ra-ra,” is his general approach, that's the sort of intellectual level.

“Ra-ra, absolutely, absolutely, absolutely, absolutely first class, absolutely, absolutely first class. What we- we- we- we- we- What we Conservatives are going to do is- is- is- is- is- great. It's great, and- and- and- and- and- and- we're going to stand up to it, and we're going to- and we're going to- and we're going to defeat it. And we're going to- and we're going to build and build and build. And that is- that is- that is what we're going to do.” That's the general sort of level you get from Boris Johnson.

So that's alright when things are going well, but it's not much use when things are not going well. And I think Rishi Sunak is the most serious alternative figure, who might press a change in the Conservative Party. Whereas Michael

Gove would not. Michael Gove is just a somewhat more intellectually sophisticated version of Boris.

UKICE: Has Parliament been weakened or strengthened by the experience of the Brexit process?

JB: Has Parliament been weakened or strengthened by the Brexit process? Well, the answer is that, up until October 2019, I thought it had been strengthened. But because, in the end, everything depends on the final act in the play, ultimately it has been weakened.

It was strengthened and strengthened and strengthened from 2017 onwards, but I think it has now been weakened. Yes, I hear the point that some people have got a taste for assertiveness and the Government has backed down on a number of things, and that might be thought to be testament to a continuing Parliamentary virility.

But I think, in the overall big picture, Parliament has been weakened because, in the end, unless you have totally codified rules that protect Parliament's position, what ultimately is the biggest determinant of Parliament's strength is the size of the majority. And because the Government's majority is so large, Parliament is relatively weak. But nothing is forever. Does that mean that will last indefinitely? I think it will last for some time. But I could imagine a different future. Not under this Prime Minister, but under another.