A Brexit Revote?

Just when should the majority – and what kind of a majority – rule?

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The polls had barely closed in the United Kingdom's Brexit referendum when people on the losing side were calling for a revote. So far nearly four million people have signed petitions to hold another contest.

It's unlikely. The margin of victory was decisive, about four percent and 1.3 million votes. Prime David Cameron declared that while he was disappointed in the result, he accepted it: "I'm a democrat."

Yet he will be out of office soon. And Westminster will remain dominated by parties that favor continued membership in the EU. The Tories are divided but a majority of Conservative MPs want to stay. So does the bulk of the Labour Party. As well as the Scottish Nationalists and Liberal Democrats. Due to the vagaries of the electoral system, the United Kingdom Independence Party has but one MP.

Which means a new government could find any old excuse — perhaps a newfound willingness of the Eurocrats to negotiate concessions for Britain—for another vote. In which case a bare majority again would rule, though perhaps for the other side.

But should a simple majority be enough to trigger such a dramatic change in policy? What if the victory margin out of nearly 34 million votes cast had been 13,000 instead of 1.3 million? Would that have been enough to launch Brexit?

There's also the issue of turnout. The Brexit question brought 72.2 percent of people to the polls, seemingly a solid turnout. Some people contend the minimum should be more, say at least 75 percent. While that would seem to discourage most any change, should a vote drawing far less people, say under 50 percent, be seen as equally valid?

If only half of eligible voters show up and just half of them (plus one) make up the winning side, only a quarter of the public "decision-makers" will have spoken. In fact, the petitioners proposed requiring a 60 percent majority and 75 percent turnout.

In fact, the last British vote on "joining" Europe was in 1975, with 67.2 percent in favor of participating in the European Economic Community, or Common Market, a precursor to the EU. Should a simple majority be able to sunder what a super-majority put together? (Turnout in 1975 was a bit lower, at 64.5 percent.)

On the other hand, four decades ago the British people were debating membership in a far different form of European organization. In succeeding years they were not consulted as the UK Parliament approved treaties creating a continental government most notable for its labyrinthine bureaucracy, regulatory intrusiveness, and lack of democratic accountability. Promises made to the Brits (and other peoples) have been broken. Hence the Brexit result.

The regional distribution of votes also brought criticism. The English voted strongly in favor of leaving, the Scots even more strongly in favor of staying. By lesser margins the Welsh voted to go and the Northern Irish to remain. Some Scots, at least, believe every region in the UK should have to assent, but that was not a requirement for previous referendums. And the city of London arguably had a bigger complaint: it provided more votes to stay than did Scotland, but was strongly outpolled by the rest of England.

Another factor fueling the revote petitions is the theory that "Leave" voters expected the initiative to lose and therefore merely wanted to make a protest vote. It's a convenient theory for those on the losing side, but is without support, other than quotes from a couple of remorseful voters. Anyway, voting should be treated as a serious decision. There's no do over.

Of course, driving the latest criticism of democracy is the outcome. Harvard economist Kenneth Rogoff called for a much tougher requirement for "irreversible, nation-defining" decisions. He proposed requiring a supermajority and victory in two successive votes a couple years apart.

That's fine in principle, but obviously reflected his conclusion that the moronic British public had no idea what it was doing and had recklessly loosed all sorts of horror upon the rest of mankind. Prior efforts at secession, in Quebec and Scotland had failed, but this time the game of Russian roulette left the bullet in the chamber, so "it is time to rethink the rules of the game."

There's good reason to leave most details of governing up to legislators, those theoretically chosen to study, debate, and decide. It is difficult to do detailed policy via popular vote. However, "big" issues properly go to the electorate. Such as whether to subordinate one's national government to a supra-national organization in return for access to a large regional market. There is no objectively correct answer to that question.

Thus, there's nothing irrational in what the British electorate did. They simply chose something other than economics as their highest objective. They obviously don't like being governed by other people in another land. That's a pretty common preference around the world, including in America.

UK voters also didn't like being routinely lied to. For instance, the Lisbon Treaty expanding the EU's authority included provisions explicitly barring any bail-out of improvident members. Those provisions have been simply ignored. The migrant crisis reflected a breakdown of EU rules and procedures. The result in both cases might have been good policy (though I think not), but violated the rules agreed to. The absence of respect for the rule of law within the EU is a serious, ongoing flaw.

Finally, the economic anxieties underlying many voters were real. Tearing down the structure isn't a particularly constructive answer, but if they believed they weren't being listened to otherwise they might have viewed it as the only tactic possible.

Irrespective of the merits of Brexit, the controversy warrants rethinking our voting procedures. Important issues with profound impact should be decided by something other than a wafer-thin, potentially evanescent majority. However, that doesn't end the matter. For instance, what is the status quo to benefit from the new rules? Everything as it is now, or the situation before past changes by narrow majorities?

Moreover, what electoral restrictions should be imposed? A supermajority ensures that most voters agree on the change. Adding a turnout requirement ensure that most people agree. Holding successive votes ensures that the sentiment endures. Together the three create a significant bar to change.

Yet setting the standard too high would encourage action via other means. For instance, it is quite difficult to amend the U.S. Constitution. So the courts simply "reinterpret" the document to reflect their position. The Supreme Court has become a continuing constitutional convention. Better would be to more rigorously interpret the Constitution as written while making it easier to amend.

Britain's Brexit vote may have killed the Eurocrats' campaign to build a superstate by stealth. The reaction against that vote in the UK may help spark a global rethink of the rules over how to make radical policy and political changes. Now, in between controversial polls, is a good time to act. Just how democratic do we want to be?

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