

# Jeremy Corbyn cannot fulfil his constitutional role as Leader of the Opposition

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By Democratic Audit UK

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*The UK's system of parliamentary government requires both a functioning government and a functioning opposition. Since the attempted "coup" against his leadership, Jeremy Corbyn seems to be unable to provide the latter. So, as **Peter Harris** argues here, he should resign so as to ensure that the UK's political system can function once more.*



Jeremy Corbyn should resign. Even though he was elected Leader of the Labour Party with the support of a resounding majority of Labour members and supporters, it is now clear that Corbyn cannot fulfil the most important aspect of his job: the role of Leader of the Opposition. This is reason enough for him to admit defeat and stand aside.

When the Labour Party chooses a leader, its members are not merely selecting a national spokesperson or an organiser-in-chief. Instead, every Labour leader since Ramsay MacDonald has automatically been slotted into one of two very important constitutional positions: Prime Minister of the United Kingdom or Leader of the Opposition.

This is because Labour has been the first or second largest party in the House of Commons for nearly 100 years. When in power, Labour's leadership contests have determined the occupant of 10 Downing Street. If out of government, the party's leaders have *ex officio* been responsible for forming the Official Opposition—effectively a government-in-waiting, and an essential organ of the UK's democratic parliamentary system.

In a way, Leader of the Labour Party is thus something of a quasi-governmental office. Bearers of the title are not just responsible to members of their own party—whether grassroots activists, affiliated organisations, or parliamentary colleagues—but they are also subject to certain logics that pertain to their constitutional role, whether in government or opposition.

It is well understood, of course, that prime ministers are not just accountable to their party members: they also need to retain the formal confidence of the House of Commons (and, for m practical purposes, their cabinet colleagues). Without such parliamentary support, no prime minister could do her or his job; they would have to resign—no matter how popular they might be with their party's grassroots.

Similar dynamics govern who can and cannot survive as Leader of the Opposition. That is, in order to lead a functioning government-in-waiting, a party leader simply must have the confidence of the parliamentary party that he or she heads. Support from parliamentary colleagues is not merely desirable, but should be considered absolutely essential to a leader's ability to discharge their role.

After all, Leaders of the Opposition are not supposed to hold the government to account on their own: they are expected to appoint a Shadow Cabinet and dozens of shadow ministers, all of whom collectively are charged with contributing to the important constitutional task of holding to account the government of the day. Without the backing of a sufficient number of colleagues, no such shadow government can be put in place, thereby gutting Parliament of its most important democratic function.

Moreover, no Leader of the Opposition can be considered a viable candidate for the office of Prime Minister if they lack the support of their own MPs. For even if he were miraculously to win a General Election at the next opportunity, how could Corbyn credibly claim to be able to command the confidence of the House of Commons given that 172 of his own MPs are on record as not supporting his leadership? Prime ministers need far more than 39 loyal MPs to be able to govern the country. But the whole country now knows that this is all that Jeremy Corbyn has.

And so either he is swapped out for another leader, one capable of uniting the parliamentary party, or else over 80 percent of Labour MPs must be replaced by Corbyn loyalists at the next election—an impracticable solution to say the least—and all future Labour MPs must also be drawn from the ranks of the Corbynistas. Only then will Corbyn be in a political position to carry out the role he was elected by the party membership to perform.

All of this means that, whatever his personal mandate to lead the Labour Party, Corbyn is now unable to function as Leader of the Opposition. The membership's enthusiasm for Corbyn's leadership—even if it has persisted from last year, as looks likely—does nothing to change the fact that he simply cannot carry out the essential constitutional functions that are required of him. He does not head a government-in-waiting and nor is it possible for him to do so.

Of course, it is Corbyn's technical legal right to cling onto power as Leader of the Labour Party for as long as he is defeated in a leadership contest. But it is out of his hands whether he can serve as an effective Leader of the Opposition or entertain realistic hopes of becoming Prime Minister. Labour MPs' consent to be led by Corbyn is theirs to withhold—and nothing can be done to change that.

In democracies—and especially in parliamentary democracies—power and authority are rightly diffuse. There are proper limits to how far one man's mandate can take him. Jeremy Corbyn has now run up against the limits of his.

So that the UK might have a functioning Official Opposition once more, he should resign.

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*Note: This post represents the views of the author, and does not give the position of the LSE or Democratic Audit. Please read our comments policy before responding.*

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