

The High Court's Article 50 ruling highlights the gulf between the country and the elite

[DANIEL HANNAN](#)

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Gina Miller speaking outside the High Court following its ruling in favour of the challenge to the government's right to trigger Article 50 without a vote in Parliament CREDIT: TOBY MELVILLE/REUTERS

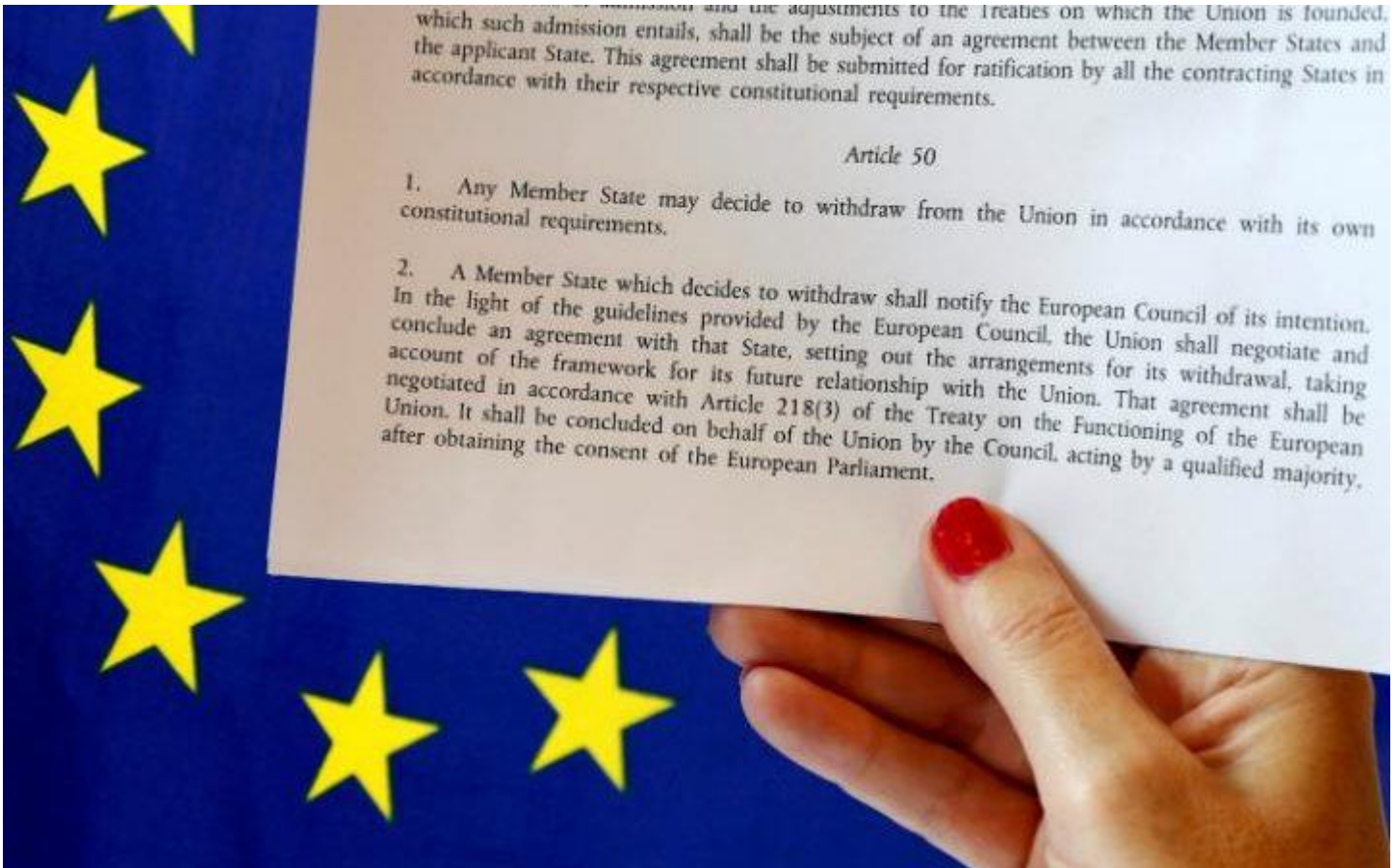
During the referendum campaign, the Government controversially spent £9.3 million on distributing a brochure to every British household making its case for remaining in the EU. That official publication contained a clear statement: "This is your decision. The Government will implement what you decide".

Remainers defended the leaflet on grounds that it was not simply a campaigning tool, but a formal statement of Government policy.

Not a single Stronger In campaigner, as far as I'm aware, took issue with the sentence I have just quoted. Confident that they would win, they were happy to treat the referendum as final and binding.

Which is what makes all this pomposity about constitutional propriety so preposterous. Pro-EU campaigners, [having won the first round of their legal battle](#) to prevent the Government disengaging without another parliamentary vote, are now claiming that all they want is due process. It's not their hypocrisy that shocks; it's their sheer brazenness.

Does anyone imagine that the corporations which funded the court case were interested purely in the constitutional niceties? Does anyone believe that the remnants of Stronger In who have been cheering the challenge would be taking the same line had there been a 52-48 vote to stay?



Article 50 of the EU's Lisbon Treaty CREDIT: FRANCOIS LENOIR/REUTERS

After all, the people now huffing and puffing about the sovereignty of parliament have, in many cases, spent the past 43 years undermining it.

Now, in the most sudden somersault since Western Communists backed the Molotov-Ribbentrop Pact, they have gone from deriding parliamentary supremacy as a Victorian hang-up to posing as its defenders.

The case wasn't really about parliamentary sovereignty. Everyone agrees that Parliament has the ultimate power to leave the EU.

But this particular Parliament voted – by six to one in the Commons – to put the question of EU membership to the voters. It didn't tack on a reservation saying that it might think again if the voters surprised it.

Clearly MPs will eventually vote on whether to repeal the 1972 European Communities Act – the legislation that gives European law primacy over British law.

But the process leading up to that point is for the Government of the day, just as David Cameron's renegotiation was.

No, the reason that Remainers have invested time and money in this challenge is that they aim to overturn the referendum. Having lost the argument in country, they want to shift it to two much more pro-EU constituencies: the legislature and the judiciary.



Sir Terence Etherton, Master of the Rolls, one of three judges to rule against the PM's decision to trigger Article 50 and start the UK's exit from the European Union without the prior authority of Parliament CREDIT: -/PA WIRE

Our MPs, like their equivalents in every other EU state, are far more Euro-integrationist than the general population: had they alone had the vote, the referendum would have gone three-to-one Remain.

Our legal profession, likewise, tends to be largely pro-Brussels, whether from conviction or because of the lucrative opportunities offered by European law.

A week after the referendum, more than a thousand lawyers wrote a letter which more or less instructed the government to disregard the electorate.

Tony Blair suggests second referendum for Brexit 'catastrophe' Play!01:14

The plan, as Tony Blair publicly admits, is to string things out in the hope that the decision might somehow be reversed. Perhaps a general election will alter the majority in the Commons, or perhaps, as the pro-EU Baroness Wheatcroft says, Brexit can be blocked in the Lords.



During a debate at the European Parliament in Strasbourg, France, on June 18, 2008, ushers removed a protest banner unfurled by British opponents of the Lisbon Treaty CREDIT: VINCENT KESSLER/REUTERS

In Brussels, the court verdict has been widely interpreted as the first step in the undoing of Britain's plebiscite. This would hardly be the first time that the EU has swatted aside a referendum result. It did so in France, in the Netherlands and twice each in Denmark and Ireland.

It's hard to see the same thing working here, though. For what it's worth, public opinion has hardened since 23 June. The British Election Survey shows that more Remainers than Leavers regret their vote, presumably because the threatened terrors have not appeared.



A child hiding her face with an EU flag outside the High Court while Gina Miller leads her legal challenge over the triggering of Article 50 CREDIT: YUI MOK/PA WIRE

The recession promised by the Treasury and the Bank of England has failed to materialise; unemployment has fallen instead of rising; more start-ups have been launched since the vote than before it; the punishment budget has been forgotten; our immigration officers are still in Calais; and British stocks are the best performing in Europe. Oh, and we're still waiting for World War Three.

What we're seeing, once again, is the rift between the country and its ruling caste, between what the Italians call the *paese reale* and the *paese legale*, between the working classes and the smirking classes. Throughout the campaign, Leavers argued that the EU was an oligarchy, an anti-democratic racket. Can you still doubt it?

"What Next" by Daniel Hannan is published next week by Head of Zeus