

## Don't worry, be happy

### The Brexit decision delivers the clarity we need – assisted by the legal situation

#### Contents:

1. The position of Brexit opponents .....	1
2. The basic beliefs of Brexit supporters .....	2
3. Turbo-capitalism is the actual enemy: It is the beast that has to be tamed .....	2
4. The international legal system of the United Nations is pathbreaking.....	3

#### 1. The position of Brexit opponents

Since the Brexit decision was made, there has been a division into two camps: In *Great Britain*, a new vote is being prepared by means of a referendum as apparently 51,9 % of the voters made a wrong decision and additionally deceived by ridiculous arguments. Apparently, the ultimate decision in a representative democracy lies with the MPs, and they can vote against Brexit. The other camp is represented through *continental supporters of the EU*. Instead of offering friendly support to their British, like-minded partners, they urge “the Brits” to react rapidly because they want clear conditions. They explain why Great Britain shouldn't be accommodated too much: to avoid other countries copying them and leaving the EU “family”, too. Sometimes, it almost sounds as if “the Brits” were an indecent partner and deserved to be treated badly. Brexit supporters are being called “Enemies of Europe”. It is obviously regarded as impertinent to cancel a membership they previously agreed to and go their own ways. The terms that are used respectively are divorce, divorce management and contract termination, as if we were dealing with the divorce of a marriage. This is an attitude reminiscent of how friends and enemies were equally polarised during the Cold War and the Third Reich, suggesting that “If you're not on our side, you are the enemy.”

It's sensible to regard the contract guidelines against the backdrop of history without freaking out: The EU is an economic union that stemmed from the EEC. Its purpose was to counterbalance the COMECON, the Council for Mutual Economic Assistance, during the Cold War. The relationship was merely based on convenience and necessity (not on romance!) serving as self-protection in the face of the enemy. In those days, any exit of a member would have probably signified treason, because it meant weakening the own community for the benefit of the enemy. Whether Brexit actually strengthens or weakens Great Britain and the EU in today's globalised world is arguable. The representatives of German corporations are very flexible: Already, they are focusing on strategies how to exploit Brexit for their own needs. The currently discussed and speculated pros and cons will definitely *not* occur. Angela Merkel's reaction is wise – she is not taking a stand. The possibility of making failing prognoses in this moment is infinite as, in economic reality, success goes along with negotiating skills, sober pragmatism, an interest in expanding and power rivalry. On top, economic actions and regulations have never been political core tasks: Politicians should rather focus on the common good, on democratic procedures and on the rule of law.

However, it is entirely imaginable that Scotland, Northern Ireland and London remain members of the European Union. The legal basis is supplied by the International Right of Nations and People to Self-Determination as well as by the explicit voting results in these regions. Majority decisions involving fundamental questions of life and beliefs can at all times be invalidated by minorities if they are regarded as unfair or rated as insupportable. To ensure adherence to the rules of democracy, Germany was split into federal areas: Each

federal state can specify its own regulations and highlights within the framework of the general rule of law. The natural environment and living conditions in Bavaria are different to those on the coast of the North Sea. Therefore, the Grundgesetz orders *federal* structures, leaving individual federal states with extensive freedom to make their own decisions and specifications according to their needs. This form of regulation intends avoiding dictatorial oppression of all citizens in elections and ruthless uniformity in legislation as was experienced during the Third Reich. Obviously, the British also detest such uniformity.

In 1949, the German Grundgesetz was formulated as a constitution and deliberately modelled according to the Global Legal Order of the United Nations. This legal order was significantly influenced by Great Britain's legal system and the Commonwealth of Nations. The following facts underline said references: In 1776, Thomas Jefferson established Human Rights as the basis of the American Declaration of Independence. Two years before, he had referenced the connection to English law: In *A Summary View of the Rights of British America* (1774), he writes about "a free people claiming their rights, as derived from the laws of nature, and not as the gift of their chief magistrate." Here, we can rediscover the British legal point of view: The *fundamental rights* in the German Federal Republic are seen as *defence rights* against inappropriate approaches of government bodies and their insupportable decisions.

Brexit opponents on the continent display a condescending and inappropriate attitude regarding British achievements and beliefs in democracy, the rule of law and economic ethics. Beside the Greeks, the Brits are considered the champions of European and global developments in politics, legislation and democracy.

## **2. The basic beliefs of Brexit supporters**

Brexit support is primarily based on a deep appreciation and trust British citizens with common sense have in their traditional legal system: The natural and essential basics of life are found in human values such as dignity, independence and liberty, the individuals' right to autonomy and government sovereignty: Existential requirements include sufficient space to move and grow in order to have the chance to live according to one's individual personality in a satisfying way. Therefore, Brexit supporters demand unlimited personal and governmental autonomy: No restrictions by EU institutions! The liberty to flexibly serve the current matters that benefit common welfare (common wealth and public health) in the best way possible. Demanding liberty *for this reason* is by no means selfish or in any way immoral. It does not harm anyone. Great Britain has always been internationally and multiculturally inclined. It has much experience with immigrants and has always treated them with admirable tolerance and acceptance, at least until Mrs. Thatcher's governance.

The turbo-capitalism that appeared in 1989/90 obviously does not serve the common good: Global rivalry and competitions between corporations and governments is lethal. It makes life on earth a living hell. It corrupts and undermines the legal system of governments. It causes permanent decline in wages while its requirements continuously increase, causing unhealthy stress, civilisation diseases, burnout and, eventually, the inability to carry on performing. It leads to illicit and fraudulent economic activities (e.g. the VW emission scandal etc.) and to the destruction of nature and our fundamentals of living.

## **3. Turbo-capitalism is the actual enemy: It is the beast that has to be tamed**

We do not need *more and more* international commerce, worldwide operating corporations, substandard products and uniformity dictated by parliaments and pencil pushers (standardisation). Nobody wants politicians and lawyers that support these developments by

pretending and affirming that they are inevitable and *without alternatives*, instead of creating and providing constructive correctional actions. What we need is provision of quality products and services that meet our requirements as human individuals. *The people are the only sovereign*. All institutions and organisations – including politics, legislation, science, education, training, journalism, healthcare and economy – should serve their welfare. What is actually at stake here? Is it about money and profit maximisation or about us surviving and maximising the quality of our lives? All economic problems can be satisfyingly solved for all humans by socially committing all companies. This fundamental ethical approach is essential to the economic studies of England's moral philosopher, Adam Smith. Such an attitude can also be found in paragraph 14 (2) of the German Grundgesetz, according to which "Ownership comes with an obligation. At the same time, its use should serve the common good."

#### **4. The international legal system of the United Nations is pathbreaking**

To ensure survival, the ubiquitous tendency to destroy must be stopped and overcome. For this purpose, it is helpful to remember the legal systems that contribute to cultivating and protecting life. These can be found in the Human Rights, i.e. the British *fundamental laws* that are based on respecting the natural circumstances. They root in the *Ten Commandments* as well as in the book of Moses (Levitikus 19, 11-18), ergo, in passages that are equally fundamental for Jews, Christians and Muslims. These passages contain instructions and rules (commandments) that were appropriate *at that time* and *in that place*. The book of Moses was not only about considerate social behaviour. It also included suggestions concerning healthcare, hygiene standards, performance abilities and agriculture. In this respect, it corresponds to the concept of UN's World Health Organisation WHO.

This global legal system has been approved by almost every nation by signing the UNO's Convention on Human Rights and the Rights of the Child. What was accepted on paper can also be followed up on in practice. The ability to adhere to this legal system and its functionality can be proven: This system is equivalent to the principles of traffic law, which works surprisingly well all over the world and is effectively adhered to and obeyed. These principles are simple and understandable. They state: Act carefully and considerately at all times and make sure you are in control in order to avoid damage and impairment to the best of your abilities.

EU institutions were designed as purely *economic organisations* and therefore never corresponded to constitutional law and UN international law. This is their *major flaw*. In this point of criticism, both sides, Brexit supporters and opponents, largely agree. Brexit supporters believe that these institutions cannot be appropriately reformed, whereas the people that voted to remain in the union think that the institutions are adequately reformable. It is obvious that both sides are not *real enemies*. They merely estimate the situation in controversial ways.

As we are all well aware, any attempt to create a constitution for the EU community that can legitimise parliamentary and legislative actions has so far failed. Nevertheless, EU institutions take legislative liberties and the right to make contracts. However, lacking legitimacy means that the legal economic contracts that have been made up to present are illegitimate and therefore neither enforceable or binding for anybody. Any "divorce negotiations" can therefore be spared.

The EU institutions are dominated by specific values that are not shared and cannot be shared by all its members likewise. Equal chances to live in a satisfying way and to succeed economically do not exist. Creating an acceptable European constitution would mean performing a miracle considering all the cultural differences that exist in European nations due to natural differences in climate, environment and priorities of values. The values preferred in Greece, Spain and Portugal differ significantly from those favoured in Germany, Great Britain and Scandinavia. These differences are innate and therefore impossible to eliminate. For thousands of years, they have continuously led to military conflicts, not only in Europe but all over the world.

The only thing that can help to solve these problems is to target solutions, i.e. to *apply reason*: We need (1) to understand and accept our differences and (2) consciously renounce being stronger and more powerful than our counterparts and wanting to defeat them. According to the universal rule of law and the United Nations' expectations of behaving as *equal among equals*, it is necessary to develop optimal solutions in an international team and tackle all challenges that arise. British fairness and constructive teamwork, comparable with the spirit of team sports such as football, have always been particularly supported and enhanced in Britain's education and culture – right up to the period of Thatcher. If we can all agree on this behaviour, it doesn't really matter (1) how big and how powerful nations or unions of nations are and (2) whether Great Britain and the other European nations belong to an umbrella organisation or freely cooperate in a constructive way as independent, politically neutral and sovereign states.

On the organizational level of responsibilities, the United Nations have to find solutions for all the challenges that clearly exceed the territories, capacities and responsibilities of single nations and of unions of nations, including the EU. As an umbrella organisation, the UN should be put in charge of the current refugee situation and of its causes as this is an issue that involves *intercontinental* developments and circumstances.