

Prof. Oliver Antić
Ambassador of the Republic of Serbia

BREXIT

-Brexit's problem is much more complex than thought-

The cornerstone of the modern EU was set up at the First Congress of the European Federation (Premier Congrès de la Fédération Européenne) held in Rome. The Congress was opened on Sunday, May 16, 1909, at 10 am, in the large hall of the Collegio Romano building (built up by Pope Gregory XIII in 1508) and completed on May 20, 1909.

The initiative and financial support for convening the Congress was given by Max Waechter, an English pacifist. Mr. Waechter previously send the plea to all European statesmen in which he called for the creation of the European Federation, which would be the first condition for achieving a lasting peace in the Continent, and not only that, he also personally visited European monarchies and republics presenting his ideas to its officials. The idea for creating the European Union Waechter got by analyzing the economic and financial situation of the United States and Europe, and concluded that all the advantages were on the US side. Differences against the European states, and in favor of the United States, occur particularly in the following: in the United States, a small percentage of the population is engaged in military service, so that it has enough manpower in production; the US industry is not under the pressure of huge arms costs; states of America do not fear the war among them, so there are no restrictions for their companies in the economic and financial sphere. Namely, after the Secessionist War (American Civil War) in 1862, the United States did not have any conflicts, and in Europe since 1862 there were wars "many and terrible": Prussian-Austro-Hungarian, Prussian-French, two Serbian-Turkish, Russian-Turkish, Bulgarian-Serbian and Greek-Turkish war. Every seven years there was one war. In Europe, therefore, according to Mr. Waechter is a bad state, because the states have to arm themselves, look at each other with distrust and suspicion, they are constantly "on the dead watch only to be able to get benefit for themselves to the detriment of their neighbors". The excessive taxes because of the weapons "have caused general dissatisfaction, created socialism and other doctrines that threaten to trigger a social revolution and

destroy the present civilization." "The entrepreneurial spirit is paralyzed by the fear of war" ... Each state has its own customs tariff, "which places a barrier between her and her neighbors." After these conclusions, Waechter concluded that in the future, there could be only one result: "European war, a disaster that no one can think without awe, with a view of the current perfection of the means of destruction. One such war would completely ruin the losers, leaving at the same time the winners in such a state of exhaustion, so that any foreign power (outside Europe) could easily impose its will on the whole of Europe. "

The EU, therefore, was the dream of 20 European monarchies (including Portugal and Serbia) and two republics (France and Switzerland).

The Kingdom of Serbia at that Congress was represented by professor at the Belgrade Law Faculty, Dr. Zivojin Perić, who would remain a steadfast advocate of European integration until the end of his life. Prof. Živojin Perić was one of the first major opponents of European conflicts and the most consistent fighter for the unification of Europe until the end of his life. Prof. In his works, Perić was guided by the idea of the authority of state power, then by the idea of the rights of the individual, as well as by the idea of pacifism. From there comes his resistance towards the use of violent means, such as wars, revolutions or coups. Pledge for Panevrop is also a commitment to lasting peace and pacifism, he stressed.

Prof. Perić was born in the Serbian village of Stubline in 1868 and died in Oberurnen, Switzerland, in the canton of Glarus in 1953. He was a professor at the Faculty of Law in Belgrade from 1898 to 1938. He was a member of the Serbian Royal Academy of Sciences and Arts and Honorary Doctor of Lion University as well as Professor of the Hague Academy of International Law. He was a convinced legalist and a pacifist who was loathed by the overthrow and the killing of King Alexander and the Queen Draga Obrenovic (killed in 1903 by the same organization that killed King Carlos and Crown Prince Luis Filipe five years later!). After the coup he filed a criminal report for the murder and he repeatedly renewed it not to become obsolete.

Professor Živojin Perić was one of the pioneers of the idea of forming a European Union (Federation). As a convinced legalist, evolutionist, pacifist, and Christian, he wrote that the reason for convening the Congress was the

annexation of Bosnia and Herzegovina in 1908 and the danger to Europe of "a general European war".

It is extremely interesting that Prof. Perić, 107 years before the British referendum on Brexit, felt that Britain should be excluded from the European Federation. Namely, without going into question whether Britain is a geographically integral part of Europe or not, it could not be a member of the "Federal European State for this simple reason that the federal organization of Europe is not in agreement with its interests", even there is a perception that Great Britain helped establishment of the League of Nations in order to prevent the federal organization of Europe. And not only that, but if the concept of a federal Europe was adopted, the United Kingdom would strive to enter that federation, "in order to observe that Europe, although federalized, is not yet further to what it was in the past so that it continue to represents in the future two camps of power - rivals, that, in other words, it is again just one game of British politics. Formally, Europe would be federalized, in reality that would be, in this case, constantly old system of balance in which only one state, the United Kingdom alone, would rule.

In addition, Prof. Perić also pointed out at the Congress: "The entire political history of Europe shows that the UK sympathies have always been on the side of the European balance of power, that is, a system in which European forces would be divided into two opposing groups in equilibrium, or close to it, among themselves (Zweimaechtegruppensystem): with such a system, Britain was the arbiter of Europe and its lord, the fate of the European Continent was not in the hands of this; it was un-European, more accurately said, anti-European hands that governed them." Such an interest, as it was concluded by many authors, British "deep state" kept to this day.

Otherwise, in theory, also other arguments that did not go in favor of UK membership in the EU were pointed out. Namely, Great Britain differs from continental Europe and: the system of measures; the style of building cities; style of parks; by driving on the left side; by currency and finally a significantly different legal system. In doing so, it does not show even the slightest desire to adapt some of the most important differences to the majority, but on the contrary it strives to impose his specificity on others. Of these significant differences, in particular, the system of measures and in particular the legal system.

The problem of a fundamental difference in the legal systems of continental Europe and Great Britain cannot be solved unless the British adopt a reform of their law proposed by the famous British philosopher, lawyer and one of the greatest humanists ever, in the 19th century, Jeremy Bentham, and that is a comprehensive codification of the British law. Bentham considered that the (British) legal system based on historical coincidence (which is always generated by induction), rather than on the system of rational law (which implies codification, a logical system in which any factual situation can be brought under a norm of codification (statute law), is unable to respond to modern times, it is an obstacle to necessary social reforms. His proposal for British law reform was not accepted, especially because of the hard conservatives' view that "legislation is a natural enemy of law."

At the First Congress of the European Federation, it was particularly insisted that Europe should have authorities that are similarly organized as, for example, USA. Namely, in order to form a **federal court**, there would be a **European Parliament**, which passed federal laws, as well as a **federal army**.

Although never forgetting the warnings about British interests in Europe, presented at the First Congress of the European Federation in 1909, whose essence is still the constant of British politics, the question that should be posed to the British is: would you agree to: change the system of measures, "the euro", the continental legal system and driving on the right side of the road? In the event that the answer is positive, the second set of questions might be easier. Do you accept: the European Court, whose decisions are above your Supreme Court; European laws, passed by the European Parliament, which are above all its regulations and the European army, which the British army must obey? I believe that the overall response would be positive, under the condition that Jeremy Bentham's reforms were implemented and the Island was governed by Sir Tomas More.