

## HAD COUDENHOVE-KALERGI'S *PAN-EUROPA* FORESEEN THE UNITED KINGDOM'S NATIONALIST HOUR?

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The Cynic Diogenes of Sinope saw himself as a citizen of the world (a cosmopolitis); he believed that one's local origin and group membership could not extricate his/her moral affiliation with more universal aspirations and humanist concerns. The Stoics also mapped the multiple worlds persons inhabit simultaneously: the local or particularistic world into which persons are thrown by birth and the wider world of human aspirations.<sup>1</sup> Seneca described the latter as truly 'great and truly common'<sup>2</sup>- an idea that regained currency in the 18<sup>th</sup> century owing to Kant's writings<sup>3</sup> and in the 20<sup>th</sup> century following the devastation caused by two world wars.

But neither the Stoics nor Kant did prescribe the setting up of an actual political organisation to defend and promote 'the other (humanist) world'. In the first quarter of the 20<sup>th</sup> century, Coudenhove-Kalergi believed that it was possible to establish a cosmopolitan order in the context of Europe. By establishing a 'Pan-European Union', Europe could be unified. In 1923, Coudenhove-Kalergi set a pan-European mass movement in motion and published a book entitled 'Pan-Europa'. According to him, Europeanism would prevent the decline of Europe and the establishment of a federal European Union would guarantee peace, security

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<sup>1</sup> The School was founded by Zino of Citium in the early third century BC.

<sup>2</sup> David Held, 'Principles of Cosmopolitan Order', in Gillian Brock and Harry Brighouse (eds.), *The Political Philosophy of Cosmopolitanism* (Cambridge: Cambridge University Press, 2005, pp. 10-27. See also Martha C. Nussbaum 'Kant and Stoic Cosmopolitanism', 5 *Journal of Political Philosophy* (2002), pp. 1-25.

<sup>3</sup> See his *Perpetual Peace: A Philosophical Sketch* (Konigsberg: F. Nicolovius, 1795).

and prosperity.<sup>4</sup> The key to Coudenhove-Kalergi's Pan-Europe was democracy; Pan-Europe would be open to liberal democratic states.

Interestingly, Pan-Europe excluded both Russia and Britain. The former country had opted for another political system while Britain 'had grown out of Europe' and had become an entity in its own right.<sup>5</sup> Its transatlantic and imperial (- extra-European) interests made it more an intermediary between Europe and the world. Being aware that Britain is, nevertheless, part of Europe, Coudenhove-Kalergi believed that the relations between Pan-Europe and Britain should be based on cooperation and mutual defence guarantees. While a defence alliance was necessary to protect Europe from external threats, primarily from Russia, internal conflicts and the devastating defence expenditure of European states, which thwarted economic recovery, would be minimised by increasing multilateral cooperation and creating a 'common market' without internal customs barriers.

That was the hour of democratic cosmopolitanism. The vision was that nationalism and perpetual conflicts over territory and borderlines would be superseded by European unity, further economic and political integration and the diffusion of democratic principles. A 'Magna Carta of all European Nations' would ensure the protection of national minorities<sup>6</sup> and for small concessions of sovereignty all countries would prosper economically in a union of lasting peace. A more rational politics would succeed the disturbing and destructive display of human passion and political evil.

Eventually, Coudenhove-Kalergi's vision became a reality. The Coal and Steel Community in 1951 was succeeded by the European Economic Community in 1957 and the European Union in 1993, when the Treaty on European Union entered into force. Mobility of

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<sup>4</sup> R. N. Coudenhove-Kalergi, *Pan-Europa* (New York: Alfred Knopf, 1926).

<sup>5</sup> *Ibid*, pp. 36, 41.

<sup>6</sup> *Ibid*, p. 166.

all ‘factors of production’, that is, of goods, capital, services and people, was chosen to be foundation of the common market initially and the single market in the mid-1980s. The rights of workers and work-seekers to cross territorial borders and live and work in the territories of other Member States became enshrined in a new institution of EU citizenship, which was established by the Treaty on European Union (in force on 1 November 1993).<sup>7</sup> Union citizenship also embraced the mobility of students, pensioners and persons of independent means.<sup>8</sup> It is true that the exercise of this freedom, as opposed to its purely formal existence, is subordinate to economic imperatives,<sup>9</sup> but it is equally true that such relative mobility contributes to economic prosperity, inter-societal and trans-societal connectivity and to the betterment of individuals and their families. In other words, it had, and still has, transformative effects for persons, groups, societies and countries.

The Court of Justice and other EU institutions, such as *inter alia* the European Commission and the European Parliament, progressively over the decades of European integration sedimented a culture of progressivism, that is, a rights’ revolution to aid citizens and their families. They have been convinced that greater connectivity among people, groups, societies, cultures and layers of governance has beneficial effects of persons, communities and political units. It creates a sense of inclusion and belonging in a diverse community of law (*ius*) and politics. It makes European societies more open and more respectful of diversity, changes national administrative structures and makes politics more democratic, more pluralist and more public service -, rather than power -, oriented.

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<sup>7</sup> Treaty on European Union, 1992, O.J. C191/1, in force on 1 November 1993.

<sup>8</sup> Council Directives 90/364 on the right of residence (OJ L180/26), 90/365 on the right of residence for employees and self-employed persons who have ceased their occupational activity (OJ L 180/28); and 90/366 on the right of residence for students (OJ L180/28). The latter was replaced by Directive 93/96 (OJ L317/59). European Parliament and European Council Directive of 29 April 2004 on the right of citizens of the Union and their Family Members to move and reside freely within the territory of the Member States (2004/ 38/EC) repealed the above mentioned Directives; OJ 2004 L 158/77 (30 April 2004).

<sup>9</sup> See Article 21 TFEU.

State discretion and control over the entry, residence, employment and political participation at local and regional levels of EU citizens have been limited by EU law. The ultimate philosophy underpinning both primary law and secondary legislation, such as the Directive on the rights of citizens of the Union and their family members to move and to reside freely within the territory of the Member States,<sup>10</sup> has been a rights-based one. The Court of Justice has elevated EU citizenship into a constitutional norm and a fundamental status.<sup>11</sup> By so doing, Justices have responded positively to citizens' needs and expectations. They made a difference to their actual life-worlds. But, as is often the case, their decisions are not always welcomed by national states and their administrations thereby fuelling state actors' disapproval of what they perceive to be judicial policy-making. Notwithstanding such reactions, European Union citizenship has become a 'Eurozship', that is, a coherent legal status which is different from national citizenship and permanent residence.

Within the socio-political and legal space of EU citizenship, 'local' worlds and particularistic identities can simultaneously co-exist and merge into wider moralities that do not tolerate discrimination on the ground of nationality and disrespect for human beings. EU law based-rights co-exist with international human rights law and the European Union's Charter of Fundamental Rights thereby preventing the closure of national territorial democracies and disrespect for persons.<sup>12</sup> For many, this change has been viewed to be a promoter of post-national allegiances and thus the seedbed for different sensibilities and forms of transnational solidarity.

After all, a polity organised around different principles and ideas is likely to have different dynamics. The bond that ties peoples, groups, units of governance and states together

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<sup>10</sup> Ibid.

<sup>11</sup> Case C-184/99, *Grzelczyk v. Centre Public d'Aide Sociale d'Ottignies-Louvain-la-Neuve* [2001] ECR I-6193.

<sup>12</sup> The Charter was signed on 7 December 2000, was amended on 12 December 2007 and became legally binding following the entry into force of the Treaty of Lisbon in December 2009.

is based on cooperation underpinned by law and political principles. The European Union is founded on co-implication, that is, the co-implication of states, national and subnational units, organisations and civil society, groups, associations and persons. It is synechistic order of manyness in oneness. From this it follows that all its constituent units have simultaneously common as well as differentiated responsibilities enshrined in law – not on particularistic executive commands. And persons enjoy a common as well as differentiated citizenships simultaneously.

This normative constitution of the European Union and the generalised sense of wholeness were rejected by the United Kingdom during its nationalist hour. The notion of the public interest became an effective anti-EU device. National flags, celebrations of a fictional national independence, narratives of ‘national liberation’ and autonomy were on prominent display on ‘Brexit day’ (31 January 2020) thereby concealing the fact that such performative gestures were wilful strategies of re-valuing national citizenship and national identity. Re-valuation of everything national means increasing its relevance officially and thus making the electorate believe in its relevance, and more importantly, in the governmental elite’s attempts to make it relevant. It is all about hegemonizing the meaning of collective identity at key historical moments. At the present historical moment, re-nationalisation in the UK has worked.

The retreat to national citizenship, national sovereignty, ‘autonomous’ bordering regulations, blue national passports is designed to achieve a generalised behavioural modification of the population and to increase the (re-nationalised or ‘repatriated’) powers of national executives at the expense of the existing law. For the cutting of ties with the EU is underpinned by a political project of remaking the UK’s constitutional order and reconstituting the state and its relations with a re-defined or re-configured demos. ‘Honouring the pledge to get Brexit done’ is accompanied by an ideology of national emasculation and national (i.e., executive) sovereignty, as meaning that the UK wishes to be a law to itself at home and abroad.

But any ruling elite's appeal to 'national greatness' and interest in enhancing executive dominocracy and state power has thus far in history made rights and citizenship statuses fragile and eroded the systems of protection that make people less vulnerable to oppression and abuse. As Dicey eloquently observed in 1917, 'nationalism has the tendency to stimulate among the inhabitants of a given country an intense desire for national power and thereby bring into existence a form of government, which is hostile both to the personal liberty of its own subjects and to the independence of other European states'.<sup>13</sup>

Coudenhove-Kalergi shared Dicey's belief and for this reason he advocated the Pan-Europe project. In his view, Pan-Europe would prevent arbitrary applications of despotic commands, mounting grievances and wars and states' inability to use their economies in order to serve the person and to promote his/her welfare. Without a doubt, Coudenhove-Kalergi was correct; the European Union has done all the above. As a political project, it has also survived nationalist reactions and, at various times, quite strong winds of national governmentalist doctrine.

As Leave supporters waived national flags in the streets of Westminster on the so called 'independence day' of 31 January 2020, the EU-27 remains a reminder to all that our contemporary world, be it in Europe or beyond Europe, is a world of conjunctions and of an ever closer cooperation.

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<sup>13</sup> A. V. Dicey, *The Statemanship of Wordsworth: An Essay* (Oxford: Clarendon Press, 1917) at p. 102.