Lecture delivered on 26 April 2013 in Leuven Univ.

The European Union owes its existence to the efforts of political elites who could count on the passive consent of their more or less indifferent populations as long as the peoples could regard the Union as also being in their economic interests all things considered. The Union legitimized itself in the eyes of the citizens primarily through its outcomes and not so much from the fact that it fulfilled the citizens’ political will. This state of affairs is explained not only by the history of its origins but also by the legal constitution of this unique formation. The European Central Bank, the Commission, and the European Court of Justice have intervened most profoundly in the everyday lives of European citizens over the decades, even though these institutions are the least subject to democratic controls. Moreover, the European Council, which has energetically taken the initiative during the current crisis, is made up of heads of government whose role in the eyes of their citizens is to represent their respective national interests in distant Brussels. Finally, at
least the European Parliament was supposed to construct a bridge between the political conflict of opinions in the national arenas and the momentous decisions taken in Brussels— but this bridge is almost devoid of traffic.

Thus, to the present day there remains a gulf at the European level between the citizens’ opinion- and will-formation, on the one hand, and the policies actually adopted to solve the pressing problems, on the other. This also explains why conceptions of the European Union and ideas of its future development have remained diffuse among the general population. Informed opinions and articulated positions are for the most part the monopoly of professional politicians, economic elites, and scholars with relevant interests; not even public intellectuals who generally participate in debates on burning issues have made this issue their own.[1] What unite the European citizens today are the Eurosceptical mindsets that have become more pronounced in all of the member countries during the crisis, albeit in each country for different and rather polarizing reasons. This trend may be an important fact for the political elites to take into account; but the growing resistance is not really decisive for the actual course of European policy-making which is largely uncoupled from the national arenas. The actual course of the crisis management is pushed and implemented in the first place by the large camp of pragmatic politicians who pursue an incrementalist agenda but lack a comprehensive perspective. They are oriented towards “More Europe” because they want to avoid the far more dramatic and presumably costly alternative of abandoning the euro.

Starting with the roadmap that the European institutions have designed for developing a Genuine Economic and Monetary Union, I will first explain the probable technocratic dilemma in which this project becomes entangled (I). In the second part of my lecture I would like to expose alternative steps towards a supranational democracy in the core of Europe and the
obstacles we would have to remove on that road (II). The major hindrance, the lack of solidarity, leads me in the last and philosophical part to a clarification of this difficult, yet genuinely political concept (III).

I

The Commission, the Presidency of the Council, and the European Central Bank – known in Brussels parlance as “the institutions” – are least subject to legitimation pressures because of their relative distance from the national public spheres. So it was up them to present in December 2012 the first more detailed document in which the European Union develops a perspective for reforms in the medium and long term that go beyond the present, more or less dilatory reactions to critical symptoms.[2] Within this expanded timescale the attention is no longer focussed on the cluster of the recent causes that since 2010 have connected the global banking crisis with the vicious circle of over-indebted European states and undercapitalized banks refinancing each other. The important and since long overdue Blueprint, as it is called, directs attention to long-term structural causes inherent in the Monetary Union itself.

The Economic and Monetary Union took shape during the 1990s in accordance with the ordoliberal ideas of the Stability and Growth Pact. The Monetary Union was conceived as a supporting pillar of an economic constitution that stimulates free competition among market players across national borders, and it is organized in accordance with general rules binding on all member states.[3] Even without the instrument of devaluing national currencies that is not available in a monetary union, the differences in levels of competitiveness among the national economies were supposed to even out of their own accord. But the assumption that permitting unrestrained competition in accordance with fair rules would lead to similar unit labor costs and equal levels of prosperity, thereby obviating the need for joint decision-making on
financial, economic and social policies, has proved to be false. Because the optimal conditions for a single currency in the euro zone are not satisfied, the structural imbalances between the national economies that existed from the start have become more acute; and they will become even more acute as long as the European policy pattern does not break with the principle that each member state makes sovereign decisions within the relevant policy fields without taking other member states into consideration, in other words, exclusively from its own national perspective.[4] In spite of some concessions, however, until now the German Federal Government has clung steadfastly to this dogma.

It is to the credit of the Commission and the Presidency of the Council that they have addressed the actual cause of the crisis —namely, the faulty design of a monetary union that nevertheless holds fast to the political self-understanding of an alliance of sovereign states (as the “Herren der Verträge”). According to the aforementioned reform proposal, the so-called Blueprint, three essential, though vaguely defined, objectives are to be realized at the end of a path projected to last five years: First, joint political decision-making at the EU level on “integrated guidelines” for coordinating the fiscal, budget, and economic policies of the individual states.[5] This would call for an agreement that prevents the economic policy of one member state from having negative external effects on the economy of another member state. Furthermore, an EU budget based on the right to levy taxes with a European financial administration is envisaged for the purpose of country-specific stimulus programs. This would generate scope for selectively focused public investments through which the structural imbalances within the Monetary Union can be combated. Finally, euro bonds and a debt repayment fund are supposed to make possible a partial collectivization of state debts. This would relieve the European Central Bank of the task of preventing speculation against individual states in the euro zone that it has
currently assumed on an informal basis.

These objectives could be realized only if cross-border transfer payments with the corresponding transnational redistribution effects were to be accepted. From the perspective of the constitutionally required legitimation, therefore, the Monetary Union would have to be expanded into a real Political Union. The report of the Commission naturally proposes the European Parliament for this purpose and correctly states that closer “inter-parliamentary cooperation as such does not ... ensure democratic legitimacy for EU decisions.”[6] On the other hand, the Commission takes into consideration the reservations of the heads of state and adheres so radically to the principle of exhausting the present legal basis of the Lisbon Treaty that it conceives of the transfer of competences from the national to the European level occurring only in a rather gradual and inconspicuous way.[7]

The obvious aim is to postpone a revision of the treaties to the very end. The Commission accords the expansion of steering capacities priority in the short and the medium term over a corresponding enlargement of the basis of legitimation. Thus the ultimate democratization is presented as a promise like a light at the end of the tunnel. Supranational democracy remains the declared long term goal on paper. But postponing democracy is a rather dangerous move. If the economic constraints by the markets happily meet the flexibility of a free-floating European technocracy, there arise the immediate risk that the gradual unification process which is planned for, but not by the people will grind to a halt before the proclaimed goal of rebalancing the executive and the parliamentary branches is reached. Uncoupled from democratically enacted law and without feedback from the pressing dynamics of a mobilized political public sphere and civil society, political management lacks the impulse and the strength to contain and redirect the profit-oriented
imperatives of investment capital into socially compatible channels. As we can observe already to-day, the authorities would more and more yield to the neoliberal pattern of politics. A technocracy without democratic roots would not have the motivation to accord sufficient weight to the demands of the electorate for a just distribution of income and property, for status security, public services, and collective goods when these conflicted with the systemic demands for competitiveness and economic growth.[8]

Summarizing the analysis, we are trapped in the dilemma between, on the one side, the economic policies required to preserve the euro and, on the other, the political steps to closer integration. The steps that are necessary to achieve this objective are unpopular and meet with spontaneous popular resistance. The Commission’s plans reflect the temptation to bridge, in a technocratic manner, this gulf between what is economically required and what seems to be politically achievable only apart from the people. This approach harbors the danger of a growing gap between consolidating regulatory competences, on the one hand, and the need to legitimize these increased powers in a democratic fashion, on the other. Under the pull of this technocratic dynamic, the European Union would approach the dubious ideal of a market-conforming democracy that would be even more helplessly exposed to the imperatives of the markets because it lacked an anchor in a politically irritable and excitable civil society. Instead, the steering capacities which are lacking at present, though they are functionally necessary for any monetary union, could and should be centralized only within the framework of an equally supranational and democratic political community.

II

But what is the alternative to a further integration on the present model of executive federalism? Let us first consider those path breaking decisions that would have to be taken at the very beginning of the route leading to a supranational
democracy in Europe. What is necessary in the first place is a consistent decision to expand the European Monetary Union into a Political Union (that would remain open, of course, to the accession of other EU member states, in particular Poland). This step would for the first time signify a serious differentiation of the Union into a core and a periphery. The feasibility of necessary changes in the European treaties would depend essentially on the consent of countries preferring to stay out. In the worst case a principled resistance had to be overcome only by a re-foundation of the Union (based on the existing institutions).

The decision for such a core Europe would amount to more than merely a further evolutionary step in the transfer of particular sovereign rights. With the establishment of a common economic government the red line of the classical understanding of sovereignty would be crossed. The idea that the nation states are “the sovereign subjects of the treaties” would have to be abandoned. On the other hand, the step to supranational democracy need not be conceived as a transition to a “United States of Europe.” “Confederation” versus “Federal state” is a false alternative (and a specific legacy of the constitutional discussion in 19th century Germany).[9] The nation states can well preserve their integrity as states within a supranational democracy by retaining both their roles of the implementing administration and the final custodian of civil liberties.[10]

At the procedural level the dethronement of the European Council would mean switching over from intergovernmentalism to the community method. As long as the ordinary legislative procedure in which the Parliament and the Council participate on an equal footing has not become the general rule, the European Union shares a deficiency in legitimation with all international organizations that are founded on treaties between states. This deficiency is explained by the asymmetry between the scope of the democratic mandate of each single
member state and the encompassing reach of competences of the organization exercised by all of member states in concert.[11] As national citizens see it, their political fate is determined by foreign governments who represent the interests of other nations, rather than by a government that is bound only by their own democratic vote. This deficit in accountability is intensified further by the fact that the negotiations of the European Council are conducted out of the public eye.

The community method is preferable not only for this normative reason, but for reason of enhancing efficiency, too. It helps to overcome national particularisms. In the Council, but also in inter-parliamentary committees, representatives who are obligated to defend national interests must just bargain compromises between obstinate positions. By contrast, the deputies in the European Parliament, which is divided up into parliamentary groups, are elected from the perspective of party affiliation. This is why, to the extent that a European party system is taking shape, political decision-making in the European Parliament can already be conducted on the basis of interests that were generalized across national borders.

These are the fundamental decisions necessary for transforming the Monetary Union into a Political Union that will not fall into the trap of technocracy. That would require, however, to overcome the high, almost insurmountable institutional hurdle of a change in primary law. The first step, namely calling for a convention which is authorized to revise the treaties, must be expected from the European Council, hence from the very institution that is least suited to making smooth cooperative resolutions. That would not be an easy decision for the members of the European Council who are at the same time heads of national governments. On the one hand, the thought of their reelection already leads them to recoil before this unpopular step; moreover, they do not have any interest in disempowering themselves either. On the other hand, they will not be able to
ignore indefinitely the economic constraints that will sooner or later require further integration or at least a manifest choice between painful alternatives. For the present the German government is insisting that priority be accorded to stabilizing the budgets of the individual states by national administrations, mainly at the expense of their social security systems, of public services and collective goods. Along with a handful of smaller “donor countries,” it is vetoing the demand of the rest of the members for targeted investment programs and for a form of joint financial liability that would lower the interest rates of the government bonds of the crisis-hit countries.

In this situation, the German government holds the key to the fate of the European Union in its hand. If there is one government among the member states capable of taking the initiative to revise the treaties then it is the German government. Of course, the other governments could demand assistance on grounds of solidarity only if they themselves were ready to accept the complementary step of transferring required sovereignty rights to the European level. Otherwise, any assistance founded on solidarity would violate the democratic principle that the legislature that levies the taxes has also a say in the decision on how to allocate the funds and for whose benefit to use them. So the main question is, whether Germany not only is in a position to take the initiative, but also whether it could have an interest in doing so. In particular, I am looking for a specifically German interest that goes beyond the kind of interests shared by all the member states (such as the interest in the economic benefits of stabilizing the monetary union or the interest in preserving European influence on the international political agenda in the emerging multicultural world society, an influence which is in any case diminishing).[12]

In the wake of the shock of the defeat of 1945 and the moral catastrophe of the Holocaust, prudential reasons of regaining
the international reputation destroyed by its own actions already made it imperative for the Federal Republic of Germany to promote an alliance with France and to pursue European unification. In addition, being embedded in a context of neighboring European countries under the hegemonic protection of the United States provided the context in which the German population at large could develop a liberal self-understanding for the first time. This arduous transformation of a political mentality, which in the old Federal Republic remained captive to fateful continuities for decades, can not be taken for granted. That shift in mindset occurred in tandem with a cautiously cooperative promotion of European unification. Moreover, the success of this policy was an important precondition for solving a more long-standing historical problem that I am concerned with in the first place.

After the foundation of the German Empire in 1871, Germany assumed a fatal “semi-hegemonic status” in Europe — in Ludwig Dehios’s words, it was “too weak to dominate the continent, but too strong to bring itself into line.”[13] It is in Germany’s interest to avoid a revival of this dilemma that was overcome only thanks to European unification. This is why the European question, which has been intensified by the crisis, also involves a domestic political challenge for Germans. The leadership role that falls to Germany today for demographic and economic reasons is not only awakening historical ghosts all around us but also tempts us to choose a unilateral national course, or even to succumb to power fantasies of a “German Europe” instead of a “Germany in Europe”. We Germans should have learned from the catastrophes of the first half of the twentieth century that it is in our national interest to avoid permanently the dilemma of a semi-hegemonic status that can hardly held up without sliding into conflicts. Helmut Kohl’s achievement is not the reunification and the reestablishment of a certain national normality per se, but the fact that this happy event was coupled with the consistent promotion of a policy that binds Germany tightly into Europe.
Germany not only has an interest in a policy of solidarity; I would propose that it has even a corresponding normative obligation. Claus Offe tries to defend this thesis with three contested arguments. To date, Germany has derived the greatest benefit from the single currency through the increase in its exports. Because of these export surpluses Germany furthermore contributes to aggravating the economic imbalances within the monetary union and, in its role as a contributory cause, is part of the problem. Finally, Germany itself is even profiting from the crisis, because the increase in interest rates for the government bonds of the crisis-hit countries is matched by a decrease in the interest rates on German government bonds.[14] Even if we accept the arguments, the normative premise that these asymmetric effects of the politically unregulated interdependencies between the national economies entail an obligation to act in solidarity is not quite easy to explain.

III

This leads me to the final and philosophical question: What does it mean to show solidarity, and when are we entitled to appeal to solidarity? With a little exercise in conceptual analysis I intend to exonerate appeals to solidarity of accusations of moral stuffiness or misplaced good intentions that the “realists” are wont to level against them. Moreover, showing solidarity is a political act and by no means a form of moral selflessness that were misplaced in political contexts. Solidarity looses the false appearance of being unpolitical, once we learn how to distinguish obligations to show solidarity from both moral and legal obligations. “Solidarity” is not synonymous with “justice”, be it in the moral or the legal sense of the term.

We call moral and legal norms “just” when they regulate practices that are in the equal interest of all those affected. Just norms secure equal freedoms for all and equal respect for everyone. Of course, there are also special
duties. Relatives, neighbors, or colleagues can in certain situations expect more, or a different kind of help from each other than from strangers. Such special duties also hold in general for certain social relations. For example, parents violate their duty of care when they neglect the health of their children. The extent of these positive duties is often indeterminate, of course; it varies according to the kind, frequency, and importance of the corresponding social relations. When a distant relative contacts his surprised cousin once again after decades and confronts her with a request for a large financial contribution because he is facing an emergency situation, he can hardly appeal to a moral obligation but at most to a tie of an “ethical” kind founded on family relations (in Hegel’s terminology one, rooted in “Sittlichkeit” or “ethical life”). Belonging to an extended family will justify prima facie a duty to help, but only in cases when the actual relation gives rise to the expectation that e.g. the cousin can count on the support of her relative in turn in a similar situation.

Thus it is the trust-founding Sittlichkeit of informal social relations that, under the condition of predictable reciprocity, requires that the one individual “vouches” for the others. Such “ethical” obligations rooted in ties of an antecedently existing community, typically family ties, exhibit three features. They ground exacting or supererogatory claims that go beyond moral or legal obligations. On the other hand, when it comes to the required motivation the claim to solidarity is less exacting than the categorical force of a moral duty; nor does it coincide with the coercive character of law either. Moral commands should be obeyed out of respect for the underlying norm itself without regard to the compliance of other persons, whereas the citizen’s obedience to the law is conditional on the fact that the sanctioning power of the state ensures general compliance. Fulfilling an ethical obligation, by contrast, can neither be enforced nor is it categorically required. It depends instead on the
expectations of reciprocal favors — and on the confidence in this reciprocity over time.

In this respect, unenforceable ethical behavior also coincides with one’s own medium- or long-term interest. And it is precisely this aspect that Sittlichkeit shares with solidarity. However, the latter can not rely on pre-political communities such as the family but only on political associations or shared political interests. Conduct based on solidarity presupposes political contexts of life, hence contexts that are legally organized and in this sense artificial ones.[15] This explains why the credit of trust presupposed by solidarity is less robust than in the case of ethical conduct because this credit is not secured through the mere existence of a quasi-natural community. What is missing in the case of solidarity, is the moment of conventionality in antecedently existing ethical relations.

What lends solidarity moreover a special character is, second, the offensive character of pressing or even struggling for discharging the promise which is invested in the legitimacy claim of any political order. This forward-looking character becomes particularly clear when solidarity is required in the course of social and economic modernization, in order to adjust the overstretched capacities of an existing political framework, that is to adjust eroding political institutions to the indirect force of encompassing systemic, mainly economic interdependencies that are felt as constraints on what should be in the reach of the political control of democratic citizens. This offensive semantic feature of ‘solidarity’, over and above the reference to politics, can be elucidated by turning from an unhistorical conceptual clarification to the history of that concept.

The concept of solidarity first appeared in a situation in which revolutionaries were suing for solidarity in the sense of a redemptive reconstruction of relations of reciprocal support that were familiar but had become hollowed out by the
surpassing processes of modernization.[16] Whereas “justice” and “injustice” where already the focus of controversies in the first literate civilizations, the concept of solidarity is an astonishingly recent one. Although the term can be traced back to the Roman law of debts, only since the French Revolution of 1789 did it slowly acquire a political meaning, albeit initially in connection with the slogan of “fraternity.”

The battle cry of “fraternité” is a product of the humanist generalization of a specific pattern of thought engendered by all of the major world religions – namely, of the intuition that one’s own local community is part of a universal community of all faithful believers. This is the background of ‘fraternity’ as the key concept of the secularized religion of humanity that was radicalized and fused with the concept of solidarity during the first half of the nineteenth century by early socialism and Catholic social teachings. Even Heinrich Heine had still used the concepts “fraternity” and “solidarity” more or less synonymously.[17] The two concepts became separated in the course of the social upheavals of approaching industrial capitalism and the nascent workers movement. The legacy of the Judeo-Christian ethics of fraternity was fused, in the concept of solidarity, with the republicanism of Roman origin. The orientation toward salvation or emancipation became amalgamated with that toward legal and political freedom.[18]

By the midst of the 19th century, an accelerated functional differentiation of society gave rise to extensive interdependencies behind the back of a paternalistic, still largely corporative and occupationally stratified every-day-world. Under the pressure of these reciprocal functional dependencies the older forms of social integration broke down and led to the rise of class antagonisms which were finally contained only within the extended forms of political integration of the nation state. The appeals to “solidarity”
had their historical origin in the dynamic of the new class struggles. The organizations of the workers movement with their well-founded appeals to solidarity reacted to the occasion provided by the fact that the systemic, mainly economic constraints had outstripped the old relations of solidarity. The socially uprooted journeymen, workers, employees, and day laborers were supposed to form an alliance beyond the systemically generated competitive relations on the labor market. The opposition between the social classes of industrial capitalism was finally institutionalized within the framework of the democratically constituted nation states.

These European states assumed their present-day form of welfare states only after the catastrophes of the two world wars. In the course of economic globalization, these states find themselves in turn exposed to the explosive pressure of economic interdependencies that now tacitly permeate national borders. Systemic constraints again shatter the established relations of solidarity and compel us to reconstruct the challenged forms of political integration of the nation state. This time, the uncontrolled systemic contingencies of a form of capitalism driven by unrestrained financial markets are transformed into tensions between the member states of the European Monetary Union. If one wants to preserve the Monetary Union, it is no longer enough, given the structural imbalances between the national economies, to provide loans to over-indebted states so that each should improve its competitiveness by its own efforts. What is required is solidarity instead, a cooperative effort from a shared political perspective to promote growth and competitiveness in the euro zone as a whole.

Such an effort would require Germany and several other countries to accept short- and medium-term negative redistribution effects in its own longer-term self-interest – a classic example of solidarity, at least on the conceptual analysis I have presented.
Notes


[3] This state of affairs is expressed politely in the “Blueprint” (p. 2): “EMU is unique among modern monetary unions in that it combines a centralised monetary policy with decentralised responsibility for most economic policies.”

[4] This was already noted at an early stage by Henrik Enderlein, Nationale Wirtschaftspolitik in der europäischen Währungsunion (Frankfurt am Main: Campus, 2004).

[5] To this corresponds the authority of the Commission “to require a revision of national budgets in line with European commitments” (“Blueprint,” p. 26); this competence is clearly intended to go beyond the already existing obligations to exercise budgetary discipline.


[7] The “Let me have my cake and eat it too” strategy adopted by the proposal of the Commission avoids the overdue decision (“Blueprint,” p. 13): “Its deepening should be done within the Treaties, so as to avoid any fragmentation of the legal framework, which would weaken the Union and question the paramount importance of EU law for the dynamics of integration.”

[8] See the relevant works of Wolfgang Streeck, most recently: Gekaufte Zeit. Die vertagte Krise des demokratischen Kapitalismus (Suhrkamp), Berlin 2013 and my review in: Blätter
für deutsche und internationale Politik Heft 5, 2013.


[12] The fact that the finalité of the unification process has not yet even been defined provides an opportunity to broaden the focus of the public discussion which has been confined to economic questions until now. The perception of the shift in global political power from West to East and the realization that the relationship with the United States is changing, for example, cast a different light on the synergetic advantages of European unification. In the postcolonial world the role of Europe has changed not only when seen in the light of the dubious reputation of former imperial powers, not to mention the Holocaust. The statistically supported projections for the future also foresee for Europe the fate of a continent with a shrinking population, decreasing economic weight, and dwindling political importance. The European populations have to learn that only together can they uphold their social welfare model of society and the diversity of their national state cultures. They have to combine their forces if they are going to exercise any influence at all over the agenda of international politics and the solution of global problems. To renounce European unification would also be to turn one’s back on world history.

[13] For an interesting analysis, though one still colored by a national historical perspective, see Andreas Rödder, “Dilemma und Strategie,” Frankfurter Allgemeine Zeitung, 14

[15] By the way, nationalism obscures this difference between political solidarity and pre-political bonds. It appeals without justification to this kind of communitarian bond when it assimilates the civic solidarity of Staatsbürger to the “national solidarity” of Volksgenossen (tying people of the same descent).


[17] See the entries in the subject index of the edition of Heine’s works by Klaus Briegleb (Munich: Carl Hanser, 1976), vol. 6, II, 818.