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The Lure of Technocracy

A Plea for European Solidarity

(1) In its current form, the European Union owes its existence to the efforts of political elites who were able to count on the passive consent of their more or less indifferent populations as long as the peoples could regard the Union as being also in their economic interests, all things considered. The Union legitimized itself in the eyes of its citizens primarily through the results it produced rather than by fulfilling the citizens' political will. This can be explained not only from the history of its origins but also from the legal constitution of this unique formation. The European Central Bank, the Commission and the European Court of Justice have intervened most profoundly over the decades in the everyday lives of European citizens, even though these institutions are almost completely beyond the reach of 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 is supposed to establish a bridge between the political battles of opinions in the national arenas and the momentous decisions taken in Brussels. But there is hardly any traffic on this bridge.

Thus, to the present day there remains a gulf at the

European level between the citizens' opinion- and will-formation and the policies actually pursued for solving the pressing problems. This also explains why conceptions of the European Union and its future among the general population continue to be diffuse. Informed opinions and articulate positions on the direction of European development have to the present remained substantially the monopoly of professional politicians, economic elites and scholars with relevant interests; not even the intellectuals who usually participate in public debates have made this issue their own.[1] What currently unite European citizens are the Eurosceptical mindsets that have become more pronounced in all of the member countries during the crisis, albeit in each country for different reasons and for reasons that tend to polarize. Although this trend is an important factor to be taken into account by the political elites, the growing resistance is not really decisive for the actual course of European policymaking, which is largely uncoupled from the national arenas. The influential European political camps are forming in the circles that decide on the *policies* in accordance with controversial crisis diagnoses. The corresponding orientations reflect the well-known basic political orientations.

The European political groupings can be differentiated in accordance with preference variables that are located in two dimensions; it is a matter, on the one hand, of conflicting assessments of the importance of nation-states in an increasingly integrated and highly independent world society, and, on the other, of the familiar preferences for or against strengthening politics vis-à-vis the market. The fields of the cross-classification table that can be constructed by combining these pairs of attitudes towards the desired future of Europe yield, ideally speaking, four patterns of attitudes: among the defenders of national sovereignty, for whom even the decisions taken since May 2010 on the European

Stability Mechanism (ESM) and in the Fiscal Compact go too far, are, on the one hand, ordoliberal proponents of a lean nation-state and, on the other, republican or right-wing populist proponents of a strong nation-state. Among the proponents of the European Union and its progressive integration, by contrast, are, on the one side, economic liberals of various types and, on the other side, those who argue that the rampant financial markets should be tamed by supranational institutions. If we divide up the advocates of an interventionist policy once again according to where they are located on the left–right spectrum, we could distinguish among the Eurosceptics not only, as mentioned, between republicans or left communitarians and right-wing populists, but also within the integrationist camp between the Eurodemocrats and the technocrats. Of course, the Eurodemocrats should not be summarily equated with 'Eurofederalists', because their ideas on the desirable shape of a supranational democracy are not confined to the model of a European federal state.

The technocrats and the Eurodemocrats constitute, together with the Europe-friendly economic liberals, the temporary alliance of those who are pushing for deeper integration, though only the supranational democrats want to continue the unification process in order to bridge the gulf between *politics* and *policies* which is the decisive factor in the existing democratic deficit. All three factions have reasons for supporting the emergency measures adopted thus far to stabilize the single currency, whether out of conviction or willy-nilly. Most likely, however, this course is being pursued and implemented mainly by a further group of pragmatic politicians who follow an incrementalistic agenda. The politicians who wield power and decide on the course are moving without a comprehensive perspective towards 'More Europe', because they want to avoid the far more dramatic and probably more costly alternative of abandoning the euro.

From the perspective of our typology, however, cracks are forming in this heterogeneous alliance. The pragmatists who are setting the agenda in the short run are allowing the snail's pace of reforms to be dictated by short-term economic and everyday political 'imperatives', while the more far-sighted pro-European forces are pulling in different directions. The market radicals are primarily interested in relaxing the restrictions on the European Central Bank's self-chosen refinancing policy. The interventionists, buoyed by a tailwind from the crisis-hit countries, are demanding that the austerity course imposed by the German government be supplemented with targeted investment offensives. The primary concern of the technocrats, meanwhile, is to strengthen the decision-making power of the European executive, while the Eurodemocrats defend different models of a Political Union. Driven by different motivations, these three forces are striving to supersede in different directions the rickety status quo to which the governments and political parties, which are under pressure to demonstrate their legitimacy, are clinging in the face of growing Euroscepticism.

The dynamic of the conflicting motives shows that the existing pro-European coalition will disintegrate as soon as the unresolved problems compel the political elites to view and deal with the crisis within an extended time horizon. The road map for a deepening of the institutions of the Economic and Monetary Union drawn up by the Commission, the President of the Council and the Central Bank is testimony to the dissatisfaction with the reactive nature of the existing approach. The heads of government of the Eurozone initially requested this plan, but immediately shelved it again, because they shy away from grasping the hot iron of a formal transfer of sovereignty rights to the European level. For some, republican ties to the nation-state may still be too strong, whereas for others opportunistic motives of preserving their own positions of power may play a role. What pragmatists of all colours want to avoid, however, is another revision of the Treaty. For then how politics is conducted would have to be changed and European unification would have to be converted from an elite project into one that includes the citizens.[2]

(2) The Commission, the Presidency of the Council, and the European Central Bank (ECB) – known in Brussels parlance as 'the institutions' – are the least subject to legitimation pressures because of their relative distance from the national public spheres. So it was up to them to present proposals for the meeting of the European Council on 13 and 14 December 2012 that represent a brief and already diplomatically pared-down digest of a reform plan published a few days earlier by the Commission.[3] This is the first comprehensive document in which the EU develops a perspective for medium- and long-term reforms that goes beyond merely dilatory reactions to critical symptoms. Within this expanded time horizon, attention is no longer focused exclusively on the contingent constellation of causes that since 2010 has connected the global banking crisis with the vicious circle formed by the mutual refinancing of over-indebted European states and undercapitalized banks. Instead it directs attention to longer-term structural causes inherent in the monetary union itself.

The Economic and Monetary Union was designed in the 1990s in accordance with the ordoliberal ideas of the Stability and Growth Pact. It was conceived as a supporting pillar of an economic constitution which was supposed to stimulate free competition among market players across national borders and to be organized in accordance with general rules that were binding on all member states.[4] Even without the instrument of devaluing national currencies, which is not available in a monetary union, the differences in levels of competitiveness among the national economies were supposed to gradually even out. But the assumption that permitting unbridled competition subject to fair rules would lead to similar unit-labour costs and to equal levels of prosperity, thereby obviating the need for joint political decision-making on fiscal, budgetary and economic policy, has been proven wrong. Because the optimal conditions for a single currency in the Eurozone are not satisfied, the structural imbalances between the national economies that were there from the beginning have become more acute; and they will intensify further as long as the European policy pattern does not break with the principle of each member state making independent sovereign decisions on fiscal, budgetary and economic policy issues without taking other member states into consideration – in other words, from its national perspective alone.[5]

Despite some concessions, the German Federal Government has clung steadfastly to this dogma until now. The reforms adopted leave the sovereignty of the member states intact, if not de facto, then formally. The same holds for the stricter supervision of national budgetary policies, for the adoption of credit assistance instruments for heavily indebted states – the European Financial Stability Facility (EFSF) and the ESM – and for the planned establishment of a banking union and unified banking supervision under the auspices of the ECB (!). At most, the plans now under consideration for a uniform resolution of ailing banks, a transnational bank deposit protection fund and an EMU-wide transaction tax could be regarded as a first step towards a 'joint exercise of sovereignty by the individual states'.

Only the above-mentioned but provisionally shelved reform plan of the Commission addresses the actual cause of the crisis – namely, the faulty design of a monetary union that clings to the self-understanding of an alliance of sovereign states (or 'sovereign subjects of the Treaties'). According to this proposal, three essential, though vaguely defined, objectives are to be realized at the end of a tortuous reform path projected to last five years. *First*, there would be joint political decision-making at the EU level on 'integrated guidelines' for coordinating the fiscal, budgetary and economic policies of the individual states.[6] This would call for an agreement that prevents the policies of one member state from having negative external effects on the economy of another member state. *Second*, an EU budget based on the right to levy taxes, with a European financial administration, is envisaged for country-specific stimulus programmes. This would create scope for selective public investments through which the existing structural imbalances in the monetary union could be combated. *Third,* euro bonds and a debt repayment fund are supposed to make possible a partial collectivization of state debts. This would relieve the ECB of the task of preventing speculation against individual states in the Eurozone 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 accepted in the monetary union. 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 'interparliamentary cooperation as such does not . . . ensure democratic legitimacy for EU decisions'.[7] On the other hand, the Commission takes into account the reservations of the heads of state and adheres to the principle of radically exhausting the legal basis of the Lisbon Treaty so that the transfer of competences from the national to the European level can occur in a gradual and inconspicuous way. The aim is to postpone revising the Treaties to the very end of the reform period.[8] The new instruments that are designed to promote convergence in levels of competitiveness among the national economies[9] and to begin communalizing debts[10] are constructed in such a way that they preserve the fiction of continuing national budgetary autonomy.[11] However, the Commission pays a high price for the clever design of the smooth transitions from a supposed alliance of sovereign states to a Political Union.

(3) The problem is that the continuous series of reform steps obscures the required leap from the customary view of the political process, focused exclusively on one's own nation, to an inclusive perspective-taking that, from the viewpoint of each nation, accords equal consideration to citizens of the other nations. *Blurring this perspective* amounts to repudiating *the innovation* that has already begun in the institutions and procedures of the Union. When the so-called 'ordinary legislative procedure' is applied in the Union, it brings into alignment the results of political will-formation from two competing perspectives which are equally valid, though they are separately institutionalized. This procedure harmonizes the results of compromises between bargaining nation-states, on the one side, with those of a generalization of interests across national borders, on the other.

In the plans proposed by the Commission, this precise *expansion of the We-perspective of national citizens into one of European citizens*, which is constitutive for a proper European polity, is discreetly hidden away in a kind of appendix. To be sure, instilling this twofold perspective in the citizens, as a result of which political Europe would first appear in a different light, must be regarded as a process. But the enlargement of perspective has assumed an anticipatory institutional form with the elections to the European Parliament, and especially with the formation of Members of the European

Parliament into political groups. Nevertheless, the proposal of the Commission accords the expansion of steering capacities priority over a corresponding enlargement of the basis of legitimation also in the medium term. Thus *the delayed democratization* is presented as a promise in the manner of a light at the end of the tunnel. With this strategy the Commission is, of course, also serving the usual interest of the executive in expanding its power. But its primary objective seems to be to offer a platform on which groups with different political orientations can unite.

The incrementalism is a concession to the pragmatists, the expansion of supranational executive power a concession to the technocrats. An asymmetric Union with a strong, but free-floating, executive must be especially appealing to the market radicals. On paper, supranational democracy may be the declared long-term goal. However, if the economic constraints become intertwined with the flexibility of a free-floating European technocracy, it is probable that the unification process planned *for* but not *by* the people will grind to a halt before reaching the proclaimed goal. Without feedback from the insistent dynamics of a political public sphere and a mobilized civil society, political management lacks the drive to use the means of democratically enacted law to redirect the profit-oriented imperatives of investment capital into socially acceptable channels in accordance with the standards of political justice. This is why the functional benefits of an increase in the decision-making power of the European organs, without sufficient democratic oversight, would be problematic not only from the perspective of legitimation. The authorities would be predictably biased in favour of a particular pattern of politics.[12] A technocracy without democratic roots would have neither the power nor the motivation to accord sufficient weight to the demands of the electorate for social justice, status security, public services and collective goods, in the event of a conflict with the systemic demands for competitiveness and economic growth.

With the reform plan, all factions are served, just not the Eurodemocrats. To be sure, we find ourselves trapped in a dilemma between, on the one side, the economic policies required to preserve the euro and, on the other, the political steps towards closer integration. These necessary steps are unpopular and meet with spontaneous popular resistance. But the plans of the Commission reflect the temptation to bridge *in a technocratic manner* this gulf between what is economically required and what seems to be politically feasible. This approach harbours the danger of the gap between a consolidation of regulatory competences, on the one hand, and the need to legitimize these increased powers in a democratic manner, on the other, becoming still larger. Under the pull of this technocratic dynamic, the EU could align itself completely with the dubious ideal of a market-conforming democracy that would be even more meekly prey to the imperatives of the markets for want of an anchor in a politically mobilizable society. Then the national egoisms that the Commission would like to tame would form an explosive mixture with the technocratic governance exercised by 'people who enjoy the confidence of the markets'.[13]

In addition, the strategy of deferring democratization rests on an assumed sequence of short-, medium- and long-term reforms that is far from realistic. Admittedly, it is the chain of causes extending back to the foundation of the EMU that poses the real challenge. This calls for radical steps towards a genuine coordination of budgetary policies, with targeted programmes to boost national competitiveness, and the communalization of debts. But this is why the planning of these reforms must not be deferred to the long term out of deference to the fiction of still-intact national autonomy. What temporarily calmed the speculation in the financial markets, after all, was less the half-hearted rescue parachutes or the announcements of controls on national budgets than the 'financial firewall' that the head of the ECB, Mario Draghi, was able to establish with a single confidence-building announcement. Moreover, the Commission and Council can hardly finagle their way into a Political Union past the national public spheres without overstraining what is permissible under European law by centralizing existing competences in a series of incremental steps. Even the secondary legislation that authorizes the Commission to monitor budgets (through the Six Pack and Two Pack regulations) overdraws the legitimacy account of the existing Treaties and is rightly treated with suspicion by the national constitutional courts and parliaments.

(4) But what is the alternative to a further integration on the model of executive federalism? Let us first consider the political orientations that would have to stand at the beginning of the path leading to a democratically legitimized decision on the future of Europe. The three most important orientations are obvious:

(a) What is needed first of all is a consistent decision to expand the European Monetary Union into a Political Union that would remain open to the accession of other EU member states, in particular Poland. Although the Schengen Agreement and the introduction of the euro has already created a Union of different speeds, only this step would signify an internal differentiation of the Union into a core and a periphery. The implications for constitutional law would depend essentially on the behaviour of Great Britain, which is now even calling for certain European competences to be restored to the national level. What is to be feared and moreover cannot be excluded is a principled resistance which could be overcome only by a re-foundation of the Union (based on the existing institutions and developing them further).

(b) The decision in favour of a core Europe would amount to more than just a further evolutionary step in the transfer of individual sovereign rights. With the establishment of a joint fiscal, budgetary and economic policy, and especially with a harmonization of social policy, 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. As the political role of the European Council during the present crisis and the decisions of the German Federal Constitutional Court show, this idea is more than a fiction. 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 European state' is a false alternative (and a specific legacy of the constitutional discussion in nineteenth-century Germany).[14] The steering capacities which are missing at present, though they are functionally necessary for any monetary union, could and should instead be centralized within the framework of a *supranational*, yet *democratic*, political community. However, the nation-states should preserve their integrity as states within a supranational democracy by retaining their monopoly on the use of legitimate force and their function as the implementing administrations and as the final custodians of civil liberties.[15]

(c) At the procedural level, finally, the dethronement of the European Council, which still stands above the legislative process, means 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 EU shares a legitimacy deficit with all international organizations founded on treaties between states. This deficiency is explained by the asymmetry between the scope of the democratic mandate of the member states and the scale of the competences of the organization formed by all of them together.[16] Even the European Council would also inevitably become progressively more independent of its members without a switchover to a different mode of governance. For the closer the cooperation between the national executives becomes with the increasing scope and weight of its tasks, the less the decisions of the Council can be based exclusively on the kind of legitimation derived from the democratic character of its members. To the extent that the requirement of unanimity becomes hollowed out, even informally, supranational governance becomes synonymous with heteronomy. From the perspective of the national electorates, their political fate is then determined by foreign governments that represent the interests of other nations, rather than by a government that is bound by their democratic vote. This shortfall in legitimacy is exacerbated further by the fact that the negotiations are conducted out of the public eye.

The community method is preferable not only for this normative reason. It also contributes to effectiveness by helping to overcome national particularisms. In the Council, but also in interparliamentary committees, representatives who are obligated to defend national interests must negotiate compromises between the stubborn interests of the member states.[17] By contrast, the Members of the European Parliament, which is divided up into parliamentary groups, are elected on the basis of party preferences. This is why, to the extent that a European party system is taking shape, political decision-making can already be conducted in the European Parliament on the basis of interests generalized across national borders.

(5) These three fundamental orientations can be realized only through a change in primary law, which faces a high institutional hurdle. Therefore, the European Council – the institution that would have to overcome major difficulties for the procedural reasons mentioned in order to reach a consensus – would have to decide to convene a convention authorized to change the Treaty. On the one hand, the thought of their re-election is enough to make the heads of state recoil before this unpopular step; self-disempowerment is not in their interest either. On the other hand, they will not be able to ignore the economic constraints that will sooner or later force further integration, and hence a choice between the alternatives presented. For now, the German government is insisting that the individual state budgets be stabilized by the national administrations as a matter of priority and that this should be done at the expense of the national social security systems, public services and collective goods – in other words, at the expense of the already disadvantaged sections of the population. Together with a handful of smaller 'donor countries', Germany is vetoing the demand of the rest of the members for targeted investment programmes and for joint financial liability, which would lower the interest rates for the government bonds of the crisis-hit countries.

In this situation, the German government holds the keys to the fate of the European Union in its hand. If any one of the member states' governments is able to take the initiative to revise the Treaties, then the German government is. Of course, the other governments could call for solidarity-based assistance only if they were ready to take the constitutionally necessary complementary step of transferring sovereignty rights to the European level. Otherwise, any solidarity-based assistance would violate the democratic principle that the legislature that levies the taxes necessary for transfer payments must be identical with the institution that is responsible for the authorities in charge of allocating the funds. So the main question is not only whether Germany is in a position to take the corresponding initiative, but also whether it could have an interest in doing so.

Here my main concern is not the common interests of the member states – for example, the interest in the medium-term economic benefits of stabilizing the monetary union for all, or the interest in the self-assertion of a continent whose importance is diminishing compared to the growing economic weight of other world powers. The perception that global political power is shifting from West to East and the sense that the relationship with the United States is changing is casting a sharp light on the synergetic benefits of European unification. The role of Europe has changed in the postcolonial world not only when seen in the light of the dubious reputation of former imperial powers, not to mention the Holocaust. The statistical projections for the future also predict for Europe the fate of a continent with a shrinking population, decreasing economic weight and dwindling political importance. In view of these developments, European populations must recognize that the only way that they can maintain their social welfare model of society and the diversity of their national state cultures is through concerted action. They must join forces if they want to continue to exercise any influence at all over the agenda of international politics and the solutions to global problems. To renounce European unification would also be to turn one's back on world history.

These interests certainly form part of the equation when it comes to Europe-wide will-formation concerning the goal of the unification process, which is not exhausted in economic benefits. But in the present context the issue is the interest of the state that, as things stand, should take the initiative: does Germany also have a special interest founded on its national history that goes beyond the common interest of the member states?

After the Second World War and the moral catastrophe of the Holocaust, the Federal Republic of Germany was on its knees and under a political and moral shadow. Thus prudential reasons of regaining the international reputation it had destroyed through its own actions alone made it imperative for Germany to promote a diplomatic alliance with France and to pursue European unification. Above all, however, the cautious cooperative policy of embedding itself in a context of neighbouring European countries solved a problem with deeper historical roots whose reappearance we have good reason to fear. After the foundation of the German Empire in 1871, Germany assumed a fateful 'semi-hegemonic status' in Europe – in the words of Ludwig Dehios, it was 'too weak to dominate the continent, but too strong to bring itself into line'.[18] It is clearly in Germany's interest to prevent a recurrence of this dilemma, which was overcome only thanks to European unification.

This is why the European question, which has been exacerbated by the crisis, also involves a domestic political challenge. The leadership role that now falls to Germany for demographic and economic reasons not only awakens historical memories all around us of the German occupation during the Second World War, but also fosters fatal notions within Germany itself. The consciousness of a recovered nation-state normality officially promoted since 1989–90 is double-edged. It is prone to becoming inflated into power fantasies that push in the direction either of a unilateral national course or of an equally questionable 'German 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 permanently avoid the dilemma of a barely containable semi-hegemonic status. The real merit of Helmut Kohl is not the reunification, but the fact that this fortunate national occurrence was coupled with the consistent continuation of a policy that integrates Germany firmly into Europe.

In addition, there is the question of whether Germany not only has *interests* of its own in pursuing a policy of solidarity, but is also under an obligation to do so *for normative reasons*. Claus Offe appeals to three economic arguments in an attempt to demonstrate a normative obligation to perform acts of solidarity. To date, Germany has benefited the most from the single currency through increases in exports. Moreover, because of these export surpluses, Germany is contributing to exacerbating the economic imbalances within the monetary union and, as a contributory cause, is part of the problem. Finally, Germany is even profiting from the crisis itself, because the increase in interest rates for the government bonds of the over-indebted crisis-stricken countries is matched by a decrease in the interest rates on German government bonds.[19] In addition, the labour market is benefiting from the influx of young, well-trained people who do not see any future for themselves in the crisis-hit countries.

Admittedly, the normative premise that these asymmetric effects of the politically unregulated interdependencies between the national economies of the EU member states entail an obligation to act in solidarity is not that easy to explicate. And even if these arguments are cogent under the presupposition of retaining the European currency, opponents can avoid this obligation by citing the option of withdrawing from the euro, and that with a plausible normative argument of their own: because the establishment of the European Monetary Union was unanimously enacted at that time on the premise that it would not affect national budgetary autonomy, no party to the Treaty can now be required to take further steps towards a closer political union.

Given these arguments, in order to justify a plea for European solidarity one must eliminate ambiguities connected with the concept of solidarity itself. On the one hand, I would like to show that appeals to solidarity by no means rest on a confusion of politics with morality. This concept can and should be used in a genuinely political way. On the other hand, I would like to draw upon the history of the concept to remind us of the special context in which appeals to solidarity are appropriate. The decisive question then becomes how far the populations of the Eurozone now find themselves in a historic setting which calls for 'solidarity' in this sense.

(6) In view of the public sentiment in the civil societies of the euro countries, only the respective governments and the major political parties, aside from the labour unions which are likewise nationally fragmented, are for the present serious candidates for taking political initiatives. If they could bring themselves to take the risk of seriously confronting the electorate with European policy alternatives for the first time, they would be facing an unfamiliar task. Political parties are skilled in gimmicky ways of generating democratic legitimation that rely on opinion polls, and they are not ready to engage in processes of opinion- and will-formation that shape mentalities and deviate from established routines. This means that they are neither disposed to perceive extraordinary challenges in crisis situations nor ready to commit themselves to risky projects. These unfortunate circumstances do not make the infamous saying that 'individuals make history' any more true; but these cir-

cumstances lead one to ponder whether the right person at the right time could nevertheless influence historically momentous orientations in one way or another.

Be that as it may, the political parties would have to remember that democratic elections are not opinion polls, but the result of a process of forming a public will in which arguments carry weight. In a risky initial situation with sharply contrasting moods, majorities can be swung only by persistent discursive efforts, which in the present case continue over a legislative period. It is important in this context to clarify the status of the argument from solidarity. What count in social policy contexts are moral arguments of distributive justice, whereas in constitutional questions what count are juridical reasons. In order to exonerate appeals to solidarity from false accusations of being unpolitical, which so-called realists are wont to level against them, I would like to distinguish the obligation to show solidarity from obligations of a moral and legal kind.

Offering assistance out of solidarity is a political act that by no means calls for a form of moral selflessness that would be misplaced in political contexts. Konstantinos Simitis, Prime Minister of Greece at the time of its accession to the EU, wrote the following in the *Frankfurter Allgemeine Zeitung* on 27 December 2012:

> Solidarity is a concept that certain countries in the Union are not comfortable with. They associate it with an interpretation that concentrates exclusively on the need to support those countries that are not fulfilling their obligations. Yet reality necessitates a form of mutual support whose scope is not predefined by legal texts alone.[20]

The author argues that the European policy for which the German government is responsible fails to show solidarity. Even though Simitis is sitting in a glass house, his understanding of solidarity may nevertheless be correct. So: what is the meaning of solidarity?

Even though the two concepts are related, 'solidarity' is not synonymous with 'justice' either 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, neighbours or colleagues can in certain situations expect more, or different kinds of, assistance from each other than from strangers. Such specific duties can also claim universal validity, even though they are restricted to certain social relations. Parents violate their duty of care, for example, 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 again after decades with a request for a significant financial contribution because he is facing an emergency situation, he can hardly appeal to a moral – that is, a universally valid – obligation, but at best to a tie of an 'ethical' kind founded on family relations (in Hegel's terminology, one rooted in 'Sittlichkeit' or 'ethical life'). Membership of an extended family will ground an obligation only if the actual relation between those concerned generates the expectation that the cousin can in turn count on the support of her relative in a similar situation. In this case, it is the *trust-founding Sittlichkeit* of informal social relations that, subject to the condition of *predictable reciprocity*, requires that the one individual 'vouches' for the others.

Such 'ethical' obligations rooted in bonds of a pre-existing community, typically in family ties, which must be distinguished from moral and legal obligations, exhibit three features. They ground exacting or 'supererogatory' claims that go beyond what an addressee would be obliged to do either by law or morality. On the other hand, when it comes to the required motivation for acting, this kind of ethical claim is less exacting than the categorical force of a moral duty; but it does not coincide with the kind of prudence or respect involved in obeying coercive law either. Moral commands should be obeyed out of respect for the underlying norm itself without regard to the future 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.[21] Fulfilling an ethical obligation, by contrast, can *neither be enforced nor categorically required*. It depends instead on the predictability of reciprocal conduct – and on confidence in this reciprocity over time.

In this respect, unenforceable ethical conduct also coincides with one's own medium- or long-term interest. It is precisely this aspect that 'Sittlichkeit' shares with 'solidarity', though the latter does not refer to pre-political communities, such as the family, but to political associations. What differentiates both ethical expectations and appeals to solidarity from law and morality is the peculiar reference to a 'joint involvement' in a network of social relations. That involvement grounds both another person's demanding expectations, which may even go beyond what law and morality command, and one's own confidence that the other will behave reciprocally in the future if need be.[22] Whereas 'morality' and 'law' refer to the equal freedoms of autonomous individuals, ethical expectations and appeals to solidarity refer to an interest in the integrity of a shared form of life that includes one's own well-being.[23] We should note, however, that, even though the concept of solidarity derives these semantic connotations from the memory of quasi-natural communities, such as families or corporations, it marks a change in the semantics of 'ethical life' proper in the following two respects.

Behaviour based on solidarity presupposes political contexts of life, hence contexts that are legally organized and in this sense artificial, not ones that have evolved 'organically'. Nationalism obscures this difference between 'solidarity' and pre-political 'Sittlichkeit'. It appeals without justification to the concept of solidarity when it champions 'national solidarity', and thereby assimilates the solidarity of the 'citizen' to cohesion among fellow-nationals.[24] This obscures the fact that the credit of trust that conduct based on solidarity can assume is less robust than in the case of ethical conduct. It cannot rely on the self-evidence of the conventional ethical relationships of a community that evolved in a quasi-natural way. What lends behaviour based on solidarity a distinctive character more than anything else is, secondly, the *offensive character* of striving or even struggling to discharge the promise invested in the legitimacy claim of any political order. This character comes to the fore especially in the wake of economic modernization processes when acting in solidarity is needed to widen the overstrained forms of integration of a political order that has been overrun – that is, in order to adapt to more comprehensive, systemic interdependencies, which make themselves felt to the citizens only indirectly, as restrictions on their political self-determination. In what follows, I will explain the two dimensions of the meaning of the concept – first, the reference to political contexts of life and, second, the abstract character of confidence in a form of reciprocity vouched for by legally organized relations.

(7) The customary talk of 'civic solidarity' presupposes the legally constituted social environment of a political community, normally a nation-state. The outrage over violations of civic solidarity finds expression, for example, in anger over tax evaders who weasel their way out of their responsibility for the political community while unashamedly enjoying its advantages.

Tax evasion is admittedly also a breach of established law. However, the resentment against these free riders is an expression of the same disappointed expectation of solidarity as is expressed in the contempt for all of the tax-evading Depardieus of this world who *legally* transfer their place of residence or the headquarters of their company abroad. As can be seen from the development of the welfare state, expectations of solidarity can become transformed into legal claims.[25] Even today, how much inequality the citizens of a wealthy country want to live with is still a question of solidarity and not of law. It is not the constitutional state that curbs the growing numbers of young people out of work, of the long-term unemployed and of people in precarious employment, of elderly people whose pension is barely enough for survival, or of impoverished single mothers who have to rely on what are in effect soup kitchens. Only the policy of a legislator who is responsive to the normative claims of a democratic civic community can transform the claims to solidarity of the marginalized or their advocates into social rights.[26]

Notwithstanding the differences between solidarity, on the one hand, and law and morality, on the other, there is a close conceptual connection between 'political justice' and solidarity.[27] In Portugal at the turn of 2012/13, the conservative president Aníbal Cavaco Silva called upon the constitutional court to scrutinize the government's austerity budget passed by the members of his own party, because he considered the social consequences of the policy model imposed by the creditors (in particular, the one-sided impositions on civil servants, public-service employees, social security recipients and pensioners, quite apart from the shattered career expectations of the younger generations) to be untenable from the perspective of political justice. In doing so, the president translated into the language of political justice the street protests that in all of the crisis-hit countries are demanding solidarity from the indigenous elites and the so-called donor countries. The more unjust the *political* circumstances, the more the disadvantaged have reason to demand solidarity on the part of the privileged. However, calls for solidarity refer to a form of social cohesion that is not easy to define. The degree of social integration that is politically required is not exhausted by quantifiable factors; social anomie represents the limit case of social disintegration. Therefore, questions of political justice and solidarity are always matters of more or less, whereas the binary questions of moral and legal justice call for a 'Yes' or a 'No'.

These conceptual relations show that 'solidarity' (in contrast to 'ethical life') does not refer to an existing social context but to one which, although presupposed, has to be *created through politics*. This offensive semantic component, in addition to the reference to politics, only becomes clear when we make the transition from unhistorical conceptual clarification to the history of ideas. Surprisingly, the concept of solidarity is an astonishingly recent one, whereas disputes over 'right' and 'wrong' were conducted in the archaic civilizations, hence since the third millennium BCE. Although the word 'solidarity' can be traced back to the Roman law of debts, only since the French Revolution of 1789 did it acquire a political meaning, albeit at first in connection with the slogan of 'fraternity'. The battle cry of *fraternité* is a product of the humanist generalization of a consciousness engendered by the major world religions; it goes back to the perspective-widening experience that one's own local community is part of the universal community of all believers. This is the background of fraternity as the key concept of a secular 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 teaching, and slightly later by social democracy, with reference to the current social question. Even Heine had still used the concepts ‘fraternity’ and ‘solidarity’ more or less synonymously in the pre-March period.[28] 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 forged an alliance in the concept of solidarity with the republicanism of Roman origin. The Judeo-Christian orientation towards salvation or emancipation became amalgamated with the Roman orientation towards legal and political freedom.[29]

The concept arose in a situation in which revolutionaries were suing for solidarity in the sense of a *redemptive reconstruction* of relations of solidarity that were familiar but had become hollowed out by the more far-reaching processes of modernization.[30] The early socialism of deracinated journeymen drew its utopian energies also in part from unrealistic nostalgic memories of the paternalistically secluded lifeworld of the guilds. At that time, an accelerated functional differentiation of society gave rise to extensive interdependencies behind the backs of a paternalistic, still largely corporative and occupationally stratified everyday 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 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 well-founded appeals to solidarity of the new forms of organization of the workers’ movement were a reaction to the fact that the systemic constraints had outstripped the old relations of solidarity. The socially uprooted journeymen, workers, employees and day labourers were supposed to form an alliance beyond the systemically produced competitive relations on the labour market.

The opposition between social classes of industrial capitalism acquired an enduring institutional form only within the framework of the democratically constituted nation-states. In the course of economic globalization, these European states, which assumed their present-day form of welfare states only after the catastrophes of the two world wars, find themselves exposed once again to the explosive pressure of economic interdependencies that tacitly permeate national borders. It is in turn systemic constraints that shatter the established relations of solidarity and compel us to reconstruct the intricate forms of political integration of the nation-state. This time, the politically unregulated systemic contingencies of a form of capitalism driven by unleashed financial markets are becoming condensed into tensions between the member states of the European Monetary Union. The expectation of solidarity voiced by Konstantinos Simitis acquires its legitimacy from this historical perspective.

He explicitly refers to the network of long-established interdependencies that must now be brought under control in reconstructed forms of political integration from the normative perspective of a fair balancing of the contingent advantages and disadvantages among the member states. If we want to preserve the monetary union, it is no longer enough, given the structural differences between the national economies, to provide loans to over-indebted states so that each can increase its competitiveness through its own efforts. What is required is instead a cooperative effort from a shared political perspective to promote growth and competitiveness in the Eurozone as a whole. Such an effort would require Germany to accept short- and medium-term negative redistributive effects in its longer-term self-interest. That would be an exemplary case of political solidarity in the sense outlined.