

Conditions for European solidarity

by

Professor Ernst-Wolfgang Böckenförde

I.

To answer the question as to what are the conditions for European solidarity, we first need to clarify and understand what is meant by solidarity and what it involves.

a) In general, solidarity means first of all a certain attachment among people and a reliance upon one another, because human beings cannot lead meaningful lives alone by themselves. That is the empirical aspect. Related to this, solidarity at the same time means a form of assuming responsibility for one another, associated with positive action or services on behalf of others, whether individuals or a particular community or society. This is the normative aspect. Seen as such, solidarity goes beyond mere recognition of other persons as individuals in their own right, beyond the elementary injunction not to harm or interfere with others: it is concerned with community links and community-oriented activity.

Seen in this way, solidarity is a generic, open concept. It gains specific content from the nature of the attachment and reliance, or more precisely the nature of the social or community relationship in which solidarity is desired and demanded of individuals. A commercial union requires solidarity on trade questions, but not political solidarity. The situation is similar with a sporting association or — European — sports union. Solidarity here is concerned with the needs and interests of the sport and nothing else. The crucial factor is thus the *telos*, or goal, of a community. It defines the specific content of the attachment and mutual reliance, the empirical and the normative solidarity. The solidarity required in a free trade zone or economic community is thus different from that needed in a political community. Consequently, the meaning and demands of solidarity, what its conditions and requirements are, cannot be discussed in general but only in concrete terms.

b) If we turn our attention to the conditions for *European* solidarity, this presupposes an answer to the question as to the *telos*, the purpose and goal, of European integration, specifically the European Union enlarged by ten Member States from 2004.

1. Within the EU, there is no clarity on this point. On the question as to the goal, or finality, of the European Union, there is currently a fairly diffuse collection of views, and the discussion, where it takes place at all, is remarkably fragmented. Several possible options and concepts can be discerned:¹ Europe as a framework for peace, with integration marking the final end of nationalistic conflict; Europe as a liberal market economy with free competition as the source of prosperity, with a functioning single market open to world trade as a goal in itself; Europe as an economic and social area with the harmonisation of living conditions as a form of inner-European redistribution and development policy, with frontiers erected against the outside world to preserve the relative homogeneity of the Western European industrial nations; Europe as a powerful player in the global competition for technological and economic leadership, requiring a targeted industrial policy and concentration of forces in competition with the outside world; Europe as a great power based on its unified economic might, serving as a platform for action to exert its political will.

These concepts and options coincide and coexist, but to some extent also conflict. Where their realisation is concerned, a rather aimless pragmatism prevails, because the Member States do not pursue a common agenda but have different aims in mind.

The UK's objective for the EU is more a free trade zone and limited customs union, not at all a political union with, say, an autonomous external and security policy. This is

deeply grounded in the UK's understanding of itself as a former world power and the primary ally of the USA. The new Eastern European members see the finality of the EU primarily in an economic development union, providing them access to the economic freedom and welfare of the EU and the associated alignment and equalisation effects; as for a political union entailing their own incorporation, so soon after achieving their sovereignty through emancipation from the eastern bloc, their attitude is more sceptical, seeing instead — supported by experience — the USA as the guarantor of their security, not least vis-à-vis Russia. The core European countries, the original states of the European Community, adhere more to the idea of a *political* union, through which — however it may be internally organised — Europe can act as a political power and player, autonomously from and in independent partnership with the USA (and soon Russia and China).

2. Given these differences, is a Europe of different speeds the appropriate solution? This may appear so, but caution seems indicated. For the problem at issue here is not having different speeds towards a common goal, but indeed different goals for the unification of Europe. The outcome is not different speeds, but two different Europes: a closer, politically unified Europe and a looser Europe unified only in economic terms. These two Europes would then in turn have to be reconciled.

In the following, however, I will seek to answer the question posed at the beginning by assuming as a working hypothesis that political union is the goal of European integration. What type of solidarity would be necessary to achieve this? What are the conditions and factors needed to bring it about?

II.

For the European Union to emerge and be viable as a political union, it will need political solidarity (in both the empirical and normative senses). What is meant by such a political solidarity in relation to the EU?

a) Generally speaking, political solidarity is not a form of solidarity confined to a limited sector of social life, such as the economy or sport, but one that embraces co-existence in its generic, overarching — that is to say political — dimension. In the EU, it involves living together in common with other peoples and nations in such a way that the community thus formed is and remains viable and able to act as a political community. To ensure that the (normative) solidarity necessary for this purpose is accepted and acted upon, it is not enough for all in such a community to be human beings and to acknowledge one another as such. What is also needed is a certain degree of common ground, a certain consensus on how people understand themselves and on certain principles of living together in common. This consensus emerges in questions such as "who are we?" and "how must we live together and how do we want to do this?". It may leave room for substantial differentiation, individuality and variation (and will need to do so), but must at the same time exhibit a relative common ground, a rational and, to some extent, emotional common ground. This provides the basis for a shared "we" feeling to emerge and sustain itself. As an impartial Swiss observer puts it: "Between the elements to be integrated there must be links and connections, there have to be concordances, similarities and complementarities that have evolved over time. What is completely alien cannot be joined together"²

Such a shared "we" feeling, or identity if you like, entails that those things which affect the other also concern me, both intellectually and emotionally, and are not disconnected from my own existence. This provides the basis for — as manifestations of solidarity — the recognition of shared responsibility, mutual support and cooperation. This is the "sense of belonging" mentioned by Lord Dahrendorf, the awareness and sense of

community and the willingness to form this community, belong to it and participate in it — both in good times and in bad.

One example: northern and southern Italians differ in many respects, and perhaps they are not very fond of one another. Nevertheless, what they have in common, as Italians belonging to the Italian nation, ultimately motivates the continuing transfer payments from the industrialised prosperous North to the poorer, less-developed South. Only separatist movements that call into question this very unity can object to this.

Political solidarity as discussed here needs to be more strongly present in a democratically organised community than in an authoritarian society. In the latter, the decisions taken to preserve order, resolve conflicts and reconcile interests have only to be accepted by the people as given, for which no responsibility need be assumed. In a democracy, they have to be positively supported by the people, as decisions emanating from and adopted by themselves. This is most clearly illustrated by the acceptance of majority decisions against one's own views and interests. Adolf Arndt, the eminent social-democratic parliamentarian and jurist, formulated the problem succinctly: "democracy as a system of majority decision-making presupposes agreement on that which cannot be voted upon."³

b) However, what are the conditions and factors for such political solidarity? What gives rise to such a common ground and attachment associated with and supporting a political feeling of belonging together, expressed as a "we"-consciousness and common identity?

1. Here, closer examination turns up a number of factors. Firstly, there is religion or confession — or several confessions of one religion alongside one another, provided these confessions adopt converging rather than opposing positions on the principles and forms of human co-existence. This provides the basis for far-reaching, deeply rooted shared responses to the question: who are we and how do we want to co-exist?

Then there is belonging to a particular people. Here, some misunderstandings need to be countered. That which constitutes a people is determined only to a small extent by natural, or biological, factors and much more by cultural factors such as language, customs and a shared identity. What then makes a group of people such a 'people'? Werner von Simson, a committed European, commented as follows:⁴ essentially, this group of persons see themselves as a people and know they are distinct from other groups in sharing memories and hopes, commonly experienced suffering and contempt, shared success and pride and perhaps also a common myth, a heroic image. Seen in this way, a people is characterised by a pre-rational collective consciousness and memory kept alive and preserved over generations, while nevertheless changing over time. This explains on the one hand the continuity and assimilative power of a people, along with its distinctness, but also on the other hand the potential for development and change in its identity and individuality, in that, for example, a new, differently oriented or wider awareness can develop and take hold.

Then there is — of especial importance over the past two centuries — national awareness. National awareness refers to a common *political* self-awareness, associated with a desire for political independence. A nation and national awareness are not the same as a people and popular awareness, although now they often converge. Crucial for national awareness is its political character, whereas for 'a people' an ethnic and cultural common ground and an identity based on this are sufficient.⁵ A national awareness can exist independently of awareness as a people — the criteria for belonging to a nation are different and are determined by the nation itself as and when it forms. This is shown by the quite different nature of national awareness in, say, France, Germany and the USA.⁶ National awareness can embrace different ethnic and cultural identities and preserve them as such — as shown by Switzerland with its three to four ethnic and cultural identities within a united political confederation.

Finally, a further factor that should not be underestimated is a firmly established cultural heritage connected with a particular way of life or concept of order, accepted as a common basis for identity and preserved as such. The content of this common ground may vary and is not confined to a particular type. It may be characterised, say, by a conscious deference to diversity and plurality on the basis of the recognition of fundamental human rights. The result is then a mentally internalised, conscious culture of tolerance as the commonly accepted form of living in community.

2. Of crucial importance for our context is that the various factors described here as mediating and supporting political solidarity coexist alongside one another. They are not mutually exclusive, but can instead complement one another and even be linked together, albeit not without tensions. History offers numerous examples, such as the link between the Catholic religion and national identity in Poland, the more distant co-existence between religion and national awareness in France, the tension between the national idea and the Islamic religion in modern Turkey and the overarching concept of the nation in the USA, incorporating a conscious culture of tolerance in connection with civil rights and the constitution.

This multiplicity of forces that bring about and support a necessary common ground means that, when one of these supporting forces declines or disappears, it can be replaced to some extent by another. The relative common ground or homogeneity needed by a political community as the basis for and expression of political solidarity therefore does not depend on just one specific force or factor. These forces can in fact supplement or even alternate with one another. What is crucial is the outcome: the existence of a relative common ground supporting a political community, regardless of what it is based on.

The discussion so far has to some extent constituted a preliminary explanation, necessary for the central question that concerns us. We have now arrived at the crucial point: which factors or circumstances will give rise to the necessary political solidarity in, and for, the European Union as a political union, are able to support it or are needed to support it? As such, they are essential if the aim of progressive integration is to be achieved.

a) Our point of reference here has to be the EU after the enlargement to the East, just recently concluded and entering into force next year, i.e. a European Union with 25 Member States and peoples.

1. A common religion can be considered as a candidate to only a very limited extent. Although the peoples forming the EU adhere to the Christian religion, they do so in general only in a rather formal sense. Not only do the quite considerable differences between the Catholic, Anglican, Protestant (further divided into Lutheran and Reformed) and Greek-Orthodox confessions play a role, the crucial factor is that most of these peoples live in secularised, laicised societies in which religion is not just free but also voluntary. With freedom of religion generally recognised, it no longer constitutes the binding basis for a shared co-existence, but one way of life which people may choose to adopt or not. However, the Christian religion, regardless of the differences between confessions, may be considered as a common cultural heritage that has moulded and formed people over the centuries with a corresponding effect on their thinking and attitudes. To this extent, while it can now no longer provide the basis of a European identity, it forms part of the shared cultural inheritance, based on graeco-roman, judaeo-christian and germanic tradition, with the reformation and enlightenment, from which Europe draws sustenance.

2. This common cultural inheritance turns out in reality, to be an important factor for European solidarity. It has crystallised as numerous, nationally based, individual cultures, each forming separate ethnic and cultural regions, each with their own identity. In these, the peoples and the ethnic cultural religions of Europe, there is a sense of

"belonging" that provides a basis for political solidarity, but this has yet to form for Europe and the European Union as a whole, although it could do so under certain circumstances.

3. Shared history, memories of common defeats, victories and heroic deeds as a solidarity creating factor determining a European identity (still) seem tentative. Although a European history, objectively speaking, certainly does exist, it does not live in the minds of people and is not perceived as such. The history of Europe is perceived by the peoples of Europe essentially as mutual conflict, the struggle of peoples for emancipation and self-determination, not as something binding them together. History is experienced and recalled as the history of one's own people and own nation. The perception and recollection of European history as a shared history of conflict and antagonism, but also one of shared achievements and mutual attachment, must first be instilled (through common history books and history teaching). This is an educational and cultural task, and, if successful, will bring about a corresponding mental attitude among the people of Europe.

One may of course ask whether the liberation of western and central Europe after 1945 and eastern Europe after 1989 can be considered as a mentally shared, jointly binding moment. While this could be a shared and jointly binding recollection, what is this recollection oriented towards, what is the point of view? In eastern Europe, as I understand it, it is different than in western and central Europe. For the peoples of eastern Europe, their history of liberation is primarily oriented to the independence and sovereignty achieved through liberation from the Eastern bloc empire, which needs preserving, and not so much to a new form of incorporation in a politically organised Europe. The recent choice in Poland and the Czech Republic to opt for the USA and against the major European powers is significant: the USA, not Europe, is for them the guarantor power, which has made their freedom possible and defends them against new imperial ambitions on the part of, say, Russia. Can anyone blame them?

4. Can Europe as a "community of values" be a point of reference and integrating factor? This community of values already exists in broad outline, if considered to constitute the recognition and achievement of a free, democratic political order and way of life based on the rule of law and the recognition of human rights. Such common ground is important as a condition and basis for a potential political union of Europe, but does not yet in itself provide the political impetus towards such a union. A community of values in this sense can be achieved separately in each Member State, enshrined in their constitutions, and does not necessarily call for political union, and political solidarity, as the only way it can be achieved and preserved.

5. What about the nation of Europeans and a corresponding national awareness as a point of reference and integrating factor? Although it would still be premature to speak of a nation of Europeans, raising it as a possibility is nevertheless not utopian. The European Union currently comprises separate peoples and nations, but awareness of a European cultural and, to some extent, political identity may emerge. This is a process that can and will be driven and promoted by the abolition of frontiers, increasing economic interconnections, closer contacts, intellectual and cultural exchange and communication, progressively expanding European civil rights and, finally, joint European institutions. Some progress is being made. However, this process has a future only if this developing awareness of a nation of Europeans is regarded not as an absorptive but as an overarching concept, as a shared common ground and identity that does not replace the particularities and identities of existing peoples but preserves them as autonomous components. A glance at Switzerland is again useful, where this outcome — albeit over a smaller territory — has been achieved. The result would then not be a unitary concept of the "the people" of a democratic Europe, but a twofold concept, tending to a dual "sense of belonging".

6. Finally, a crucial factor for building political solidarity is the determined political will of all involved. If Europe as a political union of the European peoples is desired by these peoples to the extent that they want to be part of a framework structured and designed in this way and live within it together, this provides the basis for a corresponding attachment and readiness, as a matter of course, to support one another.

b) Following this critical analysis of the concrete conditions and points of reference for a European political solidarity, the question remains: what is to be done? How can the relevant factors be advanced, strengthened, perhaps even triggered in the first place, to ensure that European political solidarity can emerge and, where it does exist, can be reinforced?

The point of departure should not be sought so much in a European community of values, a topic constantly discussed particularly by the politicians. As mentioned, such a community of values is important as a common basis and should be cherished as such, but does not in itself provide the decisive impetus towards political union and solidarity. Priority should be given firstly to a shared view of history among the peoples of Europe as a common ground, where national histories are perceived and recalled as a part and factor in the history of Europe; secondly, to the development and promotion of a European national awareness, not absorbing the national identities of the peoples but embracing and thus indirectly supporting them; finally, to establishing a voluntary and emotional commitment to the political goal, presenting a political union as a shared community and acting to this end.

However, how can this be brought about and achieved? To conclude, some suggestions that certainly require fleshing out.

Where a common view of history is concerned, bringing this about and maintaining it is primarily a task for schools and education. The history of Europe as a school subject in its own right, incorporating the national histories and using coordinated, agreed text books. In addition, three European languages as obligatory subjects in the higher school grades with a view to ensuring communication throughout Europe and mutual understanding. Anyone who thinks that this is not much, and will not achieve much, should recall the words of Jean Monnet, the father of the Schumann plan, shortly before his death: "If I had to do the whole thing all over again, I would begin with culture".

Encouraging and strengthening the national awareness of Europeans will need to take two factors into account. Firstly, this will also require school and education. No-one should forget the importance of the school in the formation of national awareness in France and Germany (alongside the military as "school of the nation"). How else could it happen that Upper Bavarians and East Prussians, Swabians and Friesians regarded themselves as Germans despite all their differences and felt they belonged to the German nation, while conversely the Savoyards, the Bretons, the natives of Lorraine and the coastal fishing people of the Gironde felt part of the "Grande Nation"? Indeed, the school was the 'school of the nation' — why should it not be likewise for the nation of Europeans?

On the other hand, national awareness is also especially inspired and stimulated by the impact of political action, symbols and, not least, forms of involvement of citizens which ensure that Europe and the European Union are no longer experienced as something foreign or distant, but as something which belongs to people, something to which they belong and something in which they have a say. Consider how much European awareness has been strengthened here by the recent (ironically intended) talk of "old Europe". Here there is an interaction: credible initiatives and challenges emerging from politics, political action and existing or developing political frameworks can themselves form or strengthen a common political awareness and also, step by step, an emotional sense of belonging and attachment to the European Union. This in turn provides a basis and platform for further action and development. The same applies to the political will to

achieve such a political union of the peoples of Europe, which can likewise be reinforced and consolidated only through such interaction.

Much will depend on whether and to what extent the European Union is seen and experienced as bearing responsibility for the common good. As long as this function, as at present, is considered to reside virtually exclusively with the national state, a European political solidarity will not yet have emerged. This problem can be addressed if decision-making processes and forms of participation to this end are developed in the EU to involve the people and citizens of Europe. The democratic foundations of the Union must advance in step with integration, as stated by the German constitutional court.⁷ Here are, in my view, crucial tasks for the European constitutional convention, more important than questions of a single or dual leadership, rules on the division of competences and the balancing act between Council, Commission and European Parliament. All these issues relate to the cooperation between governments within the European Union, but do not touch upon the foundations of the European Union within its citizens.

¹ A detailed list may be found in Rudolf G. Adam, "Wo ein Wille ist, gibt es viele Wege. Die Diskussion um die heutige Gestalt Europas muß konkreter werden", Frankfurter Allgemeine Zeitung No 283 of 5.12.1995, p. 17.

² René Rhinow, Die Zukunft Europas im Spannungsfeld von Integration und Föderalismus, in: Walter R. Schlupe (Ed.), Recht, Staat und Politik am Ende des zweiten Jahrtausends. Festschrift für Arnold Koller, Bern/Stuttgart/Wien 1993, p. 778.

³ Adolf Arndt, Politische Schriften, Berlin/Bonn-Bad Godesberg 1976, p. 128.

⁴ Werner von Simson, Was heißt in einer europäischen Verfassung „Das Volk“?: Europarecht 26 (1991), p. 3.

⁵ Friedrich Heckmann, Ethnische Minderheiten, Volk und Nation, Stuttgart 1991, p. 46-51.

⁶ Ernst-Wolfgang Böckenförde, Die Nation - Identität in Differenz, in ders., Staat, Nation, Europa. Frankfurt/M. 2000, p. 34 (41ff.).

⁷ BVerfGE 89,155 (186).