

Common Good and Civic Spirit in the Welfare State: Problems of Societal Self-Description*

HERFRIED MÜNKLER and KARSTEN FISCHER

Political Science, Berlin-Brandenburgische Akademie der Wissenschaften

THE categories common good and civic spirit have loomed large within the centuries-long debate over the socio-moral qualities of citizenship.¹ The common good signifies a normative orientation for action relating to the community. Civic spirit signifies the readiness of citizens, when engaged in activities that affect the community, to orient themselves toward such a normative ideal.

Consequently, there is a linkage between common good and civic spirit. The latter, as a motivational premise for any normative orientation toward the former, represents a highly condensed *socio-moral resource*: one of those *prepolitical bases of political order*, consumed within the political process, yet themselves not reproducible by it. The functioning of free and democratic societies—societies that do not try to manufacture civic spirit forcibly—rests crucially on this basis.

The normative ideal of common good and the socio-moral resource constituted by civic spirit are not only mutually dependent but locked in a vicious circle. The normative ideal of common good tells us how much and what sort of civic spirit we are meant to summon; but the presence of civic spirit constitutes the provisional premise for action oriented toward the ideal of common good.

To establish this theorem's plausibility, we need to first (in Section I) consider the history of political ideas, in order to trace semantic changes and rhetorical functions at work in the concept of common good. This concept has been

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¹Throughout this text, common good and civic spirit will generally serve as equivalents for the German terms *Gemeinwohl* and *Gemeinsinn*. The play on the similarity between the German terms is necessarily lost here. The German terminological pair is unambiguous; in English, we find a range of terms, each of which has a variable semantics. *Gemeinwohl* can be translated by "common good," "public good," "public interest," "common interest" or "commonweal." In contrast, the German offers a traditional distinction between the concept of *Gemeinwohl* ("common good"), which primarily has a normative and social-scientific tenor, and *öffentliches Interesse* ("public interest"), mainly appearing in juridical discourse. *Gemeinsinn* can similarly be translated as either "public spirit" or "sense of commonality." Since the present text is centered around a republican understanding of political-civic virtue (cf. Pettit 1997), we have, however, decided on the term "civic spirit."

continuously discussed throughout the evolution of modern society. Its contemporary relevance will become evident, in Section II, through the example of the debate over the future of the welfare state (even if the evidence consists simply in the sense of a new lack of clarity within political semantics). Finally, in Section III, we return to the connection between common good and civic spirit, further discussing the theorem of socio-moral resources. In this regard, we will observe that the main problem in the case of the welfare state seems to involve an *undertaxing* of civic spirit, whereas in the case of supranational integration-processes, such as that of European unification, the problem is the converse (an overtaxing of civic spirit).

I. COMMON GOOD AND CIVIC SPIRIT IN THE HISTORY OF POLITICAL IDEAS

In advanced early non-European cultures, the common good already represented a central topos for the reflection upon political-social, legal, and economic order. In the framework of Western history, it played a similar role in both ancient Greece and republican Rome, and beyond that from Christian patristics to scholastics.

In the 6th century BC, Greece experienced a realignment of values in favor of a polis-centered ethic; as a consequence of tyrannical abuse of power, the legitimacy of political rule emerged as a central question. In the wake of such developments, Plato in his *Politeia* tied his notion of common good to the idea of justice:

We are not constructing our community with the intention of making one group within especially happy, but to maximize the happiness of the community as a whole. We thought we'd be most likely to find morality in a community like ours and also immorality in a community with the worst possible management . . . What we are doing at the moment, we think, is forming a community which is happy as a whole, without hiving off a few of its members and making them the happy ones.²

Plato sees the existence of the polis as depending on the socio-moral quality of its guardians. In that context, he appeals to the opposition between self-interest and common-interest. He is convinced that the general benefit reflected in the proper form and good condition of the polis is the *sine qua non* of all individual fulfillment. It is this rejection of a direct orientation toward self-interest that is the basis for Plato's authoritarian understanding of the state's influence on the individual citizen.³

Plato's student and critic Aristotle formulated a different understanding of the common good, one more compatible with principles of democracy and freedom. He saw the general benefit as a second basic motif of human socialization, placed

²Plato 1993, pp. 122 f. (420 b-c).

³Ibid., pp. 123 f. (421 a-c).

alongside natural sociability—human beings having a natural leaning toward state-grounded social forms.⁴ But Aristotle does follow Plato in tying the concept of common good (“the general advantage,” which he equates to “the good in the political field”) to the norm of “justice.”⁵

In contrast to the authoritarian Platonic pedagogic utopia, however, Aristotle’s idea of the common good involves limiting the competence for political rule, in that it suggests a distinction between constitutional forms oriented toward the common good, on the one hand, and self-interest, on the other. The common good is the criterion for the typological qualification of different forms of state:

It is clear then that those constitutions that aim at the common advantage are in effect rightly framed in accordance with absolute justice, while those that aim at the ruler’s own advantage only are faulty, and are all of them deviations from the right constitutions.⁶

Despite its many points of contact with Greek and Roman thought, the Christian worldview initially marked a disjuncture with antique notions of the common good. It marked, in fact, their transcendence. The eminently political Greek consciousness of ability (*auxesis*-consciousness) had meant grasping all events from the vantage of intentional political action and its concrete consequences.⁷ In contrast, the salvational orientation of Christian patristics meant a depoliticizing relativization of inner-worldly events. Through this process, a limit was also fixed on the relevance of the political-judicial concept of the common good for generating the greatest possible accord between inner-worldly order and God’s law and salvational plan. At the same time, we here find a radicalization of the gap between self-interest and intervention for the *lex aeterna*. Common good and self-interest here thus comprise *asymmetrical counterconcepts* in Reinhart Koselleck’s sense of “binary concepts with claims to universality . . . involving a mutual recognition of the parties involved.”⁸

In the course of the Middle Ages, the common-good topos would experience a gradual repoliticization, hence a renewed significance: a development culminating in scholastics. Thomas Aquinas again sees the individual *bonum* as embraced by the *bonum commune*, in that both are determined by the transcendent *sumum bonum* as the *causa finalis* of all events. Earthly *bonum commune* here forms the first step in partaking of the *ordo divinus*. In scholastics, however, the subordination of human social and stately existence to the divine order was given a rule-limiting, hence eminently political, accent. With *iustitia* and *pax* continuing to represent its most important manifestations, the explicit state goal of *utilitas publica* could be related to spatially defined, politically organized units in an increasingly concrete manner. And it served not only as

grounds for justifying a ruler’s actions, but also as a legal limitation on them. Citing Aristotle, Thomas Aquinas in his *Summa Theologiae* defines a regime as “unjust tyranny” when the ruler does not strive for the common good but for his private benefit.⁹

Thus we can see that in late medieval political conflicts, the ideal of common good served as an *oppositional guiding principle*, insofar as to a considerable extent, the struggle for power involved a struggle for monopoly in the definition of common good or common interest: the concept and situation of limited emergency and public interest were the levers used by monarchies to concentrate their power and realize sovereignty. But in discussions over whether an emergency was truly present and what the common good concretely required, the estates could react against the royal prerogatives. In this manner, the struggle for competence in determining *necessitas* and *utilitas publica* was the formative principle in the struggle for the state.¹⁰

Referring to Koselleck’s theory of a “saddle-period,” Heinz Schilling has described the phase of accelerated change in the late sixteenth and early seventeenth centuries as the pre-saddle-period of modernity.¹¹ Marked by an objectification of societal relations accompanied by social discipline and differentiation, this phase also allowed ample room for a confrontation with the “common good” topos. Namely, after the topos had increasingly come to designate the state’s paramount purpose in the course of the sixteenth century, a normative shift from common interest to self-interest became apparent. The background to this shift was a general thrust toward individualization within the estate society, in the wake of the religious peace inaugurated in Augsburg in 1555—a development affecting not only religious praxis but also the legal culture. Not only did this shift in norms look forward to the motif of need so central to Hegel’s legal philosophy. At the same time, it was a theoretical anticipation of the career of self-interest as a political-theoretical counter-concept to the old republican ideal of political virtue: the voluntary readiness of the citizen to conceive of his private interest in relation to the common good.¹² What was anticipated was the counter-concept’s real, historical impact, running parallel to the differentiation of a realm of the state standing opposed to a bourgeois-societal sphere—a sphere inhabited by politically inactive maximizers of prosperity. In the middle of the seventeenth century, the ideal of common good became directly linked to the realm of administration and public welfare, and this development led to a pronounced tension between the ideal and the notion of justice: a notion with which it previously had been intimately related. For medieval scholastic thinking, *bonum commune* resulted from the rational

⁹ Aquinas, *Summa Theologiae*, Paras II^a, q. 42, a. 2, writes: “Ad tertium dicendum quod regimen tyrannicum non est iustum: quia non ordinatur ad bonum commune, sed ad bonum privatum regentis, ut patet per Philosophum, in III Polit. et in VIII Ethic.” (Aquinas 1952, p. 213).

¹⁰ Eberhard 1993, p. 490; Eberhard 1985.

¹¹ Schilling 1988, p. 313.

¹² Cf. Münkler 1991; 1992; 1994a; 1998.

⁴ Aristotle 1990, p. 201 (III & IV & 3, 1278 b 18 ff.).

⁵ *Ibid.*, p. 231 (III & VII & 1, 1282 b 17 f.).

⁶ *Ibid.*, p. 205 (III & IV & 7, 1279 a 17 ff.).

⁷ Cf. Meier 1990, p. 191.

⁸ Koselleck 1985, p. 161.

exercise of right; the idea of welfare was here contained, as it were, in the goal of justice, as was the welfare state in the just state. This, while at the same time keeping in mind the justification henceforth demanded from Protestant lapsarian pessimism for all worldly justice—especially political justice. Welfare now became the object of a state activity that demanded foundation; and it became important to endow the state with an internal structure allowing a correspondence of individual welfare with the general good.

Bernard Mandeville's *Fable of the Bees* (published first in 1706 as *The Grumbling Hive or Knaves turn'd Honest*) has a key place in the political-theoretical shift of paradigms from a discourse of virtue to a discourse of interest. To be sure, Mandeville's text itself presents the asymmetrical conceptual opposition of self-interest and common good. But the moral of his fable of the unhappy hive turns the inherited meaning of this contrast straight on its head: "private vices, public benefits" is Mandeville's credo. When every single individual egoistically pursues his private wellbeing according to his personal inclinations, the end effect is the greatest possible public benefit. "The worst of all the Multitude Did something for the Common Good."¹³ Mandeville's construction is based on the idea that citizens are in the position to rationally see to their own interests. To be sure, Mandeville himself remained skeptical vis-à-vis his theory's implicit premises. He demanded massive state intervention to counter a loss of civic spirit—what concerned him most was short-sightedness and ignorance regarding the needs of future generations.¹⁴ The basic assumption that the common good was a necessary outcome of well-understood self-interest maintained its hegemony above all in the realm of economic theory. It was judged in far more optimistic terms by Adam Smith than by Mandeville.

Smith did base his argument on the conventional assumption that all human beings depend on mutual help and support, and to this extent he maintained a faith in natural sociability. But he viewed the goal of mutual readiness for cooperation as being best attained by acknowledging every person's self-love—by deliberately applying the economic-exchange principle to individual advantage. As Smith explained it: "It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest."¹⁵

In thus postulating an *invisible hand*, signifying a direct increase of general good in proportion to efforts in the inverse direction, Smith's theory represents something like liberalism's "semantic coup" in relation to the idea of common good. Through the idea's definition as a product of clearly perceived self-interest—the egoistic maximization of individual advantage—the asymmetric

¹³Mandeville 1924 & 1957, vol. 1, p. 24.

¹⁴Ibid., p. 320.

¹⁵Smith 1981, pp. 26 f. Cf. Smith 1981 (p. 456): "[The individual] generally, indeed, neither intends to promote the public interest . . . He intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention."

conceptual opposition between self-interest and the common good, already relativized by Mandeville, was finally extinguished.¹⁶

Immanuel Kant was no less optimistic regarding both this opposition and the possibility of identifying the calculation of political action with a rational calculation of interest. Compared with the notion of human justice in Kant's rational-legal conception, the opposition between pursuit of common good and pursuit of private wellbeing, essential for classical politics in its distinction of just from unjust rule, becomes unimportant. For Kant, *salus publica* takes on the meaning of *iustitia publica* and the central notion of the material welfare-state is exchanged for the central notion of the formal legal state.¹⁷

But this Kantian dissolution of the idea of common good marked neither the end-point nor decisive moment in the political-theoretical and social-philosophical controversy over the priority of public or private interest. Hegel did not follow "Kant's 'transcendental formula of public good' and its equally obscure progeny."¹⁸ Rather, he raised the ante with a dialectic notion of civic spirit.¹⁹ According to this notion, the general is no longer seen by individuals in unmediated fashion as an other, as something strange; instead, individuals know that the common good also stands for their own interests. Such knowledge defines the citizen's socio-moral qualities or civic spirit.

The controversy between Kant and Hegel clarifies the key role that has always been played by the "common good" topos in the founding of juridical, political, and social order. With political virtue representing a central political idea in prerevolutionary Europe, an orientation toward the common good was considered a basic element of rational political action. In this manner, the socio-moral disposition and intentionality of political-social agents—their *civic spirit*—took center stage.

Montesquieu, for example, emphasized that more than in any other type of state, citizens in a democracy were meant to identify with the common good. Montesquieu in any event saw the effects of an invisible hand at work, not in democracies as would Adam Smith, but in monarchies. There honor had an integrative value, meaning that "each person works for the common good, believing he works for his individual interest."²⁰ But he considered a society of purely egoistic maximizers of interest impossible in a democratic body politic. For, he argues, a republic requires "a continuous preference of the public interest

¹⁶Cf. Hirsch (1977, p. 11): "Adam Smith's invisible hand has linked individual self-interest with social need. But the conditions in which this link has been achieved over a wide area can now be seen not as stable conditions that can be relied on to persist or to be readily maintainable by deliberate action. Rather, they can be seen in important respects to have been special conditions associated with a transition phase from an earlier socioeconomic system. The generally benign invisible hand was a favorable inaugural condition of liberal capitalism."

¹⁷Kersting 1993, pp. 366 f., fn. 64.

¹⁸Goodin 1992, p. 125.

¹⁹Cf. Buchwalter 1992.

²⁰Montesquieu 1989, p. 27.

over one's own"²¹—and indeed without this being realized through the state's coercion, as in Mandeville.

In contrast, modern contractual theory is centered around the paradigm of informed self-interest. Its premise is that the institution of the market can produce an interlinkage of individual trade calculations resulting, in turn, in the greatest general good. In the political theoretical focus of contractualism, we thus find institutional mechanisms and historical-prognosticative rules of economic process replacing the socio-moral disposition and intentionality of the citizen. Instead of such socio-moral qualitative improvement through self-improvement, what is aimed at are institutional mechanisms for qualitative improvement without self-improvement.²² "The attempt has been made to erect an increasingly explicit social organization without a supporting social morality. The result has been a structural strain on both the market mechanism and the political mechanism designed to regulate and supplement it . . . The deeper irony . . . resides in the success of the market system in its initial phase, on the shoulders of a premarket social ethos."²³ But no matter whether, on the one hand, there is an effort to found a body politic on the citizenry's readiness to show solidarity or, on the other hand, there is an expression of trust in rationally selected means setting in play the invisible hand. In both cases, we have a reliance on (in the broader sense) socio-moral premises of political and economic processes—the existence of such premises neither being assured nor (more categorically) capable of being reproduced within these processes.

II. SELF-DECLARATION OF COMMON GOOD IN THE WELFARE STATE

A backward glance at the history of political thought shows that, according to both context of application and semantic authority, the "common good" topos can offer a foundation for either legitimating or limiting power. In our present period, the functional, formal concept can be used correspondingly to justify both extending and restricting the scope of the welfare state. Let us therefore now consider the process of societal self-description through socio-moral topos. It will become clear that any problematizing of the welfare state's prospects is largely possible only through discourse deploying a specific rhetoric centered on the common good.

Niklas Luhmann has compared the effort to define the public interest—the most prominent terminological substitute for common good—with climbing the Eiger's northern face. "Again and again, daredevils make it . . . They are observed and talked about, render both idle tourists and rescue groups breathless, and it is thus difficult to recognize the senselessness of the enterprise." But Luhmann

²¹Ibid., p. 36.

²²Gebhardt and Schmalz-Bruns 1994, p. 25.

²³Hirsch 1977, p. 12.

himself stresses the possibility of treating public interest as a theme for empirical investigation: investigation of who proposes what the public interest is, and when, and what functions specific ideas of public interest have for specific social systems.²⁴ Such a reformulation of this classical theme does justice to the impossibility, in the modern period, of formulating a unified purpose for the system. A binding, essentialist *definition* of common good in regard to the state thus becomes invalid.

In consequence of the process of societal differentiation, it has become senseless to speak of common good in a directly normative sense, as a fixed goal of the state. Rather, the concept functions more or less as a means of transport for a discourse of free public-opinion formation. If state administration views itself as democratic and concerned with social welfare—something presently self-evident—then:

it must consider every value-relevant consequence of its action, as far as its capacity for making decisions allows. In order to activate the necessary support through its goals, the political system must thus formulate the goals so broadly and equivocally that while indeed being open to consensus, they fail as an internal structure of rationalization, work-distribution, and control. For this reason, the political system needs secondary criteria for making decisions . . . The necessary guidelines for decisions cannot be found through an analysis of goals remaining purely internal to the system. They are constructed outside the state bureaucracy, but still inside the political system in the broader sense—namely, in that threshold-zone defined by the political processes structuring both power and opinion. The state's goal of common good here serves . . . as both a rule for representation and a facilitator of foundation.²⁵

Common good thus allows us to explicate a principle of political legitimacy overruling the codification of political power. It does so by linking the application of power to the criterion of general good (or of public interest, republican responsibility or other substitute concepts). In this respect, it is important to note that since the eighteenth century the differentiation of bourgeois society has produced "a decomposition of common good through its positioning in relation to opinions . . . that can be expressed in political elections." As the result of democratization, the common good "has become politically reinterpretatable."²⁶

Understood in this framework, the notion of common good marks a distinction between system and environment. By being tied to a (or indeed, *the*) common good, a society's functional systems categorize the entire society as "environment." When, for instance, the functional system of the economy claims a relation to the common good, what is designated—along with the society

²⁴Luhmann 1962, p. 375.

²⁵Luhmann 1991, pp. 216 ff.; cf. Luhmann 1993, pp. 19 f.

²⁶Luhmann 1996, pp. 252, 202 f.; 82.

whose good is being announced—is the functional system's (imaginary) total societal environment, upon which it claims to operate.

In the functionally differentiated societies that have not pushed against their own evolution through etatist–totalitarian ideologies (which is to say: in the modern welfare states with a Western stamp), the limitation on state-directed activity and the individual's freedom to participate in the market economy implies a “division of labor” understanding of the common good. Alongside the state, which retains a limited definitory power and supervisory function vis-à-vis the common good, interest groups emerge. These are meant to represent their particular interests—and legitimately so, since liberalism's “semantic coup” (again, its assumption that the greatest general good results from the egoistic pursuit of interest) has undermined the irreconcilability of common good and private interest.

The fact that the functionally differentiated society, politically organized as the welfare state, has both a moral basis in a “division-of-labor” sense of common good and a functionalistic understanding of civic spirit does not imply that there are no theoretical problems. For while the state has lost its monopoly over both the definition and regulation of the common good, it has preserved the possibility of threatening societal sub-systems with intervention. It follows that, if only from simple (self-) interest in promoting the least frequent and mildest regulatory intervention by the state, a society's interest groups need to promote aggressively the demand for common good. For every decentralized social sub-system, self-interest comprises “an internal consideration of external restrictions” precisely when “it becomes clear that politics and its state can no longer perform the role of representing the society in its entirety, in a comprehensive formula of common good.”²⁷

Let us now link such considerations of the rhetorical uses of the formula of the common good in functionally differentiated society to the debate concerning the future of the welfare state. We live in the age of international economic interdependence and of corresponding intensification of international competition. In this context, the Western welfare states are increasingly confronted with demands for deregulation, privatization and lowering of costs. We here define the welfare state in terms of “the provision of entitlement-based social security for employees and their dependents.”²⁸ It has “two purposes: one is redistributive, or compensatory, to enhance social justice; the other functional, e.g. to deal with varying forms of market failure, thereby increasing economic efficiency. Virtually all parts of the welfare state display both aspects.”²⁹ Considered functionally, such a Western-style welfare state comprises an institutional structure using subsidies to assure the citizen's wellbeing—the

definition of the latter here being open and permanently subject to a bargaining process.

It is interesting that the demand for deregulation, privatization and lowering of costs is not based primarily on economic arguments. For the most part we are instead offered explanatory variations of a single political, scientific, sociological and psychological hypothesis. Namely, the welfare state gradually diminishes the productive readiness of its members, thus promoting the decline of its economic basis, free-market trade, which requires personal initiative and voluntary engagement. In other words, the welfare state is described as being self-destructive in that, by undermining the socio-moral qualities of its citizens, it undermines its own motivational premises. Such a critique, formulated recently in Great Britain as well as in Germany, allows us to avoid a *repeal* of the welfare state by instead propagating a *more proper* welfare state—hence shielding its core idea from those who would destroy it from excessive zeal.

This intent to practice preservation through delimitation vis-à-vis the welfare state has encouraged a new opacity of political semantics. It has resulted in a loss of established classificatory locus for basic normative concepts used in enlisting citizens' consent. For a long time now, the notion of justice has been appealed to as often in a critique of purportedly unjustified and harmful social “leveling” as in a critique of social misery; and the demand for limits on programs of social welfare is based as often on evocations of the common good as on the sort of purely egotistical utilitarianism maximization associated with “Manchester capitalism.”

Against this backdrop, it is worthwhile to consider common-good-oriented rhetoric and solidarity depletion in their status as essential elements of the welfare state.³⁰ Suppose it is possible: (1) to identify the way in which concepts such as common good, civic spirit, solidarity, welfare, (individual) responsibility, and engagement, as well as discourse centered on the future of the welfare state, are ordered, classified and systematized; and (2) to specify the goals involved in perceiving and formulating certain problems within this framework in the first place. It would then seem advisable to treat the idea of the common good not primarily as a quantity capable of normative definition, but as a functional pramal concept. Particularly in regard to the question (linked to the concept of civic spirit) of the socio-moral resources of democratic societies, the concept would have a dual purpose of both demarcating problems and offering a strategy for thematic presentation in various scholarly disciplines and public contexts.

In their plans, strategies and reflections, but also in their actions and interactions, all agents and interlocutors are bound up in a network of metaphors, situational descriptions and norms, of constructions of necessity and assumptions of impossibility, of a fragmentary knowledge of the presence

²⁷Willke 1992, pp. 136 f.

²⁸Offe & Preuss 1991, p. 164.

²⁹Barr 1993, p. 432. Cf. Esping-Andersen (1990), who distinguishes conservative, liberal, and social-democratic versions of the welfare state.

³⁰This perspective is not meant to contradict the correct argument of Goodin (1988, pp. 238 f.): that the welfare state not only serves to advance the common good, but is itself one such public good. Cf. Goodin 1998, pp. 140 f.

and interpretation of the future. Such a network generates a horizon for the action-orientation for which all sides appeal; at the same time it displaces the categories at work in the *rational choice of means*: "In place of the decisionary rule stipulating choice of an alternative . . . that promises the greatest subjective interest, a *persuasive orientation* . . . emerges. Those alternatives are chosen . . . for which the greatest argumentative-rhetorical support within the knowledge-system of each actor can be mobilized . . . Those arguments and interpretations becoming guides to action are the ones capable of releasing *the greatest persuasive power* upon the acting party in the *imagined presence of a public*."³¹

In regards to the socio-moral premises of the welfare state, this approach makes it possible to hint at shunting off of fixed boundaries by politics, conforming to the conditions set by multimedia mass communication. As society's differentiated functional-sub-systems, the modern mass media steer the scant resources of public opinion. In order to plan and execute political projects and reforms, it thus no longer suffices to consult those actors who are directly affected and relevant to the decision. We have, rather, a release of programmatic "trial balloons," their goal being to provoke the expression of interest and fathom the public attention available for a given theme. The attention of the wider public is, as said, a scant resource, as is that of specialized sub-publics. It is not simply the case that specific strategies to realize a project are favored according to the amount and type of such attention. Rather, decisions for or against the project itself are based on the public resonance resulting from the "trial balloon." Conversely, at times it is precisely the absence of an interested public that can make the realization of political projects possible. In any case, politics does not simply instrumentalize the media with manipulatory intent; but rather, being pointed in such a direction in the struggle for attention, it is preoccupied with fixing its own options for action in the framework of the new currency, "attention," on the basis of medial response to different trial balloons.³²

In this context, the public is to be considered a forum actually compelling common-good rhetoric as a means that has always been available to achieve attention. "The model . . . is a sausage machine: the public will is poured into one end and out of the other end drops neat little segments of the public interest, each wrapped in its own natural casing."³³ A variety of phase-specific conceptual substitutes and operational possibilities for the common good here gain predominance (for example, job security, promoting demand, assuring standards, public safety). These serve as competing arguments in semantically resolved conflicts of interest:

The fulfillment of one's own demands is declared a step necessary for the system. The functionalistic argument thus first and foremost has the advantage of possessing no standpoint: nothing is demanded 'for its own sake'; we rather have references to

the necessity and good sense of furthering systemic functional connections for the use of 'all'. In this way a second advantage of functionalistic arguments becomes clear: the generalizability of their inclinations. Whoever is in the position of interpreting the fulfillment of his particularistic interests as a systemic functional necessity defines all others as beneficiaries of the fulfillment of his interests . . . Conflicts of interest thus turn into battles over interpretation.³⁴

Conversely, whoever does without the self-declaration in terms of the "common good" thereby risks being rhetorically shoved into irrationality; and irresponsibility and self-injury then emerge as prevalent mottoes of the political semantics.

In such a manner, the promotion of general welfare has advanced to nothing less than the decisive element of modern politics. "For the political system, the welfare state realizes the form of inclusion that has become unavoidable in modern society. It . . . aims at the inclusion of the entire population in the society's political system."³⁵ The political system consequently understands itself "as responsible for compensating every sort of stroke of fate, and naturally all the more for results that have been generated and 'externalized' in other functional systems"³⁶—and this in the context of an appeal to the general good.

For Luhmann, this sort of claim by politics to general social relevance sparks a steady increase of state responsibility to the point of exhaustion. "In effect the state then resembles a water-tower into which reserves are pumped to be distributed to all who have a tap."³⁷ But this special logic of welfare-state procedure simultaneously means that changes to the procedure can only come about through self-limitation, that is, through *political* decision.³⁸ It is thus not astonishing that, as suggested, the demand for limits to the welfare state's expenditures are often formulated less in economic terms, and more through a politically-oriented evoking of the citizenry's undermined socio-moral substance. Rather, such formulations may be illuminating in their presentiment of the logic of functional societal differentiation.

We need now to turn to our conclusions, scrutinizing this linkage of the common-good idea with the problem of civic spirit as a socio-moral resource. But let us first note one aspect of the neo-liberal argument to the effect that the welfare state destroys its own foundations by provoking an egoistic maximization of interest at the expense of the system. While grounded in a notion that is well known in the history of political ideas, the notion is here rearranged in a willful way, the traditional fronts thus undergoing displacement. As we have seen in the case of Montesquieu, for the republicanism of old Europe, political virtue, understood as the willingness to set aside self-interest if it meant harming the general good, was a constitutive prerequisite of free societies. This

³⁴Vobruba 1992, pp. 113 ff.

³⁵Luhmann 2000, p. 423. Cf. Luhmann 1990.

³⁶Luhmann 2000, p. 424.

³⁷Ibid.

³⁸Ibid.

³¹Nullmeier 1993, pp. 190 f.

³²Cf. Franck 1998, pp. 49 ff.

³³Schubert 1960, p. 221.

consensus over a broad understanding of the concept is all the more important. And this is the first, fundamental demand placed on their civic spirit. We need to here recall the vicious circle between common good and civic spirit mentioned at the beginning of our discussion: the normative ideal of common good tells us how much and what sort of civic spirit we are meant to summon; conversely, the presence of civic spirit is the provisional premise allowing any readiness for orientation toward the ideal of common good.

In consequence, one particular question regarding public life in free democracies needs to be considered: how to avoid damage to freedom itself when promoting (along with increased interest in moral questions) a willingness to subsume self-interest to a common-good orientation, at least when society as a whole would otherwise suffer. As already pointed to at the start, this question has led former Constitutional Court judge Ernst-Wolfgang Böckenförde to suggest that free societies live on socio-moral cooperative fundaments that cannot be reproduced by politics, which must refrain from examining the consciousness of citizens and steering their behavior.⁴⁰

This is the sense in which—to agree with Montesquieu and return to our opening theorem—the citizenry's socio-moral qualities form a prepolitical basis for the political. To reiterate the terms of that theorem: the concept of the prepolitical is not basically temporal, or even ethnic. Rather, it suggests a voluntary acceptance of socio-moral norms and voluntary engagement for political affairs, both of which civic humanism recognized as important for a republic. And grasping civic spirit as the socio-moral resource *par excellence* requires a first insight into our vicious circle: that a minimal degree of civic spirit is the premise for any societal consensus regarding the common good.

The term "resource" is here not meant to imply that the consumption of socio-moral qualities is both compulsory and irreversible—something that would lead to a thesis of cultural decline that is neither theoretically nor empirically sensible. Rather, we mean simply to underscore the need for an approach that is enduring (to give the fashionable concept of "sustainability" its due) and to reject any kind of automatism. Such durability is precisely *not* realized when the problem of the socio-moral qualities of citizens in free and democratic societies is neglected by the tradition of liberal contractual theory: this neglect, grounded in trust in the idea of the *invisible hand*, be it in the laws of economic process or in the functioning of political institutions (the latter grasped either as a replacement for the citizens' intentionality or as a model of it). Either alternative might well place great stress on the selfsame socio-moral resources—not through making excessive demands on them but, on the contrary, by undertaxating them. In the end, empirical research has pointed to the welfare state's institutions as an appropriate response to the emergence of one or another socio-moral perspective, and not as their source, which is instead located in "rare moments of deep and widespread

⁴⁰Böckenförde 1991, p. 45.

was in contrast with the rational self-interest (producing a maximization of general welfare through market-driven prosperity) of modern contractual theory. For its part, the neo-liberal argument against present Western European manifestations of the welfare state proceeds as follows: a false, distributively-oriented understanding of the idea of common good as the state's guarantee of welfare has led to a situation in which the egoistic maximization of interest can no longer constructively promote the general good; rather, enclosed within an illiberal system of administrative solicitude, it has led to a destructive exploitation of social expenditures, inimical to any society's real achievement. Putting this argument somewhat differently: such welfare states, guided by a false ideal of common good, in effect amputate Adam Smith's invisible hand. They paternalistically limit the unfolding of the active and productive self-interest that furthers the common good, leaving only the kind of self-interest that is passive, unproductive and menacing to it.

III. CIVIC SPIRIT AS A SOCIO-MORAL RESOURCE

As was already the case with struggles for political power in the Middle Ages, the debate over the welfare state at the close of the twentieth century is largely comprised of a striving for a monopoly over the definition of the common good. It appears incumbent to impose a consistent *semantological control* upon this historically persistent rhetoric of the common good.

This reference to the character of the "common good" topos as a functional formal concept is by no means a rejection of normative political-philosophical interest in the topos. Rather, the abandonment of a substantial definition of the common good—a definition necessarily connected with strong practical validity claims—is not only an outcome of modernity's political semantics. It is also an outcome normatively called for by the concept's continuous abuse in the twentieth century, particularly under the Nazi dictatorship, with its slogan of "common interest precedes self-interest" (*Gemeinnutz geht vor Eigenmütz*). This slogan served collectivist ideological purposes ("you're nothing, your *Volks* is everything") that were carried forward after the war by various Bolshevik dictatorships, under the sign of party rule. On such grounds, for instance, Ernst Fraenkel's theory of pluralism itself stresses the impossibility of defining the common good *a priori*, approaching it instead as a regulative idea: the result, definable exclusively in a posteriori terms, of a pluralistic democratic process. From this vantage point, both the common good and its most important substitute concept, the public interest, no longer constitute democratic assets, having wandered, as it were, from the state to the societal realm.³⁹

If a paternalistic fixing of the common good by the state is no longer possible, it would appear that the readiness of citizens to enter a discussion aimed at

³⁹Cf. Habermas 1970, pp. 68, 85 f., 709.

uncertainty." Such moments "provide a motivational basis of moral behavior . . . Welfare states and such like constitute the appropriate institutional response. These responses become frozen and persist well beyond the moment of uncertainty that gave rise to them."⁴¹

From this perspective, two apparently contradictory positions are in fact entirely reconcilable. First, we must acknowledge that the attempt, essayed in the spirit of liberal contractualism, "to erect an increasingly explicit social organization without a supporting social morality" causes "a structural strain on both the market mechanism and the political mechanism designed to regulate and supplement it."⁴² The problem thus arises "that the pursuit of private and essentially individualistic economic goals by enterprises, consumers, and workers in their market choices—the distinctive capitalistic values that give the system its drive—must be girded at key points by a strict social morality which the system erodes rather than sustains."⁴³

Second, the problem does not consist of the socio-moral resources inevitably eroding through usage. Rather, it involves trust in the effect of the invisible hand and the disciplinary force of political institutions leading to the socio-moral qualities—goods that "are not finite, are not divisible and do not diminish with use, but, on the contrary, grow with their exercise"⁴⁴—being threatened with dissolution through lack of demands being made of them. If "an individual's capacity for moral behavior is, from the social point of view, a resource to be exploited," then the flaw at work in defining the welfare state in terms of a "political theory of possessive individualism" consists in viewing the need for a chance to express moral capacities as inconsistent with the welfare state.⁴⁵ The Aristotelian model of "morally keeping in practice" does not contradict the model of "moral character-building."⁴⁶ Rather, it is the model's complement.

It should in fact be quite self-evident that "one of the most fundamental moral tasks before the state" involves "protecting people's self-images" as morally behaving, responsible citizens.⁴⁷ This can be clarified by once again citing an observation of Luhmann, who encapsulates the basic condition of modern humanity in the following formula: "everything could be different, and I can change hardly anything." In face of contemporary society's steadily increasing complexity, this condition needs to be adjusted in the direction of autonomous responsibility for one's actions: all the more so in that, as a result of their specific promise of freedom, modern societies can no longer venture on an authoritarian production of meaning and values, which is one facet of the general hopelessness of such efforts.

⁴¹Dryzek and Goodin 1986, pp. 30 f. Cf. Stephens, Huber and Ray 1999, p. 167.

⁴²Hirsch 1977, p. 12.

⁴³Ibid., p. 117.

⁴⁴Comford 1972, p. 37. Cf. Goodin 1976, p. 499; Hirschman 1985, pp. 16 ff.

⁴⁵Goodin 1993, p. 69; Macpherson 1962.

⁴⁶Cf. Goodin 1993, p. 75.

⁴⁷Goodin 1982, p. 116.

For example, in order to motivate citizens to voluntary (and never verifiable) ecological responsibility, political parties and organizations now make use of advertising agencies. Against the superficial impression, the dialectic of societal complexity at work here means an *increase* in the significance of the individual citizen's responsible action, in direct proportion to the diminution of state controls and—connected to this—the state's purposive management of such responsibility. The dialectic, however, generates little trust in the notion at work in current contractual theory, taken over from neo-liberalism, that the welfare state might still retain control over the few societal realms not capable of sufficient self-regulation. Let us recall the (quite possibly well-grounded) suspicion, familiar from classical political theory, that institutions may face collapse through the self-inflicted erosion of their socio-moral premises. This suspicion is robbed of its sense by an insinuation that existential pressures simply strengthen the citizenry's socio-moral fabric. In the end, liberal-utilitarian economic theory maintained that it could actually dispense with socio-moral intentions altogether, trusting the structure of the invisible hand to convert egoism into the general good.

It is true, in any event, that the citizen's civic spirit and readiness for solidarity does not simply depend on the size of the political-social unit, as the classical republican thesis would have it. It also depends—as the communitarians are never tired of stressing—on supportive customs, personal identification and individual experiences of solidarity that do *not* constitute the basic material of liberal market-globalization.⁴⁸ In this sense, even Adam Smith's trust in the self-interest of butchers, brewers and bakers was bound up with the premise of a limited market capable of easy oversight—a market thus guaranteeing that an egoistic maximization of interest achieved at the cost of the customers is sanctioned by them as well.⁴⁹

We wish, then, to level a reproach at a specific tradition of liberal political theory. Against its own political support for maintaining the standards of the

⁴⁸The concept of the common good is originally particularistic, since it is always aimed at a defined, hence limited political-social unit, understood as the community that is meant to be benefited. In contrast, the modern, Enlightenment-derived concept of justice is universalistic. Possibly, the particularistic strain in the concept of the common good is what makes it interesting for the communitarians. Cf. Bellah 1991, pp. 47 ff.; Bellah et al. 1985, pp. 192 ff., 252 ff.; Bellah et al. 1991, pp. 254 ff.; MacIntyre 1985. Michael Walzer's (1983; 1990) argument goes beyond the contrast between the principles of common good and justice. On the distinction between universalistic, particular, and particularistic values, cf. Joas 1999, p. 272.

⁴⁹In a play-theoretical analysis of some kind of spinger dilemma Glance and Huberman (1994) have pointed to expecting of cooperation as a decisive element in the calculation of individual benefit—this explaining the sudden emergence of civic spirit. An example is a group of persons who visit an expensive restaurant, having agreed together to equally share the costs, regardless of the different prices of individual orders: the factors determining the choice between self-interest and cooperation are the group's size, communicative capacity, and duration. If we apply such socially-grounded observations to the realm of social abuse and environmental protection, it becomes clear that the game-theoretical analysis supports an insight manifest in the old-European republicanism extending from Aristotle to Montesquieu and Hegel: the size of a social unit has decisive meaning for its socio-moral resources (cf. Mueller 1989).

welfare state, in aligning itself with contemporary contractualism it is advocating a theoretical tradition which has, ever since liberalism's "semantic coup," depreciated an active appeal to socio-moral resources. Instead it has placed its trust in institutions and the market, while favoring the thesis that the welfare state erodes the engagement of those who benefit from it. Facing this tradition—bound up as it is in twentieth-century political philosophy with the turn away from Hegel and back to Kant⁵⁰—Hegel would seem to offer better prospects for defending the welfare state.⁵¹ This means a return to social-philosophical center stage of the question, bound up with that of modern society's socio-moral resources, of how to motivate free citizens voluntarily to act for the common good. Or put somewhat differently: "how can we assure that, since people are not gods, although they have replaced divine commands with their own, their commands are not only the expression of a sovereign will but also of the common good?"⁵² In the Kantian tradition, philosophers will argue that the question *why should I be moral?* "is simply ill-formulated," but "whatever philosophers may say, the real world is alas one in which the question . . . indeed does have resonance."⁵³

This serves as a starting-point for normative theories, too. In the context of political theory, we might then bring the question raised here (and already explored in the *Federalist Papers*) to the following point. Can political institutions be considered free of the need to stimulate citizen's socio-moral qualities in order to aim at a common good; or should they instead be conceived as producing a sense of community, and constructed within such a framework?

Until now, we have argued for a check being placed on the *undertaxation* of socio-moral resources. We need to conclude by addressing the other side, that is, a check on *overtaxation*. The universal political instrumentalization of the common-good concept, along with a steadily intensifying normative infusion (itself culminating in descriptions of a common good for the world in its entirety), could produce heightened depletion of solidarity in its wake. Even if it is true that "there need be no miracle of self-denial involved in the manifestation of widespread civility within a community" (because "such civility need only testify

⁵⁰Cf. Habermas 1999.

⁵¹Cf. Honneth 1996.

⁵²Offe and Preuss 1991, p. 148.

⁵³Goodin 1992, pp. 149 f. Goodin (1992, p. 151) identifies "three broad styles of strategy for motivating moral behavior" that cannot be discussed in this context:

- First is a strategy of 'codetermination'—so called because we can sometimes get people to behave better by showing them that much the same thought that motivates their belief that something is the morally right thing to do, in the first place, should also motivate them behaviorally to perform that action.
- Second is a strategy of 'ratcheting up' from people's strong intuitions about the right thing to do in particular cases, generalizing them into principles that apply well beyond those narrow intuitive applications.
- Third is a strategy of 'bridging down' from people's general principles, showing how they actually commit them to specific acts in particular cases.

to the irrepressibly social nature of our species"⁵⁴), the possibility needs to be considered that a widely circulating common-good rhetoric produces straightforwardly contradictory effects. In the end, civic spirit, understood in the elaborated sense of a motivational premise for any given normative orientation in regard to social questions, seems to represent a scarce resource. Its depletion might well rise substantially with a definitional expansion of the political-social body politic destined to benefit from the ideal of welfare.

An obvious example is the European unification process. Here both ideas of common good and resources for commonplace opinions that have been nationally demarcated are now being extended to a supranational level that is less comprehensible for individual experience, less loaded with identity.⁵⁵ Articulated in formal terms, this suggests a proportionally inverse relation between public spirit and the political-social unity from which it is meant to benefit: the greater the communal group's definition and the more *transfer of solidarity* that is required, the less civic spirit might end up emerging. In such cases we would need to speak of a manifestly *dialectic* relation between common good and civic spirit. The more demanding the common-good postulates meant to catalyze civic spirit, the greater the possible threat of erosion of socio-moral resources and the greater the risk of a regression of civic spirit into egotistical maximization of interest.⁵⁶ This would mean that a connection between the rhetoric of common good and depletion of political-social solidarity is not simply a reflection of the consistent use of the former to problematize the latter, throughout the history of political thinking. At the same time, it reflects the fact that specific (above all, excessive) rhetorics of common good may lead in turn to increased depletion of solidarity.

In any case, an optimistic trust in the automatic effects of an invisible hand seems as inadequate as context-blind appeals to solidarity. Such appeals ignore a socio-cultural process of decisive impact for the future of the welfare state: the cumulative differentiation of the various elements of an *Erlebnisgesellschaft*, a society focused on the cultivation of *experience*. Such a society is distinguished by a permanent multiplication of options for activity. Poverty, seen as a scarcity of experiential possibilities, is increasingly tabooed by those prosperous, experience-oriented citizens who are not (yet) affected by it: a development excluding those who have been affected from the main channels of social communication.⁵⁷ It here becomes apparent that in its distinctive functional differentiation, modern society cannot be rationally integrated as a *total society* (a *Gesamtgesellschaft*)—

⁵⁴Petit 1997, p. 260.

⁵⁵Cf. Hooghe and Marks 1999, p. 96; Chorão 1997, p. 53.

⁵⁶An observation of Hirschman (1985) is here worth noting: no stable pyramid of human needs and preferences is available, resulting in the citizen's vacillation between private and public benefit. The frustrated consumer becomes a politicized citizen, and the disappointed *homo politicus* withdraws to the sphere of private maximization of interest—or becomes corrupt. For this reason, Hirschman is himself skeptical in the face of conventional appeals to "civic spirit."

⁵⁷Cf. Schulze 1993; Schulze 1996.

a process that neo-liberal optimism relativizes through its panacea, the rational choice of means on the part of interest-maximizing egoists. Nor can it be morally integrated, in the sense of unified systemic purpose—a process relativized in appeals by social democrats to solidarity, and by conservatives to virtue.

Returning to the question of European unification, let us here note Fritz W. Scharpf's stress on the fact that,

with the entry of Central and Eastern European member states, the economic, institutional, cultural and linguistic heterogeneity of the nations comprising the Union will increase again. By the same token, prospects of a European collective identity, and of Europe-wide political discourses that could legitimize majority decisions on politically salient issues, will recede even further into a dimly perceived future. The implication is that, for the time being and for all currently practical purposes, the European polity will lack the quality of *government by the people*, and that all discourses that attempt to draw on input-oriented legitimizing arguments can only exacerbate the perception of an irremediable European democratic deficit.⁵⁸

Another historical argument can also be leveled against such an overtaxation of socio-moral resources, namely that,

even in constitutional democracies at the national level, input-oriented arguments could never carry the full burden of legitimizing the exercise of governing power. They are everywhere supplemented, and in many policy areas (e.g. in monetary policy, or in the wide range of issues left to judicial law-making) displaced, by output-oriented arguments showing how specific institutional arrangements are conducive to *government for the people*—meaning that they will favor policy choices that can be justified in terms of consensual notions of the public interest. In the classical . . . terminology, these arguments are part of *republican*, rather than *democratic*, legitimizing discourses . . . In principle, at any rate, there is no reason why governance at the European level should not also be supported by output-oriented legitimacy arguments.⁵⁹

In the absence, then, of a necessary first step—clarifying the conditions generating overtaxation of the readiness for solidarity—we run a serious risk by applying an input-oriented model, for the sake of establishing a normatively more demanding concept of legitimation. The risk is damage to the socio-moral resources of an expanding polity. In any event, a consequent application of the subsidiarity principle is suggested by a (far from implausible) fear that a solidarity-transfer bureaucratically entrenched in “institutional machinery” (of the sort advocated by Gunnar Myrdal) might have a demotivating effect on voluntary engagement, thus diminishing social solidarity.⁶⁰

⁵⁸Scharpf 1999, pp. 187 f.

⁵⁹Ibid., p. 188.

⁶⁰Regarding the process of European unification, see: Adonis and Jones 1991; Heal 1996; Inman and Rubinfield 1998. The presence of the solidarity principle in Hegel's writing—a principle drawing on the Scottish Enlightenment—speaks against the philosopher's discrediting as a quasi-authoritarian elitist (cf. Hegel 1942, § 289; § 201 Addition; Waszek 1988) and underpins our own stress on his modernized republicanism (cf. Buchwalter 1992).

Subsidiarity thus appears a more-or-less basic condition for the sustainability of civic spirit. Like the normative ideal of the common good, the social-philosophical principle of subsidiarity must be conceived in relation to the problem of socio-moral resources: subsidiarity understood here both as the presumption of competence on a polity's lowest possible institutional level and as the demand that problems and challenges be tackled at the closest proximity to their place of origin. To manifest itself successfully, subsidiarity depends on the prevalence of socio-moral conditions that it cannot itself produce or guarantee. It is inconceivable without the readiness of citizens to intervene voluntarily for their society's sake. At the same time, we may presume that subsidiarity makes possible a concrete experience of solidarity in social and political interaction. In doing so, it can contribute to stabilizing and regenerating the socio-moral resource of civic spirit—and hence the basis of its own existence.⁶¹

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⁶¹Münkler 1994b.

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