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Ordoliberalism in The Epoch of Pandemy



ABSTRACT

There are three parts to this paper. The first part presents a discussion on ordoliberalism as a discursive structure. In doing so, it also analyzes how a certain set of ideas acquires hegemony and the specific significance of the indication “ideas matter”. The second, central part of the paper emphasizes the contradiction relating to the application of ordoliberalism within the European Union. This contradiction is sharpened with the tension between “rules” and “discretion”-based government. At the same time, ordoliberalism, which is woven into the German tradition, is presented as an expression of this contradiction. This section also sheds light on the COVID 19 pandemic from the perspective of ordoliberalism and points to the continuity of the pandemic with pre-existing crises. In the third part, starting from the relationship between ordoliberalism and capitalism, we talk about the connection of this orientation with the German export strategy, which is a sign of strong continuity of German politics. Ordoliberalism is an expression of Germany’s position in the EU and the world, and similarly, if we can talk about „ordoliberalization“ of European capitalism, we can expect its presence on a European scale.

KEYWORDS

ordoliberalism, ordo, pandemic, crisis, market framing

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ORDOLIBERALISM AS A DISCURSIVE HORIZON

Frequent discussions and ritual invocations turned German ordoliberalism into the discursive horizon of the epoch. Interdisciplinary occurrence of this direction in the last decade transformed its position: from the former perspective of “German oddity” (BECK–KOTZ 2017), which was the subject of only some (historical, etc.) discussions, ordoliberalism has become an indispensable discursive element of those researchers who deal – indirectly or directly – with the problems of Europe and especially the European Union. Ordoliberalism has become a theoretical-practical pattern that has found its application in the expansive European studies, economic theories, and political sociology (SIEMS–SCHNYDER, 2014, DODD–KRIEGER, 2019). Its presence is indeed impressive.

Insistence on the “order” (*Ordo*) emphatically bears the traits of German tradition (BÖCK–ENFÖRDE 2017, BÖHM 1973). In Germany, there are “*ordnungstheorie*” and “*ordnungspolitik*”, “*ordnungsidee*” – but the same terms cannot be easily translated into other languages. Moreover, “*ordo*” is neither a “structure” nor a “system” – and in the case of ordoliberalism, its background with the already existing protestant religious impregnation (KRARUP 2019) indicates strong roots in the mentioned tradition. “*Ordo*” points to the long-term structure of economic behavior (as opposed to the Keynesian emphasis on short-term intervention measures), and it also views society as the “order of different orders.” To that extent, ordoliberalism is more than just a “research program” that offers only the foundations for research endeavors.

To avoid possible misunderstanding: the problematization of ordoliberalism spread from academic to non-academic domains, that is, it was even involved in the calibration of politics. Ordoliberalism developed a correction of classical liberalism and Keynesianism as well, after World War II, and it was a condition for ordoliberalism not to remain within the framework of one theoretical doctrine. After the mentioned war, it played a significant role in shaping (West) German politics, and at the same time, it influenced the genesis of the EU, which would have been impossible without it. Anyhow, ordoliberalism made its entrance on the political scene, too – to view it as a pure academic orientation that reflects only a perspective within the theoretical

“battle of ideas” would be the diminishing of all its roles and also myopia of the dynamics of European politics in the second decade of XXI century.

Alfred-Müller Armack, who was probably the one to launch an important term for ordoliberalism, social market economy, claimed that the said term did not hide the *Weltanschauung* („comprehensive world view”, see, ARMACK 1978. 329.). However, ordoliberalism is indeed comprehensive in its coverage of different areas of life. It is evident that, from the beginning of its emergence i.e. from the thirties of the XX century, ordoliberalism was aimed at becoming an *active agent* in terms of tailoring „ordo”, especially „framed” order: the intention to enlighten in order to ensure the transformation of the world and its stabilization was the *credo* of this orientation. The ordoliberal conception of modern rationality never aimed at remaining within the narrow confines of scientific institutions; its existence had *practical* ambitions. We can add biographical data that clearly prove that Armack, Alexander Rüstow, Walter Eucken, and others played a significant role in the political sphere and were publicly influential to such degree that they contributed to the formation of not only German but European politics as well (GOLDSCHMIDT–NILS ed. 2005).

Naturally, the estimations of ordoliberalism’s *influence* differ dichotomously. Discussions about ordoliberalism are so confronted that they can be easily divided.

On the one hand, critics believe that certain directions of European politics, especially some of its constituent parts such as austerity-biased politics („constitutional austerity” (Clancy), i.e. raising austerity to the constitutional level), deficit limits, and other rules serving to introduce discipline, can be unequivocally attributed, at least indirectly, to the influence of ordoliberalism and its integration, especially to the strategy of German politics. In other words, during the previous decade, there was *too much* ordoliberalism, which must be emphasized as a significant factor in shaping negative paths in the EU and its lagging behind other world powers. Ordoliberalism can be treated as a European „variant” of neoliberalism, or as a German relative of the dominant neoliberalism whose death has been predicted several times – unsuccessfully. The dogmatism of European politics, the advanced „ordoliberalization of Europe”, the negative form of path-dependent, or the inertia of the same policy could be attributed to the hegemony of ordoliberalism, which represents an ideological arsenal for German action within the EU.

On the other hand, the followers and today’s proponents claim the exact opposite: in the last two decades, there has been *too little* affirmation of ordoliberalism. Neither the EU nor German (economic) politics sufficiently reflected ordoliberal maxims; it was the lack of recognition of ordoliberalism that led Europe to falter. When the critics of this direction comment on *excessive* ordoliberalism, it is only the case of forced pragmatism of German approach and positioning in the context of interstate relations for the purpose of strategic rationality. To accuse ordoliberalism of certain European failures implies simplification and „ideological abuse” (FELD–KÖHLER–NIENTIEDT 2015, DOLD–KRIEGER 2021).

If we take the viewpoint of the mentioned critics, then how is the influence of ordoliberalism manifested?

The approaches presenting forms of ordoliberalism simplify ideological impacts and skip various transmission mechanisms that enable the rooting of ideas. How certain ideas become ideologies that offer rationalization for particular politics needs to be carefully analyzed, starting from its structure to the conjunctural moments. Furthermore, the hegemony of an idea or

its parts should be viewed only as embedded in various economic and political constellations. Namely, the strong association of austerity with ordoliberalism is not new; in fact, Italian fascists had already developed a combination of technocratic management and politics of austerity (MATTEI 2017). Thus, we will not broaden our understanding of ordoliberal tone regarding austerity in Europe unless we consider economic and political determinations. The phrase „ideas matter” does not imply that ordoliberalism develops its influence vertically, from above, and linearly. That is, dynamizing the impact of a single set of ideas is not self-evident; originally scientific ideas formulated within academic communities *a priori* have no causal significance in terms of shaping political practice. Science cannot pave the way for social practice by reflecting on its social position.

Accordingly, ordoliberalism and its presence in Europe cannot be reduced to monolithic and linear influence, but it needs to be regarded as part of a complex configuration. Ordoliberalism, as well as neoliberalism, must have its „interlocutors” (JAMES 2020. 486.) who, based on „spillovers”, disseminate axioms and statements of a given scientific concept. Academic subjects can be „initiators of discursive practices” (Foucault) with analyses, diagnoses, and forecasts based on the requirements of different clients; yet, their concepts can be viewed as directing only *in potentia*.

Considering the present situation and relevant research, it is evident that only in Germany, there are broad „advocacy coalitions” (SABATIER–JENKINS–SMITH 1993) just like dense „networks” (ÖTSCH–PÜHRINGER–HIRTE 2017) of various NGOs, foundations, consultancy firms that systematically promote ordoliberalism or its parts for the purpose of political effectiveness. The position of ordoliberalism must be assessed from that standpoint – after all, we can see this in other countries as well; namely, the channeling of influence takes place in a complex institutional environment where contradictory tendencies intersect. Even the emergence of ordoliberalism does not take place in a neutral, but in a grooved context with asymmetrical influences of various power configurations, with selective coercion to frame the existing ideological constellation (for general problems, LATOUR 1994).

We know that ordoliberalism was a legitimate matrix for German politics whose representatives have many times referred to ordoliberalism as an ideological framework that justifies the rigor of market criteria (PÜHRINGER 2015). Namely, ordoliberalism had its political representation, but even that will not save us the effort to analyze the influence of ideas.

Not to lose ourselves in a detailed discussion of this issue, we would only note that, in this constellation, the conceptualization of „ideological influence” must take into account processes that can be modeled based on Robert Merton’s thinking, who designed „unintended consequences” as the general dimension of “purposeful actions” (see NEDERGAARD 2015. 1095., MERTON 1936). Even those who intentionally operationalize given ideas can produce unintended consequences, that is, results over which they do not have control.

To summarize: there does not have to be a *direct* match between ideas and their realization to talk about the guiding influence of certain ideas in the „battle of ideas”. After World War II, ordoliberalism did indeed gain significant positions in the apparatus of economic politics, but it had to earn its status where there were significant strongholds of Catholic corporatism. It is often claimed that the idea of a central bank enjoying strong independence from the state is an expression of ordoliberal projections – but we must not forget the major roles of the way the German

mark was introduced and the allies' intention to prevent money printing from being reused for „rearmament“ (SCHARPF 2015, SOLTY 2016). The operationalization of ideas always happens in conjunctural situations. Ideas are not univocal; they allow for different interpretations, at least within appropriate discursive boundaries.

Consequently, ordoliberalism was and has remained exposed to conflicting interpretations. Of course, we could first list the proponents of the state, but we must not forget the fact that a strengthened rival, the Alternative für Deutschland (AFD), has also acted with the intention of promoting ordoliberalism over the past decade. Unlike state managers and politicians, it *expressis verbis* aims at „radicalization“ (HAVERTZ 2018) of ordoliberalism, including an attack on the EU, as well as a fierce criticism of all its institutions. If Angela Merkel's country sees „framed market“ in Europe as „the arbiter of all things“, that is not enough for the pro-market calibrated AFD: we need to go much further.

Now, as we can see, ordoliberalism is a guarantee for the survival of the EU on the one hand, but on the other (which disrupts the mentioned „consensus“), ordoliberalism is a conceptual framework against an insufficiently market-oriented EU. Thus, there is the same conceptual framework, homologous points of reference, but almost heterogeneous interpretations.

It is, therefore, a context of *defined* hegemony of ordoliberalism. The contradictory claims about a surplus and a shortage of ordoliberalism are the organic necessity of interpretations of orientations such as ordoliberalism. We do not claim that this hegemony is not divided, disturbed, and combined with other orientations. On the European scene, orientations are forming ideological confrontations, primarily Anglo-Saxon neoliberalism. It is necessary to state clearly that neither today's ideological turmoil nor the dynamics of European politics can be understood without considering ordoliberal discourse.

Finally, if we intend to present the forms of influence of ordoliberalism, then we must go beyond European parochialism. Namely, there are such representatives, „interlocutors“, „second dealers“ of ordoliberalism who did leave the European level and addressed certain issues at a global level. This is what the notion of „ordoglobalism“ evokes (in terms of a detailed description of this notion, SLOBODIAN 2018): various networks and associations of influence have appeared at key points of world (economic) politics and in the leading international institutions (World Trade Organisation, for example). The same influences have been dynamized indirectly (locally: Geneva as a source of dissemination), through loyal students, supporters and actors who operationalized ordoliberal concepts, but on a global scale.

Thus, ordoliberalism is far from limited to European perspective only; its traces can be found everywhere with its „interlocutors“ promoting it on a cosmopolitan level, too. Ordoliberalism should be considered on a global level. In fact, we could say that ordoliberalism influenced the shaping of globalization in the twentieth century; some famous ordoliberals found it convenient to make projections about the emerging globalization, which gradually developed in the last third of the twentieth century. We are not implying here that this influence is of the same intensity at the European and world level; we do not want to equate different levels, but the fact that ordoliberalism remained a constitutive ideological lever of European self-understanding before the pandemic is relevant.

ORDOLIBERALISM BETWEEN „RULES“ AND „DISCRETION“

1. Ordoliberalism is much more than a baby brother/sister of neoliberalism, which is typically associated with the top-down performance of certain Anglo-Saxon countries. Careful weighing of different political and economic tendencies in the XX and XXI century warns us that Germany has contributed to the ideological repertoire much more than the metaphor of kinship with neoliberalism describes. To be clear: despite the lost war in the middle of the XX century, German politics managed to ensure continuity of its export orientation, to adjust successfully its policy of creating manufactured products that were and have remained part of the export strategy, to lower labor costs and establish a standard deflationary policy (“deflationary ordoliberalism”). Therefore, it became and survived as an active *creator* of the international political economy. The statement about its role of the „architect” (GERMANN 2020) is not exaggerated at all, which means that in terms of „neoliberalization” it did not have just a mimetic role, which is often assumed (note active role of Germany in case of Ukraine, for example, SONNE 2014, CAFRUNY 2015).

Finally, the significance of ordoliberalism derives from the above said. German export policy has become increasingly globalized, penetrating far beyond Europe (2015, the United States became the most important destination for German exports). As we all know, China is a significant destination for the strongest German companies and Germany’s regional position in South Europe is also well known (STEINBERG–VERMEIREN 2016, GERMANN 2017). Furthermore, „ordoliberal export strategy” is discussed quite thoroughly (CAFRUNY–TALANI 2019, 8.): the extraordinary historical weight of a well-thought-out export strategy as a *par excellence* of German orientation leads us directly to the affirmation of „ordoglobalism”. Moreover, even Ludwig Erhard emphasized the strategic priority of Germany’s export strategy (ASH 1994. 244.) – “ordoglobalism”, that is, an export strategy based on ordoprinciples can offer legitimacy for such priorities.

Furthermore, Germany is in the European milieu where the logic of „soft power” prevails, and the EU promised exactly that: the domestication of power and coercion, i.e. the transformation of „hard power” into a „soft” version with self-limiting and multiplied actors who can reach a consensus in one complex infrastructure. Still, Germany’s position in this constellation is constantly debated, given Germany’s actual power in the geopolitical economy. Consequently, it is regarded as being “posthegemonic” or “semihegemonic” with the politics of “benign leadership” (GERMANN 2017. 5.). It could be even viewed as “subimperialist” (FOUSKAS 2018). Its position is strong enough to be *primus inter pares*, but it does not have such strength as to lead Europe unilaterally. Germany (we paraphrase here certain indications of Karl Mannheim, although not regarding Germany) cannot dictate decisions, but it can make way for its „defensively offensive” politics to *condition* the making of relevant decisions. Thus, it can be assumed that ordoliberalism actually provides a higher degree of authoritarianism compared to the “more relaxed” Anglo-Saxon neoliberalism (FOUSKAS–GÖKAY 2018. 123.).

2. If we analyze the attitude of Germany and its geo-politico-economic position, we will find numerous contradictions. Heiner Flassbeck, former Chief of Macroeconomics and Development of the United Nations Conference on Trade and Development (UNCTAD) in Geneva,

and one of the fiercest critics of today's Germany and German mercantilism has pointed out that Germany would like to be hyperloyal to Europe or to EU and "the best European at the same time" (FLASSBECK 2019). Another important critic of German politics, Wolfgang Streeck, argues that the "Germany's European empire" was (unintentionally) created by Germany emerging from an inferior position in the first decade of the XXI century when it had established itself as a "neoliberal rationalization machine" (STREECK 2018) and "enforcer" of monetary discipline for Europe.

We should not presume that there is some inherent love of Germany towards Europe: it is a strategic-rational decision of a country that was "too big to be loved and too small to be feared" (STREECK 2015). Of course, we should also mention some fragilities of "ordoglobalism". Germany's export strategy that led it towards global, non-European paths was interpreted by some as the cause of certain elements of fragility in its "geopower" policy (KUNDNANI 2015).

Yet, we are here also interested in the ideological situation of ordoliberalism with respect to the German constellation. The mentioned orientation presents the so-called *laissez-faire* doctrine of market criticism because the market cannot take care of itself enough. Hence the programmatic ordoliberal effort of "market framing" which backbone is "competition" or "competition order". As commented by many, this is the case of shifting the focus from "exchange" to "competition". "Exchange" is an abstract, main idea of classical liberalism, while "competition" is a phenomenon that can be deduced from the "framed" order. "Framing" as a targeted activity enables an active state that is much more productive here compared to any form of the "*laissez-faire*" doctrine.

Ordoliberals originally called this "frame" the *Wirtschaftsverfassung* (economic constitution). Armack, whom we have already mentioned here, was the one to use the said term in his book on capitalism when he was trying to define the "laws of the development of capitalism" (ARMACK 1932. 12.). The economy will develop into a "whole", Armack continues, so it must ask itself whether the order is to be understood. Such orientation requires a special cooperation between legal and economic discourse: we will not be mistaken if we say that ordoliberal conceptions generally depend on the success of this union.

Certain German specifics, or a kind of *metaphysics*, must be pointed out here. Namely, we cannot avoid elucidating the German calibration of politics, that is, to shed light on the context where the ordoliberal interpretation of politics arises.

Ordoliberalism has retained much of what can be called "*metaphysics of law*" (TORNHILL, 2007) within the German tradition. Politics is thus seen as a stepping stone to "metaphysical truth" (AUER 2019), that is, to higher-order truth (*Vernunftwahrheit*, VOLLRATH, 2003. 42.) which is purified from "political contestation," that is, from the contingent political outcomes. This is why German politics is always burdened with a "surplus of consensus" (DAHL 1965. 19.; AUER *ibid.*, 3.) because "contestations" are viewed only as a transitory instance towards the truth which seems to be an imperative in terms of mental insight. Order is understood as *Wesensordnung*, order of substance.

It is of considerable importance here that law, as a metaphysical instance, can overcome the mentioned political conflicts: *law as a neutralized medium overpowers political disputes*. In his de-essentialized theory of law, Niklas Luhmann argues that law implies "counterfactual expectations" because "uncertain expectations" are much more unbearable than "disappointments and

surprises" (LUHMANN, 1993). When ordoliberalism constitutes an order, then it aims to stabilize the said expectations, but also to set a higher medium of regulation and coordination in relation to parliamentary democracy.

Therefore, ordoliberalism draws from the "metaphysics of law", that is, the metaphysical aspect of the law, which enables the position of economic discourse in the context of the "whole". Those commenting on the overload of EU politics with the law and complaining about the deficit of "democratic accountability" should know that Germany, with ordoliberalism, has devoted a great deal of effort in immunizing European infrastructure from democratic contingents. Ordoliberalism is harnessed to the truth of "order", that is, to the higher-order truth. The universally present defense of "democratic accountability" that has become especially intense in the EU can be explained with the fundamental ambition of ordoliberalism.

3. However, things get complicated. Let's turn to Luhmann again: it is important to build "resistance to disappointments". Yet, crises combine both surprises and disappointments. Ordoliberalism was originally a stabilization body for (West) German capitalism, first in the 1930s and then after World War II. The crisis has always played a key role in the ordoliberal imaginary anyway (ARMACK *ibid.* 34). It was born out of crisis and lives for the sake of crisis management. It can even be said that gaining stability based on the revitalization of the "order" is one of the most important goals of the ordoliberals.

However, it is important to note that this direction became accepted after the 2007 crisis, which was a "surprise and disappointment" for many. In fact, ordoliberalism is widely perceived as a "crisis science" that can explain the EU's commitment to the politics of austerity and generally persistent "rule-followed strategy" which assertive variant was recognized in the relationship towards Greece in 2015. Of course, the same practice of resolving the crisis has been often exposed to criticism that emphasized the unfruitfulness of the European performance that buried Europe in a subordinate position in the multilateral world. At the same time, ordoliberalism was regarded as the culprit in terms of: a) prolonging crisis incentives in Europe, b) further decline of democratic capacities on the old continent, c) affirmation of technocracy and bureaucracy against the democratic expression of political will (majoritarian democracy), d) slipping into permanent authoritarianism.

Criticism of ordoliberalism was directed to the wrong approach of the EU to a crisis, that is, it was accused of causing the decline of EU authority. This can be explained by the fact that ordoliberalism got trapped by a complex, antinomic relationship between "rules" and "discretion" (a different aspect of this by WHITE 2015). *The aim is to govern apolitically based on neutral rules, but it ends up in discretionary politics.* The governance is planned to be depoliticized, but the result is repoliticization through technocratic discretionism. Thus, ordoliberalism secretly merges with the elements of Machiavelli's theory.

We seem to be confronted with a general problem: Roberto Esposito noticed this in the case of neoliberalism. He emphasized the "immanence of the market" and its relation to human existence in order to perform broad depoliticization, but his approach resulted in a strong repoliticization, that is, in reconfiguration of power relations between different social subjects (ESPOSITO 2005; OKSALA 2017; NEDERGARD 2020).

Anyhow, the earlier mentioned trap emerged to the surface and became constantly present with the ongoing crisis. “Rules” represent the operationalization of the process of neutralizing political struggles for the purpose of metaphysical truths conducted by the European enlightened technocracy. They rely on the “meta-rules” that enframe the mentioned economic constitution. Critically speaking, contemporary debates on the continuity of “emerging politics” in Europe with the *eternal surplus of European technocracy and bureaucracy* (SCICLUNA – AUER, 2019) testify to the oscillation between “rules” and “discretion”, i.e. between neutral management and strongly non-neutral management of crisis.

Since 2007, Europe has been constantly oscillating between rules and discretionary government: if rules are there to strengthen the intact stability, then the stability of expectations of social actors and discretionary crisis management is the case for transgressive interventions based on the familiar *logic necessitas non habet legem*. For example, apolitical behavior regarding the migration crisis in 2015 had to become involved in inconsistent repoliticization (STREECK 2018). One researcher (VAN MIDDELAAR 2016. 496.) claims that the Ukrainian problem retrospectively affirmed that the EU was never apolitical, because then it had to see the “uncomfortable truth”, more precisely the necessity of a “pre-eminence of non-rule based decisions.” We have argued here that this is not a contingent outcome, but an inherent problem of the ordoliberal conception of the European constitution. *According to “ordoliberal utopia”* (W. Münchau), *European politics can be realized on the basis of rules that guarantee metaphysical neutrality*. The operationalization of rules always implies a discretionary interpretation of the situation in accordance with the opportunistic engagements.

As we have said, ordoliberalism is to be blamed for European problems, but it was caused by the crisis. Too much technocracy caused by the tensions between the discretionary regime and „rules” has shaken the EU’s ordoliberal legitimacy. In other words, ordoliberalism is itself a victim of cumulated crisis tendencies. It was also affected by the elements of crisis which eruption could not be prevented. From ordoliberal perspective, the fact that such an important institution as the European Central Bank (ECB) must exceed its limits (TESHKE 2019; LOKDAM 2020) to maintain the monetary „ordo” of Europe also challenges the basic concepts of ordoliberalism. The ECB’s acts during crisis management have proved to be great material for studying the contradiction between „rules” and „discretion”. Some interpreters (SYMS – SCHNYDER 2014) believe that the position and agenda of the ECB, which always expands its maneuvering performance (targeting of interest rate, etc.), cannot be reconciled with the ordoliberal notion of neutrality as it leaves free space for discretionary management that cannot be justified. „Central Bank independence” also does not coincide with ordoliberal ideas. This is unequivocally true (if we at least consider the claims of different ordoliberals), but it still does not make ordoliberalism irrelevant. Discretionary management is indeed criticized by ordoliberalism, but the way in which ordoliberalism is involved in the EU and the technocratic approach embody the contradiction in the application of ordoliberalism.

4. Now, the next thesis is as follows: pandemic management represents *continuity* in terms of the intriguing relationship between rules and discretionary management. Crisis management has never been just dealing with one extraordinary object, that is, it is never just „management of crisis”, but also „management by crisis”. There is no political instance that would not engage

in the processes of „management by crisis” and provide itself with „output legitimization” on that basis. No crisis process is neutral so as not to encourage an effort to take advantage of the situation with regard to the affirmation of the mentioned output legitimization. We can say that management during a pandemic can be understood in this way: at present times, we are not only confronted with „management of pandemic” but with the „management by pandemic”, as well. This means that no crisis is just a *restitutio in integrum*, but a rearticulation of an existing constellation.

COVID 19 has undoubtedly shed light on certain problems, especially regarding public health and climate/ecological bias of capitalism. Therefore, its far-reaching consequences are unquestionable: the phenomenology of corresponding regressive tendencies in the short and long run proves this. Numerous articles present alarming arguments that intensify the idea that neoliberalization of health policy has reduced resilience to pandemics, and there are increasingly more of those articles giving statistics on privatized health institutions and the decline of public health (POHL 2020). Besides, there must be an explanation why the pandemic came as a surprise despite earlier regular WHO warnings.

Furthermore, some studies apocalyptically announce climate changes: the report of the Intergovernmental Panel on Climate Change has caused somewhat more attention this year than before, although its warnings were strong in previous years as well. Finally, there are books on proximate and ultimate causal mechanisms of a pandemic, which reflect the importance of zoonosis in relation to the eruption and expansion of COVID-19, to confirm this (WALLACE 2020; MALM 2020). Those books also critically indicate the impact of capital-directed agrocomplex on soil erosion and degradation of biodiversity, which consequently promotes zoonosis –this is a well-known phenomenon, but it become immensely significant during the pandemic.

We do not deny the idiosyncrasy and severity of the ongoing pandemic. Neither do we equalize the pandemic with other crisis processes. We qualify the pandemic, by standard definition, as a „major crisis” involving all important trends of the social structure. However, the COVID 19 pandemic cannot be seen as an *isolated* crisis. Finally, we have already experienced everything we have listed so far. There are differences only in terms of *gradation* and in a sharper hermeneutic perspective during a pandemic. Of course, the EU will now focus its huge financial resources on the Green New Deal (EUROPEAN COMMISSION, 2020) or it will be a financier to pump its huge funds into socio-economic spheres. Still, regardless of the amount of funds, we must be aware that the „climate emergency program”, treating climate dynamics in the perspective of „securitization” is not new but a mere continuation of articulation of the already existing crisis constellations (we will now leave aside the different meanings of securitization of climate change, DUPONT 2017).

THE PANDEMIC ONLY GIVES A NEW PERSPECTIVE AND OPENS A NEW FIELD FOR THE „THICKENING” OF VARIOUS CRISIS TENDENCIES

Despite the depth of COVID 19 that affects life in late capitalism, it does not represent radically new tendencies as much as a continuation of something that had already existed. It would be

enough just to briefly list some cumulated crisis tendencies to show the presence of continuity (for example, a cumulation of the debt: in 2007, the „average eurozone debt to GDP ratio was 65 percent”, in 2021 it was 84 percent, see, LANCY 2021, etc.). Moreover, Europe was the one marked as a continent that did not overcome the systematic problems that persistently remained even after the crisis management (FLASSBECK 2016). To be more precise, long before the pandemic, harsh diagnoses had already been made about the upcoming crisis, and it was not written only by the radical pens (PLENDER 2020).

The EU has been criticized many times during the pandemic. For example, its actions based on the „economic emergency” perspective were criticized precisely because they expressed ordoliberalism, like in case of rejection of crisis management by corona bonds (MONACO, 2020). European labor market policy was praised as Europe did not lose as many jobs as the USA. The ECB’s actions, which delayed the „sovereign-debt crisis” were applauded as well, but despite all that, the EU suffered a recession and its fall was more intense than that of the USA (TOOZE 2021). The pessimistic diagnosis predicts even long-term crisis tendencies (ARTUS 2021) in Europe only to be manifested later. The well-known ordoliberal strategy of „rule-biased” austerity was criticized retrospectively as it had assertively ordered a reduction in public health funding during 2011-2018, and the EU’s weaknesses to opportunistic behavior were criticized concerning the influences of Big Pharm (LANCY 2021).

This, again, emphasizes the continuity of the pandemic with the previous situation. The EU has experienced various crises over the past decade and this has prompted some researchers to simply claim that it is a “permanent crisis” (TALANI 2016). It is also difficult not to see the mark of ordoliberalism on the process that has led to the crisis, but also on the management of/by crisis. The affirmation of ordoliberalism is both an input and a desired output during all crises in the second decade of the XX century. The same stands for COVID 19, which implies management of crisis by ordoliberalism.

The pandemic was also interpreted as a „Hamiltonian moment for the EU” (KALETSKY 2020; criticism on that, WEEKS, 2020, see the further explanation of ISSING, „first chief economist of the European Central Bank”, too, 2020). In short, Alexander Hamilton, the first finance minister of the Union to address the accumulated debt in the war for independence, is invoked here in the sense that a pandemic can create an opportunity for the reconstitution of Europe turning it again into a federal EU. As the old expression says, „never let a crisis go to waste.” The EU is doomed to constantly transform itself anyway, so the pandemic is then a great opportunity to put the issue of failed federalization of Europe back on the agenda: *hic rhodus hic salta*. Ordoliberalism could also contribute to this projection.

The promotion of the former finance minister of the USA is of course completely contrary to those speculations about pandemic possibly ending the excess of neoliberalization in Europe (KILIÇ, 2020). It remains unclear what exactly that would mean. Crisis management from the perspective of ordoliberalism was criticized in Europe because it encouraged unevenness and deepened geoeconomic differences between North and South on the old continent. Would „Hamiltonian moment” in the (so far only fictitious) post-pandemic EU imply efforts to overcome the mentioned unevenness?

During the pandemic, numerous principles important to ordoliberalism were certainly challenged, *at least indirectly*. The monetary ordo of the ECB with a technocratic approach that

realizes rational neutrality for some researchers (TOOZE 2020) became unlikely hypothesis; namely, the mentioned neutrality disappears with the ECB entering a sphere that exceeds its set limits. A politicized monetary instance that makes systematic interventions replaces technocratic neutrality.

One might assume that the hypothesis of neutrality has always been just a mask for politicization. Anyhow, it is a fact that the degradation of the ideological neutrality of money management affects the idea of ordoliberal technocratic neutrality.

Constant questioning of ECB's competencies is related to its aforementioned non-neutral role. So, immediately after the peak of the pandemic, the German Constitutional Court ruled on the „public sector purchase program” which was launched in 2015 by the EU. Without discussing the merits of the said decision (the Federal Constitutional Court for the first time claimed the Union act as „*ultra vires*”, MEINEL 2020), it is symptomatic that the decision of the German court caused the discussion to flare up with completely opposite opinions. The decision was interpreted by some as the last nail hit in the coffin of the federal EU, while the others saw it as a chance to rehabilitate federalization, especially after the Brexit situation (WOLF 2020; VITERBO 2020). Brexit, of course, added fuel to the fire, further intensifying the problems of the meaning of (post) sovereignty, supranationalism of EU, and finally breaking the „teleology” of European integration by which the EU would expand in time based on the logic of enlightened rationality.

What is important here is that the evocation of the Hamiltonian moment and constant discussions about the „mutualization of debt” as a lever for consolidating the post-Brexit situation show that the constellation is fragile. Instead of unambiguity, ambiguity and complexity have spread. Ordoliberalism must also be weighed against the same dilemmas.

CONSIDERATIONS OF ORDOLIBERALIZATION OF CAPITALISM

The thunderous announcement of „recovery programs” in the USA and the EU („Next generation program” and „asset-purchase program”) is, for many interpreters, a sign of a possible milestone. There are even some ideas that management by pandemic could also break the ties with the dominant austerity model that which has led Europe to a problematic path.

How to resituate ordoliberalism now in the midst of these measures? Can we, with the desired transformation of neoliberalism into post-neoliberalism (MORGAN 2021), speak analogously about *post*-ordoliberalism? Is that the future of Europe?

The criticism of classical liberalism by ordoliberalism has prompted some thinkers to argue that there is criticism of capitalism hidden in ordoliberalism (NEDERGAARD 2020). According to that, the conservative-liberal support of the social-market economy carried polemical charge towards capitalism. This would raise the assumption that capitalism is being criticized here from a liberal point of view, thus affirming the presence of some tensions between liberalism and capitalism.

It is a historical fact that ordoliberalism encouraged „social market economy”. Ludwig Erhard (ERHARD 1947) categorically equated „politics of order” with „social politics”. Armack spoke of „constructive Social Economy” (ARMACK 1978). There are undoubtedly certain components of ordoliberalism that represent an expression of divergence in relation to the Anglo-Saxon variant

of neoliberalism. Namely, not only does it promote the notion of „social” (which is almost excommunicated by certain neoliberal theorists), but also requires certain measures of social policy. Ordoliberals attacked the welfare state because they thought that their ordo-politics was more adequate in terms of achieving certain ethical principles, in other words, they thought that ordoliberalism was superior to the paradigm hidden in the welfare state. If there is Keynesian inspiration for the welfare state, it will only deceive the workers. The market is not the final criterion of truth. Armack will say that the market is just a system of instruments used for the affirmation of ordo. Rüstow, who has been widely quoted as the father of the „third way” between „capitalism and communism” (1949), although the primacy should be attributed to Franz Oppenheimer, truly criticizes „vulgar liberalism”, „boundless liberalism” and he suggests to colleagues “frame” as a restriction of the “free market” (ASSLÄNDER – ULRICH 2009).

Rüstow might be of some relevance to today’s theorists who are interested in the ethics of the economic sphere. His engagement in religious and ethical issues is just an example of the ordoliberal view that the economic domain must always be weighed from the aspect of non-economic criteria. The market is not self-regulatory and accordingly, the social aspect as a corrective in relation to the unbalanced market should present a „constitutional order”. Ordoliberals are always against the reductive understanding of the economic domain anyway; for them, economic issues (which are otherwise analyzed in detail, but without quantitative techniques) are at the same time a stepping stone for some anthropological and ontological questions. They think that they have built an observatory from which they can comprehensively and interdisciplinary reconsider the dynamics of modern life. And if we add the phrases „strong state” and „ordering power”, then we can see a range of different moments that separate ordoliberalism from the mentioned, much more familiar forms of neoliberalism.

However, we should not think that this gave birth to a kind of criticism of capitalism: ordoliberalism changed its direction by recognizing the necessity of the transformation of liberalism, which emphasized the importance of the revelation of natural order. And we are far from getting a devastating criticism of capitalism from ordoliberalism that seeks to nail liberalism to the ordo. Truth be told, the situation with capitalism is not simple. Armack, as we have already quoted, wrote an extensive book on capitalism and its laws opposing different notions of capitalism in sociology and economics. Eucken, who died in the middle of the XX century, distinguished capitalism from the „free market”. He already nominalistically expressed doubts about the idea of capitalism, which seemed too abstract to him, as a personified general notion (*personifizierten Allgemeinbegriff*, see, EUCKEN 1959. 63.) and which hinders „real research of reality” (*die echte Untersuchung der Wirklichkeit*). Emphasizing the programmatic importance of „economic humanism”, he underlined that capitalism necessarily implies monopolies, oligopolies and asymmetric market power in general, which undermines the pillars of the market. This is then opposed by a decentralized market structure that keeps the „open economy” alive.

Of course, it is unquestionable that such attitudes cause certain ordoliberal attitudes to be in opposition to the existing tendencies which imply multiplication of different forms of the mentioned asymmetric market power. We could also add that different reports during the pandemic confirm additional impulses regarding the strengthening of capital concentration in the form of market power. But what we can most benefit from ordoliberalism is the „spiritualization of capitalism.” It is no coincidence that Armack, when once addressed these issues (1978, *ibid.*),

firmly rejected „mixed systems of economic policy” and advocated „pure order” and „delicately synchronized” economic policy with the social dimensions from spiritual perspective. Yet, there is nowhere any indication of the alternative to the existing order.

After all, ordoliberalism as an „enforcer” of market-financial discipline, as a medium of discipline during the previous decade, and finally as a liberal orientation with state support could not exist if it were not congruent with the export strategy of German mercantilism, i.e. export interests of German capital. In this regard, we agree with the decisive opinion that ordoliberalism is necessary to explain the trends in the last decade, but it is not enough at the same time (CAFRUNY – TALANI 2019). Still, that should come as no surprise: the structure, as we have already said, is expressed in conjunctural tendencies. Eucken’s nominalism, which Sombart, Weber, Schumpeter, Mannheim question, calls into question the notion of capitalism as a general indication. *Therefore, we do not want to overestimate the „ideological influence” of ordoliberalism, but at the same time, we do not consider that frequent relating of German actors to ordoliberal constructions is pure manipulation.*

The German interpretation of the 2007 crisis was and remains moralizing („frugality of the North” and „propensity of the moral hazard of the South”). The significance of this is reflected in the fact that public discourse depended on the narrative of the mentioned crisis. Ordoliberalism as the „great narrative” of the crisis, and as the „idea of the powerful” (PARSONS 2015; MATTHIJS 2015. 5.) that limits the power of „weaks” made it possible. One comment states:

„Ordoliberalism is what Angela Merkel wants for the Eurozone as a whole: rigid rules and legal frameworks beyond the reach of democratic decision-making... She is interested in power, not in ideology. And power means domestic power — she would never risk anything for broader European objectives in the way Kohl did... Germany, it seems, is becoming more German... What is much less likely, however, is that they will ever abandon ordoliberalism“ (MÜLLER 2012; cited by CALLISON. 2018. 68.)

We agree with this comment, but the only thing that seems as an exaggeration to us is the claim that „she is interested in power, not in ideology”. Ordoliberalism could have been a discursive horizon in the first and second decades of the twentieth century because it made it possible to *seek a balance between ideology and applied power.*

To conclude: ordoliberalism was determined by the pandemic as well as the previous crises. His representants should now think about the socio-ecological order, the „pure order” but which is strongly mediated by ecological criteria. It is true that today’s Europe is very different in relation to the historical situations in which the founders-ordoliberals began their journey. However, ordoliberalism is so strongly embedded in the institutional infrastructure of the EU that we will have to look at ordoliberalism in the near future. Its core, namely, the legalistic, rule-mediated government that is immune to democratic „pressures“, remains in force – even though at the time of writing this, the last days of the German Chancellor’s rule are coming to an end.

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