

Social Dialogue Sheet 2

Social Solidarity



Solidarity in EU Law

Solidarity is mutual support within a group. Solidarity between nations and communities of peoples has been the central pillar of the EU project since the Treaty of Rome. Each relevant step of European integration includes a solidarity contract, intended as sharing resources. Within the European Coal and Steel Community, Member States showed long-term solidarity, knowing that they would all be beneficiaries of industrial raw materials and raw products in the best conditions.

The EU Treaties explicitly refer to solidarity in a number of provisions, including the values and objectives of the Union (solidarity ‘between generations’ and ‘among Member States’) and particular policies where the ‘principle’ or ‘spirit’ of solidarity is to be applied. The Charter of Fundamental Rights of the European Union adopts solidarity as the title of Chapter IV for provisions that include rights at work, family life, welfare provision and health¹.

Solidarity has always been an important element of European integration law and with the Treaty of Lisbon this principle has received even more prominence.

European Treaties mention solidarity in Article 2 of the TEU and in Article 9 of the TFEU. Article 194 of the TFEU recalls the spirit of solidarity between Member States. According to the sixth preambular provision of the Treaty of the European Union (TEU), Member States express their desire

¹ European Commission, Solidarity in Europe, 2018.

‘to deepen the solidarity between their peoples while respecting their history, their culture and their traditions’.

On the basis of Article 2 TEU, solidarity is a foundational value of the European Union. According to Article 3 TEU, the EU aims at promoting ‘economic, social and territorial cohesion, and solidarity among Member States’². Article 174 TFEU defines the objectives of economic, social and territorial cohesion and requires the Union to adopt measures promoting its harmonious development. In particular, it entails the reduction of ‘disparities between the levels of development of the various regions and the backwardness of the least favoured regions. Article 177 TFEU provides the Union with the powers to adopt the necessary instruments. EU cohesion policy is financed through funds that have been set up to reduce economic disparities between the Member States by providing additional financial resources and thereby to stimulate growth in less favoured regions (economic solidarity).

The objective of the promotion of inter-state solidarity is also reiterated in Article 67 TFEU, which requires the Union to frame a common policy on asylum, immigration and external border control, based on solidarity between Member States³.

The establishment by the Single Act in 1987 of a large single market was followed in 1992 by the consecration of a major role for structural policies in the context of an economic and social cohesion policy, whose financing through structural funds has become the second largest item in the Community budget expenditure. The most competitive and the most advanced countries in the EU showed long-term responsibility by accepting that nearly 80% of the sums allocated to structural funds were allocated to the regions and countries lagging behind in terms of development⁴.

The 2020 common EU response to COVID-19 is based on the solidarity principle which has inspired the European Social Model. The European Union Solidarity Fund supporting the response to major health emergencies (COVID-19 outbreak) follows the European tradition of solidarity.

Social Solidarity as European tradition

In the Roman Law *obligatio in solidum* involved the group liability of joint debtors, while the French Revolution added *solidarité* to *liberté, fraternité, égalité*. Gradually the word came to be used as in the slogan ‘one for all and all for one’.

Solidarity in its descriptive meaning refers today to a kind of connection to other people, to other members of a community. Solidarity is used to describe the normative social integration in societies or communities, as opposed to social disintegration and conflict, and as opposed to self-interest. As a normative concept, solidarity has been used in broader and narrower senses.

² Taken from Peter Hipold, Understanding Solidarity within EU Law, Yearbook of European Law, Vol 34, 2015.

³ Esin Küçük, Solidarity in EU Law, Sage Journal, 2016.

⁴ J. Vignon, Solidarity and responsibility in the EU, Notre Europe, 26, 2011.



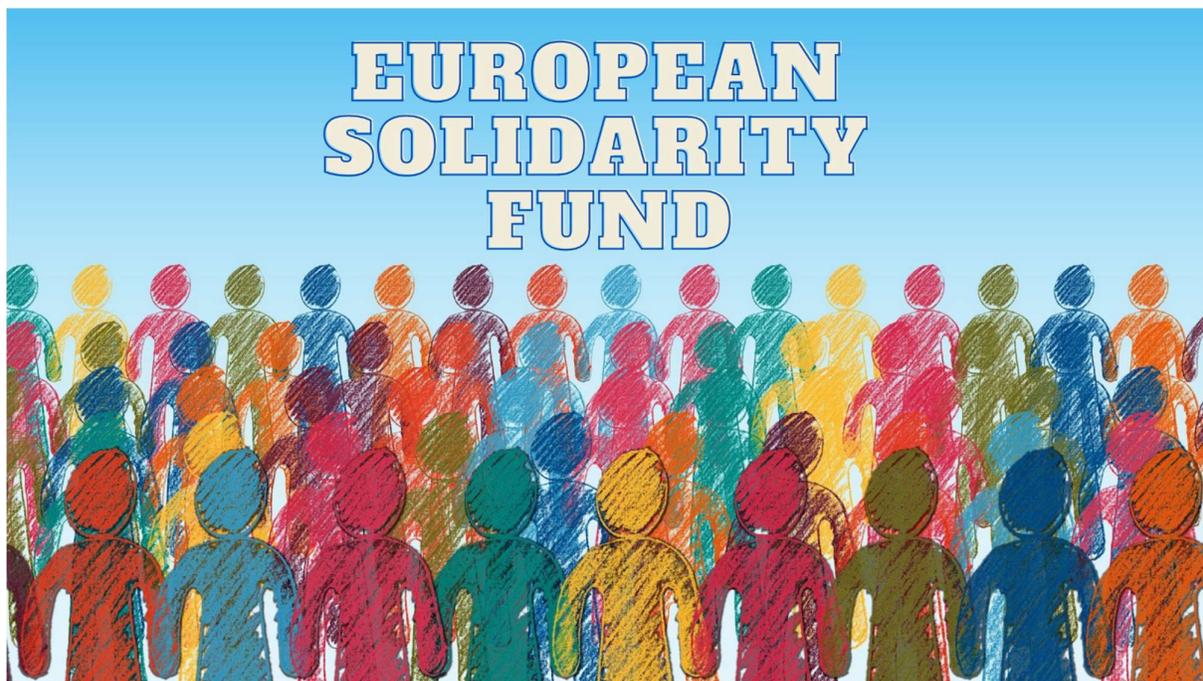
Solidarity requires a presumption of reciprocity and shared group-membership and behaviour according to the norms of a given group.

Jürgen Habermas considers solidarity and justice to be two sides of the same coin, always specific to some concrete community and universal as ethical principle.

In sociology and social psychology, solidarity has been conceived either as a macro-level phenomenon of group cohesion, integration or order or as a micro-level behaviour, emotions and attitudes explaining such cohesion.

While irreducible to self-interest, the degree to which the social norms and institutions are seen to benefit oneself (and one's kin), and the degree to which one's own fate depends on that of the whole group may nonetheless partly explain the strength of the commitment to the norms and institutions⁵.

Durkheim described social solidarity distinguishing traditional and modern societies. On the one hand, traditional societies exhibited undifferentiated roles of individuals in economic life based on interchangeable tasks. Social solidarity emerges here as unmediated or without something else coming



in between individuals. Durkheim called it mechanical solidarity. On the other hand, modern societies present a high degree of differentiation of tasks where individuals are highly interdependent in their economic activities. Here, social solidarity emerges from the functional interdependence of individual roles and has been defined as functional solidarity (organic solidarity). The increase of division of labour led to a loss of social solidarity replaced by state intervention.

⁵ A. Laitinen, A.B. Pessi, Solidarity: Theory and practice, Tampere University, 2014, p. 3.

While mechanic solidarity is based on the similarity of the members and the dominance of collective consciousness over individuality, functional or organic solidarity is based on the interdependence of different individuals and on the social division of labour.

Social Solidarity, Reciprocity, Mutuality, Fraternity and the Common Good

In sociological terms, solidaristic behaviour requires a sacrifice, a cost to oneself for the benefit of another individual or the whole group. Economic theories of rational choice or classical economy, according to which an individual always acts according to his/her own interests, are unable to explain why individuals nevertheless sometimes behave in a sincerely solidary manner. Social solidarity goes hand in hand with reciprocity and mutuality. Reciprocity refers to the Latin word *reciprocare*: an unceasing circulation, as is the case, for example, in the breathing system: breath comes in and goes out, in an endless movement of up and down, of coming in and going out. In this way we can regard reciprocal interaction as an endless circulation of goods, gifts, attentions, care and support between persons who are each other's moral creditor and moral debtor⁶. This is the way social cohesion, social interdependence and solidarity come into existence. And it is in this interpretation that reciprocity functions as 'the cement of society.' Scholars such as Piaget, Lévi-Strauss, Mead and Kohlberg explained the expectation of reciprocity in terms of the reciprocal structure of our mind and cognitive system.

Mutuality stems from the Latin word *mutuus*, meaning: coming from both sides at the same time; handing over simultaneously; crossing over at the same time. Mutuality regards a short, anonymous human interaction. An interaction with a low degree – or a short moment – of identification and recognition between the parties, or even with no intersubjectivity at all. When the deal is finished, the parties lose their interest in each other at once. *Le bien est plus important que le lien*. The goods exchanged are more important than the tie itself. The morality of mutuality is an instrumental one: based on the well-known rule of *do ut des*. I give to you in order that you give to me, at once and without delay or within a strictly determined time. Where reciprocity can be described as the morality of being socially obliged to do something, mutuality can be described as the morality of being legally entitled to. It is this thin morality which underlies a heterogeneous and market society like ours. Solidarity takes from reciprocity and mutuality as well. Solidarity is linked to the common good. In ordinary political discourse, the 'common good' refers to those facilities - whether material, cultural or institutional - that the members of a community provide to all members in order to fulfil a relational obligation they all have to care for certain interests that they have in common⁷. Examples of the common good include air, environment, the road system, police protection and public safety, courts and the judicial system, health care, public schools.

The term itself may refer either to the interests that members have in common or to the facilities that serve common interests.

⁶ D. Pessers, The normative foundation of legal orders: a balance between reciprocity and mutuality, *Netherland Journal of Legal Philosophy*, N.2, 2014.

⁷ H. Waheed, The Common Good, *The Stanford Encyclopedia of Philosophy*, Spring 2018 Edition.



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Most conceptions of the common good define a form of practical reasoning that fits the model of solidarity. Many social relationships require a form of solidarity among those who stand in the relationship.

A conception of the common good typically requires citizens to maintain certain facilities because these facilities serve certain common interests. According to Rousseau, a properly ordered political community is “a form of association that will defend and protect the person and goods of each associate with the full common force”⁸. Citizens in this community are united by a solidaristic form of mutual concern that is focused on (among other things) their common interests in physical security and property. This form of mutual concern requires reciprocity.

The terms ‘fraternity’ and ‘solidarity’ were first used with political import during the French Revolution. By connecting individuals to collective goals and compensating for both state and market failure, fraternity came to be at the service of the abstract values of liberty and equality. As part of the revolutionary *tabula rasa*, these values were abstracted from concrete roles and relationships as well as disembedded from traditions of thought and practice that forged them over centuries⁹. Before the French Revolution, solidarity was mostly conceptualised in Leibnizian terms as a pre-established harmony between unique persons who in their singularity reflect the whole. It was Mirabeau who first used the term solidarity to express the idea that ‘the faith of each is the faith of all’ referring to the secular, republican faith in the Supreme Being (*l’Être suprême*).

⁸ H. Waheed, cit.

⁹ A. Pabst, Prosperity and Justice for all, in John Milbank, *The Politics of Virtue: Britain and the post-liberal future*, 2014.

This meaning received its most famous articulation in *The Communist Manifesto*, in which Marx and Engels declare that the ‘free development of each is the pre-condition for the free development of all.



Solidarity exists among a group of people when they are committed to abiding by the outcome of some process of collective decision-making, or to promoting the wellbeing of other members of the group, perhaps at significant cost to themselves. Many regard solidarity as an important political ideal on the grounds that it is related to community and fraternity, and conducive to social cohesion and stability.

Social Solidarity and Sustainable Development

In 1987, solidarity was interpreted as intergenerational solidarity by the *World Commission on Environment and Development - Our Common Future*: ‘Humanity has the ability to make development sustainable to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs’¹⁰. Intergenerational solidarity refers to any form of mutual support exchanged between generations. The concept of intergenerational ambivalence additionally accounts for the coexistence of harmony and conflict in close relationships. In an attempt to understand individuals' motivation for intergenerational solidarity, several explanations are proposed and discussed in literature.

The ILO uses social solidarity to define Social and Solidarity Economy (SSE) as ‘a concept that refers to enterprises and organisations, in particular cooperatives, mutual benefit societies, associations, foundations and social enterprises, which specifically produce goods, services and knowledge while pursuing economic and social aims and fostering solidarity’¹¹. This includes the traditional actors of the social economy (associations, co-operatives, mutuals and foundations), alongside a variety of other types of organisations that have emerged in recent years, including most notably social enterprises.

¹⁰ Gro Harlem Brundtland Report, 1987, Point 27

¹¹ International Labour Office (ILO), Social and Solidarity Economy: Our common road towards decent work, 2011

Solidarity only works if people support it; it is first and foremost a value. The President of the European Commission, Jean-Claude Juncker, in his State of the Union Address in 2016 pointed out that '[Solidarity] must come from the heart. It cannot be forced.' Education and nurturing of values are accordingly key to the reinforcement and durability of solidarity as a 'good' in European society¹².



Images taken from quoted European Commission publications

Next Social Dialogue Sheet deals with Social Regulation

¹² European Commission, Solidarity in Europe, 2018