

The Choice for Sustainable Solidarity in Post-Crisis Europe

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Who is opposed to *solidarity*? Unsurprisingly, everyone seems to invoke it as the magic bullet that will lead Europe out of its current crisis. It is the existence or absence of solidarity, we are told, that will dictate particular kinds of institutional designs for the European Union. What perhaps is surprising is that solidarity is invoked equally by camps with opposite philosophies. Those who want more redistributive measures between EU states – whether through more integration or increased authority for European institutions – argue that this must follow from the high interdependence we have created through our EU institutions. The other side counters that doing so would undermine the currently existing and precious ‘economic solidarity’ within member states.

Perhaps our political language is muddled and confused. Perhaps ‘solidarity’ is nothing more than a political slogan to be backed up by whatever argument commands the public opinion of the day.

We resist such cynicism. Instead, we argue that the lens of political philosophy can help us imbue the ‘ideal of solidarity’ with a sufficiently distinct moral and political meaning to serve as a useful benchmark for policymaking. Indeed, we believe that under admittedly stringent conditions, solidarity can play a similar role in underpinning European integration in the future as peace played in the foundation years.

We recognise of course that ‘solidarity’ has been part of the European Union’s equation for decades. On the one hand, as the indirect result of spill-over and the impact of free movement on the way in which member states must open their internal solidarity arrangements or welfare states. And on the other, more directly through various channels of inter-state or

inter-region aid, including agricultural, regional, and structural funds.¹ But in the wake of the sovereign-debt crisis, the European Union is confronted for the first time with the prospect of direct fiscal transfer of wealth from one group of citizens to another, on a scale that calls for a reappraisal of the ideal and impact of solidarity in this Union.

This essay examines in turn the *what*, *why*, and *how* of solidarity in the European Union. In conclusion, we advance our own position arguing that for solidarity arrangements to be sustainable in the European Union they must be embedded in *institutions of choice* in both senses - as themselves chosen by all and as frames for continuous policy choices.

What? Towards a Pluralist's Embrace of Solidarity

Of the words in the arsenal of contemporary politics, 'solidarity' may come top as both the most used and the least theorized concept, at least if we are concerned with theories that have achieved some degree of universal acceptance. Scholars have generally come to agree to disagree about the scope, proper usage, and normative significance of the concept of solidarity. Why is solidarity so contested? Arguably because it is used to characterise a whole range of relationships and patterns of behaviour connecting individuals and groups, with a family resemblance rather than a set of clear necessary and sufficient conditions at its core. As a result, those who set out to tackle the issue usually need to start by identifying a set of conditions for 'their' ideal of solidarity, which only partially includes those aspects that other authors deem to be at its core. No wonder then that they end up speaking past one another.

¹ We consider here the issue of economic solidarity, not political variants as in solidarity between member states in the field of foreign policy etc. see (de Búrca, 2005).

So when there are two conceptions of solidarity, say, blue solidarity and green solidarity, which focus on quite distinctive morally significant aspects of the family of solidarity relations, then it might well be the case that authors do not disagree about substantive moral issues at all, but merely talk about separate problems and adopt different labels.² There is no obvious remedy for this problem, except for being as precise as possible in presenting the phenomena we are addressing under the heading of solidarity. We start by sketching out some normatively important features of solidarity with which many writers actually agree in order to then sharpen our focus on the conceptual space occupied by solidarity without committing to a particular conception within this normative menu.³ But at least we can point to the core tensions at stake and ask how to manage them.⁴

The Conceptual Features of Solidarity

So what do theorists of solidarity identify as its conceptual features?

First, solidarity is a *hybrid* concept, used to describe both an observable empirical behaviour amongst people and the normative grounds on which there ought to be such behaviour. Thus, we could observe both that there is solidarity between members of a group where there ought to be none and that there ought to be solidarity between individuals where there is none at present. Solidarity in this respect is similar to legitimacy, and thus

² Perhaps the best example for this problem is to be found in debates about whether there can be 'human solidarity' with all of humanity. See e.g. the debates created by Richard Rorty's influential discussion of solidarity and some of his critics. (Rorty, 1989), (Geras, 1995), (Principe, 2000).

³ We follow here John Rawls' important distinction between concepts and conceptions. See: (Rawls, 1999, p. 7)

⁴ It should be noted already that the discussion does not ultimately aim to capture *all* contexts in which the language of solidarity is put to use, but it is meant to capture the central usages of the term and to theorise that makes them normatively significant.

unsurprisingly gives rise to similar contestations between social scientific empirical and normative philosophical accounts.⁵

Second, solidarity is a *social* concept that describes a relation between agents: one is not in solidarity with oneself. However, the fact that solidarity is 'social' still leaves open what it takes to be the proper object or subject of solidarity: Can solidarity only exist between actual persons (whether as individuals or organised in groups) or can it relate to non-human animals or future or past generations? It also begs the question of the kind of relationship that might qualify as such. Some writers – especially those concerned with empirical research – assume that solidarity is necessarily expressed through actual behaviour by agents.⁶ Other authors think that solidarity does not require particular kinds of behaviour but is better understood as a disposition to behave in a specific way (Rehg, 2007, p. 8).

Third, therefore, solidarity speaks to *motives*. Behaving (or being disposed to behave) in a specific way is not sufficient to be in solidarity. Such behaviour needs to be accompanied by an appropriate kind of *belief* (Harvey, 2007, p. 22). Thus, acting in ways that benefits somebody else is not sufficient to establish that one is acting *from* solidarity. As we will discuss below, one might be acting only out of pure self-interest in which case we would not normally speak of solidarity. Or one might be acting out of pure selfless or altruistic motives, which would not qualify either. In all cases, our shared beliefs about the kind of relationship that connects 'us' need to be compatible with the moral reasons that justify acting *from* solidarity: It is a fundamental to paradigmatic cases of group solidarity – such as the solidarity displayed amongst a minority group fighting against oppression – that members of the group believe that they are united by a *just* cause, such as the eradication of injustice. These appropriate beliefs

⁵ For a discussion of this problem in relation to the concept of legitimacy, see: (Howse & Nicolaidis, 2001)

⁶ See e.g. the discussion in (Thome, 1999)

about morality need not to be true: There can be solidarity between groups that are united in injustice (e.g. between unjust combatants in an unjust war). But it still is the case that those being part of this solidarity group see themselves as sharing in ‘something morally good’ that transcends them as individuals.

The Solidarity Compass: Interest, Community, Altruism, and Obligation

Clearly, the intensity of the bonds that exist between members of the myriads of communities of solidarity we recognise around us, as well as the breadth of the issues to which solidarity applies, varies immensely.⁷ Although this needs not be the case, the two are usually correlated: the broader the set of issues covered by the solidarity relationship, the greater the intensity of the solidarity bonds amongst its participants. But what unique factors account for the intensity of solidarity bonds in solidarity groups, and does solidarity require a threshold level of intensity or range of issues? Here, there is much disagreement.

With an eye to the EU setting, we make a ‘pluralist’ case about the nature of solidarity bonds, or the motives and contexts that constitute solidarity. In order to do so in a stylised fashion we offer a ‘solidarity compass’ which locates solidarity at the intersection of two continuums, namely one between (*self*) *interest* and *community*, and one between *altruism* and *obligation* (Figure 1). We argue that relationships of solidarity usually entail some degree of each of these features in varying measure as displayed by those participating in them.⁸ At the same time, relationships

⁷ E.g. we use the term solidarity both to characterise the close relationship between husband and wife in a marriage, to refer to transnational activist movements focusing on a single political issue or to speak of our feelings about the victims of natural disasters in near and far places.

⁸ By ‘display’ we here mean that these factors would be mentioned by participants when asked for their reasons to participate in the particular solidarity group. Our use of ‘reasons’

motivated solely by one of these, be it pure self-interest, pure community, pure altruism, or pure obligation, would not qualify as ‘solidarity’. Solidarity therefore describes a relationship that is motivated to some extent by each of these powerful motives, but irreducible to either one of them. Let us explain in more detail what this means with regards to the European Union today.

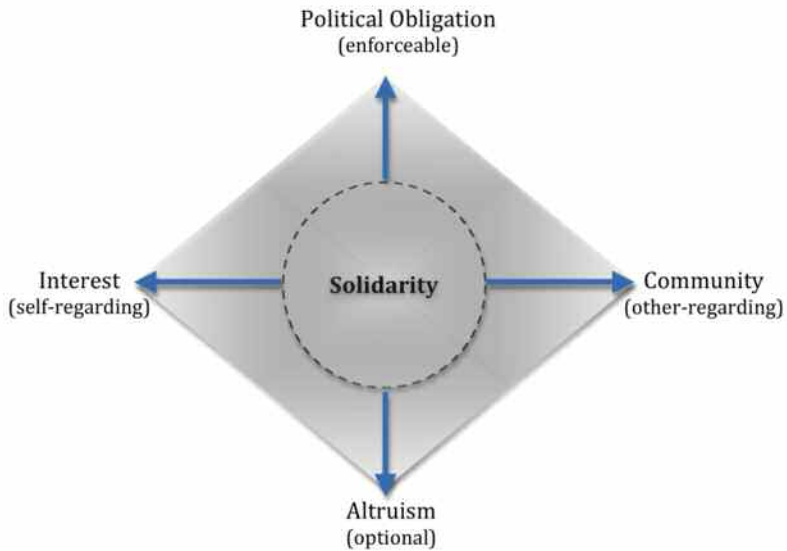


Figure 1: The Conceptual Space of Solidarity

Self-interest vs. Community The most often invoked argument in today’s EU debates is that ‘solidarity is in Germany’s (or France’s, etc.) interest.’ To be sure this is usually qualified as ‘enlightened’ self-interest or long-term interest, either because it carries expectations of reciprocity or because the positive externalities induced by such solidarity buy a desired outcome

throughout is meant to pick out those subjective reasons that agents think they have for participating in a relationship.

(sustaining the European Monetary Union, or EMU). Abstracting from the European Union, we see that for different solidarity groups there can surely be larger or smaller commonality of such baseline interests, which exist independently from the relationship and which do not internalise others' interests. Commonality simply means that each person, group or country stands a better chance of realising its independently given interests by participating in the group. If we take the extreme case where individuals cooperate *only* to each realise their independent interest, then few would speak of solidarity at all (but rather of a cooperation or coalition between agents). So mere commonality of interest is not sufficient for solidarity.

This naturally leads to the thought that acting from solidarity requires that one acts in the belief that there (additionally) exists some form of loyalty, some kind of pre-existing bond with those one is in solidarity with, which in turn would justify some uncertainty on the nature of the 'return on (the solidarity) investment'.⁹ At the opposite end of pure self-interest, therefore, there lies what we call the ideal of perfect *community*. Each member identifies with each other member to such an extent that self-interest becomes indistinguishable from common interest: the realisation of each individual's self-interest entails that each other individual's interests are satisfied, i.e. they each see the success of their own life as dependent on the success of the group as a whole.¹⁰ We say that solidarity is located somewhere in between the notion of pure self-interest and ideal community, because surely no such comprehensive loyalty is required to invoke the notion of solidarity between members of a group.¹¹

⁹ Obviously, specifications of what 'loyalty' means here go to the heart of the substantive questions concerning solidarity, which we discuss in the next section.

¹⁰ Feinberg says that the best way to judge different levels of community is by looking at our reactive attitudes: To what extent do I see praise for that person or group as praise *for me*? When that person or group commits a moral wrong – do I feel ashamed? (Feinberg, 1990, p. 234)

¹¹ We leave open here the question whether it is perhaps even false to speak of 'solidarity' within families, precisely for the reason that they realise the perfect ideal of community.

What does this tell us about the existence or absence of solidarity in the European Union? Member states have come to define their interests to ensure long-term stability in their relationship rather than seeking the highest possible economic benefit for various powerful national constituencies in the short term. This is consistent with saying that there is nothing more than a commonality of interest. But there are also aspects of the European Union that seem to transcend the realm of self-interest and to come (at least a little) closer to the ideal of community, e.g. the treaty of the European Union speaks of an 'ever closer union'. This might not be quite the same as a pledge of full-scale economic solidarity, but the implication is that member states see themselves as part-taking in something that is more than a convenient tool to realise self-interest.

Altruism vs. political obligation. Our other continuum is that between (supererogatory) altruism and (enforceable) political obligation. Some think that altruistic behaviour, e.g. charity or the simple generosity displayed by the good Samaritan's response to the stranger in need, are also possible instances of solidaristic behaviour. If that were true, then it would show that for some instances of solidarity, there does not seem to be any self-interest or reciprocity involved, except perhaps in the form of shared humanity.

Is this true? While we can imagine being in solidarity with others who cannot reciprocate immediately, we are somewhat wary that solidarity can characterise a relationship without any degree of reciprocal link (even if hypothetical). At the very least, a relationship is more rightfully called 'solidaristic' the more people have the ability to influence one another's destiny. So, for instance, a campaigner on behalf of poor, developing-world farmers might 'only' have a broad moral interest in seeing their plight diminished; or she might also know the farmers and therefore strongly empathise; or she may be part of the same movement as they are and thus

The important point is that we can speak of political solidarity where no such strong forms of loyalty exist.

share in a cause whose advancement is her reward. The more we go down this line, the more we can speak of solidarity. Pure charity towards the Greeks or the Irish would not qualify as solidarity. But an active and sustained interest in their future welfare born by a bond of empathy or a sense of community would. Pure selfless or altruistic motives seem atypical cases of solidarity precisely because those acting from solidarity do so while assuming some sort of reciprocity stemming from the bond in question, by which those involved in the relationship collectively advance their interests, e.g. by sharing risks and mutually insuring against disadvantages, even if very well aware that some will benefit disproportionately.

But there is also another important aspect that the discussion of altruism brings to the forefront: altruistic acts are in many instances – e.g. the case of the good Samaritan – supererogatory, i.e. they go beyond what morality strictly requires us to do.¹² By contrast, many things we do in political life we consider obligatory: morality does not make it optional whether we perform them. For example, citizens in a political community owe political obligations to one another such that they mutually uphold one another's rights: they pay taxes, respect the law of the land, serve in times of war.¹³ Not only do most people think that such political obligations are non-optional, but they are also such that most people think they are enforceable: If I fail to do my fair share in the communal life of my society, others can force me to do so without wronging me. So when we study the kinds of tasks that morality asks us to do, we see that there is a continuum between optional acts, acts that we are obliged to do (but others may not enforce them against us), and enforceable obligations.

Now our point is that the moral stringency of solidarity duties, including the kind of solidarity that exists at the EU level, straddles the boundaries of

¹² See the discussion in (Seglow & Scott, 2007, pp. 30-31)

¹³ See for example (Eleftheriadis, forthcoming); See also (Klosko, 2005), (Simmons, 1979).

strictly supererogatory acts on the one hand and acts that others have a right that we perform them on the other: the European Union may be a polity in the making but not of the kind that entails that the full scope of enforceable political obligations applies to each of its 'citizens'. Nonetheless, it seems far too permissive to assume that all (non-contract-based) demands for burden sharing in the European Union are purely optional. Whether solidarity expresses itself in deeds or in thoughts, such expressions include some original element of choice, but cannot be fully reduced to such once a solidarity relationship has come into existence. What solidarity does is introduce a special requirement of justification towards all those one is in solidarity with that falls between a strict obligation and a purely supererogatory act.

Solidarity as Profitable Altruism

To sum up our discussion so far: there are many ways of thinking about the moral relevance of solidarity when it comes to the duties we have towards others. We embrace a pluralist approach whereby solidarity as a moral concept is an intermediary between self-interest and community, as well as between altruism and obligation. And while it exists in tension between these different poles of the moral landscape it can be understood as closer to one or the other according to circumstances and viewpoints. But it cannot be reduced to pure self-interest, community, altruism, or obligation as it needs to entail some degree of connection or bond (even if tenuous), some degree of reciprocity (even if only in theory) and some degree of moral obligation (even if constrained by original choice). How do we capture this in-betweenness?

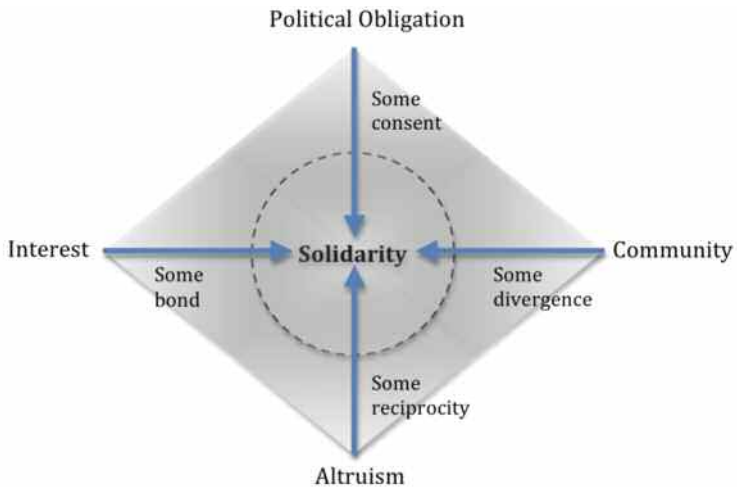


Figure 2: The Requirements of Solidarity

We can recall Tancredi's recommendation to his uncle, Prince of Salina, to embrace the idea of *profitable altruism* in the Italian Risorgimento so that everything could be allowed to change for everything to remain the same (Lampedusa, 1958). Perhaps this is what we are looking for in the European Union today: a way to weave profitable altruism in the very fabric of the union and make the moral demands on each other progressively stringent.

Why? Justifying Solidarity through Institutions of Justice

How then do we get there? How do we reason from these basic characteristics of solidarity to whether and how solidarity in the European Union can and should be enhanced? In other words, does the European Union provide the kind of landscape or context within which citizens (directly

or through their states) can or should feel more and more bound by relationships of solidarity?

An obvious starting point is to ask how the European Union differs from the individual nation state when we conceive of the latter as a different kind of 'community of solidarity'. In other words what do national citizens 'owe' – and feel they owe – their co-nationals and what do they owe other EU nationals? Such an account of how we should organise our solidarity duties to share burdens and what kind of institutions we should build and uphold to do so is not simply a theory of solidarity – it is a theory of social justice in general, and distributive justice in particular. Therefore, only a theory of social justice for the European Union can help us combine considerations about 'EU solidarity' with 'national solidarity' as well as other morally relevant facts – such as facts about existing shared institutions, engineered externalities, or reciprocal impact on welfare.

Crucially, solidarity may relate to our theories of justice in two quite fundamentally different ways. There are those for whom national group solidarity (as disposition and behaviour) is a necessary precondition for social justice. In short, 'solidarity restricts justice'. We argue, on the contrary, that because of its intermediate character, 'solidarity' is not a prerequisite but a choice that political community can and must make in certain circumstances through the institutions that they shape collectively. Let us briefly review some of the arguments at play.

The *solidarity as community* argument. Proponents of 'solidarity as precondition' argue that it would be morally wrong to force people to make redistributive sacrifices for others unless they have an inclination to do so based entirely on *community* in the sense discussed in part I (we call *non-instrumentalists* those who believe that even if we could force them we shouldn't). As they see it, respect for the autonomy of national political communities is paramount considering that nationals feel linked *as persons*. Like individual people, nations should be the authors of their own

‘communal life’, which requires us to respect the loyalties and special relationships that freely develop between free individuals, and therefore also the duties they accept to owe some and not others. Here we say: sure, what is not to like about autonomy?! But don’t we sometimes feel (altruistic) duties of justice towards individuals with whom we share no solidarity except in the most basic sense of common humanity (if this would pass the test of the ‘solidarity pre-condition’ then of course such a test would be trivial)? And how does the argument translate from the narrow sphere of actual personal relationships into the sphere of institutionally mediated group solidarity within states? Further, if lack of express consent is not a sufficient reason for people to refuse to participate in the large-scale solidarity practices of the welfare state, then autonomy may not be a sufficient reason to rule out a solidaristic European Union either.

The *community of justification* argument. Yet some authors accept the idea of duties of justice towards others with whom we are not in *personal* solidarity but argue that the existing, national bonds of solidarity still limit the scope of distributive justice (we can call them *instrumentalists*). They are pragmatic: for something to be a good theory of redistributive justice, it must be implementable (ought implies can); people must be sufficiently motivated to uphold the institutions and principles that these embed; trying to implement a public institutional system against ‘the people’ subject to it must necessarily be futile. Individuals will evade taxes where they can, they will cheat and lie, and no administrative and policing process will ever make them comply with the requirements of justice unless they choose to do so freely. Generally speaking, the national level is the only ground where these conditions can be obtained, even if imperfectly. This is why the state is a setting in which people feel the need to justify their behaviour when it comes to social justice or injustice and conversely have the right to demand such justification from state institutions.

But in our view, there are good reasons to see the European Union as a 'structure of justification' in the making (Neyer, 2011). Indeed, the European Union gives effect to the right to justification through multiple networks of policymaking bent on arguing and giving reasons, whether from bureaucrat to bureaucrat, heads of governments to governments, courts to governments, commission to ombudsman, or consultative bodies to policymakers. To be sure, such justification dynamics may often be too legalistic and not democratic enough, non-transparent, lacking in openness to contestation, and pervaded by blame shifting. But the European Union, including at its summits, has also become a highly visible platform for justification and counter-justification including regarding solidarity demands and questions of responsible national policymaking. One only needs to think of the collective censure that states like Greece or Italy received in the context of the sovereign debt crisis for their failure to maintain a financially sound budget. But we are still left with the question: If Europeans mainly remain 'foreign' to each other, isn't it relatively easy to say 'no' to the demands of solidarity?

The *sociological* counterargument. The answer will depend in part on whether we believe in the nation-centric story from a sociological standpoint. We know that social justice works (reasonably) well in solidarity groups that have developed out of smaller ones. The existence of national solidarity groups stands at the end of a long process of transformation from more community to less community (i.e. from blood-based loyalty over village-community and feudal-based group solidarity to equal citizenship). So if the necessary bonds of solidarity for the implementation of social justice can 'survive' a process of transformation from a few hundred participants to one that involves over 80 million (in the case of Germany), then why not expect that solidarity of the necessary kind could exist amongst an even larger group of people united by the fact that they all live

under the dense institutions of the European Union?¹⁴ 'But if scale-lifting' of solidarity bonds should not be deemed impossible, we also know from polls that there are huge variations in expressions of we-feeling across states and socio-economic groups.¹⁵ In short, whether it is plausible to lift the scale all the way to 'institutionalised solidarity' amongst humankind and short of this among Europeans is ultimately a socio-empirical question.

The 'other motives' argument. There is indeed empirical evidence that individuals are capable of acting in accordance with (some) principles of distributive justice in the absence of strong solidarity of the national type. Here we are squarely back to our 'solidarity compass'. Citizens may accept institutions that induce solidarity behaviour due to a mix of interest, altruism, and a weak sense of obligation. They are not required to act from a *feeling of community* in order to want to live on terms of justice with those citizens from other member states. Ambiguous and mixed motives might be enough: partly self-regarding (something to gain from European solidarity) and partly altruistic (desire to benefit others without immediate reciprocity). This mixed-motive nature of solidarity can sustain an institutional project from which there are many winners. '[Solidarity] is intimately connected to cooperation, that is, to intentional common enterprise, calling for a combined and coordinated action by many people. Unlike natural bonding forces of the kind of family love and care, solidarity is mediated by a commitment to an *idea or cause*.' (Heyd, 2007, p. 118; emphasis in original) Can the European Union, or EMU, represent such a cause? Considering that as an institution today it exerts a dramatic influence over life prospects from which nobody can escape without massive costs to self and others – i.e. that all its

¹⁴ Moreover, we know that existing national solidarity groups have been intentionally forged by authoritarian rulers and non-democratic administrators.

¹⁵ The most powerful counter-reply here is that policies, which promote certain kinds of supranational solidarity bonds, would be illiberal. We cannot discuss this in more detail here.

participants share a *common destiny* – it would be difficult to dismiss the prospect.

The *primacy of justice* argument. The American political philosopher John Rawls famously wrote: 'Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise, laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust' (Rawls, 1999, p. 3). Justice takes priority when it comes to designing and upholding social institutions – or what Rawls calls the basic structure of society – because of the 'deep and pervasive nature of its social and psychological effects,' its pervasive impact on the way individuals will fare in life 'from birth' (Rawls, 1993, p. 260), (Abizadeh, 2007, p. 319). The laws, norms and rules of 'institutionalised justice' shape the character and current self-understanding of those living under them as well as individual and collective aspirations for the future¹⁶ – including the choices we make in terms of forming solidarity groups with one set of people rather than another. If that is the case, then how we feel about the European Union as a 'cause' that might justify solidarity is itself a function of the European Union as part of the basic structure of our social lives.

In sum, the real disagreement concerning solidarity in the European Union can be traced back to how different thinkers connect it as a prescriptive ideal to their underlying (and often implicit) conceptions of what 'social justice' can mean for such a novel institutional form as the EU. If while not a state itself, it is meant to both tame and empower its constituent member states, it must also reinvent the idea of justice and solidarity across borders.

¹⁶ (Rawls, 1993, p. 269); This point is also emphasised in Scheffler's discussion. (Scheffler, 2008, p. 74)

How? Solidarity must be chosen, intrusive and sustained through institutions

This essay is no operational blueprint. But the philosophical debates we have engaged with do suggest some principles for action.

First, the question of solidarity in the European Union should not be apprehended as an ad-hoc remedy, a temporary fix to the sovereign debt crisis. We ought to be in the business of establishing the European project in the long term, of aiming to entrench sustainable integration in Europe, while trying to internalise to the greatest extent possible the interests of future generations (Nicolaidis, 2010). As we have argued above, *sustainable* solidarity can only be obtained through institutions of justice within and across states.

Second, the kind of solidarity bonds and behaviours we can wish for the European Union needs to be connected to the kind of polity the European Union actually is and is likely to remain – ours must be a realistic utopia. In this spirit, we see the European Union under the paradigm of *union* rather than communitarian *unity*, a federal union not a federal state, grounded on mutual recognition and justification, not an imaginary ideal of national community.¹⁷ The latter entails the kind of political obligations discussed earlier in this paper and usually associated with nation states, which we do not believe are required to underpin solidarity in the European Union. A supranational union is more than an alliance but it is not a state either – the term ‘union’ may convey an identity bond of *community* – albeit short of national or ethnic connotation – but it may also simply refer to ‘a community of interest’.¹⁸ At its most solidaristic, such a union is one in which each party

¹⁷ For an early discussion of this contrast see (Weiler, 1991). See also (Nicolaidis, 2004).

¹⁸ In truth, the bond that connects citizens of the EU is in the eyes of the beholder, as there exists a mosaic of different European stories each of them. (Lacroix & Nicolaidis, 2010)

internalises to a large extent the interests of the others as part of his interest (Feinberg, 1990, p. 234). But we believe that it would be a stretch to call for an extremely stringent 'one for all, all for one' in all areas of the European Union's policies. To the extent that there are structural asymmetries between weak and strong, small and big, rich and poor states or groups of people, such a requirement for solidarity would be too strong and would endanger the unstable balance which the European Union needs to preserve between disintegration and statism writ large. For now, it is enough that each member states (and at least a plurality of citizens) mutually identifies with each other to some degree; that each member be willing to forgo at least some benefit for the sake of realising greater benefit for other members, and that each member thinks that its actions are at least partly grounded in stringent moral and political obligations. This ratio between (small) acceptable cost to oneself and (large) benefit to others becomes the measure of solidarity. And as the basic structure of the European Union as a transnational society, EU institutions can help bolster a kind of structural loyalty to the system and to each other if they are perceived as doing so fairly.

Third, then, in a union that remains mainly a community of foreigners, a community of close strangers bound together by deep interdependence, it is fair enough and indeed a warrant of sustainability that solidarity be part conditional on knowing about the use and misuse of one's expression of solidarity. Such conditions do not hold in the context of pure charity, nor in the context of family solidarity grounded in blind trust rather than binding trust. And even then, nothing kills the solidarity impulse as the discovery of having been taken for a ride. Habits of solidarity may develop from the existence of institutions that guard against free riding, enforce responsibility upon the recipient and enforce diffuse reciprocity in the *longue durée*. Institutions will not be perceived as just and therefore solidarity not be sustained if some countries or agents benefit unduly, whether because

solidarity amounts to mutualising pain and privatizing gain or because solidarity only serves to shield some from adjustment costs that will benefit them in the long run.

We would suggest exploring a kind of *duty to intrude* as an integral part of the institutionalisation of solidarity, or the idea that a country's or group's solidarity be grounded on participation in its intended impact, on an active concern in ensuring the fair use of solidaristic behaviour and rules. Such intrusion in term needs to be respectful of differences and autonomy through a spirit of negotiation and mutuality rather than asymmetric domination on the part of the subject of solidarity.

Finally, choice must remain at the core of the European variant of solidarity. In the European Union as we have it today, increasing solidarity will not be an enforceable obligation, delivered through transnational institutions of justice not associated with nation states – it will remain a fragile and contested process in which nation states object and adjust and ultimately determine the institutionalisation of solidarity in the European Union. This was certainly the message expressed by the German Constitutional Court in the summer of 2011, namely that Germans might enter a kind of solidarity contract with their European counterparts but that could not (yet?) amount to endorsing the unpredictable liabilities of others. Solidarity in the European Union must rest on institutions that ensure its constant and renewed fairness to all sides. The choice for sustainable solidarity is at that price.

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