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On Solidarity

Emmanuel Melissaris [*]

Abstract: When all else fails–justice, law, the institutional structure–solidarity is invoked as a fundamental principle in political discourse. Yet, such appeals to solidarity often determine radically divergent courses of action. This paper is animated by two intuitions: first, that solidarity cannot be divisive, as the ways in which it is invoked would suggest. Second, that solidarity does indeed lie at the foundation of our political relations, framing and supporting all else. The article attempts primarily to resist the conflation of solidarity with other concepts or from any normative antecedents. It will do so by targeting some central conceptions of solidarity available in the literature. Secondly, it will identify the paradigmatic locus of emergence of solidarity in the space left by the failure or limitations of institutions, while arguing that solidarity is not exhausted in these moments. Third, it will begin to articulate (rather tentatively, for the lack of space) a way of thinking about solidarity as a very basic relation that is political in a fully-fledged sense. It will also begin to explore the practical implications of this conception. My hope is that thinking of solidarity in the terms suggested here can frame actual solidarity practices as naturally as possible and be of some service to our political communities.

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DOES SOLIDARITY NECESSARILY MOTIVATE ANTAGONISM?

Appeals to solidarity abound in current political discourse and the contexts, in which solidarity is invoked, as well as the courses of action that claims to solidarity animate vary. Let me illustrate with two examples.

The financial-turned-fiscal crisis that hit various European countries, mainly in the South, from 2010 onwards triggered waves of popular movements towards these countries calling for the relaxation of the imposed austerity measures in the name of solidarity. Confusingly, however, creditor EU member states imposed austerity measures ostensibly on the basis of EU and domestic legislation *again* in the name of solidarity, this time as a foundational principle of the EU.

During the on-going Mediterranean refugee crisis that started in 2015 many European states declared their solidarity with people fleeing warzones and seeking safe harbour in Europe. On the part of European states, solidarity motivated closing down borders and ultimately a deal between the EU and Turkey for the return of migrants, a deal which, according to even the most generous analyses, endangered the very existence of migrants and refugees (indeed, the agreement very quickly proved even more unprincipled and fragile than critics initially thought). At the same time, it is also solidarity with refugees that motivated thousands of people in Greece and elsewhere actively to assist either by rescuing those at sea or by contributing to covering the refugees' urgent needs for sustenance and basic hygiene and health care. Many, if not most, of those activists acted on the ideal of open borders and the sense that everyone, independently of citizenship, should enjoy at least some rights anywhere in the world coupled with the sense of responsibility of parts of the developed world for indirectly contributing to coercing, in a variety of ways, whole parts of populations to relocate in an attempt to survive.

It is often thought that such profound disagreements and radical discrepancies between courses of action ostensibly animated by solidarity do not only pertain to the conditions of application of principles of solidarity but rather to the nature of solidarity itself. Solidarity is thought to track its subjects and objects in a way that necessitates closure and therefore antagonism. This, however, runs contrary to the intuition that such profoundly inconsistent courses of action cannot all be determined by solidarity. This is not an arbitrary intuition; it has some grounding in political history as well as in a *prima facie* understanding of solidarity. From the very outset, solidarity was employed as a way of connecting different communities and people who might have had different commitments. Solidarity's predecessor, fraternity, was precisely about resisting partisanship, transcending differences, and forging a post-revolutionary congruent community not of aim but of relative standing in conditions of liberty and equality.[1]

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[1] For an historical overview of the idea of solidarity, see Stjernø, Steinar (2010) *Solidarity in Europe: The History of An Idea* (Cambridge University Press).

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Nevertheless, let us take a closer look at this threshold question of whether solidarity necessarily leads groups barricading themselves around substantive commonalities. To do so, I will visit two helpful typologies of manifestations of solidarity, which suggest that solidarity is indeed exclusive. I assume that these taxonomies are meant as more than sociological archetypical categories or recordings of some social movements but rather as accounts of the nature of solidarity itself.

The first typology is offered by Kurt Bayertz.[2] Bayertz distinguishes between two basic types of solidarity with the *differentia specifica* being the type of bond developing between the members of the solidarity group. On the one hand, there is agonistic solidarity, which can be defined as 'the preparedness of an individual or a group to help another individual or group to pursue and assert their rights'[3]. On the other hand, we can speak of a more ethically demanding solidarity, which revolves around a tighter bond between the members of the community. The crucial difference between these manifestations of solidarity and other foundational normative concepts such as freedom, equality, and justice is that, unlike the latter, they are not neutral or universal; Bayertz believes that this type of solidarity presupposes 'a partisanship carried by feelings of closeness'[4].

Similarly, in *Political Solidarity*, one of the few book-length attempts at exploring the concept, Sally Scholz constructs three general types of solidarity[5]. *Social* solidarity is 'a community relation that also entails some binding obligations'[6]. This type of solidarity is comprehensive and demanding. It establishes obligations on the part of participants in the group by virtue of their being members of the group. *Civic* solidarity is the type on which the postmetaphysical tradition in political philosophy relies. It pertains to 'the obligations that the state as a collective has to each citizen; that is, by virtue of their membership in a political state, each citizen is obliged to all other citizens, and vice versa'[7]. Civic solidarity provides the justificatory bedrock for the welfare state as well as the diet of individual and mainly social rights established, primarily in Europe, from the 20th century onwards. Finally, *political* solidarity is the type exhibited by communities of aim, more specifically communities held together by the political struggle against injustice, oppression, tyranny, or social vulnerability.

With the exception of Scholz's 'civic solidarity' (on a version of which more soon), all these types of solidarity are organised around reasons that apply to the members of solidarity associations. Nevertheless, although we get an account of the phenomenology and the entailments of these reasons, it is not clear at all what *kinds* of reasons they might be.

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[2] Bayertz, Kurt (1998) 'Begriff und Problem der Solidarität'. In K.Bayertz (ed.), *Solidarität: Begriff und Problem* (Suhrkamp).Translations are by the author.
[3] Ibid at 49.
[4] Ibid at 49-50.
[5] Scholz, Sally (2008) *Political Solidarity* (Penn State University Press).
[6] Ibid at 21.
[7] Ibid at 27.

One possibility is that they are agent-specific in the sense that they depend on each actor's beliefs about which reasons apply to her. In this conception, members of the solidarity community share, or believe they share, certain beliefs, which motivate their action in a way that is consistent with the beliefs and actions of others. This is another way of describing a Durkheimian mechanical solidarity society, in which there is a generalised convergence of beliefs about how one ought to act in a community. But such a conception of solidarity might also be invoked by those who believe themselves to be acting on reasons, which (they believe) apply to others. This would be the case in what we might call triangular schemes of social relations (religious ones would be paradigmatic such schemes) in which one believes that there are compelling reasons stemming from outside the community itself to act towards others in a certain way whether others appreciate this and act accordingly or not.

The surprising upshot of this conception of solidarity, however, is that although living in a community in the flimsy sense that actions are necessarily other-directed is a necessary *condition* of solidarity, the community is not the *source* of reasons. Solidarity becomes entirely dependent on agents' psychological attitudes, which are co-ordinated and stabilised either on the basis of expectations of reciprocity (as opposed to the institutional guarantees of reciprocity available in communities organised around institutional solidarity) or on the selfless and unconditional commitment of some members of the community to the welfare of others characteristic of religious conceptions of solidarity. This, however, flies in the face of every *prima facie* understanding of solidarity, an understanding which Bayertz and Scholz in fact share, according to which solidarity generates duties because one *is* a member of the solidarity community rather because of one's *opting in* such communities. To put it slightly differently, this view is inconsistent with the intuition that solidarity constitutes and sustains communities rather than the other way around.

Even if one is reluctant to place weight on that intuition, or doesn't share it, one will still have to see that in this picture solidarity loses its independent significance altogether. To work out how one in such social relations ought to act, all that we need to know are the reasons held by the person, whether her beliefs coincide with others' or not. To dub these sets of reasons 'solidarity' is overkill. Unless, of course, the contention is that reasons of solidarity are substantive, universal, and agent-independent. In that case, however, the fragmentation of solidarity into various types becomes impossible. Solidarity will demand that one act in a specific manner at the exclusion of any other possible courses of action renders the offered typologies incoherent.

An alternative that would address the problem of side-lining the community and the corollary of prioritising the individual's commitments and beliefs would be that solidarity reasons are belief-independent and stem from the community itself

(therefore not universal). Andrea Sangiovanni believes that such reasons are generated by collective agency in solidarity groups[8]. He suggests that acting in solidarity must meet certain conditions, which need not be known by the members of the solidarity group: that the members of the group share a goal and intend to make a contribution towards achieving it; that they are committed to the realisation of the shared goal by not by-passing each other's will in the achievement of that goal; that they are disposed to incur significant costs to realise their goal and to share one another's fates in ways relevant to the shared goal.

Sangiovanni attempts a number of things simultaneously: normatively to latch solidarity onto the community, that is on the fact of sharing certain goals rather than on the individual holding of the goals; to maintain a relative degree of pluralism (a pluralism of intentions and beliefs) within solidarity communities; while still depending the emergence of the solidarity community on the attitudes of the individuals comprising it rather than on something entirely alien to them such as the commands of a divine being. I am sceptical as to whether these aims are indeed achieved.

First, a question can be raised about whether a shared goal is required at all as a constitutive condition of solidarity associations. Solidarity typically surfaces in the form of demands to treat others in a certain way. Such demands can be intelligibly directed at those who do not share the goal. Consider the example of refugee rights activists and governments of the European Union member states. The two groups pursue different goals; the former work towards securing rights for refugees in the host countries whereas the latter work towards repatriation or at least expulsion from EU territory. Nevertheless, the demands raised by the former that the latter act on reasons of solidarity in order to secure refugee rights are perfectly appropriate in the sense that they refer to a common normative framework (the framework of solidarity) despite the divergence of the respective goals of the two groups. In other words, these demands are not calls to subscribe to a goal but to act on reasons of solidarity, which already apply to the demand's addressees.

Secondly, it is questionable whether Sangiovanni's conception of solidarity maintains pluralism within the same association. For principles of collective agency to be triggered, the group must have been already constituted on a different basis. Sangiovanni believes that he steers clear from reducing the constitutive condition of the group to participants' evaluative attitudes distinguishing, to that end, between member's individual intentions, on the one hand, and shared goals, on the other. It is the latter that constitute the group independently of the intentions, which might motivate each member to subscribe to the goal.

I doubt, however, that the distinction between intentions and goals is as sharp as Sangiovanni argues. Each participant's second-order intention to pursue the shared goal as well as the way in which the goal is defined in the normative

[8] Sangiovanni, Andrea (2015) 'Solidarity as Joint Action'. *Journal of Applied Philosophy*, 32/4, 340-359.

scheme that determines her actions is always contingent on her first-order intentions. It follows that goals are never shared on the surface; they necessarily require an overlap between first-order intentions. Consider, for example, A and B who both aim at overthrowing dictator C. A wants to do so because she wants to establish a democratic regime and B because he wants to establish himself as a dictator. To say that A and B share the same goal despite their intentions would be completely to misread the parties' dispositions as well as the relations between them. It follows then that solidarity is inevitably thick and determined by the shared commitments of the parties, which is what Sangiovanni wanted to avoid in the first place. One way around this would be to pitch the goals that the parties must pursue to increasingly higher levels of abstraction (e.g. to pursue 'the good' or 'the right') so as to iron out all possible disagreements and superimpose consistency of goal between various groups. This, however, would inevitably result in such lack of specificity as to make the shared goal requirement devoid of any content.

Nevertheless, let us entertain the idea that the democrat and the wannabe dictator really do share a goal and that solidarity really tracks that shared goal. Sooner or later the goal will be achieved or their opportunist association will fall apart under the weight of their deep disagreements. What, then, remains of solidarity? Is the link between refugees and those assisting them transformed into something qualitatively different? Or is it the case that, absent a common institutional framework, we revert to the state of nature and unrestrained conflict between parties which were until yesterday bound by the links of solidarity become permissible? Do those who sided with each other cease to owe any duty properly understood as a duty of solidarity once their goal has been achieved?

There is another pressing question opened up by reducing solidarity to shared goals. Does *any* shared goal do? On 13 November 2015, 130 people were left murdered or injured in a series of co-ordinated attacks by Islamist fundamentalists in Paris. Ten days later the then Prime Minister of the United Kingdom, David Cameron, visited Paris. In the joint press conference with the then President of the French Republic François Hollande, Cameron said the following: 'It is clear that the world is coming together to tackle this evil terrorist threat. … We have shown our firm resolve and together we will destroy this evil threat'. And he added in French for added effect: 'Nous sommes solidaires avec vous'. Cameron presents the problem clearly, if entirely inadvertently so. Can one declare solidarity with another in order to destroy?

Sangiovanni tries to address all these problems at one fell swoop by resorting to an external, universal, and unifying normative scheme. To that aim he introduces the distinction between reasons *of* solidarity, which are generated by the specific species of collective agency that I have been discussing so far, and reasons *for* solidarity, that is reasons that compel everyone to enter solidarity associations. Once again, for solidarity not to collapse into individuals' moral preferences and for them to have some critical bite, these reasons must be agent-independent.

After rejecting reasons of shared experience and identity as inappropriate, Sangiovanni gives our moral obligation to join a solidarity association a broadly Kantian hue as a moral duty to exit the state of nature, establish just institutions, and avoid the alternative of civil dissolution. Again, however, there are significant problems.

First, this account of reasons for entering solidarity associations is too controversial and too determinate. It therefore unwarrantedly excludes various solidarity practices as unjustified or as an altogether different species of a practice. Does an anarchist, who is motivated not by the aim to establish just institutions but rather by a resistance to institutions, not act in solidarity for the right reasons? Or, if she does happen to act on reasons of solidarity, as singled out by Sangiovanni, is she simply morally lucky? Sangiovanni deals with this problem by shoehorning the concept of solidarity to specific aims that we want to achieve and therefore narrowing down the scope of his conception of solidarity:

> The aim of providing a philosophical analysis of the concept is to single out certain features that, I believe, best explain its characteristic role in political and theoretical debates centred on social justice, especially as regards the limits and aspirations of the welfare state. We therefore succeed in our endeavour if we can isolate a concept that brings out aspects of its general usage that are interesting and relevant for our guiding theme[9].

Sangiovanni admits that this will let many legitimate uses of the term solidarity fall through the cracks. The problem, however, is substantive, not semantic. Over-circumscribing the reasons for entering solidarity associations already sets sharp boundaries between properly public/political and associational practices of solidarity from a vantage point outside the normative framework of solidarity itself. In other words, Sangiovanni set out to maintain pluralism but ends up suppressing it.

Secondly, and this reflects the problem that we encountered earlier, this picture fails to capture the manifestations of solidarity in the real world. Solidarity emerges most forcefully providing people with strong grounds for acting when institutions fail or prove incomplete and precisely because solidarity defies the pressures exercised by the systematicity of institutions, such as the principle of treating people alike and so on. Acts of solidarity are not only present but also perfectly justified in the exception without requiring an ultimate goal, from which to derive their value. Crucially, solidarity also generates justified claims against others even in the absence of the constitutive conditions of solidarity associations, which Sangiovanni singles out. Consider again the example of refugee rights activists, on the one hand, and European governments on the other. The claims that the former raise against the latter, their calls that governments act on grounds of solidarity, are not invitations or pleas to the individuals staffing European

[9] Ibid at 343.

governments to act on right (Kantian) moral reasons but robust, enforceable political demands.

There is a second-order problem underlying the accounts of solidarity that I have discussed so far. They all presuppose a prior normative scheme that grounds solidarity and on which solidarity always depends. They therefore presuppose that the constitution of the community predates the normative scheme of solidarity. Sangiovanni's distinction between reasons of and reasons for solidarity clearly illustrates this. What, then, might constitute the community? It must be either overlapping interests, desires, whims, or some compelling duty that is free from desire or whim. Sharing the distrust to humans that has guided much of liberal modern philosophy, Sangiovanni turns to Kant for assistance, where 'Kant' stands for morality as an order compelling us, even despite us. But it compels us as individuals; the duty is internal. Morality tells us: 'do the right thing and associate with others, share the goal of bringing the rightful condition into being. Once you have agreed on these goals, you will have to treat each other in a specific way, you will have to live with each other in solidarity'. But why should this be so? There seems to be no space for solidarity in between the moral duty and overlapping motivations on one side of the historical divide and institutional duties on the other. Solidarity becomes surplus to requirements and can do no independent work in our political arrangements. Not only does this render the philosophical enquiry self-contradictory–one sets out to establish the independence of solidarity only to subordinate it to something we already know–but it also fails to measure up to our experience of the world. Solidarity does already do such work in our societies in a way that is always already fully political, in the sense that it grounds intelligible and justifiable claims and criticism even outside institutions.

SOLIDARITY BEYOND, BUT NOT UNRELATED TO, INSTITUTIONS

As I have already suggested, solidarity forcefully surfaces as the ground of justified claims, when institutions are either not in place at all or they are normatively and operationally insufficient. I have argued this largely by way of assertion so in this section I will pursue the point a little further. Identifying the paradigmatic locus of emergence of solidarity in the form of claims will also help us to come closer to working out solidarity's nature.

Think back at our running examples. The austerity-driven suffering of the people of debt-ridden states was caused precisely because of the steadfast adherence to rules. Similarly, refugees, the *sans papiers*, economic migrants, and other third party nationals, do not enjoy full-blown (or, in some cases, any) membership of the political community so as to be entitled to be recipients of distributive justice. The care that is afforded to them by institutions is, first of all,

largely grounded in a promise exchanged between states–some, not all–in the form of international treaties. Such promises, like all promises, are always finite and always subject to change in light of actual circumstances. The promises exchanged here presuppose that the outsider is an exception and as such will not disrupt the political community that receives her. But the current refugee crisis is of such a scale that it threatens to disrupt this equilibrium. The utterly real-material walls erected by Balkan and Northern European countries, and the equally real but invisible normative wall erected by the European Union with its agreement with Turkey betray a fear not of the exception (exceptions pose little threat) but of the permanence, the entrenchment of a new situation as the reconfiguration of population and so forth. The promise of caring for outsiders meet its limits as soon as it becomes inconsistent with the identity, in which the promisor entered the promissory agreement in the first place. Appeals to solidarity therefore seem to try to pick up that which falls through the cracks of institutions.

Hauke Brunkhorst captures precisely this with his socio-theoretical account of the transformation of solidarity in modernity both in its earlier stages of functional differentiation as this took place within nation states and the later stage of globalisation[10]. Brunkhorst argues against the standard view that solidarity is either altogether non-political or at least juxtaposed to democracy *qua* majority rule. Indeed, he claims that solidarity is 'one of the few concepts of moral thought that has proven to be fully compatible with the statist model of the political community'[11]. Solidarity, however, could not have survived modernity as the sense of communal togetherness or all-encompassing *philia* on the basis of a one-to-one recognition or the sharing of a common set of values. Modernity created two inclusion problems that differentiation, pluralism, and the decoupling of law from society, would not have allowed to be solved with resort to close, comprehensive ties. These two inclusion problems are the desocialisation of the individual (a necessary requirement of functional differentiation) and the proletarisation of society (a contingent consequence of differentiation)[12].

> The two inclusion problems, that of individual exclusion and that of social exclusion, which broke out in early modernity and then in more acute form in the nineteenth-century religious civil wars and social-class struggles, were solved by the democratic constitutional state. … only the egalitarian, politically inclusive principle of democratic self-legislation, which could be effectively institutionalized in the course of the constitutional revolutions and class struggles of the eighteenth, nineteenth, and twentieth centuries in Western Europe and North America–and still chiefly there–first, produced a stable solution to the problem of pluralism, one that can be extended, achieve consensus, and is capable of learning and, second, led to the political

[10] Brunkhorst, Hauke (2005) *Solidarity: From Civic Friendship to Global Legal Community* (MIT Press).
[11] Ibid at 5.
[12] Ibid at 92.

> participation of ever wider segments of the population and thereby made the realization of democracy in terms of the welfare state into a permanent topic of politics[13].

The two inclusion problems, however, re-emerge in conditions of globalisation, because of the decoupling of law from politics and its subsequent coupling with the economy. Whereas economic rationality has transcended the boundaries of the nation state, the political has not or at least not to an extent sufficient to establish a strong public sphere, in which participation is not exhausted in consultation and opinion-giving but is also extended to cooperative decision-making. Brunkhorst argues that it is only the development of such a global public sphere that the inclusion problems of globalised late modernity will be addressed.

Importantly, he sees (writing in the early 2000s but the point is still relevant – perhaps even more so – today) the emergence of such a global public sphere that could lead to the institutional instantiation of democratic solidarity largely as expressed in mass protest movements, which often transcend nation state boundaries.

> The second, quasi-constitutional criteria of legitimation of a social and political core of articulation and growing "protest avant-garde", which arises from the varied forms of communicative execution of power, is its *inclusive openness*. …
>
> The legitimation of the new civil society culture of global opposition is weak, but not without verifiable criteria: "*Voi G8, Noi 6,000,000,000"* (You are G8, we are six billion). As long as the strong public-in-the-making must confine itself to the politics of the appeal, to "permanent arrest", to "*obstructing actual (and undemocratic) global power* [*Herrschaft*]," the openness of the discussion, together with the sincerity of the engagement, is a necessary and sufficient criteria for *speaking* (in an advocatory way) even in the name of those who cannot or do not (yet) want to express themselves[14].

What I want to keep from Brunkhorst's analysis for now is, first, that it provides support to what we have already tentatively seen in the running examples: solidarity surfaces in the form of claims that fall outside institutions, and this, I would suggest, might be manifested in conditions of globalisation (not least because globalisation presents a unique feature in that there is a complete absence of an institutionalised rightful condition), as Brunkhorst argues, but is not exhausted in that context. Secondly, despite the absence of institutions, solidarity claims are complete political claims. Seen from a different angle, solidarity is necessarily outward-looking in the sense that it pertains to a normative framework

[13] Ibid at 99.
[14] Ibid at 159.

which stems from the community, i.e. is independent from the psychological attitudes of the community's members, and normatively constitutes the community despite the lack of institutions allowing claims such as '*we* are six billion'. Belief-independence, however, does not imply agent-independence. The community generates the normative framework of solidarity *because* of its membership, though not because of some idealisation such as a shared goal. It is precisely this that allows the resocialisation, in the sense of repoliticisation, of the individual.

Might, however, solidarity as a political concept fully coincide with democracy as Brunkhorst seems to believe? If democracy is to be understood in the narrower sense of an institutionalised process of participatory decision-making, then the difference between it and solidarity becomes clear. Although democracy constitutes the political community and therefore shapes the bond between its members in a particular way, it cannot be the case that it introduces a bond between them out of nothing. It must supervene on some link between the participants in the democratically constituted body political, a link which will not be as thick as democracy but will not be normatively inert either. This is what allows appeals to solidarity to animate political action when democratic process proves to be incomplete. At the same time, appeals to solidarity are not antagonistic to democracy. When, for example, the demands for solidarity of the *indignados* in Spain, Greece, Portugal as well as those protesting in their support in Northern Europe during the pinnacle of the financial-turned-fiscal crisis, are not hostile to democratic process; far from it. But they are appeals that are sustained by something that pre-exists democratic process and is its necessary presupposition. Therefore, the new global civil society that Brunkhorst has in mind might be a precursor of a global democratic system but it is not a precursor of solidarity; it too rests on solidarity.

The same holds, if we think of democracy as wider than its institutional manifestations, namely as a strong public sphere, which might not have the authority or capacity to make and implement decisions but is at least a forum of operation of the political community. For this to be normatively possible, there must be some pre-existing link between the participants in the democratic public sphere.

This becomes strikingly evident in arguably the clearest context in which solidarity surfaces, protest or rebellion. In *The Rebel* Albert Camus says: 'Man's solidarity is founded upon rebellion, and rebellion can only be justified by this solidarity. We then have authority to say that any type of rebellion which claims the right to deny or destroy this solidarity simultaneously loses the right to be called rebellion and actually becomes an accomplice to murder'[15].

'Je me révolte, donc nous sommes', says Camus, but it is hard to tell whether for him solidarity performatively emerges in rebellion or whether rebellion is an

[15] Camus, Albert (2013) *The Rebel* at 9 (Penguin Classics) (first published in France as *L'Homme Révolté* 1953).

affirmation of solidarity. Either way, this political, normative link between the rebels that we can call solidarity has no normative antecedent. The community of rebels is guided by solidarity (how else to hold one responsible for murder?) but, at the same time, it reconfigures itself in its specificity as a community of solidarity. We already precluded earlier the possibility of this coming down to the serendipitous convergence of personal preferences and the commitment to a shared goal. If this were the case, it would be impossible to speak of a community of rebels, which is normatively independent as a community but also pluralistic in terms of the beliefs of the participants in the community. Nor can it be the case that the criticism for transgressing the requirements of solidarity is criticism for failing to be guided by moral, i.e. pre-political, duties which are necessarily internal and non-enforceable.

For the community of solidarity to be re-specified through the suspension of institutions in rebellion, this pre-institutional, pre-contractual, yet fully political bond must have *some* content. It must be such as to allow for the reconstitution of the community.

One might think that that content is determined historically. Some years after Camus and at a time of proliferation of movements of civil disobedience in the U.S.A., Hannah Arendt[16] made much of de Tocqueville's *consensus universalis*, which is always prior to and presupposed by the exchange of promises forming the social contract and to which the parties to the contract can always revert when the coincidence between real circumstances and mutual promises wears thin. Disobedience (always conscientious and always nonviolent), Arendt believed, was justified because it reaffirmed the Montesqieuean "spirit" of American laws, the consent *qua* active participation, which was inescapably accompanied by the possibility of dissent. Note: the spirit of *American* laws, not the spirit of a yet unconstituted community. If this is the case, however, we shall never be able to say "*voi G8, Noi 6,000,000,000*" nor will we be able to act in solidarity with refugees in the cracks of institutions that we have opened wider with acts of disobedience. This is not because we will not have *in fact* come together (after all, how can 6 billion of us come together?) but because even if we do come together we shall not be normatively able to act in a way that isn't at the same time an instance of violence. Immigrants, refugees, are not part of the *consensus universalis,* the spirit of "our" laws does not extend to them. With solidarity becoming inert, acts of assisting refugees become acts of charity. Charity, however, is necessarily an unequal relationship. The charitable person always has something that the object of his charity does not have and is not entitled to. Neither is this what those acting on solidarity towards immigrants claim (or at least some of them) nor is it the reading that best coheres with our intuitions about our relationships to those who are washed out on our shores.

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[16] Arendt, Hannah (1972) *Civil Disobedience*. In Arendt H. Crises of the Republic (Harcourt Brace) (first published in the New Yorker, September 12 issue, 1970).

If we are to make sense of solidarity, we do need to leave institutions but we need something more basic that underpins *all* institutions and not only something necessarily bound to its context.

A MORE BASIC CONCEPTION OF SOLIDARITY

This is where we are at: it is a mistake to subject solidarity to beliefs about reasons that one may hold for acting because then solidarity duties are misread as stemming from the agent exclusively rather than from the agent's membership of a community. This would also misread an opt-out clause in each and every solidarity duty. However, thinking of solidarity as community-related should not be conflated with accepting that solidarity depends on the constitutive conditions of the community or on anything else that is normatively antecedent. If that were the case, solidarity would already lose its independent significance. Finally, we have seen that a central locus of manifestation of solidarity in the form of intelligible and justified political claims against others in the absence of an institutional structure, in conditions of globalisation or protest, disobedience, rebellion. We are therefore looking for a conception of solidarity that is basic and fully political.

David Wiggins thinks of solidarity as the very root of the ethical in terms of a basic mutual recognition, which generates at least some negative duties towards each other. He arrives at this by combining Hume's contention that we are motivated by self-love and benevolence

> to promote the benevolence of each and everyone else; and each and everyone seeks constantly to diminish each and everyone else's private concern to attend only to self-love. In succession to this interplay, the words "useful", "useless", "good", "bad", "fair", "foul", "ugly" and "beautiful" ... take on a public and shareable significance which comes to transcend any particular person's private and particular situation[17].

Promising as a starting point as he may find this, Wiggins singles out some important deficiencies. First, Hume does not account for the pre-reflective mutual recognition of humans. Second, it identifies the proto-ethical in terms of the interplay of self-love and benevolence cannot account for 'primitively prohibitive aversions' which we display in the face of the slaughter of innocents. Third, Hume 'has too little sense of what the generalization of benevolence in "public spirit and other social virtues of that stamp" may find itself licensed to award to "winners", or what it will be licensed to take away from "losers", in deliberations directed towards the greater happiness'[18].

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[17] Wiggins, David (2008) 'Solidarity and the Root of the Ethical', The Lindley Lecture, at 7.
[18] Ibid at 8.

These deficiencies, Wiggins believes, can be addressed with reference to something like the morality of the encounter, which he draws from Simone Weil, whom it is worth quoting at length:

> Anybody who is in our vicinity exercises a certain power over us by his very presence, and a power that belongs to him alone, that is, the power of halting, repressing, modifying each movement that our body sketches out. If we step aside for a passer-by on the road, it is not the same thing as stepping aside to avoid a billboard; alone in our rooms, we get up, walk about, sit down again quite differently from the way we do when we have a visitor. But this indefinable influence that the presence of another human being has on us is not exercised by men whom a moment of impatience can deprive of life, who can die before even thought has a chance to pass sentence on them. who can die before even thought has a chance to pass sentence on them. In their presence, people move about as if they were not there[19].

These are the building blocks –and they are important ones. A minimum upshot of this 'indescribable influence' which does not collapse into Humean benevolence, but is co-extant with it, is the prohibition of causing harm to others.

Wiggins is right to argue that 'human solidarity is a way of being, not a way of arriving at something else'[20]. However, a clearer demarcation needs to be drawn between solidarity as motivation and solidarity as a source of ethical/political duties.

A first concern is that Wiggins' conception of solidarity presupposes an idealisation of the person as an agent effortlessly able to overcome the externally driven interpellation both of herself and others. The encounter, however, is never unmediated and the influence exercised by each of us on each other is not quite indescribable. Indeed, in the course of the encounter the other is realised in such a way that the reduction and idealisation that distance makes possible disappear and perceived differences become palpable. Take the example of the refugees again. While the innocent victims of a savage civil war in Syria are contained within Syria, they only bear the characteristics that we impute to them from the humanitarian comfort of our living rooms. But no sooner do we encounter them at our borders or the streets of our cities that they re-acquire all those characteristics that many think separate us from them. They are impoverished, they espouse a different religion, their skins have a different complexion. Solidarity as recognition fails to extend to the bearers of such characteristics making it possible for walls to be erected very much in the name of recognition as rejection.

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[19] Weil, Simone (1965) 'The Iliad, or the Poem of the Force' (Mary McCarthy transl.). *Chicago Review* 18/2, 5-30, at 9 (first published in French as 'L'Iliade ou le poème de la force' in *Les Cahiers du Sud* 1941).

[20] Wiggins, n 17, at 18.

Or consider the example of violent confrontation, which concerns Weil in the first place in the passage on which Wiggins relies so heavily. Those who are on their knees, Weil tells us, do not exercise this indefinable influence. They themselves 'imitate nothingness' so as not to risk being destroyed by those at whose mercy they find themselves. One might be committing a moral wrong, if one strikes the person on his knees but will that be a wrong against solidarity?

The emphasis on the encounter generates, perhaps paradoxically, also the opposite problem. Those whom we do not encounter and are never likely to encounter might still be affected by our actions and yet their 'indescribable influence' that Weil speaks of will never be exerted on us.

I also worry that idealising the agent living in solidarity in that way risks allowing altogether to neglect the non-human environment. Doing so would be a mistake on a number of levels. The non-human environment is, first of all, epistemically central; we cannot know each other but as parts of that environment. Secondly, it is normatively important. Our actions are transmitted through the non-human environment for them to make an impact on the real and normative standing of others.

Although Wiggins is right that the epistemic and the normative are intimately linked, it is important not to conflate the latter into the former and to dissociate the gaze of the actual, flesh and bones individual from what lies at the foundation of solidarity; something that is both non-actual (at least not necessarily so) and inescapable.

ΑΛΛΗΛΕΓΓΥΗ/ALLILENGÍI – BEING IN ONE LIMB

Much of the literature on solidarity as well as much of its everyday employment draws on the Roman legal institution, to which solidarity is ostensibly genealogically traced back. In Roman law to be liable or to have an entitlement *in solidum* (the institution has survived in many contemporary legal systems) was to be liable for the entire debt owed by a group, should other members of the group fail to repay it, and to be entitled to claim the full amount on behalf of the rest of the creditors. In this picture solidarity is derivative of a pre-existing relationship, which comes about either by promising or entirely involuntarily. It is that relationship that makes responsibility possible. I have already called into question whether this is the order of things – whether solidarity is determined by some other relationship.[21] This also amounts to calling into question whether solidarity is *only* a relationship of responsibility, if by responsibility we mean accountability for one's failure to discharge a duty as is the case in *in solidum* obligations. Although

[21] Avery Kolers questions the subordination of solidarity to something antecedent too. However, he arrives at a different conclusion as to what solidarity consists of, namely acting equitably on others' terms. Kolers, Avery (2016) *A Moral Theory of Solidarity* (Oxford University Press). As I have already argued, such conceptions of solidarity disregard that it stems from being in community with others.

responsibility will inevitably be part of what it means to be in a relation of solidarity with others, these two do not collapse into each other. Solidarity is what generates the duties in the first place.

The Greek sense of solidarity alludes to a different sense of solidity. Αλληλεγγύη – allilengíi – connotes being in one limb or one body.[22] There is clearly a danger in making too much of this merging of the parts into a whole. It would be an error to collapse the individual into the collective against our better judgement and experience of the self, which indicate that the individual enjoys epistemic, at the very least, priority. It would also be an error to reduce solidarity to a strength-in-numbers type of claim about the efficiency of collective action. Not only would these be philosophical mistakes but they would also misinterpret the sense of mutuality in allilengíi, which is not a *quid pro quo* reciprocity or reciprocity as a pre-agreed term. How then to make sense of αλληλεγγύη?

We should go back to the very conditions of acting in the world. We tend to think of action as unidirectional and oppositional: we act and the world is the object of our action. Since in this view we are placed outside the world, we are also placed apart from others. When we bring about change in the world, we do so in a way that impacts on the lives of others and determines them accordingly. Each action is therefore either an exchange or a threat.

But what if we redraw this picture so as to think of acting as multi-directional and always co-operative without artificially collapsing the one into the whole?

Enter AJ Julius, who thinks of solidarity, coupled with freedom and equality, in terms of our knowing each other's activity figures in the activity itself.

> You don't just know yourself to be doing, experiencing, thinking what you do, experience, think; you don't just see your life as constituted by these events and by the first-personal awareness of them that you enjoy as their subject. You can also rely on me to know what you're up to and what you're like. It might be that it's a good way for your life to go that I know how you're living it; to do or think what I can know you to do or think is to act or think in one way well. Suppose that's so. Then my knowing how the activity figures in your life can include my knowledge that in known by me it helps to constitute your living well. So I have available to me a first-personal representation of *my* knowledge of *your* activity as forming a valuable part of your life and so as forming a valuable part of my life. Since your activity's place in your life forms part of a first-personal representation of its place in my life, I can regard it as part of my life. I can know myself to be succeeding partly through your doing things that I know you to be doing and that I know to play a part in your life through my knowing them. I can take your activity to be a part of my life

[22] This is not meant as an exercise in semantics. The word prompts us to think about the substance in an alternative way.

> through my knowledge of it if and because I can trust that my knowledge of it as contributing to your life figures in its contribution to your life[23].

Through this intersection of our knowledge of each other's activity, each action of each individual–who, note, remains an individual–in an important, though not complete, sense, becomes the action of each other individual.

This makes significant progress towards thinking of acting as *always* acting in solidarity. There is, however, a remainder. First, have we already managed to think of solidarity as *αλληλεγγύη*, and action as action *in one body*? Second, have we done away with the need of the encounter with all the limitations, which we identified earlier?

To be in solidarity by being in one limb, we need to consider that to act in the world is much more than to change the representation of the world in ideas; it is also to bring about change in the very real constitution of ourselves and our environment and the relations between us and our environment. On one level, this mutual constitution has to do with the roles which have been ascribed to us, in one way or another, by normative schemes; the normative unit of the family, the law, and so forth. But there is also a level, which is often neglected by much of contemporary political philosophy, and this is the utterly material, unmediated way in which we live in the world. When acting, we take the world as has already been formed by the actions of others. This creative input does not expire once it has been completed; it is always there as part of the world. Our actions, as well as the actual transformation that we bring about in the world, therefore, never come afresh, they are always an enrichment of what already incorporates the actions of others. To put it more simply, action is always change and never creation. Our steps are always imprinted on the steps of others and then they are merged; our actions figure in the lives of others not only as knowledge or representation. We, as a material part of action, are always locked in these material relations with others who have trodden where we tread.

Humans also have the, possibly unique, ability to not only be part of the action but also to think of it as their action. This fact of consciousness has led many to separate between us and our actions and consequently to draw sharp lines between acts as agents/actors. If we pull back and think of ourselves as part of the action and as part of the world, we will see that our consciousness can only be locked with the consciousness of others in activity that is always cooperative.

This already puts the question of the encounter in a different light. Neither is Wiggins' encounter nor is the knowledge of *how* our knowledge of *specific* others' activity as forming a valuable part of their life adds value to our lives, to slightly paraphrase Julius, the source of solidarity. These might be impressions on our consciousness of the consciousness of others but solidarity kicks in long before that. Solidarity's source is the impossibility of acting in the world without this

[23] Julius, AJ (2016) 'The Jurisprudence Annual Lecture 2016 – Mutual Recognition'. *Jurisprudence: An International Journal of Legal and Political Thought* 7:2, 93-209, at 208.

action being part of the action-change that others have brought about in the world and the fact that no sooner do we form consciousness of action that we join others in cooperation as actors that lends solidarity its normative force.

To act in the world, to interact with it in space and time, is to be in it as its part. There is no one of whom this cannot be said as a matter of necessity. Therefore, acting in the world is to be part of others' actions and others are always part of your actions. Put in the language of solidarity, when acting in the world, we always act in one limb. To deny solidarity as *αλληλεγγύη* to others is to contradict oneself. Since solidarity is such a very basic interdependence, it also emerges as the basic guide of action. Precisely because it does not require an encounter but frames every possible encounter, solidarity is political in the most complete sense, the modern sense of a normative link between strangers occupying the same space and time and being increasingly materially interconnected.

All I hope might have been achieved now is to garner enough intuitive support for the idea of solidarity as interdependence primarily through our constitution as material beings interacting with the world in material ways and becoming parts of it; secondarily, through our consciousness as the kind of being that can reflect and make something–something further–of its interactions with its environment. In a sense, we have snatched solidarity from the hands of Kant and trusted it with revolutionaries who only have each other to rely on. In another sense, we have returned solidarity to Marx. But the more important question now is practical. How does solidarity as *αλληλεγγύη*, as basic interdependence, guide our action-in-common? I can only begin to sketch an answer to this in what follows.

WHAT IT MEANS TO ACT IN SOLIDARITY

Camus helped us to see earlier that the community of solidarity–there a community of rebels finding themselves in the suspension of institutions that is an affirmation of living–constantly reconfigures itself through its interactions. It is in this process that specific duties and demands will emerge and develop. It is therefore impossible to determine *in abstracto*, from the perspective of the philosopher how a community of solidarity that is contained in space will govern itself.

Solidarity, however, sets the framework. There are certain things that necessarily flow from its nature and these we can sketch (and it is only a sketch that I can attempt here) from the philosophical standpoint.

First, a general prohibitive duty, one that Wiggins extracts too, flows from this conception of solidarity. This is the duty not to destroy. To transform the world is both inescapable and, within limits set by solidarity itself, permissible. But to destroy altogether either others or the physical environment in which we act is at one and the same time an act of self-destruction. It is a radical, irreversible

impoverishment of *our* lives both in a backward- and forward-looking way. It destroys our imprint in the world and it also destroys the scope of our acting in the future, therefore the scope of our being, in the world. To the extent that self-destruction is self-contradictory and therefore irrational, unjustifiable, and impermissible (this we will have to assume as being the case for now), destruction of others is also self-contradictory, irrational, unjustifiable, and impermissible.

But there is more to solidarity than this basic negative duty. Recall that, when discussing the potential in the mobilisation of global civil society, Brunkhorst spoke of solidarity in terms of *inclusive openness*. What exactly does this mean and why does it flow from solidarity?

In one sense, openness is inescapable. If we are part of our action and if our action is part of a whole that cannot be broken down to its constituent parts, then nothing we ever do can be owned by us. However, the important sense of openness is played out on the level of consciousness. We are aware that acting in the world always has an impact but we are hardly ever fully aware of the extent of impact (often we do not even know what exactly it might be) or the identity of those who might be directly affected by our actions. Destruction is always a risk in acting. If destruction of others is also an instance of self-destruction, then we have good reason to make sure that our actions will not be destructive. This necessitates inviting everyone who might be affected by our actions to act in unison with us but also to form awareness of the action. Now, this is incredibly demanding and it would be foolish to suggest that such a constant interconnection is possible or desirable. This, however, can be addressed with the right division of work towards the aim of realising the interdependence that is solidarity, the correct balance between care, institutional arrangements, and responsibility-ascription. What is important is that the invitation always remains open and is never exhausted in the institutionalisation of our mutual promises to act in a non-destructive way. This is why solidarity can always be invoked at the cracks of institutions and can sustain communities of rebellion.

Openness is determined by the scope of the ethical relationship that is solidarity across persons/actors. Inclusiveness refers to the scope of solidarity in relation to each person/actor. Openness grants everyone admission to the community of solidarity. Inclusiveness determines *how* one is granted admission. Every member of the solidarity community, in other words everyone, is a fully developed, multi-faceted agents and parts of the practical world of action precisely because of the irreducibility of the material world to any of its parts.

There is an obvious asymmetry between this very demanding requirement of inclusiveness and our ability to access our environment through our consciousness. Much as we may try, we cannot know the world in its totality. We are therefore bound to make sense of the world and others in snapshots determined by the context in which our interaction is played out.

This asymmetry is exacerbated even more when the context of interaction is institutional. If there is one thing that can be said about modern law with certainty is that it inevitably governs us in a compartmentalised and compartmentalising

way. We are subjects of the criminal law, the law of tort, inheritance law, but, coherent as a legal system may try to be, it is impossible for modern law to treat us as the all-encompassing agents that solidarity requires. This brings back to the fore the scepticism that I expressed regarding the conflation of solidarity with democracy. No sooner does democracy become an institutionalised procedure of regulating participation and common decision-making that the distance is created between the normative demands of solidarity and those of democracy.

How, then, can we reconcile solidarity with institutionalisation, assuming that modern complexity makes institutionalisation inevitable?

There is no perfect way; there will always be a remainder. But there are small things to hang on to.

First, we must realise that solidarity is always there animating and making possible an institutional structure. This does not leave institutions unaffected. An important ramification of this is that the institutional structure must be directed towards reflecting the normative interrelations of solidarity. This might entail a number of things with the following two being quite central to it. First, it undercuts the exceptionalism that has become typical of different areas of law. Take the criminal law. With solidarity in the background, criminal responsibility cannot be conceived independently from the ways, in which the rest of the institutional structure has determined the (institutional) normative position of the member of the solidary community (now reconfigured as a political, legally constituted community). [One might think: how can responsibility be attributed at all? If we are all connected in such an intimate manner, how can anyone's actions be singled out so as to hold one accountable? The answer is too complex to work out here. All that can be said is that, although the conditions of responsibility will indeed have to be rethought and adjusted to solidarity as the political normative order setting the background to our institutions, responsibility itself does not become obsolete. We tend to regard holding one accountable as a response to an infraction and therefore as an instance of exclusion. Solidarity, however, forces us to see it as a continuation of ethical/political life. To ascribe responsibility is yet another way of including the other].

Secondly, solidarity operates as a regulative ideal so as to set the aim of the institutional structure at achieving the kind of equality that solidarity entails. This is where we encounter perhaps the biggest challenge with employing solidarity as a practical, political concept. Although solidarity animates all political action, political action–and especially institutionalised action–can never duplicate the conditions of solidarity. A paradox thus emerges (a paradox that haunts all regulative ideals), perhaps a tragic one. One is guided by something that one can never achieve. Unlike charity, which is exhausted in the charitable action, solidarity always demands more. Consider again the solidary rebel. The demands of rebellion are the conditions of its own disappearance (although solidarity as a justificatory condition of rebellion is always in the background). As soon as the rebel's demands are satisfied, the rebel becomes a conformist ('It is well known that the

most radical revolutionary will become a conservative on the day after the revolution', Arendt says). The rebel wants to be a rebel and, at the same time, wants to stop being so. (It is therefore somewhat strange and unexpected of Arendt to call for the institutionalisation of disobedience; this would mark a victory and a defeat at one and the same time).

Tragedy and paradox can never motivate. Even if we agree that solidarity is inescapable and independent from our dispositions as a source of reasons for acting in a certain way, this does not mean that it can also motivate. Does it therefore follow that solidarity is debilitating rather than liberating? Can it make any difference to our practical deliberations in a non-coercive way?

Although the paradox cannot be resolved (isn't that part of the nature of paradoxes?), it might be tempered. There is a knowledge that we can all acquire and which would have been impossible without realising the idea of solidarity. First, that solidarity necessarily frames all our actions in the world; second; that this is not unique to any one community of people but is, rather, universal; third, that acting in solidarity will bring us one step closer to emancipation and allow us to live our finite lives as happily as possible despite our vulnerabilities. This knowledge might motivate us because there is little else that we can do to tread on the earth together in as fulfilling way as possible.