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## SOLIDARITY: ITS LEVELS OF OPERATION, RELATIONSHIP TO JUSTICE, AND SOCIAL CAUSES

– Wojciech Załuski –

**Abstract.** The paper provides an analysis of the relationship between the concepts of justice and solidarity. The point of departure of the analysis is Ruud ter Meulen’s claim that these concepts are different but mutually complementary, i.e. they are two sides of the same coin. In the paper two alternative accounts of the relationship are proposed. According to the first one, solidarity can be defined in terms of justice, i.e. as a special variety of liberal justice, viz. social liberal justice, which, apart from the value of liberty, also stresses the importance of the value of equality. An example of such a theory is Rawls’ theory of justice, within which the value of equality is ‘encoded’ in the principle of fair equality of opportunity and in the difference principle. According to the second account, solidarity is an expression of a special type of social relationships – the so-called ‘thick relationships’, which (as opposed to ‘thin relationships’) are non-superficial, positive, their paradigmatic examples being family and friendship; in other words, the rules of solidarity are rules that are built into ‘thick relationships’. On the first account, justice and solidarity are not different, while on the second account they are different but mutually exclusive rather than mutually complementary. In the last part of the paper some remarks on the social causes of solidarity are made.

**Keywords:** justice, solidarity, Rawls, Margalit, thick relationships, equality.

### 1. Introduction

The brilliant article by Ruud ter Meulen, “Solidarity and Justice in Health Care. A Critical Analysis of their Relationship,”<sup>1</sup> provides an in-depth analysis of the concept of solidarity, presenting various ways of its understanding, and defending the general thesis that the concepts of justice and solidarity *are different but mutually complementary to each other, i.e., they are two sides of the same coin*. According to ter Meulen, the meanings of justice and solidarity, whose genealogy can be traced back to the Hegelian distinction between, respectively, *Moralität* and *Sittlichkeit*, are as follows: justice refers to abstract rights and duties, solidarity – to relations of personal commitment, responsibility and mutual recognition. Now, it may be asked whether the relationship between solidarity and justice could, and

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<sup>1</sup> Meulen [2015].

perhaps *should*, be conceptualized in a different way, implying either that the concept of solidarity is in fact a special variety of the concept of justice, or that these two concepts are indeed different, as ter Meulen asserts, but mutually exclusive rather than complementary to each other. I shall argue for the first of these two alternative accounts of solidarity in section 3 of this paper. In section 2, I shall defend a more general claim, viz. that the concept of solidarity operates differently at the personal level and at the institutional level, and that ter Meulen's definition may fit into the personal level, but not into the institutional one. In section 4, I shall briefly touch upon the problem of the social causes of solidarity (i.e. of the social factors favouring the occurrence of solidarity-based relationships), not analyzed by ter Meulen in his paper.

## **2. Solidarity at the personal and at the institutional level**

The problem of the relationship between solidarity and justice can be analyzed at the personal and at the institutional level. The former level concerns face-to-face, direct relationships between human beings, for instance between patients and doctors, the second level concerns the institutional arrangements, for instance, the arrangements in health-care systems. Now, it is patently clear that solidarity as defined by ter Meulen (meaning an attitude based on personal commitments, mutual recognition, spontaneous feeling of benevolence, and feeling responsibility for the other person) is not only not contradictory to an attitude based on justice (implying respect for the other person's rights and fulfilling one's duties) but, one may say, it *necessarily* complements it; "necessarily" - because the relations between doctors and patients based only on mutual respect of each other's rights and on doing, however diligently, one's duties, would be highly unsatisfactory, not only for patients, but also for doctors (at least for those of them who treat their profession not just as an occupation but as a vocation). It is also clear that solidarity as defined by ter Meulen could be plausibly regarded as complementary to justice, understood not only as operating at the personal level (i.e. as a set of rules regulating the conduct of doctors towards patients) but also as a set of rules underlying the acceptance of a determinate healthcare system; here, solidarity would complement justice in the sense that it would operate at the personal level, guiding direct relationships between patients and doctors, while justice would operate at the institutional level (and, as the case may be, also at the personal level). However, *the thesis about the mutually complementary character of justice and solidarity seems to be no longer convincing if one assumes that solidarity should operate not only at the personal level but also at the institutional one*; the reason is that, in this case, it is simply unclear what exactly solidarity, understood as personal commitment and

mutual recognition, should mean, i.e., what specific institutional arrangements are implied by this concept as different from and complementing the ones implied by the concept of justice. It appears that the above definition of solidarity is of small avail in this context: it is too general and vague to provide a basis for justifying particular institutional solutions (though, I would urge, it is sufficiently specific and clear to be a guide for behavior in interpersonal relationships). In fact, it is not entirely clear to me whether ter Meulen does intend the concept of solidarity to operate also at the institutional level.

### **3. Solidarity and justice: their relationship at the institutional level**

As mentioned in the previous section, solidarity as defined by Ruud ter Meulen would provide rather vague guidance for constructing an institutional arrangement, e.g., a healthcare system. What alternative definitions of solidarity could be provided? I shall propose two definitions: according to the first one, solidarity is a certain variety of the concept of justice; according to the second one, solidarity is basically different from justice and thereby cannot be reconciled with it.

#### *Definition 1: Solidarity as a special variety of liberal justice*

Ter Meulen draws a sharp boundary between the concept of liberal justice and the concept of solidarity, arguing that the former is connected with the picture of an atomistic society of individuals pursuing their self-interest and remaining in abstract relationships with each other, whereas the latter is based on close relationships between human beings, who feel that they have much in common. Let me put aside, for a while, the question of whether, on this account of justice and solidarity, it can be plausibly maintained that these concepts are mutually complementary; I shall focus first on this account itself. In my view, this account of liberal justice is apt only with regard to those conceptions of liberal justice that are indifferent to the value of equality (i.e., to the problem of the existing social and economic inequalities). Arguably, Rawls' conception of justice does not belong to this type of conceptions: even though it implies the lexical priority of freedom over equality, it does not discount equality but assigns much importance to it in the form of the two (egalitarian) principles: the principle of the fair equality of opportunity and the principle of difference. These two principles can be plausibly regarded as transforming a classically liberal theory of justice into a socially liberal conception of justice. *Now, it may be claimed that the latter type of liberal justice is an explication of the concept of solidarity.* In other words, these two principles may be viewed as Rawls' expression of concern with the value of solidarity. This claim becomes even more plausible if one takes into account some other elements of

Rawls' theory, for instance, his emphasis on the morally arbitrary character of those differences between human beings that are beyond their control, especially those that result from their genetic makeup and from the social circumstances of their upbringing (Rawls' principles of justice were interpreted by Rawls himself as aimed at counteracting the consequences of these morally arbitrary differences). To criticize my claim, one could argue that Rawls' conception is still formulated in the language of rights and duties and as such it cannot be viewed as an explication of solidarity. But this argument does not seem sound: it relies on a rather dubious assumption that the concept of solidarity cannot be explicated in such a language. The assumption is dubious because, as it seems, what really decides whether a given theory is an explication of the concept of solidarity is not whether it is formulated in the language of rights and duties, but *what* rights and duties it postulates: what therefore matters for considering a given conception a conception of solidarity is the *content* of rights and duties it implies, not whether it is formulated in the language of rights or not. The basic advantage of such an explication, as compared with the explication in terms of personal commitments and mutual recognition, is that it is not vague and provides precise (or at least as precise as a philosophical moral theory can provide) directives for constructing institutional arrangements. On this explication, it would not be apt to say that solidarity and justice are two sides of the same coin; rather, one would have to say (awkwardly) that solidarity is one of the possible faces of the justice-side of the coin (leaving open the question what is the other side of this coin).

*Definition 2: Solidarity as an expression of a special type of social relationships – the so-called 'thick relationships'*

I have mentioned above the oft-made claim (repeated also by Ruud ter Meulen) that liberal justice is typical for an atomistic society, in which relationships between individuals are abstract, i.e., based mainly on negative duties (duties to abstain from harming others), whereas solidarity is typical for a non-atomistic society, in which relationships between individuals are close, i.e., based mainly on positive duties (duties of care, beneficence) and the feeling of responsibility for the other person. In the preceding paragraph, I argued against the claim that liberal justice necessarily implies this 'atomistic' model of society, in which individuals are basically indifferent to each other; however, it seems to me that the distinction between these two models of society can be used to explicate the concept of solidarity (the explication is, of course, different from Definition 1). The explication would be as follows: solidarity is a set of rules which can be derived from *thick relationships* characteristic for a non-atomistic society. I borrow the term 'thick relationships' from Avishai Margalit, who (in his book *The Ethics of*

*Memory*<sup>2</sup>) opposed them to 'thin relationships'; the former are 'thick' because they are non-superficial, positive, and thereby imply a more extensive set of duties (paradigm examples of such relationships are friendship and family), while the latter are 'thin' because they are superficial or even non-existent (if they are toward complete strangers), and thereby imply a narrow set of duties, mainly negative ones. Now, one could argue that the postulate of solidarity is precisely a postulate to transform, throughout the whole society, 'thin' relationships into 'thicker' ones, and thereby to arouse in the members of this society the feelings of broad responsibilities to those whom, prior to such 'transformation', they regarded as strangers. But this definition of solidarity encounters two difficulties. The first, fundamental and disqualifying, is that solidarity thus defined would be an entirely utopian proposal for the modern society; the ideal of extending familial or friendship relationships onto the whole society (of transforming a society into a kind of family) is entirely utopian, if only on account of the problems of 'scale' – in large societies this ideal is, for psychological reasons, unfeasible (it is hard to maintain 'thick' relationships with people whom we hardly know or whom we do not know at all). The second problem is that on this definition of solidarity it is not clear what particular institutional arrangements solidarity implies; one could only say that health-care services in such a society would be very expanded and generous towards all members of the society. It is worth noting that were we to assume that liberal justice is characteristic for an atomistic society (for 'thin' relationships) and solidarity – for a non-atomistic society (for 'thick' relationships), then, *by definition*, justice and solidarity would be mutually exclusive rather than mutually complementary – they would be different coins and not two sides of the same coin.

#### **4. The social causes of solidarity**

In the final section of this paper I would like to devote a few words to the problem of social factors favouring the emergence of solidarity in a society. Let me recall that solidarity was defined by Ruud ter Meulen as referring to personal commitments, mutual recognition, the feeling of responsibility for other persons, spontaneous feelings of benevolence, and that it was not quite clear whether this definition was intended to operate at the personal level only or also constitute directives for setting up institutional arrangements. In the preceding section I provided two alternative definitions of solidarity: the first one (solidarity as a special variety of liberal justice) was intended to operate at the institutional level, and the

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<sup>2</sup> Margalit [2002].

second one (solidarity as an expression of thick relationships) could, as it seems, operate both at the personal and at the institutional level. Now, the interesting point is that, regardless of which of these definitions is endorsed, and which level of their operation (in the case of ter Meulen's definition and the definition in terms of 'thick' relationships) is analyzed, one may plausibly argue that there is a common social cause that favours solidarity in any of these three senses: *the cause in question is the decreasing of social and economic inequalities*. For it seems that precisely social and economic inequalities are the main cause of the lack of solidarity in a society. In the case of the definition of solidarity as a special variety of liberal justice (Definition 1, section 3) the connection is not so much empirical as *established conceptually*, since solidarity was in fact defined as social justice, i.e., as the lack of deep social and economic inequalities; in the case of the two remaining definitions (Definition 2, section 3 and ter Meulen's definition) the connection is empirical. As regards ter Meulen's definition, one may argue that people can *really* feel personally committed to, responsible for, and capable of truly recognizing only those people who are their social and economic equals; there seems to be quite a real danger that, in the absence of approximate social and economic equalities, the above feelings will be just a mask for condescending pity. As regards the definition of solidarity in terms of 'thick' relationships, the argument is that such relationships can be genuine only with equals, since only with regard to equals can we be truly sympathetic and trustful. This last point was made by many thinkers, from Aristotle, through Rousseau and Tocqueville, and, recently, by the sociologists Richard G. Wilkinson and Kate Pickett who argued forcefully in their book *The Spirit Level: Why More Equal Societies Almost Always Do Better*<sup>3</sup> that social and economic inequalities are the major cause of various problems in contemporary societies, including the problems of physical and mental health. Now, assuming that the hypothesis about the existence of a strong causal or conceptual connection between social and economic equalities and solidarity is true, then, it seems, some additional progress in the discussion on these problems could be achieved if they could be examined together.

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<sup>3</sup> Wilkinson & Pickett [2009].

## **References**

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