

# The Clash of Solidarities in the European Union

## Rethinking Jürgen Habermas' Conception of Solidarity in the Transnational Context

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Received: 7 August 2017 / Accepted: 4 September 2017 / Published online: 5 October 2017  
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**Abstract** The term solidarity is used extensively in the current political debate in Europe. Many times, the European Union is accused of a “lack of solidarity”. But is this really the case? From the perspective of political theory, Jürgen Habermas convincingly argues that solidarity beyond the nation state is indeed possible - even without a European demos. Since solidarity was artificially constructed within the nation state, it could very well expand into a form of transnational solidarity. However, the European Union is a complex *sui generis* institution, characterized by its multi-level governance. This paper therefore complements Habermas' conception by Andrea Sangiovanni's reciprocity-based internationalism which differentiates more detailed between national, member state and transnational solidarity. Moreover, the paper argues that the democratic deficiencies and the economic liberalization in the European Union led to a fourth form of solidarity: a revived solidarity with the nation state. The current situation within the European Union is thus not the result of a lack of solidarity. On the contrary, there is plenty of solidarity around. However, the parallel existence of these different forms of solidarity could not persist without conflicts under the given discourse where solidarity is framed as a zero-sum game. Hence, the European Union does not suffer from a lack of solidarity but rather from a clash of multiple solidarities.

**Keywords** European Solidarity · Solidarity Crisis · Transnational Solidarity · Jürgen Habermas · Andrea Sangiovanni · Reciprocity-based internationalism · Democratic deficit · European public sphere

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## 1 Introduction

In as different contexts as the refugee crisis of 2015, the ongoing Greek financial tragedy and even the latest proposals for a reform of the European Union: the term solidarity is used extensively in current European politics. Jean-Claude Juncker, president of the European Commission, lately even claimed: “Solidarity is the glue that keeps our Union together” (Juncker 2016: 16).

Moreover, the term solidarity is very present in European legislation. It appears 22 times in the Treaty on European Union and the Treaty on the Functioning of the Union, commonly referred to as the quasi-constitutional Treaty of Lisbon.<sup>1</sup> Also, the European Court of Justice uses the principle of solidarity regularly in its jurisprudence (O’Leary 2005). Solidarity thus plays a prominent role in both the political and the legal discourse.

In political theory, however, the term only gained relevance in recent years. While a vast amount of literature on key notions such as democracy, justice and freedom exists, the concept of solidarity, aside from famous exceptions like Emile Durkheim (1992) and Kurt Bayertz (1998), suffered from academic ignorance for many years. This is especially true for solidarity in the transnational context. While most authors who deal with solidarity focused on its manifestation within the borders of the nation state (e.g., van der Veen et al. 2012; Connelly and Hayward 2012; Mau and Burkhardt 2009), there is less coverage on the issue beyond these confines.

The most obvious case study for transnational solidarity is without doubt the *sui generis* institution of the European Union. Nonetheless, scholars seeking to define normative standards for the EU have mainly focused on whether the Union suffers from a “democratic deficit” (e.g., Habermas 2015; Føllesdal and Hix 2006). However, the Union is also regularly accused of a “lack of solidarity” (e.g., Stiglitz 2015; Gotev 2016; Chappell 2016). Yet, there is much less of an academic debate about European solidarity, one of the fundamental values underpinning the integration process (Sangiovanni 2013: 1).

Against this backdrop, Jürgen Habermas claims that the main reason for the current impasse is “the lack of the mutual trust that the citizens of different nations would have to show each other as a precondition for their willingness to adopt a common perspective that transcends national boundaries” (Habermas 2015: 37). Apart from the question whether it is politically feasible or desirable to build this mutual trust in the form of transnational solidarity, we thus have to ask first if this is even possible without a European *demos*.

While economic integration of the EU has been deepening for decades, political integration currently stagnates in the no man’s land of a *Staatenverbund* (union of states) that is neither a federation, nor a federal state (Federal Constitutional Court 1993). Most notably, a common social welfare policy, which represents the very expression of solidarity *within* the nation state, seems to be far beyond reach on the European level. The resistance against a transnationalization of the national welfare

<sup>1</sup> Cf. preamble, article 2, 3, 21, 24, 31, 32 TEU; preamble, article 67, 80, 122, 194, 222 TFEU and in various protocols and annexes.

redistribution scheme is still tremendous. Transnational solidarity has thus not been institutionalized in the EU.

This paper will take the nonexistence of a transnational European welfare system as its point of departure to scrutinize the crisis of European solidarity. Against the backdrop of Jürgen Habermas' conception of solidarity, this paper seeks to answer the question whether the European Union, in addition to its alleged deficit of democracy, also suffers from a deficit of solidarity.

Therefore, I will first clarify the concept of solidarity itself by introducing one of the most prominent and widely discussed conceptions of the notion: the one by Jürgen Habermas. Here, I will initially present its distinct character in modern societies. Then, I will outline the characteristics of solidarity within the nation state and finally how it could expand to the transnational realm of the European Union. However, given the unique structure of the EU as a system of multilevel governance, Habermas' conception will not be sufficient to answer the given research question in a differentiated and comprehensive manner. The second part of the paper will thus first complement Habermas' conception by introducing Andrea Sangiovanni's approach of reciprocity-based internationalism. Finally, I will reconcile both concepts by arguing that the European Union does not suffer from a lack of solidarity but rather experiences a clash of multiple solidarities.

## 2 Habermas' Conception of Solidarity

In order to analyze whether the European Union suffers from a deficit of solidarity, this section will first try to clarify the concept of solidarity itself. It will therefore introduce Jürgen Habermas' conception and its specific challenges in modernity. Given the limited scope of the paper, I will focus on his contemporary writings (1998–2015) and avoid discussing past ambiguities. It will turn out that solidarity is a genuinely political concept, based on reciprocity. Moreover, this chapter will outline how solidarity was artificially constructed within the nation state and how it would thus be possible to expand it into a form of transnational solidarity within the European Union—not at the expense of but in addition to its national manifestation.

### 2.1 Solidarity Under Conditions of Modernity

Even though the conception of solidarity might not be the single most important aspect of Jürgen Habermas' work, its importance throughout his writings should not be understated. In “Between Facts and Norms,” one of his major publications, he even calls solidarity one of “the three resources from which modern societies satisfy their needs for integration and steering” (Habermas 1996a: 299). This statement already indicates that for Habermas, solidarity is first and foremost a concept of modernity.

According to him, modernity is characterized by growing complexity, differentiation and simultaneous de-traditionalization of the lifeworld (Habermas 2001: 134). Social modernization has destroyed pre-modern traditions provided by religion or family bonds and is therefore perceived as “a force of social

disintegration” (Habermas 2001: 135). In particular, religion has lost its meaning-giving power. What made social integration under these conditions of modernity extraordinarily difficult is the fact that “modernity had to stabilize itself through its own authority, the only authority remaining: that of reason” (Habermas 2001: 132f). In modern times, solidarity, as the very core of social integration, thus had to emerge out of society itself—without the aid of transcendental guidance or family ties. The predominance of reason led to a rationalization of the lifeworld which influenced every aspect of society: “cultural traditions, socialization of individuals, and social integration” (Habermas 2001: 152).<sup>2</sup> Social cohesion has become more and more detached from familiar patterns; growing up in a Catholic community for instance, no longer meant one’s social environment necessarily ought to be Catholic too. This processes of individualization opened up an unprecedented degree of freedom. However, it has also destabilized former certainties.

These dissolution processes caused the need for supplementary means to overcome the persistent social fragmentation and alienation in modern societies. While solidarity had formerly been derived from given norms and values, it was now generated through intersubjective agreements. Hence, it was possible to construct forms of cohesion beyond traditional patterns. Habermas claims that through the productive force of communication (Habermas 1998: 229), it was feasible to establish a “discursively generated solidarity” (Habermas 1998: 231; translated by the author). This form of solidarity functions as the basis for social integration in modern societies. But what follows from this transformation for the given research interest?

In his early publications, Habermas describes solidarity as “the other of justice” (Habermas 1986: 314) and thus as complementary to the universal value of moral justice. Yet, he later dissociated himself from this stance (Habermas 2015: 157f).<sup>3</sup> In the contemporary work of Habermas, solidarity is defined not only as genuinely modern but also as genuinely political—and therefore as neither moral nor universal (Habermas 2015: 20). To him, moral and legal norms are generally conceived as just, as long as they are “in the equal interest of all those affected” (Habermas 2013). Ethical obligations, in contrast, depend on the “predictability of reciprocal conduct—and on confidence in this reciprocity over time” (Habermas 2015: 23). At this very point, solidarity and ethics intersect.<sup>4</sup> Solidarity depends on reciprocal exchange as well. With one difference, however: ethical obligations are limited to pre-political communities, such as families. Solidarity, by contrast, refers to constructed political associations, such as the nation state (ibid.). Moreover, “appeals to solidarity refer to an interest in the integrity of a shared form of life” (ibid.). Such a shared form of life is not established by pre-modern bonds but constructed through the power of politics. Since the high complexity of modern societies impedes the “discursively generated solidarity” (Habermas 1998: 231) via

<sup>2</sup> In this context, Ulrich Beck introduces the famous term “reflexive modernization”, to which Habermas repeatedly refers (cf. Beck 1986).

<sup>3</sup> Habermas comments this reconsideration by him trying to prevent a “moralization and depoliticization of the concept of solidarity” (Habermas 2015: 157f).

<sup>4</sup> Both concepts in this aspect also coincide with Hegel’s conception of *Sittlichkeit* (cf. Hegel 1991: 189ff).

face-to-face interactions, solidarity is generated more abstractly by a political legislator through legal means (Habermas 2004: 226f). Solidarity is in this sense artificial, not organic and thus less robust than ethical relations (Habermas 2013).<sup>5</sup> In addition, the reciprocal character covers not only one's obligations, but also one's own interest—at least in the long run.

Another feature, which defines solidarity under the particular conditions of modernity, is its “offensive character of striving or even struggling to discharge the promise invested in the legitimacy claim of any political order” (Habermas 2015: 24). During processes of economic modernization or social upheavals, political systems are occasionally overrun. Under such circumstances, it is solidarity that drives people to regain political self-determination and re-establish a legitimate political system (ibid.). The call for *fraternité* in the French Revolution is just the most prominent example for this offensive character of solidarity which found its expression in the emergence of the many European nation states throughout the eighteenth, nineteenth and twentieth century.

## 2.2 Solidarity in the National Context

David Hume once famously noted that the smaller and more homogenous a group, the easier it is to generate some sense of solidarity (Hume 1896: 259). The emergence of the nation state was therefore a revolution. For the first time in human history, it became the norm to show solidarity with strangers—people who were not members of the local group but of a national meta-group. This meant the transformation of solidarity in the sense of *fraternité* into a much more abstract concept. It was no longer a necessary condition to know “the other” personally or via kinship, they just had to be fellow nationals to enjoy the group's solidarity. Claus Offe, one of Habermas' most notable contemporaries, therefore claims that thus far the nation state has been the largest social association with the ability to make redistribution sacrifices bearable (Offe 1998: 133; translated by the author).<sup>6</sup> The nation state was neither small, nor homogenous, yet was able to generate a vast degree of solidarity among its citizens.

This expansion of solidarity from the local to the national realm is an example of what Habermas calls “communicative liquefaction” (*Verflüssigung*) (Habermas 2004: 227; translated by the author) of traditional loyalties. By means of education, history and culture, the respective national consciousness was nurtured and thus developed gradually into a factual claim (Habermas 2015: 37). Throughout this process, certain affirmative characteristics were retrospectively ascribed to the nation state (Habermas 2014: 530). The result was a selective national narrative, based on a pseudo-natural identity construction.

Habermas, therefore, in accordance with a variety of other authors (e.g., Gellner 1983; Hobsbawm 1990; Anderson 1993), claims that nations are “not natural facts,

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<sup>5</sup> Habermas therefore sees a close link between the Rawlsian conception of political justice and solidarity: the more unjust the political circumstances are, the more the worse-off have a legitimate reason to call for solidarity (Habermas 2015: 26).

<sup>6</sup> In contrast to Habermas, however, Offe concludes from this analysis that a transnational European solidarity is impossible (Offe 1998).

even if they are generally not merely fictions either” (Habermas 2012: 47). The same principle applies to solidarity within the nation state:

Constructed through the medium of modern law, the modern territorial state depends on the development of a national consciousness to provide it with the cultural substrate for a civil solidarity. With this solidarity, the bonds that had formed between members of a concrete community on the basis of personal relationships now change into a new, more abstract form. While remaining strangers to one another, members of the same ‘nation’ feel responsible enough for one another that they are prepared to make ‘sacrifices’ – as in military service or the burden of redistributive taxation. (Habermas 1998: 100; translated by the author)

The newly constructed national solidarity, a much more abstract concept than kinship, empowered the legislator to demand from its citizens to pay taxes, to accept welfare distribution, even to risk one’s life in the military. In contrast to pre-modern forms of solidarity, which were the result of *social* integration, the modern form of national solidarity is thus the result of *political* integration (Habermas 2014: 530).

This form of integration was legally constructed through the concept of citizenship (Habermas 2015: 98). Notable examples are heterogeneous societies such as the USA or Switzerland, where it was possible to construct a vivid national consciousness against the odds of having a multiethnic or even multilingual citizenry. Even in rather homogenous communities, however, national solidarity is “not a natural phenomenon but an administratively promoted product” (ibid.).

Against this backdrop, Habermas argues against nationalism and its ethno-nationalistic ideology of confusing pre-political solidarity within families with “*legally constituted civic* solidarity [emphasis in original]”<sup>7</sup> (Habermas 2015: 37) within a nation state. Whereas the former develops naturally, the latter is artificially constructed and can therefore hardly serve as the basis for national pride. He thus claims: “It appeals without justification to the concept of solidarity when it champions ‘national solidarity’, and thereby assimilates the solidarity of the citizen to cohesion among fellow-nationals” (Habermas 2015: 24).

However, Habermas does not only elucidate the failures of nationalistic misinterpretations but also recognizes the accomplishments of the nation state: “the political integration of citizens into a large-scale society counts among the undisputed historical achievements” (Habermas 1998: 110; translated by the author). He thus acknowledges this integrational effort by the nation state as a legitimate reason to adhere to the concept of national solidarity—even within the transnational constellation of the European Union.

### 2.3 Solidarity in the Transnational Constellation

Throughout the nineteenth until the mid-twentieth century, both the nation state and the family were the two most successful institutions in terms of generating

<sup>7</sup> Habermas in this context seems to apply the terms “civil” and “civic” sometimes interchangeably. The latter is, however, used more often—I will therefore stick to “civic solidarity” throughout this paper.

solidarity. Whereas the family has been able to uphold this role, arguably in a different form, the nation state is in crisis (Habermas 2004: 227). The centrifugal forces of globalization have blurred national borders and at the same time weakened the cohesive power of the national community. In combination with the dreadful excesses of nationalism first and foremost in Germany but also in other countries, these circumstances led to a transnationalization of political power in Europe.

As outlined above, solidarity, in contrast to justice, is not a universal norm. It therefore loses its validity when it is overstretched. Solidarity only refers to a limited group of people. The risk of a transnationalization of solidarity therefore is to overstrain its substance. As soon as it leaves the safe harbor of the nation state, it might become arbitrary. To demand solidarity just because one is a human being, for instance, “is a weak, unconvincing explanation” (Rorty 1998: 191). Solidarity is limited to a smaller, more specified group than mankind. Is transnational solidarity therefore a priori impossible?

The absence of a transnational European welfare distribution scheme seems to affirm this claim. However, such a redistribution mechanism would need to be legitimized by a democratic European will-formation—which, again, is not possible without a certain degree of transnational solidarity (Habermas 1998: 150). We thus have to ask, apart from the question whether such a redistribution system is desirable or politically feasible: would it even be possible to expand “solidarity as we know it” (Streeck 2004: 224) to the transnational realm of the European Union?

Various authors argue it is not. To them, transnational solidarity in the EU is inconceivable due to the fact that there is no European people, no European *demos* (e.g., Streeck 1995; Scharpf 1999; Offe 2000). Consequently, the lack of a *demos* explains the deficit of European solidarity. They claim that nothing but the belonging to a *pre*-political community of fate, such as an ethnic group, has the power and legitimacy to demand solidary actions among people (Habermas 1998: 152).

Habermas, however, rejects this assertion. He argues transnational solidarity within the Union is not only necessary but also possible (Habermas 2014). As outlined above, he perceives the nation state to be a politically constructed entity based on the cohesive power of a national consciousness, which is nothing but manufactured by means of law, history and culture. According to Habermas, it is “precisely the artificial conditions in which the national consciousness arose [which] argue against the defeatist assumption that a form of civic solidarity among strangers can only be generated within the confines of a nation” (Habermas 1998: 154; translated by the author). Solidarity was able to expand from the local to the national dimension. Consequently, Habermas argues, this learning process is able to continue toward a transnational European solidarity.

Hence, Habermas’ conception of solidarity is based on cognitivist grounds. Legitimate norms continued to exist throughout the communicative liquefaction of traditional expressions of social cohesion. Solidarity did thus not become weaker under conditions of modernity but underwent a “*Formwandel*” (transformation) (Habermas 2004: 226). This transformation from local to national solidarity corresponds with the current learning process from national to transnational solidarity by means of *further* communicative liquefaction. The limitations of



national solidarity, however, will not just disappear—they will be broken through in discourse (Habermas 1986: 312).

The very essence of this process is in line with distinctive European experiences. In contrast to other cultures, the European identity was always defined by divisions and tensions, e.g., between different regions, confessions and especially between nations. This dialectical process taught Europeans how to develop tolerance, how to overcome particularism and finally resulted in a project of successful political integration. All this has shaped the normative self-perception of Europe in modern times (Habermas 1998: 155f). This common heritage can serve as a basis for further social integration.

Contemporary Europe envisions itself as “united in diversity.” It is characterized by its variety of ethnicities, languages and (political) cultures. A narrow identification will therefore certainly not be able to generate solidarity among European citizens. However, a “European constitutional patriotism” (Habermas 1996a: 507) could provide an inclusive approach to integration. It would be based on shared values such as democracy, human rights and political, social and cultural participation of the European *citoyen*, possibly expressed in a future European constitution. Habermas thus recommends a revived constitutional patriotism on the European level to facilitate a transformation into a transnational form of solidarity (Habermas 1996b: 143f).

However, this does not mean the existing forms of national affection would or should cease to exist under a European “superstate”:

The lack of trust that we presently observe between European nations is not primarily an expression of xenophobic self-isolation against foreign nations, but instead reflects in the first place the insistence of selfconscious citizens on the *normative* [emphasis in original] achievements of their respective nation-states. In present-day Europe, there is a widespread conviction that national citizens owe the fragile resource of free and relatively equitable living conditions to the democratic practices and liberal institutions of their states. (Habermas 2015: 38)

Habermas thus sees legitimate and sound reasons for the parallel existence of a national and a transnational form of solidarity.<sup>8</sup> He acknowledges the justified interest in the nation states remaining “guarantors of the already achieved level of justice and freedom” (Habermas 2014: 532; translated by the author). Again, both forms of solidarity do not rely on a shared ethnic or linguistic heritage but are generated along political lines. Not the absence of a European *demos*, but the absence of a European public sphere is thus crucial in order to enable a transnational discourse that could generate transnational solidarity—even if the diversity of political cultures would be a novum in the European case (Habermas 2015: 38f).

Therefore, transnational European solidarity is neither impossible nor arbitrary. Nations did not develop naturally but were legally constructed (Habermas 2015: 38). Complementary to the construction of national solidarity, transnational

<sup>8</sup> I would argue, the parallel existence of a national and a transnational solidarity also closely corresponds with Habermas’ adaption of the *pouvoir constituant mixte* (cf. Habermas 2012, p. 1–70).



solidarity could thus be generated by political integration, namely European integration. History has confirmed this cognitivist hypothesis.<sup>9</sup> Moreover, it would be limited to European citizens, who share a common history, cultural traits and joint experiences. Thus, Jürgen Habermas sees no structural obstacles to expanding national civic solidarity and welfare state policies to the scale of a postnational dimension (Habermas 1998: 163). However, this does not mean the parallel existence of a national and a transnational solidarity would not lead to conflicts.

### 3 Solidarity in a System of Multilevel Governance

Jürgen Habermas' conception demonstrates that transnational solidarity is generally neither impossible nor too broad to provide social cohesion within the European Union. However, to thoroughly scrutinize the alleged deficit of solidarity, Habermas' approach is not sufficient. The European Union is a *sui generis* system of multilevel governance. An analysis of its solidarity deficiencies has to take account of this fact. This section thus complements Habermas' conception with the reciprocity-based internationalism by Andrea Sangiovanni. Based on the same premises, he additionally differentiates between national, member state and transnational solidarity. Finally, I argue that the democratic deficit and the economic liberalization in the European Union led to a revived *solidarity with the nation state*—and has culminated in a clash of solidarities.

#### 3.1 Reciprocity-Based Internationalism

The complex structure of the European Union is often referred to as a system of multilevel governance. This concept gives expression to the unique multilayered and overlapping system of decision-making within the EU, including the supranational, the national and the regional level. Moreover, it accounts for the impact of non-state actors both horizontally and vertically. The EU is thus neither an international organization nor a federal state but rather an institution *sui generis* (Marks et al. 1996). A comprehensive account of solidarity within the EU has to consider these specific characteristics. Andrea Sangiovanni's work thus offers a specific and detailed approach, which will allow us to thoroughly answer the given research question.

Even if Sangiovanni partly rejects Jürgen Habermas' conclusions on transnational solidarity (Sangiovanni 2012: 21ff), they nonetheless share a number of key assumptions. Sangiovanni uses these commonalities as a point of departure to expand the concept of solidarity within the European context. Given the limited scope of this paper, it will not be possible to elaborate on the differences of both approaches in depth. I will rather focus on those aspects of Sangiovanni's work that are indispensable to answer the given question: does the European Union suffer from a lack of solidarity?

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<sup>9</sup> Moreover, e.g., Thomas Risse presents empirical data that suggest solidary attitudes among European citizens gradually evolve (Risse 2014).

Habermas and Sangiovanni both start from the same premise. With regard to the development of transnational solidarity as such, they agree that a common nationality is neither a sufficient nor a necessary condition to generate solidarity. While some kind of shared identity might increase the likelihood of cooperation, studies show, that relationships of sustained reciprocity without any further commonalities can also generate relations of trust and solidarity (Sangiovanni 2012: 39f).<sup>10</sup> Thus, there is no reason why “relations of solidarity that are more demanding than humanitarianism but less demanding than full equality cannot develop at the European level” (Sangiovanni 2012: 40).

Hence, just like Habermas, Sangiovanni defines solidarity as a concept rooted in reciprocity. Moreover, his approach of reciprocity-based internationalism claims that “demands for social solidarity at all levels of governance can be understood as demands for a fair return in the mutual production of important collective goods” (Sangiovanni 2013: 5). The special character of European social, political, legal and economic cooperation is therefore the provision of collective goods generated by participation in the institutions (Sangiovanni 2012: 44). These collective goods can be, for instance, understood as the legal system of the Union, its common market or its political order. The result from the collective production of these goods is a legitimate demand for transnational solidarity.

However, reciprocity-based internationalism claims that obligations of social justice, such as solidarity, are dependent on the *degree* of social interaction, i.e., the mutual production of these collective goods (Sangiovanni 2013: 8). Hence, the degree of solidarity can vary “*with the type and extent of social interaction involved [emphasis in original]*” (ibid.). Much more explicit than Habermas, Sangiovanni thus allows for weaker relations of solidarity on the European level. What follows for the given context of the European Union is clear: different standards of solidarity apply to different types of political integration. Solidarity is thus understood as the demand for a fair distribution of the benefits and risks resulting from the degree of integration (ibid.).

Against this backdrop, Sangiovanni offers a tripartite model of solidarity in the EU context. He differentiates between: firstly, national solidarity which defines obligations among citizens of member states; secondly, member state solidarity, which defines duties among member states, and lastly transnational solidarity, which defines obligations among citizens of the EU (Sangiovanni 2013: 5). All three together form “the core of our conception of solidarity for the EU” (Sangiovanni 2013: 9).

This threefold distinction provides us with a more fine-grained instrument to analyze the multilevel system of the Union with regard to its different forms of solidarity. Along this rationale, different degrees of solidarity exist within a multilevel entity such as the European Union. Firstly, on the national level we all profit fundamentally from the daily participations and contributions of our fellow national citizens. Without them, the nation state in fact would not even exist. Therefore, we owe them a high degree of national solidarity—institutionalized in the national welfare state (Sangiovanni 2013: 10).

<sup>10</sup> For example, Binmore (2004) and Fehr and Fischbacher (2003).

On the level of the European Union, we still do not have a social, political and economic integration comparable to the national level (Sangiovanni 2013: 17). The member states would not cease to exist without the Union. However, they profit most prominently from its stable legal system, its geopolitical standing and the common single market. But they also face risks from increased competitiveness and growing inequality between states (Sangiovanni 2013: 13ff). Overall, they “enhance their problem-solving capacities in an era of globalization, while indemnifying each other against the risks and losses implicit in integration” (Sangiovanni 2013: 29). Hence, Sangiovanni proposes to measure the degree of member state solidarity against the willingness to pay for a hypothetical “insurance” to offset these risks. This rationale was arguably institutionalized in the European cohesion policy (Sangiovanni 2013: 17).

Finally, transnational solidarity refers not to solidarity between member states, but to solidarity between individual European citizens. Europeans have benefited highly from the free movement of goods, capital, services and above all people. However, the latter especially has caused fears that the national welfare systems might collapse. Thus, “transnational solidarity seems to be in direct conflict with both *member state solidarity* as well as [ ] *national solidarity* [emphasis in original]” (Sangiovanni 2013: 22). This constellation has “institutionalized” in the *nonexistence* of a European transnational welfare scheme and moreover, I argue, in a clash of solidarities.

### 3.2 Clashing Solidarities

Solidarity in the context of the European Union is a complex and multidimensional issue. Whereas Jürgen Habermas offers a convincing conception of transnational solidarity as such, he does not sufficiently elaborate on its distinctiveness within the system of multilevel governance of the European Union to thoroughly answer the given research question. Therefore, Andrea Sangiovanni complements the argument with a more precise understanding of the different forms of solidarity.

Despite contemporary pressures, solidarity within national borders remains strong. Controversies exist concerning details, but in no European nation state is there a serious discourse on the very legitimacy of the existence of the national welfare state. We can therefore reasonably conclude that national solidarity is still in place.

The case is more difficult with solidarity between member states. Debates on whether member state solidarity actually exists resurface on a regular basis. However, against all odds, most heads of government repeatedly emphasize the importance of the European project. Intergovernmental cooperation works tolerably well. The European elites share the conviction that a reasonable degree of solidarity between the different member states is necessary and legitimate. As Sangiovanni convincingly argues, this form of solidarity does not have to be as strong as national solidarity due to less social interaction, i.e., political integration between the states. The European cohesion policy is the manifestation of this form of solidarity. Its financial redistribution scheme embodies the member states’ recognition of the necessity to ensure at least a certain degree of convergence. This might be contested

from time to time; however, there is no overall discourse urging to stop this policy approach. Although in a weaker form than its national counterpart, we can thus conclude that a reasonable degree of member state solidarity also exists.

Finally, however, we run into a problem with regard to transnational solidarity. The stereotypes of lazy Greeks, merciless Germans or xenophobic Eastern Europeans are widespread these days. We are far away from the Habermasian ideal of “the Portuguese and the Swede standing in for another” (Habermas 1998: 150; translated by the author). The introduction of a common social welfare policy in the sense of a transnational redistribution system is not even on the European agenda.

It is thus often concluded that the European Union suffers from a deficit of transnational solidarity. The current situation, however, is not a result of a lack of solidarity within the European Union. On the contrary, there is plenty of solidarity around. But these multiple solidarities clash within the European context.

In order to understand this clash, we first had to comprehend the very essence of solidarity itself. Here, Jürgen Habermas’ conception has proven to be indispensable by showing that solidarity in modern societies is not a natural moral duty vis-à-vis all humans but a reciprocity-based political obligation. Moreover, to expand national into transnational solidarity is neither impossible, nor does it deprive the notion of its specific scope of application.

However, this expansion does not erase other forms of existing solidarities, such as national or member state solidarity. They remain in force. This parallel existence of multiple forms of solidarity already hints toward a possible conflict.

Furthermore, the recent transnational economic liberalization without a parallel expansion of national social welfare policies resulted in a vigorous return to the nation state. As Sangiovanni puts it: “The current balance between social protection and market liberalization in Europe is widely considered to be unstable” (Sangiovanni 2013: 13). Even more serious is the fact that this further economic integration was not accompanied by further political integration in the sense of a transnationalization of democracy to the European level. The “gulf between *politics* and *policies* [emphasis in original]” (Habermas 2015: 5) is wide in the European Union. This democratic deficit caused a sense of illegitimacy among European citizens toward the EU. Habermas’ analysis is thus correct: the will to keep the nation states as guarantors of the already achieved level of justice and freedom (Habermas 2014: 532)—but also of democracy—is justified. This constellation hence resulted in a revived *solidarity with the nation state* as such—the fourth form of solidarity in the context of the European Union.

Again, this form of solidarity is politically manufactured by a self-centered nationalistic rhetoric. It is moreover not to be confused with national solidarity, since it is not based on sustained reciprocity between fellow citizens but between citizens and the nation state. On the one side, the nation state relies on the continuous support of its citizens to remain legitimate in times of a transnationalization of political power. On the other, citizens continue to trust the nation state to maintain the present level of social security and democracy under the growing pressure of globalization.

However, one might very well argue that the mere fact that these different forms of solidarity—national, transnational, member state solidarity and finally the solidarity with the nation state—exist in the European context in parallel, does not necessarily imply that they clash. In past decades, solidarity, for instance, thrived simultaneously in both the family and the nation state. Yet, there it was embedded in a very different discourse: solidarity based on family bonds, i.e., *fraternité*, was considered to be the most pure expression of solidarity and was therefore presented as the nucleus of the nation state; a state without well-functioning social structures would perish. By contrast, in the current European discourse both national solidarity and solidarity with the nation state are presented as an existential threat to transnational solidarity in general and to the EU in particular—and the other way round. It is widely suggested that this is a question of “either...or.” Solidarity is framed as a zero-sum game. This made a parallel and complementary existence of these different forms of solidarity impossible—the clash thus became inevitable.

However, the above outlined approach toward transnational solidarity by Habermas and Sangiovanni also provides us with sufficiently sophisticated theoretical tools to ease this tension. Solidarity within the European Union is too often perceived as exclusionary and one-sided. Yet, from the theoretical perspective there is no reason not to allow for a parallel existence of solidarity within the nation state, solidarity between the member states, solidarity with the nation state and transnational solidarity. Moreover, the latter could even be considerably weaker than the other forms of solidarity, since different degrees of political integration can legitimately correspond with different degrees of solidarity. Solidarity is politically constructed and therefore malleable through public discourse. Thus, the clash is not necessarily irreversible.

## 4 Conclusion

The European Union is a *sui generis* institution—and so is its concept of solidarity. Therefore, this paper sought to first clarify the very notion itself. Jürgen Habermas’ conception revealed that solidarity in modern societies faces particular challenges such as individualization, rationalization and disintegration. Nonetheless, even under these conditions of modernity it is possible, through the productive force of communication, to develop “discursively generated solidarity” (Habermas 1998: 231). This form of solidarity, however, is not a natural and universal moral duty but a political obligation based on reciprocity.

In the wake of the emergence of the nation state, these characteristics of solidarity were exploited through the creation of a national narrative based on a pseudo-natural identity construction. This act of “communicative liquefaction” (Habermas 2004: 227) made it possible to expand solidarity from the local to the national realm, into a solidarity between strangers that consequently allowed to establish the national welfare state.

However, these artificial conditions in which national solidarity arose are exactly the reason why its expansion into transnational solidarity is possible (Habermas

1998: 154). A European *demos* is thus by no means necessary to construct European solidarity. Rather, it is a common public sphere which could facilitate a transnational discourse and enable *further* communicative liquefaction toward transnational solidarity. Moreover, a shared dialectical history of European integration serves as a unique selling point. Hence, transnational European solidarity is neither impossible nor arbitrary.

Yet, the European Union is a complex system of multilevel governance. This obviously has consequences for its expression of solidarity. In order to be able to clearly differentiate between the multiple forms of solidarity within the Union, this paper complemented Habermas' conception with Andrea Sangiovanni's reciprocity-based internationalism. Rooted in the same premises, Sangiovanni offers a tripartite model of solidarity within the Union, consisting of national solidarity, member state solidarity and transnational solidarity. Building upon this model, Sangiovanni argues that the degree of solidarity can vary with the type and extent of social interaction involved (Sangiovanni 2013: 8). This resulted in a parallel existence of multiple solidarities of different degrees.

Moreover, European integration was primarily driven by economic liberalization. The lack of a parallel transnationalization of the welfare state and more importantly of a democratization of the European Union resulted in a vigorous return to the nation state. Habermas noted that the nation state is perceived as the guarantor of justice and freedom—but also of democracy. The democratic deficit on the European level thus resulted in a revived *solidarity with the nation state*, which I identified as the fourth form of solidarity in the context of the European Union.

While national solidarity found its expression in the national welfare state, member state solidarity has arguably institutionalized in the European cohesion policy. Both are therefore in place, even if the latter is much weaker. However, the absence of a transnational European welfare scheme seems to indicate that the European Union may not suffer from an overall lack of solidarity but more specifically from a lack of transnational solidarity. Yet, questions of solidarity are not bipolar matters of “yes” or “no,” they are rather about gradual differences of more or less solidarity (Habermas 2015: 26). It is therefore not correct to harp on a total absence of transnational solidarity in the European Union.

The current situation is indeed not the result of a lack of solidarity. On the contrary, there is plenty of solidarity around. Yet, I argued, the parallel existence of these different forms of solidarity—national, transnational, member state solidarity and lastly the solidarity with the nation state—could not persist without conflicts under the given European discourse of solidarity as a zero-sum game. This discourse resulted in the nonexistence of a European transnational welfare scheme. It made a parallel and complementary existence of the different forms of solidarity impossible. Hence, the European Union does not suffer from a deficit of solidarity but rather from a clash of multiple solidarities within the transnational context of the European Union.

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