

# The Exceptionality of Solidarity\*

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## I. Introduction

In the pandemic – as is typically the case in times of crisis – we have witnessed admirable expressions of solidarity. In Australia, a couple running an Albanian restaurant provide up to 500 free meals a day to those affected by the health crisis.<sup>1</sup> In India, The Caravan of Radical Love helps migrant workers left without work in the pandemic.<sup>2</sup> In Spain, citizens clap from their balconies to thank health workers. Students, retired nurses, and doctors volunteer to support their national health systems. ‘Mutual aid groups’ across the UK support vulnerable people in their communities.<sup>3</sup> Indeed, it goes without saying that our society would be better if solidarity were not saved for times of crisis but constituted a feature of our social life in times of normalcy. Furthermore, it could be argued (although I will not attempt to do so here) that living up to the demands of solidarity not only makes a better society but is a necessary condition for a just society. More radically, it could even be argued that solidarity is a necessary condition for a society – just or otherwise – to exist at all.<sup>4</sup> Given the relevance of solidarity to societal well-being, it may be worth enquiring into what prevents solidarity from becoming the norm rather than the exception.<sup>5</sup> What conditions obtain in exceptional times, but seem to be absent in normalcy, that enable solidarity? What would be needed for solidarity to last beyond times of crisis? The current pandemic, I would argue, provides a window into the conditions that make solidarity possible. It also reveals the extent to which solidarity is an inclusionary and global normative ideal – in addition to being an unremittent one. Last, it alerts us to some risks inherent in the attempt to implement the ideal of solidarity as well. Thus, the analysis of solidarity and its exceptionality helps illuminate important aspects of the conditions, nature, and dynamics of solidarity.

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1 <https://www.theguardian.com/australia-news/2021/aug/31/shepparton-couple-donating-up-to-500-free-meals-a-day-amid-covid-outbreak>.

2 Kathryn Liban and Prakash Kashwan, ‘Solidarity in Times of Crisis’, *Journal of Human Rights* 19 (2020): 542.

3 ‘Solidarity in a Time of Crisis: The Role of Mutual Aid and the Covid-19 Pandemic’, Yunus Centre Report, February 2021.

4 For a discussion of the so-called ‘disintegration thesis’, i.e., see H.L.A. Hart, ‘Social Solidarity and the Enforcement of Morality’, *The University of Chicago Law Review* 35 (1987).

5 Solidarity has, as Crowe nicely puts it, a ‘mercurial’ quality. It is an ‘unstable phenomenon that oscillates between periods of relative quiescence and of intense expressions during events such as strikes, revolutions and religious ceremonies’, as well as – we may add – crises such as the current pandemic. See Graham Crow, ‘Social Solidarities’, *Sociology Compass* 4 (2010): 58.

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Before I try to argue for these claims, a methodological worry should be addressed. One could be suspicious about the possibility of drawing any lesson about the concept of solidarity by examining its expressions in times of crisis. Whatever features it may have in times of crisis, it does not seem justifiable to assume that they should characterize it in ordinary times as well. An analysis of solidarity that is apt for times of crisis – it may be argued – is unlikely to help us make any progress with the study of solidarity as an ideal fit for normal times. There is a grain of truth in this line of criticism. While the examination of hard cases in law does help us better understand the process of adjudication, it would certainly be inappropriate to conclude that features that are distinctive of hard cases are also central characteristics of the practice of adjudication across the board. Likewise, whereas it is useful to examine cases involving moral dilemmas, when developing a moral theory, one should be wary of explaining ordinary moral life in terms of the kinds of severe normative conflict that are characteristic of moral dilemmas. And even though extreme conditions gives science important insights into the structure of the empirical world, their results can hardly be generalized to provide the foundation of our basic scientific theories. Similarly, I would argue, we may learn a great deal about the nature of solidarity by examining its inner workings in times of crisis, but we should be cautious about expecting that solidarity behaves equally in normal times. In fact, as I will argue, an important asymmetry between times of crisis and times of normalcy brings to light the extent to which solidarity is a normative ideal that – just like freedom or equality – depends for its sustainment on strong institutions and a vigorous citizenry.

## II. Transient solidarity

Expressions of solidarity abound in times of crisis. It is striking that we should be so much readier to help in times of crisis than in normalcy.<sup>6</sup> Here are some examples that illustrate the contrast between solidarity during a crisis and solidarity (or its lack thereof) in normal circumstances:

- a Neighbours shop for groceries for the elderly who cannot because of COVID, even though, for many of them, the regular provision of groceries is also difficult in normal times.
- b Migrant workers are given food and shelter in COVID lockdown, which they also need, but are much less likely to obtain, in normal times.

In these two cases, the same people faced with the same need, get relief when their need is related to COVID reasons, in contrast to times of normalcy. Here are three, more startling, cases:

- c In the aftermath of Mexico's 2017 earthquake, people donated food and commodities, *e.g.*, diapers and clothes, for families that were affected by the earthquake, next to which there were families in need, who did not receive any help.

6 See Barbara Pransiak, 'Solidarity in Times of Pandemic', *Democratic Theory* 7 (2020) (arguing that pandemics do not automatically increase solidarity).

- d In Ireland, the weekly pay rate of those out of work because of COVID-19 is significantly higher than the standard weekly unemployment rate.<sup>7</sup>
- e A 9-year-old child, who works in the streets in Mexico, receives toys for the first time in his life, which were sent by an unknown person upon learning of his plight in COVID times.<sup>8</sup>

In these cases, there is an important asymmetry between expressions of solidarity in times of crisis and its lack thereof in normalcy. In (c) and (d), people who are in need for crisis-related reasons are helped, whereas other people who have the same need for reasons unrelated to the crisis either are not (in (c)) or are helped to a lesser degree (in (d)). In (e), a child is the recipient of solidary action in times of crisis but not in normalcy, even though his need is utterly unrelated to the crisis. These cases are more extreme because they illustrate a differential treatment between people (in (c) and (d), in contrast to (a) and (b)), which stands in need of justification, and a differential treatment towards the same people (in (e)) even if the need at stake (unlike in (a) and (b)) cannot even be traced back to any reason connected to the on-going crisis.

These cases give rise to some questions. Why is it different, for the purposes of getting help, to be unable to shop for groceries because of a crisis than to be unable to do so because of old age? What makes it the case that one assists the migrant, but only in pandemic times? How could we justify the unequal treatment between families who are in need because of a crisis and families who are permanently in need? Or between a person unemployed due to COVID and someone who has been facing unemployment long before COVID hit? How could we explain to a street kid that he may receive a present if there is a crisis, but none when times go back to normal? It may be instructive to inquire into what differences there might be between times of crisis and times of normalcy, which make it more likely that solidarity is put in motion in a crisis but not in regular times. Here are some possible differences:

- a The first, obvious, difference is the time span. Whereas I may be able, given other commitments, to help for a limited period of time, such as a crisis, it may turn out to be too heavy a burden to sustain practices of solidarity over time.
- b In times of crisis, we understand that there are extraordinary, unforeseen, demands that surpass the capacities of the state, and thus we feel compelled to take responsibility, whereas in times of normalcy, such responsibility is not viewed as one's own.
- c In times of crisis, the situation of need is attributed to natural causes (e.g., a virus, an earthquake...) which are beyond our control, whereas in normalcy those in need are likely to be held responsible for their own situation.
- d In times of crisis, we identify with those who are in need because it could have been me who was incapacitated from going shopping, or who lost their job or

7 Ryan Nolan, 'We are all in this together! COVID-19 and the lie of solidarity', *Irish Journal of Sociology* 29 (2021): 103.

8 <https://www.excelsior.com.mx/nacional/fraternidad-en-tiempo-de-covid-ciudadano-lleva-regalos-a-pequeno-bolero/1379909>.

property, whereas in normal times social divisions militate against such mutual identification.<sup>9</sup>

A careful analysis of the contrast between crisis and normalcy, however, reveals that there are fewer differences between times of crisis and times of normalcy than it may seem.

- a Temporality. Indeed, this is indisputably a distinguishing factor, which makes it necessary, as I will argue below, to set up institutional mechanisms that can secure practices of solidarity over time.
- b Responsibility. Our duties of solidarity are not suspended or conveniently transferred to the state in times of normalcy. What we owe to each other is not an obligation that can be intermittently discharged or relinquished.<sup>10</sup> In crisis, as in normalcy, we are responsible for setting up and monitoring a state that can sustain solidarity over time.<sup>11</sup>
- c Causality. There is an important symmetry between social causes and natural causes. The attribution of a responsibility for need to those who are socially disadvantaged ignores the extent to which their situation is the product of factors, *i.e.*, structural injustice, which are also outside their control.
- d Identification. In crisis, as in normal times, what brings us together is much more than what tears us apart. We are all vulnerable to illness, sudden disgrace, and death. In crisis, as in normal times, however, we have vastly different resources to fight them. Social fracture, which is as much a work in crisis as in normalcy, impedes our mutual recognition as equals.

There are not, then, substantial differences between crisis and normalcy which may justify derelictions of solidarity in normal times or constrain its demands to exceptional times. ‘Transient’ conceptions of solidarity, which link solidarity to situations of crisis, to the provision of help in times of emergency, need or misfortune, fail to capture the unrelenting persistence of solidarity’s claims.<sup>12</sup> The analysis of the admirable expressions of solidarity that we are capable of in extraordinary times helps identify some ways in which we may be able to go beyond solidarity as a response to crisis and build up a society that is characteristically solidary.<sup>13</sup> First, it brings to light the need for a strong state that can secure solidarity over time and

9 This mutual identification is absent in case (d), which may be best explained, interestingly, as a case in which empathy and a disposition to help triggered by a crisis expands beyond those affected by the crisis and is transferred to other groups. In times of crisis, we seem to be more alert to necessities and more ready to perceive needs, which may go unnoticed in normal times.

10 Solidarity, as is well known, has its roots in Roman Law, in which an obligation *in solidum* was an obligation in which each party was liable for the debts of all. See Hauke Brunkhorst, *Solidarity* (Cambridge MA: MIT Press, 2005), 1-2.

11 As I will explain later, both formal, state-led, forms of solidarity and informal, citizen-led, forms of solidarity are needed to live up to the demands of solidarity. See notes 32-35 and accompanying text.

12 On solidarity as a response triggered by crisis and its insufficiency, see Irina Cornel and Malcolm G. Ross, ‘Solidarity in Europe: from Crisis to Policy?’, *Acta Politica* 56 (2021).

13 Of course, this does not detract in the slightest from the exceedingly valuable practices of solidarity that are triggered by crisis: crises call for exceptional solidarity action, which should nonetheless be enshrined as a permanent feature of our institutional arrangements.

our responsibility to work to bring it about. Second, it reveals the need for an egalitarian ethos, which is hindered by blindness to structural inequalities and social divisions, for solidarity to exist. Thus, an examination of the contrast between solidarity action in crisis and in normal times shows that the demands of solidarity cannot be limited to an informal sphere: solidarity has to be 'solidified' in formal, legal, structures. It cannot be pursued in an exclusionary way, but has to be established across the whole social spectrum. In the next two sections, I will examine, in light of experiences of solidarity in the ongoing pandemic (and other crises), the way in which informal and sectarian conceptions of solidarity fail to live up to the demands of solidarity.

### III. Sectarian solidarity

Co-existent with outstanding expressions of solidarity, which bring us together as a community, pandemics (and other crisis) are marked by deep inequalities that tear us apart. Times of crisis reveal pre-existing inequalities, *e.g.*, the unequal access to health services in a pandemic or to adequate housing in an earthquake. They also intensify pre-existing inequalities, *e.g.*, during the COVID-19 pandemic, people with less access to health services are also at more risk, as they are more likely to have underlying health conditions, lockdown measures have increased domestic violence, and the closure of schools has deepened gender inequalities. Crises create new inequalities as well, such as social exclusion of health workers or recovered COVID-19 patients,<sup>14</sup> and further forms of stigmatization of certain social groups, *e.g.*, Latinos during the N1H1 pandemic, or Asians and Indian Muslims during the COVID-19 pandemic.<sup>15</sup> The social fractures revealed, exacerbated, and generated in times of crisis erode the grounds of solidarity in that they are an obstacle to our mutual recognition as equals. Jan-Werner Miller wrote, in the midst of the on-going pandemic, which has, allegedly, brought us all together, '[r]ather than all of us being in the same boat, it turned out that some quickly drowned, some have been rowing frantically just to stay alive, and some were never in the boat to begin with; instead, we watched them sail off on their luxury yachts'.<sup>16</sup>

Moreover, the situation of need faced by many is not independent, as is well known, of the situation of privilege of advantaged social groups. In April 2017, in the Usumacinta river – the border between Mexico and Guatemala – one yacht passed at a very high speed close to small boats in which poor families were spending a refreshing Sunday outing; the yacht made one of them sink. The young, rich owners

14 See Chimnaye Mishra and Navaneeta Rath, 'Social Solidarity during a Pandemic: Through and Beyond Durkheimian Lens', *Social Sciences and Humanities* 2 (2020): 2.

15 For an extremely useful overview of the inequalities in the pandemic and the way in which they pose a challenge to solidarity, see F. Marijn Stok *et al.*, 'Social Inequality and Solidarity in Times of COVID-19', *International Journal of Environmental Research and Public Health*, 18 (2021). See also Esmé Berkhout *et al.*, 'The Inequality Virus', OXFAM briefing paper, January 2021.

16 See Jan-Werner Müller, 'Did the pandemic draw us closer together – or pull us further apart?', at <https://www.theguardian.com/commentisfree/2021/aug/08/did-the-pandemic-draw-us-closer-together-or-pull-us-further-apart>.

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of the yacht did not even notice; the members of the family, including a baby, were unable to swim and cried desperate for help. Nowhere was the state to be seen – either to stop the yacht or to help the family, which was lucky enough to be rescued by a little boat that was just passing at this critical moment. In a crisis, as in the Usumacinta, it becomes evident not only that we are not in the same boat, but that, furthermore, the aggrandizement of some is made (as much in crisis as in normal times) at the expense of dispensable others. The unequal global distribution of COVID vaccines, or the multiplication of the fortunes of a few during the course of the pandemic, tell us that much.<sup>17</sup>

Deep inequalities, however, are compatible with other types of solidarity, to which they are, furthermore, serviceable. In crises, alongside solitary acts towards those in need and expressions of this ‘collective effervescence’, as Durkheim put it, which were exemplarily at work in the collective clapping in gratitude for health workers in this pandemic or in the minutes of silence kept across the Republic for the victims of earthquakes in Mexico City,<sup>18</sup> people have also clustered in exclusionary ways around my country, my kin, or my generation. Sectarian solidarities have emerged which stand in opposition to communal feeling and action. In India, cast-based forms of solidarity are deployed during the pandemic to exacerbate the exclusion of some casts by identifying their members as carriers of the coronavirus,<sup>19</sup> anti-vaccine movements appeal to generation-based solidarity to pitch the young against older generations,<sup>20</sup> and national solidarity is invoked to question international aid policies.<sup>21</sup> There seems to be a logic of inclusion-exclusion in discourses of solidarity, which are meant to clearly delineate those who belong from those who do not, and to clearly circumscribe the potential recipients of solitary action.<sup>22</sup>

Such exclusionary, sectarian versions of solidarity deprive solidarity of its moral legitimacy. This is not to say that the only legitimate form of solidarity is a cosmopolitan one. There are indeed morally valuable forms of solidarity among social movements, comrades, clans, members of cultural minorities, religious groups, and citizens. Rather than a logic of inclusion-exclusion, the plurality of solidarities may perhaps be best described in terms of a concentric logic, in which inner circles, *i.e.*, partial solidarities, are inscribable within larger ones. Partial forms of solidar-

17 See Gordon Brown’s discussion of a ‘neocolonial approach to global health’, in ‘The world is making billions of Covid vaccine doses, so why is Africa not getting them?’, at <https://www.theguardian.com/commentisfree/2021/aug/16/world-billions-covid-vaccine-doses-africa-unprotected>. On the increase of billionaire’s wealth during the pandemic, see Berkhout, ‘The Inequality Virus’, 10-11.

18 See Chinmayee Mishra and Navaneeta Rath, ‘Social Solidarity during a Pandemic: Through and Beyond Durkheimian Lens’, *Social Sciences and Humanities Open* 2 (2020): 4-5.

19 See Awanish Kumar, ‘Reading Ambedkar in the Time of COVID-19’, *Economic and Political Review* 16 (2020): 37.

20 On the intergenerational divide and agism in the current pandemic, see Liat Ayalon *et al.*, ‘Aging in Times of the COVID-19 Pandemic: Avoiding Ageism and Fostering Intergenerational Solidarity’, *Journals of Gerontology: Psychological Science* 76 (2021).

21 Lawrence Gostin *et al.*, ‘Reimagining Global Health Governance in the Age of COVID-19’, *American Journal of Public Health* 110 (2020).

22 Maria Xosé Agra Romero, ‘Fraternidad. (Un concepto político a debate)’, *Revista Internacional de Filosofía Política* 3 (1994): 152.

ity are morally valuable provided their justification would not be defeated by expanding the relevant circle, in other words, if they could be supported by reasons that are universalizable.<sup>23</sup> What gives some exclusionary forms of solidarity their purchase is, I would suggest, a (liberal) conception of solidarity that ties it to forms of cooperation that are created for the purpose of advancing self-interest.<sup>24</sup> There is a need, however, to replace a perspective of solidarity based on self-interested cooperation or expected reciprocity by a perspective based on acknowledgment of our common humanity. Practices of solidarity should be inserted within the broader project of constructing a genuine fraternal community, in which we all recognize each other as equal, are bound by bonds of mutual care and concern, and are disposed to mutual aid.<sup>25</sup> Solidarity is a practical attitude, which issues in action, *i.e.*, the furthering of a common cause or the provision of help, especially, to those vulnerable and in need.<sup>26</sup> Rather than being driven by partisan interests (or watered-down charitable impulses), solidary action should be grounded on the ideal of bringing about a community of equals bound by affective ties.<sup>27</sup> From this perspective, solidarity is, ultimately, a global, inclusionary ideal. Local forms of solidarity provide focal points for developing, and advancing, a fraternal community, rather than exclusionary solidarities that are realized at other groups' cost.

- 23 For example, Ku Klux Klan solidarity is deprived of moral value as it is grounded on reasons that would be defeated as soon as one expands the relevant circle. In other words, it is based on reasons that others could reasonably reject. Solidarity is thus a normatively dependent concept, the moral value of which depends on the way in which the relevant group, and its concerns, are identified. See Simon Derppmann, 'The *Solidum* in Solidarity', *on\_education*, 10 (2021) and Rainer Frost, 'Solidarity: Concept, Conceptions, and Contexts', Normative Orders Working Paper, 02/2021. On universality as a criterion that partial solidarities should satisfy to be morally valuable, see L. Dillinger, *The Empty Demand of Solidarity*, *on\_education* 4 (2021): 2.
- 24 For a critique of this liberal conception of solidarity, see Ruud ter Meulen and Rob Houtepen, 'Solidarity', in *Encyclopedia of Applied Ethics*, ed. Ruth Chadwick (London: Academic Press, 2012).
- 25 Thus, fraternity has a cognitive element, an affective element, and a practical one. Consequently, it cannot be translated into solidarity, which is first and foremost a practical commitment, without an important loss of meaning. Two further differences between solidarity and fraternity should be noted. First, solidarity may obtain in highly asymmetrical relationships, *e.g.*, between donors and victims of a natural disaster, whereas fraternity is a matter of horizontal relations of mutual recognition. Second, the emotions motivating solidary action are characteristically negative emotions, such as anger and pain at the suffering of others, in contrast to the affective component of fraternity, which includes the kind of positive emotions that are associated with affective ties of mutual care and concern. Indeed, it would be surprising if both concepts could be used interchangeably, given that they have a different origin and history and pertain to diverse traditions of political thought. An analysis of the important synergies, but also the key differences, between the two notions is, however, beyond the scope of this paper. On negative emotions as a trigger of solidarity, see Francesco Tava, 'Justice, emotions and solidarity', *Critical Review of International Social and Political Philosophy* (2021). For a development of the conception of fraternity outlined in the main text and a discussion of its differences with solidarity, see Amalia Amaya, 'La relevancia de la fraternidad', *Las formas de la fraternidad*, ed. Sergio Leroux ((Mexico: Coyoacán, 2016).
- 26 On solidarity as a practical attitude, see Frost, 'Solidarity: Concept, Conceptions, and Contexts'. See also Andrea Sangiovanni, 'Solidarity as Joint Action', *Journal of Applied Philosophy* 32 (2015).
- 27 On the need for solidarity to work *in tandem* with fraternity, see Angel Puyol, *Political Fraternity: Democracy Beyond Freedom and Equality* (London: Routledge, 2019), 39-48.

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The expansion of solidarity across social groups does not end within national borders but reaches further to the global community.<sup>28</sup> Social divisions which systematically benefit some to the detriment of others both within and beyond the state are an impediment to the realization of the demands of solidarity. National solidarity, as much as any other local form of solidarity, has to be pursued in ways that promote, rather than erode, larger solidarities. As Frost has put it, national solidarity ‘must not be realized at the price of a lack of solidarity with others who are exploited and dominated’.<sup>29</sup> This pandemic has heightened – in a way in which other crises may not have – an acute awareness of our shared vulnerability as a species, and showed the need to build transnational solidarities to counteract potential dangers to its survival. Once an interest-based view of solidarity is displaced by a conception that anchors it to the recognition of the other as an equal member of humankind, national solidarities – like other in-group solidarities – may come to be viewed as important avenues for reaching a global solidarity, rather than as a way of reinforcing social inequalities within and across states that are inimical to solidarity.

Solidarity, understood as an ideal that is ultimately grounded in an acknowledgment of our common humanity, requires for its implementation, as crises such as the pandemic have vividly brought to light, decisive state action and a developed institutional structure. If sectarian solidarities limit the reach of solidarity’s demands by restricting the relevant group and dwarfing the relevant commonalities, some versions of solidarity circumscribe its demands to the informal sphere, placing it outside the legal domain. I turn now to examine the way in which crises, like the current pandemic, show that there is an important institutional dimension to solidarity, which is neglected by informal conceptions of solidarity.

#### IV. Informal solidarity

An important asymmetry, as noticed above, between solidarity in crisis and solidarity in normalcy is the time span, which makes it necessary to create institutions that can sustain practices of solidarity over time. Even if it cannot be reasonably expected that we sustain a level of solidary commitment through normalcy as in crisis, this does not relieve us of our responsibilities for seeing that our duties of solidarity are properly discharged. A strong state, with the resources and capabilities to engage in solidary action, is needed, and it is our responsibility as citizens to

28 For a defense of a cosmopolitan view of solidarity, see Lawrence Wilde, *Global Solidarity* (Edinburgh: Edinburgh University Press, 2013). On the need for global solidarity in the context of the pandemic, see Göran Tomson *et al.*, ‘Solidarity and Universal Preparedness for Health after Covid-19’, *The BMJ* 59 (2021) and Sebastian H. Schneider *et al.*, ‘Does the COVID-19 pandemic threaten global solidarity? Evidence from Germany’, *World Development* 140 (2021). On solidarity beyond the state in times of crisis in an European context, see C. Lahusen *et al.* *Transnational Solidarity in Times of Crisis* (Cham: Palgrave MacMillan Cham, 2021).

29 Frost, ‘Solidarity: Concept, Conceptions, and Contexts’, 12.

bring it about.<sup>30</sup> This renders views that minimize the role of the state in implementing solidarity, deny the feasibility of harnessing it through legal measures, or locate it squarely in the realm of ethics rather than law, unfit to secure the realization of solidarity.<sup>31</sup> Furthermore, a conception of solidarity that precludes its solidification by law is, arguably, somewhat incoherent. If we do have a moral obligation to be solidary, which cannot give rise to legal obligations, but we do not seem to be able to engage in solidary action to the level required in a consistent way, then it seems that either a) we are obliged to do what we cannot do, in violation of the ‘ought implies can’ constraint; or b) our obligations of solidarity are so dependent on contingent means and opportunities as to be deprived of any normative content, as they may, as it were, be switched on or off at will.

It is thus imperative that solidarity be solidified into formal forms of solidarity.<sup>32</sup> Indeed, the demands of solidarity have been institutionalized to some extent, as is well known, by the welfare state. The current pandemic has shown how necessary it is, even in crisis, when citizens are ready to help in extraordinary ways, to have a well-functioning and adequately provisioned welfare state. The pandemic has also shown the need for such a state to engage firmly in solidary action at a transnational level, and thus the need for institutional forms of transnational solidarity. Again, there are already important institutions that aim at advancing a genuine ‘fraternity of peoples’. However, as the current health crisis has made evident, they are far from sufficient. The retrenchment of the welfare state and the timid advancement of transnational forms of solidarity have produced a severely limited level of institutionalization. Solidarity, from the local to the global level, requires for its sustenance an appropriate legal structure, which we have so far failed to thoroughly establish. A great deal of institutional imagination (and, needless to say, political will) is required to envision ways in which solidarity can be implemented within and beyond the state. Importantly, the institutionalization of solidarity can hardly be limited to the incorporation of social and economic rights into (national and international) human rights systems. Solidarity – like fraternity – goes beyond what may be effectively captured in the language of rights. Moreover, as Ross has argued in the context of the European Union, solidarity does ‘not fit comfortably into the structures of established institutions, legal competences and policy frameworks.’<sup>33</sup> Thus, the legal implementation of solidarity requires rethinking and revising our current institutional arrangements and coming up with innovative

30 Elected officials would have, in both normalcy and crisis, additional duties of solidarity. See P. West-Oram, ‘Solidarity is for Other People: Identifying Derelictions of Solidarity in Responses to COVID-19’, *Journal of Medical Ethics* 47 (2021).

31 See Andreas Wildt, ‘Solidarity: Its History and Contemporary Definition’, *Solidarity*, ed. K. Bayertz (Springer: 1999). See also Frost, ‘Solidarity: Concept, Conceptions, and Contexts’, 8. For a critical discussion of views that take solidarity to be a value that cannot be legally implemented in the context of the EU, see Malcolm Ross, ‘Transnational solidarity: a transformative narrative for the EU and its citizens?’, *Acta Politica* 56 (2021).

32 On the importance of institutional solidarity, as revealed by the COVID-19 pandemic, see Barbara Prainsack, ‘Solidarity in Times of Pandemic’, *Democratic Theory* 7 (2020): 129-130.

33 See Ross, ‘Transnational solidarity: a transformative narrative for the EU and its citizens?’, 234.

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strategies for advancing the ideal of solidarity (and fraternity) thorough legal means.

The vindication of institutionalized forms of solidarity does not, however, imply that solidarity is in normal times a matter only for the state, *i.e.*, that one can conveniently delegate one's obligations of solidarity to the state, so that the fulfilment of such obligations is secured by supporting a state that appropriately implements solidarity. Just as equality and liberty require not only that they be legally protected, but also that citizens do not behave in the myriad of ways in which social relationships can constrain freedom and damage equality without breaking the law, a society does not live up to the ideal of solidarity unless both the state and the citizens actively promote it. In addition, the vitality of organized forms of citizen solidarity with different degrees of formalization is central to building a solidary society. In between a macro-level of solidarity, linked to the state and the micro-, individual, level, there is also a critical, intermediate level, in which solidary action is led by civil society organizations.<sup>34</sup> Hybrid forms of solidarity, which involve collaborations between both state and non-state actors, as empirical evidence suggests, have important social benefits as well.<sup>35</sup> Thus, informal and formal forms of solidarity are neither sharply distinct nor isolated from one another, but rather interconnected in complex ways. Critically, the law may promote, channel, sustain, but also hinder, social practices of solidarity at both the micro- and the meso-level.<sup>36</sup> Thus, the realization of solidarity requires a concerted effort at all three levels, which should also be appropriately related to each other.

Now, if a variety of informal alongside formal forms of solidarity are necessary, then venues for promoting a solidary society cannot be brought about purely by legal reform, but education becomes a critical tool for advancing the ideal of solidarity. There is a need for education to promote the egalitarian commitments that are inherent to fraternity and the practical mindset that compels solidary action.<sup>37</sup> Moreover, education and legal institutional design are mutually reinforcing avenues for realizing the ideal of solidarity. On the one hand, as empirical studies have shown, support for state-led solidary action at a global level during the pandemic is principally correlated with cosmopolitan values.<sup>38</sup> Thus, education that aims at instilling these values will foster a citizenry that is ready to support the appropriate legal rules and institutions necessary to realize the ideal of solidarity. On the other hand, given the impact that law has on shaping citizens' normative views,

34 On the relevance of the meso-level of solidarity, see Cironei and Ross, *op. cit.*, 213-214 and Lahusen et al., *op. cit.*, 4-5. For an exploration of the interrelation between 'soft' solidarity and 'hard law' in the context of the EU, see Ross, 'Transnational solidarity: a transformative narrative for the EU and its citizens?'

35 See Nikos Kourachanis, Varvara Lalioti and Dimitris Venieris, 'Social Policies and Solidarity during the Greek Crisis', *Social Policy and Administration* 53 (2019).

36 For an exploration of the interrelation between 'soft' solidarity and 'hard law' in the context of the EU, see Ross, 'Transnational solidarity: a transformative narrative for the EU and its citizens?'

37 On education for solidarity, see Lisa Dillinger, 'The Empty Demand of Solidarity', *on\_education* 4 (2021).

38 See Monika Bauhr and Nicholas Charron, 'Stand together or alone? Public Support for European Economic Solidarity during the COVID-19 Pandemic', *European Societies* 23 (2021).

the implementation of solidarity as a legal value, *i.e.*, its enshrinement in legal structures, is also an important way of promoting solidarity within the citizenry.

## V. The dynamics of solidarity

Thus far I have argued that to transit from the occasional expression of solidarity to a society that lives up to the ideal of solidarity, it is necessary to build a fraternal community, one in which members regard each other as equal, are connected through affective bonds and have a disposition to help each other, as well as citizens who are ready to take up responsibility in bringing about and supporting the appropriate institutional legal structures at both the national and the supranational level. Critically, the two avenues for transitioning from a punctuated, crisis bound, type to solidarity to a durable, stable, type of solidarity, *i.e.*, the embedment of practices of solidarity in a fraternal community and their solidification by law, are importantly interlocked and nurture each other. Thus, community and state are to work in tandem to establish solidarity as a regular feature, not an exceptional one, of our social life.

Now, the experience of solidarity in the current crisis also shows the extent to which both avenues of solidarity-building, *i.e.*, the state and civil society, harbour important risks. In the COVID-19 pandemic, there was an initial moment of mutual diffidence and distrust, in which people feared each other. This is, I think, a core feature that distinguishes pandemics from other types of crises, such as natural disasters, in that the source of danger is not external to us. Nonetheless, the difference is one of degree: in crises caused by natural disasters, the unrest and chaos generate additional sources of danger, and generate mutual distrust and fear, as the looting of damaged and evacuated buildings in Mexico City brought to light. From a moment of fearing each other, we moved to a moment of caring for each other in the current pandemic: in addition to exceptional solidary action, social distancing measures and isolation were no longer practised out of fear, but were perceived as expressions of mutual care. This, however, was followed by a moment of oppression, in which compliance with rules enacted to prevent the spread of the virus was meticulously watched over by some sectors of the population and secured by shockingly authoritarian exercises of state power. The affection and concern for the well-being of others, which is a core feature of a fraternal society, was displaced in some sectors of the population by 'hatred' against those who fail to abide by the rules.<sup>39</sup>

A pernicious cycle was thus set in motion from fear and distrust, to care and affection, to hate and oppression. The community bonds of mutual aid and concern, created to help overcome a situation of shared vulnerability, were also at work in the establishment of social relations of vigilance and antagonism which erode the

39 See Ruth Chadwick, 'COVID-19 and the Possibility of Solidarity', *Bioethics* 34 (2020). On the discursive construction of exclusionary solidarity against rule-breakers as out-group members, see Martina Berrocal *et al.*, 'Constructing Collective Identities and Solidarity in Premiers' Early Speeches on COVID-10: A Global Perspective', *Humanities and social Sciences Communications* 8 (2020).

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very basis of the community. Similarly, the state's mode of caring for its citizens quickly transformed in some places into authoritarianism. The risks inherent to community building are well known from historical episodes in which fraternity was deployed to justify brutal oppression and terror. Less extremely, solidarity has been associated with coercion, forced unity, social vigilantism, and pressures to conform.<sup>40</sup> If solidarity is to obtain in a non-exceptional way we must, as we have seen, acknowledge our responsibility to build a fraternal society and a strong state capable of sustaining it. However, the pandemic brings to light the extent to which we also have a responsibility to take a critical attitude towards the way in which citizens and the state bring forward a community project, and to vigorously oppose forms of oppression, civil and stataal, that distort, and ultimately, destroy, the prospects of building up a genuine fraternal community.

## VI. Conclusions

The expressions of solidarity in times of crisis, in contrast to normalcy, reveal the extent to which solidarity's demands are unremitting, global, and in need of institutionalization. Curtailing its demands to times of crisis, to those who are my kin or belong to my nation, and to the moral domain, not only restricts its reach, but amounts to disregarding the ideal altogether. For solidarity to become the rule, rather than the exception, we need to generate, in a critical way, a genuinely fraternal community – in which we recognize each other as equal, are linked by bonds of mutual concern and affect, and have a disposition for mutual help – as well as to establish strong institutions which can sustain it over time within and beyond the state. Ultimately, the realization of solidarity requires forging a global fraternal political community. This is, indeed, a revolutionary ideal, but we are in revolutionary times. Revolutions are moments of great creativity and provide precious opportunities to reimagine our social world.<sup>41</sup> I hope that this crisis, which has taken away so many and so much, allows us to see that a different, better, society is necessary and possible, and can prompt us to think up imaginatively ways in which we may be able to bring it about.

40 See Crow, 'Social Solidarities', 56-57.

41 On the revolutionary aspects of pandemic times and the extent to which creativity is a mark of revolutions, see Rebecca L. Spang's lucid and thought-provoking essay 'The Revolution Is Under Way Already', at <https://theatlantic.com/ideas/archive/2020/04/revolution-only-getting-started/609463>.