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Solidarity and the Universal Declaration on Bioethics and Human Rights

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Recent work has stressed the importance of the concept of solidarity to bioethics and social philosophy generally. But can and should it feature in documents such as the Universal Declaration on Bioethics and Human Rights as anything more than a vague notion with multiple possible interpretations? Although noting the tension between universality and particularity that such documents have to deal with, and also noting that solidarity has a political content, the paper explores the suggestion that solidarity should feature more centrally in international regulations. The paper concludes with the view that when solidarity is seen aright, the UDBHR is an implicitly solidaristic document.

Keywords: *bioethics, solidarity, UNESCO, universal declaration*

I. INTRODUCTION

Bioethics, it has been argued, requires consensus on core values and robust international legal instruments to ensure that such values are implemented (Andorno, 2002, 2007). One of the most notable developments in the construction of such international frameworks and legal instruments is the rapid expansion of the role of human rights.[1] The *Universal Declaration on Bioethics and Human Rights* (UDBHR) (UNESCO, 2005) published by the United Nations Educational, Scientific, and Cultural Organization is one such legal instrument with aspirations to universality, consensus, and a human rights–based set of principles for the regulation of biotechnology.[2] It is not legally binding in a way that, for example, the *European Convention on Human Rights and Biomedicine* (1997) and its subsequent additional protocols are for those member states that have ratified it. Its status is more akin to a set of guidelines. Despite its quasi-legal status, the document is still significant.

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It purports to represent a consensus on core values that can serve as a point of reference for the framing of national legislation. The self-assessed historical importance of the document is expressed in the *Foreword* which claims, "… for the first time in the history of bioethics, Member States committed themselves and the international community to respect and apply the fundamental principles of bioethics set forth in a single text."[3]

The declaration has five sections containing twenty-eight articles. The principles of the declaration include human dignity and human rights (3); benefit and harm (4); autonomy and responsibility (5); consent (6, 7); vulnerability and integrity (8); confidentiality (9); equality and justice (10); nondiscrimination (11); cultural diversity (12); solidarity and cooperation (13); social responsibility and health (14); benefit sharing (15); protecting future generations (16); and protection of the environment (17). Human dignity and the protection of human rights seem to be the most important values, appearing throughout the text, and serve as a limit on the application of the others. The content of its articles and the inclusion of these values is represented as the upshot of a long process of discussion, drafting, and redrafting to reflect the growing consensus about such matters which Andorno (2007, 150) suggests "… is an important step in the search for global minimum standards in biomedical research and clinical practice," and, he continues, "… the very fact that virtually all states reached an agreement in this area is in itself a major achievement".

It is hard not to agree with Andorno's observation that the consensus regarding this document is a major achievement since any such document must deal with the tension between the respect for cultural diversity and the demand for universal consensus. Despite the theoretical treatment of "rational consensus" as an aim of politics generally and bioethical discourse specifically, there is a real danger that in order to secure the necessary agreement around the core concepts, they must be stripped of all but the most minimal content, and yet, to demand more than a minimal content may be wrongheaded. Perhaps, the potential charge of cultural or ideological bias shapes the nature of such documents and the norms they aim to identify; the lowest common denominator is all that can be hoped for. With documents that are supposed to be universally applicable one may wonder what exactly has been achieved if much of the substantive normative content is sacrificed for consensus. Are such documents doomed to be agreements that have little meaning? Faced with such a tension, it is always going to be a delicate business getting a workable balance between specificity and normativity on the one hand and universality and consensus on the other.

This tension and the limitations it brings to the content of documents such as UDBHR provides the backdrop for my specific interest in the less well known, but nevertheless present, concept of solidarity. The concept is mentioned in the document but it is not defined, and its role remains quite obscure. In light of recent calls for the promotion of solidarity as a preeminent

value (Benatar, 2007), this paper considers whether the concept could be better defined and whether it should feature more centrally in such declarations. A definition of solidarity is sketched that, it is argued, is able to steer a middle path between the *particularistic* connotations of solidarity and the demand for *universal* applicability of principles that documents such as UDBHR make. Objections to incorporating solidarity in universal documents in anything but a token manner, based on the conceptual incoherence of "global solidarity" on the one hand, and the suggestion that the content of solidarity is too closely linked to European practices on the other, are examined and rejected.

The paper concludes with the view that the "weak" concept of solidarity advocated here has an important role to play in universal declarations as promoting it is to foster the context from which social understandings and motivations for justice, necessary for healthy democracies, can emerge. With this understanding of solidarity in play, we can see that UDBHR, despite only *explicitly* mentioning the concept a handful of times, is a document that is already *implicitly* solidaristic.

II. THE USES OF "SOLIDARITY"

Recent philosophical discussions (Habermas, 2003; Häyry, 2005) have emphasized the importance of solidarity in connection with health and biomedicine generally and genetic engineering of humans in particular. The thought is that it may serve as a corrective to the emphasis on individual choice and autonomy, so prevalent in health-related ethics, where this occurs at a cost to the wider social grouping. As such, it is a concept that is sufficiently broad in scope to merit inclusion in the kind of instruments discussed here, but since the UDBHR is a human rights document and article 1 explicitly prioritizes the interests of the individual over society, solidarity is always going to have a relatively low priority. Despite this, strong arguments have been offered for expanding the role of this concept in international legal instruments, particularly in connection with reducing global health inequalities (Harmon, 2006). Indeed, one influential commentator has recently suggested that: "Although no value can stand alone, the most important value to promote across boundaries is solidarity" (Benatar, 2007).

However, the actual text of UDBHR uses the word "solidarity" only three times. The first two uses relate to the title and the content of Article 13—"Solidarity and cooperation"—and the third appears in clause 3 of Article 24, "International cooperation." The content of Article 13 is merely "Solidarity among human beings and international cooperation towards that end should be encouraged." This is quite unhelpful if one wants to know what, exactly, is being advocated. Things are marginally better with Article 24, where we find that:

States should protect and promote solidarity between and among States, as well as individuals, families, groups and communities, with special regard for those rendered vulnerable by disease or disability or other personal, societal or environmental conditions and those with the most limited resources. (2005)

This is not, of course, intended as a definition and seems to rest on an implicit, prior understanding of the concept. We may infer from this that solidarity is a relational concept and that it involves a "special regard" for the "vulnerable." In an earlier document—the 1997 *Universal Declaration on the Human Genome and Human Rights* (Articles 12, 17, 18)—solidarity is given a slightly more detailed explication as a concern with access to therapy, protection of those vulnerable to genetic disease, and the proper dissemination of knowledge. This is still vague enough to allow *almost* anything in its name. In order to assess how (and why) solidarity might feature more centrally, we need a more detailed definition of this idea, and for that we must look further than the document itself.

Solidarity is derivative of the Latin word "solidare" which means more or less "to join together" and it is this element of being joined or connected in some way that is the theme that unites, often very loosely, the different historical and contemporary usages. One of the most well-known uses of the concept is that of the French sociologist Emile Durkheim who used the term to refer to the "social bond" that he thought was essential for the orderly functioning of society (Durkheim, 1893/1984). At different historical times, the social bond would be underpinned by different types of solidarity. "Mechanical solidarity" was more typical of "Traditional Society" with "Modern Society" more usually expressing the "organic" form. The Durkheimian concept is a concept of *social* solidarity not only because it stresses the interdependence of individuals, particularly in its organic form, but also because it purports to identify something that is actually necessary for the orderly functioning of modern societies. Whatever the case about the desirability of "social order," solidarity, according to this reading, will be something that has value not "in itself," as an intrinsic good, but as something that contributes to achieving further ends that are valued.

Something similar may be said of another French use of the idea. August Comte's positivism also emphasized social order and progress—a new moral order—that was to be achieved by the new "social physics" with Sociology at its head (Comte, 1849/1957). It preached solidarity as "love for the other," the basis for a universal religion of humanity. The details need not concern us here, but it is important to note that the theme of "connectedness" is again present, expressed this time as love for the other.[4]

Contemporary uses of the word serve to demonstrate the diversity of uses the concept has and how meager is the common ground between them. One well-known connotation is the political solidarity of the British labor movement where solidarity is between workers and the aim is better

conditions. Another recent use of the term is "democratic solidarity" where the term refers to the relationship between autonomous beings and the aim is to preserve the conditions necessary for democratic societies (Brunkhorst, 2007). Others (Gould, 2007) have explored the idea of "network solidarities" that transcend national boundaries or "cosmopolitan solidarity" (Pensky, 2007) focusing on inclusion as a "second-order property" of discourse. The term has also been used in connection with morality and the necessary social conditions for moral communities to exist (Harvey, 2007) as well as in connection with notions of the "common good" more generally (Rehg, 2007).

Further uses focus on specific identifiable groups based on race (Blum, 2007), geography and occupation (Traub-Werner and Cravey, 2002), or gender (Hughes and Heuman, 2006). Quite a lot of recent work, which will be examined in more detail momentarily, has focused on the supposition that solidarity is a peculiarly European value that finds its most obvious expression in the various forms of collectivized welfare provision found across that continent (Ashcroft, Campbell, and Jones, 2000; Bergmark, 2000; Pasini and Reichlin, 2000; Houtepen and Ter Meulen, 2000a, 2000b; Ter Meulen and Maarse, 2008). In contrast, there are those such as Harmon (2006) who argues that solidarity is the basis for a "global ethic" uniting states and individuals in the pursuit of various commonly held values, with the reduction of health care inequalities one of the most important, particularly in the context of international regulatory instruments such as the Helsinki Declaration.[5]

III. TOWARD A DEFINITION

The brief survey above suggests that "being connected," in a certain way, seems to unite the different uses of the term. This common thread of being connected naturally inclines one to think of solidarity as a value that has connotations of community and of membership. It does not stretch the common understanding of the term to say that solidarity may exist between members of a group—ethnic, racial, gender, and religious—perhaps based on the perception of a common goal or set of values. The values themselves may be a source of group *identity*, and solidarity may have its basis in this. It is dubious that solidarity has to be a matter of shared identity, but, nonetheless, perception of some commonality and the aim of defending threatened identities, values, or forms of life is one general way in which solidarity may be realized.

It is this aspect of solidarity, belonging to a group, that Bayertz (1999, 4) thinks explains the lack of theoretical interest in the concept.[6] Implying, as it does, that one cannot show solidarity with just anybody but "… [only] with other members of the particular community to which one believes oneself to belong," the concept fits uneasily with the universalism of modern ethics. If this is the core idea behind solidarity, then Bayertz's observation would

seem to provide a good reason for not seeking a more central role for the concept in documents like UDBHR.

However, mere membership of the group is neither necessary nor sufficient for solidarity. That it is not sufficient follows from the observation that solidarity must be expressed through action of some kind. Failure to bear this in mind leaves solidarity inadequately distinguished from sentiments such as empathy where no action is required for it to be realized. The danger here is that solidarity is understood as a sentiment, a psychological state, rather than a value fit for universal documents. It is therefore sufficient for solidarity that one be a member of a group and be willing to act in support of the group. In some cases, where action is required to become a member of the group, especially if it has overt political aims, then this would be solidarity since it does involve action—the *act* of joining. The focus here is on the group and the vehicle for solidarity is group membership and a desire to advance the projects of the group. Solidarity is therefore something that should be promoted whenever it furthers aims that the group values. As noted, however, this version is not necessary for solidarity because there are other bases for the value.

A different basis for solidarity is when people express solidarity with certain, often disadvantaged, groups despite not being themselves members of those groups. So, for instance, a wealthy white American woman may express solidarity with a group of male workers in China, without having any thing in common with them save her willingness to make their cause her own and to act in a way that is supportive of this. In this case, one might say that the emphasis is on the "Other," with the key ingredient being the readiness to treat their plight as if it were one's own. This is not to say that there must be an Other that is *antagonistic*, only that the focus of solidarity may be a political aim that emanates from an external source. Thus, in recognizing cases such as these as examples of solidarity, we are moving toward a definition that is broader than that implied by Bayertz's comments.

As in solidarity within groups, where membership of the group was not sufficient for solidarity, identification with the plight of others is not sufficient either. It is not solidarity without action. I do not have anything particular in mind here as the kind of action that counts as an expression of solidarity except that there must be something tangible, beyond the person's own internal states—emotions, warm feelings, mental images—that makes the difference between someone who does and someone who does not exhibit solidarity with others. Thus, solidarity may have its basis in internal group relations or in external relations of identification with the Other. What both seem to have in common is the element of caring enough about the plight and the possible causes of others to do something in support of them.

To return to the original motif of "being connected," we can see that although it may be natural to think of solidarity as being between members of

the same group, it need not be. All that seems to be required is that people—groups or individuals—are connected by their adherence to or support for a common goal. As a way of capturing these points, let us say that solidarity consists in the willingness to take the perspective of others seriously and *to act in support of it*. As a working definition, it captures the "being connected" that runs through the various historical uses of the term and also the connotations of political engagement through action that academic and ordinary usage seems to imply. It also serves to capture the sense in which solidarity is not just a sentiment as, for example, empathy is.

However, for the purposes of arriving at a definition that does justice to how the word has been used, on the one hand, and yet, on the other hand, is fit for a central role in universal documents, it is not quite right. Although some manifestations of solidarity in the form of support for political causes will, no doubt, be morally commendable, it clearly cannot be made binding that *all* causes should be supported. The problem is that the relation of solidarity is particularistic. It involves particular obligations to particular groups. Universal declarations that promote values must be couched in general terms. If solidarity requires support for specific political causes, then the aim of promoting solidarity would require that all political causes be supported. If examples of solidarity are always tied to some (political) cause or end, then promoting solidarity as a value runs the risk of (implicit) commitment to a favorite political ideology, thereby undermining any claim to universality. If solidarity is a universal value, it is different from other values that appear in universal declarations. Whereas it seems to make sense that one should respect human dignity or individual autonomy, perhaps unconditionally, the same cannot be said of a similar order to "be solidaristic." The reason for this is simply that it only makes sense in the context of a commitment to *specific* political causes. We need to know with whom and about what before we are in a position to evaluate whether causes are worthy of allegiance.

One way of ameliorating this tension is to distinguish between "strong" and "weak" solidarity. "Strong solidarity" is intended to refer to the aspect of solidarity described above that emphasizes support for specific goals or political causes. It is the solidarity of action that is central to many of the paradigmatic uses of the term. It is captured in the definition above: solidarity consists in the willingness to take the perspective of others seriously and *to act in support of it*.

"Weak solidarity," on the other hand, does not demand that one act in support of a goal or political cause. It aims to capture a more general solidarity that can be manifested without specific political commitment but which nevertheless has an important role to play in ethics generally and universal instruments such as UDBHR. Weak solidarity consists in *the willingness to take the perspective of others seriously*. It does not require that one also support the goals of others in advance of engaging with their claims. Weak

solidarity is therefore more suited to inclusion in universal documents simply because its manifestation is not conditional on actually supporting all possible projects. One demonstrates solidarity in the weak sense if one listens to and tries to assess if a particular cause is worthy of allegiance. It still contains the element of caring for others implicit in the different uses of the word, and it is still distinct from sentiment or emotion because taking the perspective of others seriously is still a form of action. It is this weak version of solidarity that is more apt for the inclusion in a universal ethic. I leave the question of why we should value weak solidarity until later. For now, I consider some possible objections to combining solidarity with a universalism.

IV. GLOBAL SOLIDARITY?

If the basis for solidarity is the willingness to take seriously the perspective of an Other, then it is pertinent to ask what the scope of solidarity is. Are there any limits here? The expression of solidarity takes the form of a relation between people—between group members, between groups, between individuals and groups, or even between individuals—based on the willingness to take the perspective of the other seriously, and it seems on the face of it that solidarity has no obvious limits. Solidarity may exist in the context of families, occupational groups, members of a community, neighborhoods. Solidarity with respect to culture(s), nations, or even between states does not seem to present any conceptual problems. However, for the purposes of inclusion in universal declarations, solidarity has to be global. Here I consider how one recent account of a "global solidarity" fits with the weak notion sketched above, and how it might avoid charges that its central idea is conceptually confused.

Harmon (2006) calls for a more central role for a *specific* political solidarity in international regulatory instruments relating to global health and human subject research. The article considers two examples of international regulatory instruments—the Helsinki Declaration and the CIOMS guidelines[7]—both of which are primarily concerned with providing ethical guidelines for the conduct of research involving human subjects. The central claim is that solidarity needs to be better represented in such documents if it is to have the impact Harmon thinks it should.

Harmon's global solidarity is captured by three propositions (218):

1. Individuals are embedded in social contexts, with relations at the individual, group and general social level—what Harmon calls "community."
2. Solidarity is rooted in "compassion," "fraternity," or "a genuine interest" in others' well-being. The aim being to construct a society that is "fair," "just" and "decent" underpinned by a commitment to "equality and the active promotion of welfare."
3. Solidarity requires common action. Collective interests may sometimes take priority over those of individuals or specific groups.

Given the nature of the ultimate goals—global equality of health care—solidarity therefore makes the most sense in the global context. It is social in the sense of emphasizing the contexts in which people are connected with each other, the limiting case being the interconnection of humanity. The role of justice on this account is as the end which solidarity serves: the reduction of economic and health inequalities and the call to action entails that we have instruments that support actions aimed at delivering justice. Thus, "… we must … establish institutions with the ability to *enforce* conduct which is *globally* utilitarian and therefore better capable of actively enhancing the health and human dignity of everyone" (Harmon, 2006, 233, *emphasis in the original*).

A number of comments are in order here. The first point is that this analysis emphasizes the interconnectedness of *humanity*—it is global. Insofar as it is global it is consistent with weak solidarity because it also rests on a universal feature of engagement with others. However, it has been argued that there are limits to solidarity because solidarity presupposes the existence of other groups that are rivals or adversaries. David Heyd argues that:

> Since solidarity is created in the struggle for a collective cause, it is necessarily exclusive, presupposing the existence of competing causes … solidarity is a social bonding that is formed against, or at least in competition with, other groups (2007, 119).

The limit on solidarity implied by this "agonistic" conception is that it cannot be universal or global. Heyd seems to have in mind here that solidarity is always local and relational; local in its realization in support of specific causes and relational by way of opposition to some other group. This means that a global or universal solidarity makes no sense because there is no universal value that people may identify with. It is also incoherent because, in the truly global case, there is no "them" for the constructed solidaristic "us" to be defined against.

We can agree with Heyd that solidarity requires a cause that is taken up in some way. Strong solidarity requires actual support, whereas weak solidarity requires the willingness to take the perspective seriously, and that is a limit of sorts. Wherever there is a cause the possibility for solidarity exists. Its scope is determined by the nature of the cause and the size of the group whose cause it is. So, to say that (strong) solidarity is local is surely right in the sense that it has to be related to a specific cause and action, but even here that cause may be so widespread that any ensuing solidarity is not well described as local. Harmon's global solidarity, at the service of reducing health inequality, may well be a case in point.

To say that solidarity is relational is also surely right in the sense explained earlier, but this does not mean that it has to be between members of a group—one can express solidarity with a group without being a member of that group—and, neither does it mean that there has to be some other competing group before solidarity can exist.[8] It may be that group identities are,

in some deep sense, dependent on the existence of an opposite—a competing group—and thus are exclusionary, but forging or protecting "identity" is, as I suggested above, only one value around which solidarity may form.[9] However, even if one finds Heyd's argument persuasive as a reason why strong solidarity cannot be global or universal, it has no force against weak solidarity.

Heyd's emphasis on the exclusivity and antagonistic nature of solidarity, how it is dependent upon specific causes and values, suggests a distinction between the establishment of universal norms and the pursuit of particular local values, implying that solidarity is too local to feature in all but a token way in universal declarations. However, we need not accept the claim that solidarity is about group identity. But even if it were, weak solidarity is not dependent on identity formation. If this is so, then the further claim that solidarity requires an antagonistic counter group may also be rejected, which in turn removes a possible objection to solidarity as not being fit for appearing in universal declarations because it is too particularistic.

The second point regarding Harmon's analysis of solidarity is that unlike the weak version I have outlined, it advocates a specific cause—that of the reduction of global health inequality. I am certainly not suggesting that there is anything wrong with this aim—it is laudable. In fact, it is perfectly consistent with the line I have taken. Should Harmon's call for solidarity aimed at reducing global health inequalities be at the forefront of universal documents? The answer depends on the desirability of the goal and an understanding of what solidarity is. If the additional value or goal of reducing health inequalities is also globally endorsed, then weak solidarity can accommodate this. Reducing such inequalities is, perhaps, something that all states should do more towards. What is at issue here is the general desirability of including the promotion of solidarity as a central norm in bioethics. The question of *which* solidarities we should foster is one that is certainly central to bioethical debate, but one which may be out of reach for international legal instruments.

Whether the inclusion in Harmon's analysis of words such as "genuine interest" and "compassion" is essential is where we differ. I suggested above that solidarity be gauged in terms of action and its measurable effects. If, in support of a particular cause, an individual decides to donate some money and this helps to further the aims of the group, what does the motivation of the donor matter?

A further important point concerns the implied conceptual priority of solidarity compared to other ethical concepts. Propositions two and three (above) imply that solidarity is not an end in itself but a means to something else. The aim is to create a "just," "fair," or "decent" society. Assuming that these ideas are being used as synonyms, the value of solidarity is to be measured instrumentally in terms of how it contributes to achieving this goal. The use of "fair" might suggest a *Rawlsian* conception of justice and yet the

quotation above expresses the aim of creating institutions that can enforce global *utility*. Whatever concept of distributive justice is envisaged, solidarity seems answerable to it. Something similar may be said of the other aims mentioned in the quotation above—enhancing human health and dignity. Solidarity is at their service. I will return to this point at the end of the next section.

Having addressed the problem of *global* solidarity, one possible objection to the analysis advanced here has been tackled. Still, the distinction between strong and weak solidarity may well be resisted by those who think of solidarity as a value that has a much richer content than I have suggested. For example, solidarity is sometimes described as a specifically European value, with substantive content tied to certain types of historical struggle. It is to the European conception and the question of a more substantive content for solidarity that I now turn.

V. SOLIDARITY: A EUROPEAN VALUE?

It has been argued that solidarity is a peculiarly continental European value that bears comparison with other traditions (Houtepen and Ter Meulen, 2000a, 2000b; Häyry, 2003). Let us consider the case of the European Welfare State as an example of the particularistic nature of solidarity. Houtepen and Ter Meulen (2000b, 329) say that there is a widespread belief that health care systems should be based on the value of solidarity. The idea behind this view is that the group is stronger and more able to pool resources and share risk with respect to the attainment of social goods than the individual is. Modern welfare states, they continue, represent a form of comprehensive, organized, and compulsory solidarity where everyone makes a fair contribution and in return they receive equal access to health care as well as unemployment benefits, pensions, and other goods.

As they suggest, this collectivization of welfare may be understood as a form of "collective rationality" where it is one possibly efficient way of delivering goods that the society desires. In this sense, it may be understood as a form of contract between state and citizen. If this is what solidarity is, then it may seem to present a challenge to a universalistic conception because it only applies to specific European practices.

This challenge evaporates when we bear in mind the distinction between the value and its individual manifestations. When this particular type of arrangement for delivering health care comes under pressure and is unable to meet the expectations of citizens, as is the case for most European social welfare arrangements, the time may be right for considering alternative arrangements. Understood in this way, solidarity is merely one way of organizing our social institutions. When they cease to deliver the goods, so to speak, then alternative arrangements need to be considered. But if that is so, then

solidarity is dispensable if nonsolidaristic arrangements are better. Or, if other solidaristic arrangements can be found to do the job, then solidarity in its *present form* may be dispensable. The point here is simply that this understanding of solidarity in the context of European collectivized welfare arrangements is consistent with the weak version of the value. That is to say, this version of European solidarity is a value that is not essentially tied to a specific form or content. European collectivist welfare arrangements are only *contingently* related to solidarity and therefore do not necessarily entail that universalistic conceptions, such as weak solidarity, are flawed.

Houtepen and Ter Meulen suggest a further way of understanding European solidarity that does seem to have implications for its status as a universal value. They write:

> In moral and social philosophy, a very relevant context for such a comparison is the distinction between the more universalistic and rights-based tradition of thought on the one hand and the more particularistic and commonality-oriented tradition on the other. The former is associated with the Anglo-Saxon world and the concept of justice, the latter with a continental European tradition…[where] social relations are not conceptualised in terms of individual rights and obligations…[but] on mutual relationships as a precondition for individual development and self realisation (2000b, 334).

Whether or not the contrast here really should be between the universality of justice and rights and the particularistic nature of solidarity is worth considering. If solidarity really is particularistic, then it would seem to be inappropriate to distinguish between its particularistic and universal aspects as I did above and even less appropriate to advocate a more central role for solidarity in documents such as the UDBHR, given that it is a rights-based document. So what of this contrast and what of solidarity as a European value?

Certainly the welfare state, understood as a form of "collective rationality," is itself intimately concerned that its arrangements yield just outcomes. Solidarity is at the service of justice in the form of healthcare provision and other goods. So this specific form of European solidarity does not seem to be a value that is independent of or incompatible with universalistic conceptions of justice at all. Furthermore, as discussed above, the value is not tied to any particular practices or processes, which removes the original suspicion that seemed to militate against the weak version.

If the welfare state is understood, not as a form of "collective rationality" but as an incarnation of solidarity, as a kind of "prerational, fundamental value," then the situation may be different (Houtepen and Ter Meulen, 2000b). Thought of in this way, as a value that is not beholden to other more fundamental values such as justice, then the Welfare State would be relatively immune to criticisms of its efficiency in distributing goods. It would be a form of social organization to be protected *just because* it realized solidarity.

Solidarity would then stand on its claim to deliver something essential for citizens, perhaps the mutuality that Houtepen and Ter Meulen speak of as necessary for self realization and development. If this is true, then weak solidarity cannot be solidarity because real solidarity is noncontingently tied to European collectivized social arrangements.

It is well-known that European Welfare States have come under increasing pressure since the first three decades of the postwar consensus (Ashcroft, Campbell, and Jones, 2000; Bergmark, 2000). There is evidence that change is afoot with the introduction of so-called "two-tier" arrangements for delivering welfare generally and health care in particular. Are these changes a threat to the value of solidarity? Does the introduction of a privatized element into health care provision constitute a break with solidarity? If solidarity just is collectivized arrangements, then yes it would, but even if we do accept this, it is hard to see how solidarity could be totally free from considerations of justice and therefore totally unanswerable to its ability to meet social expectations. Even if the claim that the real value of solidarity is the provision of the essential context for "human self-realization and development" can be made good, the possibility of (distorted) self-development in an unjust society still suggests an intimate relation between the two concepts. At any rate, we do not have to accept it. European solidarity is one expression of solidarity with its specific histories and traditions. Its mode is only contingently related to the value.

The contrast between the two traditions mentioned by Houtepen and Ter Meulen is therefore not quite right. It is not that justice is a universal norm and solidarity a particularistic value; each has a general and local facet. It is not too controversial to say we want justice for all, but that will mean different things in specific cases. If we want solidarity for all (weak solidarity), either because solidarity is required in some sense for justice or because it has some other characteristic, we should note that it also has its local specificity (strong solidarity), relating to the groups and their causes and the action that these require. In other words, we need not think that whilst justice is rightly something to be included in universal declarations, solidarity is too local to fit.

VI. THE VALUE OF (WEAK) SOLIDARITY

Of what value, it may be asked, is solidarity when shorn of its political content; does this not leave an empty concept with no particular normative force? If the real work is achieved by the local, specific, politically engaged version of solidarity, even if one could describe solidarity in general, what work could a general, *universal* version do? Why value solidarity per se? In short, even though I have described solidarity and distinguished between strong and weak elements, that account gives no reason why solidarity is

important because it does not include specific political causes as part of its general meaning.

Houtepen and Ter Meulen (2000a) and Harmon (2006) imply that the value of solidarity lies in its instrumental relation to justice.[10] Harmon's second proposition also emphasizes that solidarity is at the service of the ultimate goal of constructing a society that is "fair," "just," and "decent." Houtepen and Ter Meulen argue that:

> The concept of solidarity … draws our attention to the types of interconnectedness between people *that are required to motivate their recognition of values and norms such as justice*. Solidarity is a quality of social relations, of which just outcomes are an integral aspect. Thus, solidarity may be regarded as the social and cultural infrastructure for justice. *One cannot have solidarity without justice, but one can have justice without solidarity*. This is the case when distribution patterns and minimum levels may be defended as being fair, but when the distribution process is not guided by the experience of a shared life-world, a common cause and common standards of decency and humanity (Houtepen and Ter Meulen, 2000a, 36, *emphasis added*).

The conclusion that is implied by these views is that solidarity is important only insofar as it delivers justice. But it seems not to be essential for justice; it is sufficient for justice but not necessary. The final sentence of the quotation gets to the heart of the matter. It suggests that although justice can be achieved without solidarity, the solidaristically enhanced version is better. They say that it has something to do with the *process* of achieving justice. But why should the process matter? If the outcome is the same—a fairer society, a just society, then why should the manner of its delivery be important?

Let us grant, without further discussion, that strong solidarity is important when specific causes and injustices require the mobilization of widespread support before they are remedied. But what of weak solidarity whose credentials I have been concerned to establish? The answer that we are searching for here, that will give some sense to the importance of weak solidarity, is that the process *does* matter.

Weak solidarity is important because it is a value whose promotion marks the difference between a society where justice is imposed from the "top down," and one where it is generated from the "bottom up." The key here I think is the motivational element, with the motivation to accept certain conceptions of justice, and the patterns of goods distribution that they entail, being stronger in the latter case.

Solidarity as a value involving taking the perspective of others seriously is important because a society that encourages such a perspective taking is more likely to be one where citizens are motivated to abide by the norms, values, and rules that emerge out of such hermeneutic encounters. In advocating a value that encourages understanding of the goals, values, and causes

of other people, we are encouraging a society to inspect its social fabric, to see what is worthy of support and what is not.

In placing an emphasis on *others* and *their* claims to justice, it is not implied that individual or national self-interest ceases to be important, rather, the role of solidarity is to foster the very conditions necessary where self-interest may flourish. In other words, it is crucial to societies where the aim is justice—a fair society—but this is delivered via the active communicative processes of individuals, groups, cultures, and states—lifeworlds—that are the recipients of justice.

Solidarity, as I have suggested, is not tied to any one kind of social arrangement. But what is essential, I think, is the *perception* of a common cause and its solution—that it is fair or just—and that this is, in some way, connected to the *experience* of the common cause (Houtepen and Ter Meulen, 2000b, 336). When people do come to feel that a cause is one to be supported they are much more likely to accept the distribution of goods that the case may require, even if it means less for them. It is in this sense—solidarity as the "social and cultural infrastructure of justice"—that the concept deserves more attention than it has had. Indeed, given that perceptions of "just causes" and "just solutions" may change, solidarity is maintained if people embrace that change, even if old forms diminish.

Thus, advocating solidarity is not necessarily championing *specific* social arrangements, such as collectivized welfare arrangements. Therefore, it need not be neglected on the grounds that it is too culturally specific and so unlikely to attract the consensus required of candidate universal norms. Rather, it is a norm worth championing, not because it rivals justice, but because it encourages attitudes to others that are, arguably, essential to just societies. One might say that it is a precondition for an *ethical* society. At some level, this involves having noninstrumental relations with people—not treating people solely as means to our ends, but as "ends" themselves—for how could we have a perception of common cause without this recognition of the Other through mutual understanding?

When it is argued that solidarity should be protected or that it ought to be encouraged, this means we need to foster, construct, and support the social-institutional mechanisms for rational discourse about key norms and values—including justice. It is in this sense that solidarity is fundamental and indispensable. It is so because it is a precondition for the social recognition of justice. Without it, the very notion of a society where such things as justice are *possible,* let alone desirable, would be weakened if not totally undermined. This does not just mean that without solidarity people become selfish, more focused on their own lives, it means that the perception of common cause breaks down because of the lack of agreement on basic common values. If *that* breaks down then we no longer have solidarity—we have a society where if there is justice it is imposed from the top down.

VII. CONCLUSION

Solidarity as a general norm amounts to the willingness to take the perspective of others seriously, which in turn entails acting in ways that support the causes that are worthy of allegiance. It is important because it is only by engaging with, and being prepared to act upon, the claims of others that democratic societies can flourish. In other words, it is important in the sense that it contributes to healthy democracies without which the modern conception of justice becomes a technocratic imposition rather than a discursively generated social norm. Its specific forms are the causes of groups and individuals and the discourses they generate. I have already suggested that this level of specificity may be too much for universal documents, but what of the general concept? Is the presence of solidarity marginal and is there room for improvement in the UDBHR to address this?

Let us consider again what the document says. The document says it is explicitly addressed to states (Article 1.2) although it is meant to provide guidance more generally to individuals, groups, communities, and institutions (2b). We have already seen that the scope of solidarity is such that it may be expressed by or in relation to all of these.

In Article 2, which sets out the aims of the document, we see that there are eight main aims: (a) providing a universal framework of principles; (b) guidance for action; (c) to promote respect for human dignity and human rights; (d) to recognize the importance of scientific freedom; (e) to foster pluralistic dialogue about bioethical issues; (f) to promote equitable access to and the sharing of benefits from, scientific, medical, and technological developments; (g) to promote the interests of present and future generations; and (h) to underline the importance of biodiversity.

Most of these aims either presuppose the weak notion of solidarity, or are extensions of it. Indeed, establishing the framework itself, as expressed in (a) is premised on the value of solidarity. How could a *universal* framework be achieved without taking the perspective of others seriously?

With respect to human dignity (c), weak solidarity is an essential part of such respect. Human dignity, when invoked as an ethical principle is at least a double-edged sword. Respect for dignity, as Beyleveld and Brownsword (2004, 26) observe, may be used as a grounds for increased empowerment and freedom for individuals, but it may also be used to curtail such freedom, precisely on the grounds that actions, plans, or goals do not respect human dignity.[11] It is safe to say that it is the former idea of dignity that is dominant in UDBHR, and as such this cannot be respected in the absence of the commitment to taking the perspective of others seriously. However, even if the latter idea of dignity were intended, that too requires solidarity in the manner advanced in this paper.

The aim of pluralistic dialogue about bioethical matters (e) is itself solidaristic; it is the general bioethical expression of weak solidarity. Something

similar holds for the other aims; safeguarding the interests of present and future generations (g) for example, requires the perspective of weak solidarity in understanding what those interests might be and in formulating a general interest to be advanced.

It is not just the aims of the document that are intimately related to solidarity, but the principles themselves are also implicitly solidaristic. The document is permeated by solidaristic-type ideas which go by other names. I have already suggested that the aim of promoting human dignity is solidaristic in the weak sense, and if so, the *principle* of human dignity (Article 3.1) is also intimately related to solidarity. Articles 5 and 6 name autonomy and consent as fundamental principles of the universal framework. These are themselves inherently solidaristic, as is the principle of respect for vulnerability (Article 8). I have already argued that the principles of equality, justice, and equity (Article 10) presuppose solidarity in that solidarity serves justice, and something similar can be said of nondiscrimination and nonstigmatization (Article 11) where a presumption of equality of consideration links solidarity with nondiscrimination. Moreover, the respect for cultural diversity and pluralism of Article 12 is also, arguably, solidaristic in the sense of taking the perspective of the other seriously.

Access to healthcare and essential medicines (Article 14) and benefit sharing (Article 15) are also implicitly solidaristic because both are aims that express a concern with achieving justice, which is the whole point of solidarity. Furthermore, solidarity is also important as part of the background to implementing the core values of human rights and dignity because the perception of common cause that solidarity entails makes it more likely that dignity and rights will be supported.

Article 13 has already been discussed, but it is worth noting that this explicit mention of the concept is the documents' acknowledgement of the grounds for its own possibility. The aims and values of UDBHR are premised upon, or are intimately related to, the value of weak solidarity. The document need not mention the concept more than it does as it is already an inherently solidaristic document. However, given the centrality of solidarity, this should have been nearer the top of the list.

Even in Section III of the document—"Application of the principles"—that is devoted to principles of a more procedural nature, we find a high level of implicit solidarity. The role of dialogue and public debate (18.2, 18.3) as an integral part of decision making with respect to bioethical issues requires the key elements of solidarity already outlined, as does the role of ethics committees in promoting "debate, education … awareness of, and engagement in, bioethics" (19. d).

With UDBHR we have a document in which, unlike Harmon's (2006, 215) conclusion about the representation of solidarity with respect to the Helsinki Declaration and the CIOMS guidelines, the role of solidarity is anything but incidental. We have a document that, although hardly mentioning it

explicitly, is replete with principles that implicitly presuppose solidarity, which is surely a testament to the central importance of this concept.

NOTES

1. For example, in Europe alone the use of such documents relating to biomedical issues is growing: *Convention on Human Rights and Fundamental Freedoms* (Council of Europe, 1950); *Convention on Human Rights and Biomedicine* (Council of Europe, 1997); *Additional Protocol to the Convention on Human Rights and Biomedicine, on the prohibition of Cloning Human Beings* (Council of Europe, 1998); *Additional Protocol to the Convention on Human Rights and Biomedicine, Concerning Transplantation of Organs and Tissues of Human Origin* (Council of Europe, 2002); *Additional Protocol to the Convention on Human Rights and Biomedicine, Concerning Biomedical Research* (Council of Europe, 2005).

2. Hereafter referred to as UDBHR.

3. Even if one accepts that bioethics is a field in its own right, I do not wish to imply that the marriage with human rights, suggested in the UDBHR, exhausts the scope of bioethics.

4. Solidarity is also connected etymologically and historically to the revolutionary French idea of fraternité. See Dussel (2007).

5. The Helsinki Declaration Ethical Principles for Medial Research Involving Human Subjects (WMA, 2000).

6. Bayertz wrote this in 1999. Since then interest in both the theoretical and practical dimensions of solidarity seems to be flourishing.

7. *Council for International Organizations of Medicines: International Ethical Guidelines for Biomedical Research Involving human Subjects* (CIOMS, 2002).

8. It may be commented that simply by acting solidaristically with others one becomes a member of the group in a political sense. If so, solidarity is always between group members because what defines membership simply is support for a particular cause. In the example of the wealthy white woman, obviously she does not become a Chinese (male) worker when she campaigns on their behalf, and she may share a belief with other like-minded people about the injustices that the workers suffer, and indeed this may be the only thing that they all have in common, but this does not entail that solidarity is necessarily about being a member of a group. After all, it is solidarity with the workers that is important in this example, not solidarity with other campaigners.

9. Abizadeh (2005) notes the claim that solidarity requires an "Other" rests on a number of points. First, that solidarity is a matter of collective identity. Second, that identity requires recognition by an Other, and third, that a sense of self develops dialogically by interaction with the Other. I deny the first assumption. For a sustained critique of the other two, see Abizadeh.

10. I have left "justice" undefined here. There are two reasons for this. The first is that I do not wish to be committed to any particular theory of distributive justice. The second is I think that solidarity is a precondition for a much broader conception of a healthy society than focusing on its relation to distributive justice might suggest.

11. Beyleveld and Brownsword (2004, 26) discuss the "case of the French dwarves" as an example where dignity was used to curtail freedom. Briefly, the practice of dwarf throwing in the south of France was judged unlawful by the Conseil d'État on the grounds that it compromised the dwarves' dignity, despite their consent.

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