

*Tomasz Grzegorz Grosse**
*Joanna Hetnarowicz***

The Discourse of Solidarity and the European Migrant Crisis

Solidarity is the glue that keeps our Union together
J.-C. Juncker

Abstract: *This study focuses on analysis of the discourse of solidarity during the current migrant crisis, with special attention paid to the second half of 2015 and the first months of 2016. We start by looking for the sources of the concept of solidarity in the writings of the founding fathers of the European Union and in the existing EU treaties. We then try to decide to what extent the political narratives of the crisis are based on these sources and in what ways they deviate from them or use them in a superficial way. Finally, we verify our research assumptions and offer an overview of the academic debate on the subject.*

Keywords: solidarity, European Union, migrant crisis, founding fathers

Introduction

At the beginning of the European integration project, the idea of solidarity was treated as the cornerstone of the political project, which proposed the strengthening of cooperation between the countries and peoples of Europe. At that time, European solidarity was supposed to have two main goals: sharing the economic benefits and deepening the cooperation

* Prof. **Tomasz Grzegorz Grosse**, Ph.D. – Head of Department of European Union Policies, Institute of European Studies, University of Warsaw. Contact at: tgrosse@op.pl.

** **Joanna Hetnarowicz**, Ph.D. – student at the Faculty of Political Science and International Studies, University of Warsaw. Contact at: joannahetnarowicz@sonder.pl.

on the political level. But careful observers of the integration process have noted that in recent years the idea of solidarity has become increasingly regarded as merely a rhetorical device, an issue often bandied about in the EU public discourse, and even as an element of the ‘political spectacle’, in which it can be used by a country to fight its opponents and to fulfil its agenda of particular interests.¹ It seems that the tendency to use the term ‘solidarity’ disingenuously has deepened during the so-called European migrant crisis. This crisis started with the arrival of the first refugees from the war-torn countries of Syria, Iraq, Afghanistan and Eritrea, but it escalated as new waves of migrants from other countries (as well as stateless persons) joined the masses of war refugees. Many of the migrants do not have the legal status of refugees or asylum seekers, as their primary motivation is the desire for a better life and to improve their economic situation.² In this article, the ‘migrant crisis’ is therefore defined as the significant influx of migrants into the EU territory, observable in recent years and which reached its apex in 2015, when it also became the source of multiple dysfunctions and problems for integrating Europe.

In our study we argue that the term ‘solidarity’ has been used as a part of many different rhetorical strategies, and is interpreted in diverse ways.³ The common feature of all usages of the term, however, has recently been the desire to gain the upper hand in the debates related to the crisis in the EU migration policy. In spite of the idealistic and lofty rhetoric, political deliberations on the issue of ‘solidarity’ have often been linked to hidden agendas of national interests, and thus selfishly exploited. If such is indeed the case, then it could lead to depreciation of the term itself, even though in theory ‘solidarity’ has no other goal but to serve the progress of European integration. Therefore we argue that while the term ‘solidarity’ was often heard during the peak of the crisis, its original meaning was increasingly forgotten or subverted. Such instrumental use of the term

¹ N. Copsy, *Rethinking the European Union*, Houndmills–Basingstoke 2015, p. 99.

² According to the European Commission, the majority of the immigrants who came to Europe in 2015 do not qualify for asylum status. Cf. *Most asylum seekers ineligible*, EU commissioner says, “EUobserver”, 26.01.2016, <https://euobserver.com/migration/132006> (last visited 27.02.2016).

³ This practice in European politics is analysed in Frank Schimmelfennig’s classic article. Cf. *The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union*, “International Organization”, vol. 55, pp. 47–80. The same phenomenon was also analysed, using a different approach, in: T.G. Grosse, *Konstruowanie rzeczywistości jako metoda integracji europejskiej. Przykład Parlamentu Europejskiego (Constructing reality as a method of European integration. The example of the European Parliament)* in: *Zastosowanie konstrukttywizmu w studiach europejskich (Application of constructivism in European studies)*, J. Czaputowicz (ed.), Warsaw 2016, pp. 87–105.

makes it devoid of meaning and substance. Its overuse may deprive the discourse of European integration of one of its core values, which has so far contributed to bringing the European nations together.

An additional problem lies in the fact that in recent years the EU has been experiencing a series of crises, and in each of these crises the idea of solidarity has become an important element of the political debate. One of the dominant features of the crisis of European identity can indeed be the devaluation of the fundamental European values, as well as the rampant hypocrisy of those stakeholders and parties who refer to these values in the public discourse. This leads to a very real loss of confidence on the part of the EU citizens, who tend to lose faith in the EU integration. It may also give rise to suspicions that the aim of European policies is to achieve particular interests, and not, as it has so often been claimed, to work for the public good. It is becoming more and more apparent that EU policies serve the interests of the most influential countries and shift the costs to those less politically influential and economically weaker. In our opinion, this may be the reason behind many countries' reluctance to accept the obligations of solidarity and to cooperate to resolve the next crisis.

2. The concept of solidarity

The term 'solidarity' is derived from the Latin word *soliditas* (*n.* density, power; *adj. solidus*: dense, strong, durable). Its modern metaphorical meaning is also inspired by Roman law (Latin '*in solidum*' meaning 'in entirety'). The expression *obligatio in solidum*, which can be found in Roman codices, refers to the payment of financial obligations of the members of one's family and to joint responsibility for the consequences of financial decisions made by family members.⁴ Later the legal meaning of the term was narrowed and came to be used to denote the rules on loan collateral (the warrantor would be responsible for the loan jointly with the debtor). In the process of development of the European legal systems, the notion evolved even further, and is now often used in the concept of the so-called joint and several liability. The civil codes of most European countries now differentiate between solidarity on the part of creditors (passive solidarity), and on the part of debtors (active solidarity).⁵

The word 'solidarity' began to be used outside its legal context and entered into general use at the turn of the eighteenth and nineteenth cen-

⁴ Cf. D. Dobrzański, *Nowoczesna idea solidarności (The modern idea of solidarity)* in: *Idea solidarności w kontekstach filozoficzno-historycznych (The idea of solidarity in philosophical and historical contexts)*, D. Dobrzański, A. Wawrzynowicz (eds.), Poznan 2006, p. 13.

⁵ *Ibidem*, pp. 13–14.

turies, in the era of fundamental economic transformations and groundbreaking political events, when new social movements and ideologies were being formed amid political and social turmoil. The German historian Karl Metz identifies three particularly important phenomena that shaped the idea of solidarity in Europe: 1) the French Revolution; 2) the rise of the market economy and the emphasis on self-help (of the poor) in the United Kingdom; and 3) the role of the state and the vision of social policy in Germany.⁶

As a result of the French Revolution, French society underwent a cataclysmic social and political transformation. One of the aspects of social life that underwent a complete change was helping the poor and needy. The unbridgeable vastness of the divide between the rich and the poor was, as is known, one of the causes of the revolution. As a consequence, after the overthrow of the *ancient regime* and in accordance with the revolutionary creed, the perception of the poor changed completely. Poverty ceased to be perceived as the fault of the poor and a consequence of idleness and improvidence, and began to be seen as bad luck, a result of circumstances that are beyond control of the afflicted individual. The new revolutionary leaders, true to their strongly secular and anti-Catholic agenda, dismantled the hitherto existing systems of assistance, inspired and organised by the Catholic church and based on the Christian ideal and practice of charity. Solidarity came to mean the recognition of the needs of others and the willingness to help them, not because of religious convictions, but because of caring for the individual in question. Metz concludes that the view of solidarity proposed after the French Revolution implies reciprocity, conscious participation, and voluntarism.⁷

In the United Kingdom, the idea of solidarity began to be invoked nearly fifty years later than in France. Its usage was at first popularised by the Chartists, a mass radical political movement whose aim was to introduce democratic change into the outdated electoral system and to improve the economic situation of the working class. In order to alleviate social tensions and prevent the very real threat of revolution, the British government decided to make a number of concessions in the field of labour law, and took on a number of obligations in the spheres of poverty relief and education.⁸ For this reason, the concept of solidarity which per-

⁶ K.H. Metz, *Solidarity and History, Institutions and Social Concepts of Solidarity in 19th Century Western Europe* in: *Solidarity*, K. Bayertz (ed.), Dordrecht 1999, p. 191.

⁷ *Ibidem*, pp. 191–197.

⁸ *Ibidem*, pp. 197–201.

meates British politics to this day is closely linked to the economy and rooted in a sense of public duty.

In turn, the characteristic feature of the German concept of solidarity is the underlying belief that society cannot govern itself. This notion inspired the so-called *Sozialpolitik*. A side effect of the industrialization in Germany was pointing out the existence of a connection between unemployment and poverty, and thus, the conviction that there is a need for legal provisions that would offer protection in cases of loss of employment. The German vision of solidarity is thus connected to the belief that the state is obligated to provide welfare to its citizens.

All these three visions of solidarity are rooted in its classic definition discussed above. Together they gave rise to the modern European meaning of the term, and have become the cornerstones of the concept of the welfare state in Western Europe.⁹ ‘Solidarity’ was understood primarily as the obligation to help the weakest members of a certain political community (at that time the term became popular, it referred primarily to national communities). Thus conceived, solidarity was connected predominantly with economic aid and social support, but its real purpose was stabilisation of the political order. The rich felt obligated to a measure of solidarity with the poor, but this was not a manifestation of their altruism. To the contrary, a measure of support for the poor was in the best interests of the rich, as it helped to protect the *status quo* and political stability. Support for the poor defused the possibility of radical outbreaks and prevented the emergence of anti-system or revolutionary movements and groups (or at least helped to minimise their support base). It was also in the interest of the state apparatus, for whom internal stability was a necessary condition for increasing a given country’s importance in international politics and for expanding its sphere of influence.

It is no wonder therefore that the above-mentioned understandings of the notion of solidarity was reflected in the assumptions that preceded the formation of the united Europe, and that many of the so-called founding fathers of united Europe repeatedly referred to this idea.¹⁰ The fullest expression of the will of European integration in which the integrative ambitions are based on the idea of solidarity can be found in the Schu-

⁹ Cf. J. Habermas, *The Lure of Technocracy*, Malden 2015, p. 27.

¹⁰ The group includes primarily Konrad Adenauer, Robert Schuman, and Alcide de Gasperi. Other figures that are also mentioned in this context are Joseph Bech, Johan Willem Beyen, Winston Churchill, Walter Hallstein, Sicco Mansholt, Jean Monnet, Paul-Henri Spaak and Altiero Spinelli. Cf. *The Founding Fathers of the EU*, 2015, http://europa.eu/about-eu/eu-history/founding-fathers/index_pl.htm#ff_single_5 (last visited 2.10.2015).

man Declaration. It was delivered by the French foreign minister Robert Schuman on 9 May 1950, almost exactly five years after the end of World War II (in fact, 8 May is celebrated in France as Victory Day). Thus, Schuman delivered his statement at a time when the memories of the war were still fresh, and its traumatic consequences were still experienced daily by many Europeans. The text of the Declaration outlines the proposed measures, aimed primarily at strengthening cooperation between France and Germany, which in the opinion of the Declaration's author would remove the 'age-old animosity' between the two countries.

The Schuman Declaration is treated as the symbolic beginning of European integration. It gave impetus to the subsequent negotiations which resulted in the signing of the Treaty of Paris by France, the Federal Republic of Germany, Luxembourg, Italy, Belgium and the Netherlands. This Treaty established the European Coal and Steel Community, which was an important milestone in the progress towards European integration. The Schuman Declaration contained the following passages, directly invoking the idea of solidarity:

'Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity'.¹¹

'The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims. The solidarity in production thus established will make it plain that any war between France and Germany becomes not merely unthinkable, but materially impossible'.¹²

Scholars of European integration highlight the fact that the Schuman Declaration is simultaneously an idealistic manifesto, a statement of an ambitious vision, and an expression of political pragmatism based on the knowledge of European society, history and international relations.¹³ The quotations cited above refer to the concept of solidarity stemming from specific activities and leading to organizational and institutional co-de-

¹¹ *Declaration of 9th May 1950 delivered by Robert Schuman*, „European Issue” no. 204, 10th May 2011, <http://www.robert-schuman.eu/en/doc/questions-d-europe/qe-204-en.pdf> (last visited 29.09.2016).

¹² *Ibidem*.

¹³ J. Łukaszewski, *Robert Schuman człowiek, myśl, dzieło (Robert Schuman: the man, the thoughts, the achievements)* in: *Ojcowie współczesnej Europy. Materiały z konferencji (Fathers of modern Europe. Conference materials)*, M. Borysewicz (ed.), Warsaw 1993, p. 20.

pendence, which would become the foundation of a united Europe. The fact that the Schuman Declaration recognises the ‘the common good’ as the foundation of solidarity led to the gradual deepening of political integration, the ambitious end goal of which would be a European federation. ‘Solidarity’ in its French meaning must be founded on reciprocity and voluntarism, which should form the basis of shared responsibility. Schuman emphasised that the creation of a more closely connected Europe should be based on the cooperation of independent countries and peoples, which would create ‘collective sovereignty’.¹⁴

As the above overview shows, the idea of solidarity is multidimensional and complex. Its discussion should not be considered closed, as even the most comprehensive definition allows for a multitude of interpretations. For this reason, the context in which the term is used in this article should be specified very carefully. The above overview of the term ‘solidarity’ refers to an understanding of the term which was proposed by one of the founding fathers of today’s European Union. Schuman put great emphasis on the practical implementation of solidarity, mainly in the economic and social spheres, which harks back to the tradition of the welfare state that had been developing in Europe since the nineteenth century, and which was based on the idea of social solidarity. Schuman’s pragmatic approach also meant that, although his vision was primarily aimed at stimulating joint economic development, the next step would be building political unity in Europe. Striving for unity or fostering European integration in the political dimension could only be done under the aegis of a lofty ideal, a moral principle which would mobilise both politicians and societies and encourage them to work towards deepening cooperation. Political integration in Europe could not be achieved only through the workings of institutions or through legal regulations. It requires the will and efforts of individual people who share common, relevant values.¹⁵

3. The concept of solidarity in existing EU legislation

Before we begin to analyse the references to solidarity in the public discourse during the migrant crisis, we should first scrutinise the use of the term in EU legislation. Analysing the references to solidarity in EU

¹⁴ A. Marszałek, *Suwerenność a integracja w perspektywie historycznej. Spór o istotę suwerenności i integracji (Sovereignty and integration in a historical perspective. The dispute about the essence of sovereignty and integration)*, Łódź 2000, p. 305.

¹⁵ Cf. K. Szczerski, *Wybór Europy. Katolik wobec polityki Unii Europejskiej (The choice of Europe. A Catholic and the policies of the European Union)*, Kraków 2003, pp. 17–18.

legal documents aids us in looking for the definition of the term and its application in EU law, which will serve as a background for assessing the political discourse during the period of the migrant crisis.

The legal acts that form the foundations of all EU law are jointly called EU primary law. Its most important components are the Treaty on European Union (hereinafter: TEU) and the Treaty on the Functioning of the European Union (hereinafter: TFEU). In the following section of this text we analyse these two documents with respect to their references to the concept of solidarity.

3.1. The notion of solidarity in the Treaty on European Union

The term ‘solidarity’ can be found in the preamble of the TEU. Already in its important opening section, the signatories to the treaty (the representatives of the member states) declare that the European Union is being established in accordance with the signatories’ wish to ‘to deepen the solidarity between their peoples while respecting their history, their culture and traditions’.¹⁶ Cooperation between European nations thus becomes the manifestation of the fundamental principle of solidarity, a solidarity which respects the unique character of individual nations’ history, culture and traditions.

In Article 3 of the TEU the term ‘solidarity’ is used with reference to economic, social and territorial cohesion, and thus it is applied to the Union’s obligation to support the economic development of weaker countries and regions by means of the cohesion policy. ‘The Union shall promote economic, social and territorial cohesion, and solidarity among Member States’.¹⁷ This short fragment is of the utmost importance for the understanding of solidarity in the EU discourse. It shows that Schuman’s vision of building a unified Europe still forms the basis of EU legislation. As we have argued above, Schuman was also the proponent of viewing economic solidarity as a means to an end, namely, to strengthening the solidarity between the peoples of the member states. The real purpose of the cooperation envisaged by Schuman was to be the establishment of a community of values that would be political in nature. The provision quoted above is an important indication of the will of the member states to cooperate. The goal of the proposed cooperation is first and foremost common economic and social growth.¹⁸ The term ‘solidar-

¹⁶ *Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union*, Official Journal of the European Union, C 326, 10.26.2012.

¹⁷ *Ibidem*.

¹⁸ Cf. P. Craig, G. de Búrca, *EU Law. Text, Cases, and Materials*, Sixth edition, Oxford–New York 2015, p. 391.

ity' in this context may be interpreted not only as a value, but also as one of the guiding principles of EU operations, regulating the relations between EU countries and their peoples.

An equally important passage can be found in Article 24 of the TEU relating to specific Provisions on the Common Foreign and Security Policy: 'The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area. The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations'.¹⁹ This provision further clarifies the meaning of solidarity, stating that the actions of individual countries must not be 'contrary to the interests of the Union'. Furthermore, it states that the actions of member states should not indirectly contribute to escalating or exacerbating crises that would affect the Union or other member states.²⁰ This obligation to 'do no harm' can be interpreted as the obligation of a minimum of solidarity between member states, i.e. to not engage in activities detrimental to the Union or to its interests.

Apart from the above-described obligation of solidarity between the member states, the TEU also contains two other references to the term in completely different contexts, namely with regard to gender equality (Article 2) and solidarity between generations (Article 3). These two applications of the term thus refer to social relations in the EU, firstly in the context of fundamental human rights and secondly in the context of combating social exclusion and promoting social justice, especially in economic terms.

The term 'solidarity' is thus invoked in important parts of the TEU, which leads to the conclusion that solidarity is indeed treated as the basis for cooperation and for the actions of EU member states. Two particularly important areas where the spirit of solidarity seems to be crucial are the cohesion policy and the common foreign and security policy. It seems startling therefore that the TEU does not contain a legal definition of the term 'solidarity' itself.

3.2. The concept of solidarity in the Treaty on the Functioning of the European Union

Similarly to the TEU, the TFEU also does not contain a legal definition of the term 'solidarity.' But as in the previous treaty, it appears in

¹⁹ *Consolidated version of the Treaty on European Union...*, op.cit.

²⁰ Cf. P. Craig, G.de Búrca, op.cit., p. 347.

the TFEU in several crucial passages. Once again it can be found in the preamble. Representatives of the member states, in signing the treaty, declared that it was their intention ‘to confirm the solidarity which binds Europe and the overseas countries’ and that they desired ‘to ensure the development of their prosperity, in accordance with the principles of the Charter of the United Nations’.²¹ This passage is especially significant in the context of the migrant crisis, as it contains a clear expression of solidarity not only within the EU’s internal aspect (i.e. between member states), but also extending to third countries.

Furthermore, in Article 67 of Title V ‘Area of Freedom, Security and Justice’, we can read that: ‘The Union shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals. For the purpose of this Title, stateless persons shall be treated as third-country nationals’.²² This passage very clearly states that matters related to asylum and immigration policy should be handled in the spirit of solidarity. In addition, at the conclusion of Chapter II, devoted to policies on border checks, asylum and immigration, in Article 80 we can find the following passage: ‘The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States’.²³ This short passage is by far the most relevant section of the whole treaty in terms of indicating how the EU member states should tackle the migrant crisis. In the light of these provisions, the idea of solidarity is expressed primarily in the implementation of joint endeavours, the joint implementation of the EU’s policy in this area, and in each state’s discharging of its obligations stemming from the legislation. Furthermore, solidarity is understood as the fair division of responsibility (including financial responsibility), which means that more burdens should be borne by the richer states than by the poorer ones.²⁴ Pursuant to this interpretation, breaches of solidarity would involve firstly the failure to honour one’s commitments (e.g. non-compliance with the Dublin Regulation, which became part of EU law). The second type of breach of solidarity would involve individual countries’ actions targeted at avoiding the costs of crisis management measures, especially if such actions were taken by the relatively richer countries.

²¹ *Consolidated version of the Treaty on European Union...*, op.cit.

²² *Ibidem*.

²³ *Ibidem*.

²⁴ P. Craig, G. de Búrca, op.cit., p. 974.

The concept of solidarity between member states reappears in other parts of the TFEU, for example in the provisions related to contingency measures that should be put in place ‘in particular if severe difficulties arise in the supply of certain products, notably in the area of energy’ (Art. 122), and in the passage describing the objectives of the EU energy policy, especially the EU’s obligation ‘(a) to ensure the functioning of the energy market in the Union; (b) ensure security of energy supply in the Union; (c) promote energy efficiency and energy saving and the development of new and renewable forms of energy; and (d) promote the interconnection of energy networks’ (Art. 194). Interestingly, the principle of solidarity was not included in the provisions of the TFEU that relate either to the redistributive policies of the EU (cohesion, agricultural policy, innovation policy) or to the creation of the multiannual financial framework of the EU budget. It is however proposed as a guiding principle in the situations where one member state becomes the object of a terrorist attack, or of a natural or man-made disaster (Art. 222). These provisions can be found under Title VII, explicitly entitled the ‘Solidarity Clause.’ The clause reads as follows: ‘The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilize all the instruments at its disposal, including the military resources made available by the Member States, to: (a) prevent the terrorist threat in the territory of the Member States; protect the democratic institutions and the civilian population from any terrorist attack; assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack; (b) assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster’.²⁵ Significantly, the provision does not specify the form of aid that should be offered. The decision is left to the countries in question. This means that the principle of solidarity is not enforced as a legal requirement and that no sanctions are provided for its breach. To the contrary, solidarity is voluntary, and the level of involvement should match the possibilities of the individual countries.²⁶ So far, there have been no instances of a member state invoking this solidarity clause of the TFEU. Whereas shortly after the terrorist attack in Paris on 13 November 2015, the French government applied for EU cooperation, it invoked another treaty provision, namely Article 42 (7) of the TEU concerning the Common Security and Defence Policy, which provides legal grounds for joint military opera-

²⁵ *Consolidated version of the Treaty on European Union...*, op.cit.

²⁶ P. Craig, G. de Búrca, op.cit., p. 347.

tions outside the territory of a member state which becomes the victim of armed aggression.²⁷ Representatives of all EU member states supported the French authorities, but the scale of concrete support differed from country to country, depending on the individual countries' military capabilities and the provisions of their defence and security policies.

Thus, despite the fact that neither the TEU nor the TFEU contain a legal definition of solidarity, both these documents specify situations and contexts where member states should act in the spirit of solidarity. One of them is the policy on asylum and immigration. European law can be viewed as a set of general guidelines on the ways in which the principle of solidarity should be interpreted in a given context or under given circumstances. We can identify at least three such contexts for the idea of solidarity, or rather for solidarity as the basic principle of operation within the EU. Firstly, the actions of member states should not harm the interests of the Union or operate to the detriment of other EU countries. This rule constitutes the minimum requirement of solidarity. Secondly, solidarity can be understood as the implementation of mutual arrangements, including common policies or European law. The third context for the idea of solidarity is the voluntary provision of aid, which takes into account the financial possibilities of a given country and assumes that the richer countries should contribute more generously than the poorer ones. This brings the principle of solidarity close to another EU guiding principle, namely that of 'justice'. It should be noted however that the two principles do not overlap completely, and therefore cannot be understood as synonyms.²⁸

4. The concept of solidarity in the discourse surrounding the migrant crisis

The idea of solidarity has been repeatedly invoked in the debates related to the recent migrant crisis. Does 'solidarity' still have the same meaning with which it was imbued by Schuman in his Declaration? This seems doubtful when one takes a closer look at the debates among politicians and in the media related to the migrant crisis, which reached their apex in 2015 (even though it is important to bear in mind that the influx of migrants into Europe actually started years earlier).

The term 'solidarity', ever-present in the discourse on the migration crisis, cannot be treated separately from another key concept, that of the

²⁷ M. Vaud, *La France peut-elle contraindre les pays européens à lui porter assistance?*, "Le Monde", 11.16.2015.

²⁸ Cf. J. Habermas, *op.cit.*, p. 22.

welfare state. The latter stands for redistribution of material goods by the state administration in such a way that adequate aid goes to those who find themselves in need.²⁹ Many commentators on public life say the benefits of living in a welfare state, which in the case of the EU are also granted to migrants as well as to citizens, were the magnet for hundreds of thousands of migrants who arrived in Europe in 2015 and 2016. In particular, the policy of the German government during the migrant crisis came to be regarded as very divisive. German Chancellor Angela Merkel explicitly welcomed the migrants. The term *Willkommenskultur* (Ger. welcoming culture, also sometimes called ‘the open door policy’) was coined to succinctly express the government’s official positive attitude towards the migrants. But paradoxically, the German government’s attitude came increasingly to be seen as one of the sources of the crisis.³⁰ Furthermore, Chancellor Merkel’s policy can also be seen as a breach of solidarity with other members states and with the European Union as a whole. As discussed above, the requirement of minimum solidarity obligates the member states to refrain from harming other countries and the Union itself and to avoid taking actions that would damage other countries. The German Chancellor’s unilateral declaration of opening the borders for refugees not only intensified the influx of refugees into Europe, but also encouraged large groups of would-be economic migrants – people from impoverished regions who were looking for opportunities to improve their economic status and living conditions. The scale of this phenomenon was massive: it is estimated that more than 1.2 million immigrants arrived in Europe in 2015 alone. According to the European Commission, over 60% were not refugees and were not eligible for asylum.³¹

Of course Chancellor Merkel cannot be solely blamed for the migrant crisis, the original causes of which lie in the conflicts in the Middle East (which in large part can be traced back to the American involvement in the region, but in which many European countries, including Poland, also participated). The largest recent conflict in the region is the civil war in Syria, which broke out in 2011, fought with the participation of external forces (including Iran, Saudi Arabia, Turkey, Russia, the US and the EU member states; the latter’s involvement since 2016 also includes the

²⁹ D. Dobrzański, *op.cit.*, p. 39.

³⁰ P. Kugiel, *Czy Angela Merkel odpowiada za kryzys migracyjny i całe zło w Europie? Wprost przeciwie (Is Angela Merkel responsible for the migrant crisis and all the evil in Europe? On the contrary)*, www.polityka.pl, 12.02.2016, <http://www.polityka.pl/tygodnikpolityka/swiat/1650616,1,czy-angela-merkel-odpowiada-za-kryzys-migracyjny-i-cale-zlo-w-europie-wprost-przeciwie.read> (last visited 2.12.2016).

³¹ Cf. *Most asylum seekers ineligible, EU commissioner says...*, *op.cit.*

logistical support of the Polish army). Yet although the complex reasons behind the instability in the region were admittedly beyond the control of German politicians, Chancellor Merkel's declaration played a very important role in increasing the influx of migrants into Europe. The migrants came not only to Germany itself, but spread throughout the continent, destabilising the political situation in the EU. According to some opinions, the mass influx of migrants may have jeopardised the whole process of European integration.³² The influx of migrants generated substantial costs for many member states. The situation became more and more dire because Germany, overwhelmed by the unexpected size of the influx, decided to seek solutions using the EU process, and specifically demanded that all member states should share the costs and burdens of the crisis.

The dispute over the distribution of the costs of the migrant crisis became one of the most important issues of political debate in 2015. The crisis became the subject of a heated ideological debate, in which the idea of European solidarity was repeatedly invoked. For all its fervour, the debate became protracted and muddled, in part because many opponents proposed disparate (and sometimes irreconcilable) interpretations of the term 'solidarity'. Some usages of the term seemed to be employed in order to promote narrow national interests or to mask hidden agendas. Haranguing against one's opponents' lack of solidarity was also used as a strategy to undermine their credentials, accusing them of being anti-European and of demonstrating their lack of sympathy for the refugees (and for victims of war atrocities), as well as for the EU countries which were the most affected by the crisis.

During the crisis, there appeared four distinct types of political argumentation which made use of the concept solidarity.

1. As mentioned above, one of the political narratives claimed that it was the actions of Germany that pulled Europe into the crisis.³³ Within this paradigm, Germany's refugee-welcoming stance was interpreted as a breach of European solidarity. In addition, the European Commission (with the support of Berlin) proposed a plan to introduce a relocation system based on refugee quotas for individual countries. The proposal was criticised on the grounds that it would effectively shift the costs of the crisis to poorer EU countries. Furthermore, imposing fixed refugee quotas on the member countries would breach the principle of voluntary involvement in solidarity actions in the EU.

³² *Migration crisis can destroy Europe, French Prime Minister Manuel Valls says*, "The Independent", 22.01.2016.

³³ *Migrant Crisis: European Council president Tusk warns Schengen on brink of collapse*, "The Telegraph", 13.11.2015.

2. A different take on solidarity could be observed in the discourse related to the common asylum and migration policy, and especially to implementing EU law in this area.³⁴ Many commentators, including German ones,³⁵ pointed to violation of the so-called ‘first Dublin Regulation’ by Greece and Italy, and later by many other countries, which neither kept a record of incoming immigrants nor initiated an asylum procedure for the refugees. In general they did not comply with the existing EU legal provisions pertaining to the treatment of incoming refugees.

3. Moreover, in the political discourse the concept of solidarity became mixed with that of the fair sharing of responsibility for the refugees among member states, in accordance with the treaty provisions on border controls, asylum and immigration. The emphasis on joint responsibility was supposed to mobilise all member states to participate in the scheme of migrant relocation, both in terms of fixed refugee quotas and other redistributive mechanisms (including fines for non-compliance).

4. By the end of 2015, there appeared yet another political narrative. Some German politicians went on record forcefully demanding the solidarity of member states which they saw as reluctant, especially the new EU member states from Central Europe. They demanded compliance under the threat of decreasing EU financial aid to these countries, in particular limiting the cohesion policy funds. This pressure was yet another manifestation of the forcible imposition of ‘solidarity’ by the most influential member states (primarily by Germany). These actions were targeted at those member states who demonstrated reluctance toward Berlin’s proposals, and who were politically and economically weaker. The ultimate threat was that should the countries in question continue their recalcitrance, Germany would in turn cease to show solidarity with them and would refuse to participate in the EU redistributive policies, in retaliation for the fact that these countries now obstinately refuse to show solidarity with Germany during the migrant crisis.³⁶

The above-mentioned rhetorical tactics adopted by some German politicians contain many similarities to those used during the earlier eurozone crisis. The type of influence used to ensure fiscal compliance was also the same: i.e. Germany resorted to financial pressure, namely to the

³⁴ *Merkel and Hollande call for more solidarity to help refugees*, “Euranet Plus News Agency”, 10.07.2015.

³⁵ *EU Parliament President Schulz: ‘The Situation in Europe Is Extremely Concerning’*, “Der Spiegel”, 12.01.2015, <http://www.spiegel.de/international> (last visited 29.01.2015).

³⁶ *A Continent Adrift: Juncker Proposes Fixes to the EU’s Broken Asylum Policies*, “Der Spiegel”, 9.09.2015, <http://www.spiegel.de/international> (last visited 27.01.2016).

threat of suspension of EU aid programs.³⁷ Germany's call for European solidarity during the migrant crisis in fact proved to be little more than a form of political blackmail. It is important to highlight that German threats were directly related to a particular EU policy which is completely unconnected to the migrant crisis, both legally and substantively. It should be recalled that the cohesion policy was envisaged as a form of compensation for the less competitive and less developed countries and regions for opening up their economies and entering the internal market of the EU. It was not supposed to serve only as an expression of solidarity of the richer members of the EU with the poorer and less developed countries and regions. Its functioning is in fact based on the same compensation logic as the so-called Swiss Grants, Norway Grants, and other similar funds in the European Economic Area. All these funds and grants are set up by non-EU countries who have preferential access to the single EU market. In return for this, they are obligated to participate in financial aid for the most vulnerable EU countries. It should also be noted that in fact the cohesion policy brings many benefits to the richest countries, in part because European funds directly or indirectly go back to these countries as a result of trade and business investments.³⁸

There is a very clear-cut divide in the migrant dispute. On one side are the countries which welcome the largest numbers of refugees and migrants and which are pushing for an obligatory system of migrant allocation quotas throughout the EU; and on the other – the countries who oppose such a system. Both sides have been known to invoke the ideal of solidarity (although they mean different things by it). In fact, when the German government talked about 'the need for solidarity', the Polish government's reaction was that the Germans 'are trying to shift responsibility'.³⁹ Rafał Trzaskowski, a prominent MP from the Civic Platform (PO) party, commented on the situation as follows: 'We are ready to act in a spirit of solidarity, no one is trying to shirk from it. But that doesn't mean we should automatically accept a system of fixed country

³⁷ Cf. J.E. Stiglitz, *The Euro and its threat to the future of Europe*, London 2016, J.K. Galbraith, *Welcome to the Poisoned Chalice. The Destruction of Greece and the Future of Europe*, New Haven–London 2016.

³⁸ For each euro transferred to Poland from German taxpayers under the cohesion policy, as much as 85 cents returns to Germany, cf. *Ocena korzyści uzyskiwanych przez państwa UE-15 w wyniku realizacji polityki spójności w krajach Grupy Wyszehradzkiej. Raport końcowy (Evaluation of benefits to the EU-15 as a result of the implementation of the Cohesion Policy in the Visegrad countries. Final report)*, Warsaw 2011.

³⁹ *Szydło o uchodźcach (PM Szydło about the refugees)*, 9.01.2015 r., <http://gosc.pl/doc/2679178.Szydlo-o-refugees> (last visited 10.02.2016).

quotas. This would mean losing control of the situation, and that's something we cannot accept'.⁴⁰ Others argued that if the German 'open door' policy was a mistake, then agreeing to its continuation (in answer to the German calls for solidarity) would be a clear lapse of judgement.⁴¹ It was also pointed out that in recent years, Poland had welcomed more than one million immigrants from Ukraine, a country which is currently engaged in a *de facto* war with Russia. The number of Ukrainian immigrants already accepted by Poland was not included in the relocation quotas proposed by the Commission.⁴²

In the heat of these debates, the term 'solidarity' became so ubiquitous that it began to gradually lose the meaning with which it was endowed by the founding fathers. As discussed above, 'solidarity' originally referred to the ideal that would inspire member states to cooperate for the sake of economic growth and political integration. Because the term was often used instrumentally in order to push a member state's own political agenda, it increasingly lost its idealistic character and ceased to serve as an inducement for integration. To the contrary, it came to be increasingly denigrated and even ridiculed, especially when it turned out that it was used by some parties as a smoke screen, hiding their hypocrisy, double standards, or particular agendas.

It is worth recalling that originally, when the Italian government could not cope with the waves of illegal migrants arriving into the country from Africa and when it turned the European Union's attention to the problem, making a case for a systemic solution, Berlin was adamantly against it. It was only when the tide of immigrants started pouring into Germany that the federal government made a complete about-face and began to demand solidarity from other member states.⁴³ There was one more action of Berlin that led to accusations of hypocrisy: in 2016 German diplomacy demanded that Greece should agree to take back asylum seekers who en-

⁴⁰ *Sprawa uchodźców. Trzaskowski: Jesteśmy gotowi postępować w duchu solidarności. Szydło: Nie dziwię się, że Polacy się boją* (*The case of refugees. Trzaskowski: We are ready to act in a spirit of solidarity. Szydło: I am not surprised that the Poles are afraid*), 9.04.2015, <http://wyborcza.pl/1,75478,18705838,sprawa-uchodzcow-trzaskowski-jestesmy-gotowi-postepowac-w.html> (last visited 10.02.2016).

⁴¹ An opinion voiced during a seminar entitled "Crises in Europe: a disaster or a new chance for the Christian-democratic unification project?" organised by the Konrad Adenauer Foundation, April 28, 2016, Warsaw.

⁴² *Sukces Polski? Juncker mówi o uchodźcach z Ukrainy w naszym kraju i na Węgrzech* (*A success for Poland? Juncker talks about refugees from Ukraine in Poland and Hungary*), „Wprost”, 23.09.2016.

⁴³ Cf. O. Houska, *What Central Europe got right about the refugee crisis*, "EUobserver", 1.07.2016, <https://euobserver.com> (last visited 29.01.2016).

tered the EU territory in Greece and then made it to Germany (arguing that according to EU law they should seek asylum in the first EU country that they enter). When Germany raised the issue, the European Commission was again delegated the task of sorting out this problem, even though earlier the EC provided only limited assistance to Greece, which was clearly overwhelmed and unable to provide adequate administrative and social services to the thousands of migrants.⁴⁴ A considerable time earlier, some commentators were already saying that the growing problems were the result of Berlin's reluctance to embrace the spirit of solidarity and stemmed from its insufficient support of Greece during the eurozone crisis. During that crisis, German diplomacy demanded from Athens the implementation of drastic austerity measures in return for financial aid.⁴⁵ A clear effect of the 'austerity policy' forced on Greece (primarily by Germany) was the prolongation of the economic crisis, a significant rise in unemployment, and mounting public debt. Taking into account the dire condition of Greece, the EU's support of the country during the migrant crisis can only be viewed as a token gesture.⁴⁶ Likewise, the above-mentioned demands for the repatriation of refugees from Germany to Greece can hardly be regarded as a sign of solidarity.

Within the EU discourse on migrants, the concept of solidarity sometimes appears to lose its semantic meaning. Whereas the concept naturally presupposes giving support to those in need, it also involves voluntarism. Can systemic, institutionalized support, which is given under duress, still be called solidarity? In this context, one of the European Commission's proposals is especially telling: the EC demanded that countries refusing to accept the refugee quota set by the EU should pay a fine in the amount of 250,000 euros per person.⁴⁷ Previously, the Commission itself

⁴⁴ *Greece ill-prepared for EU asylum returns*, „Euobserver”, 29.09.2016, <https://euobserver.com/migration/135301> (last visited 29.09.2016).

⁴⁵ T.G. Grosse, *Porażka Europy (The failure of Europe)*, „Rzeczpospolita”, 7.07.2015, A9.

⁴⁶ *EU Provides € 83 million to improve conditions for refugees in Greece*, Press release, IP/16/1447, Brussels, 19 April 2016. To support the Greek Authorities as well as international organisations and NGOs operating in Greece in managing the refugee and humanitarian crisis, the Commission has awarded over € 181 million in emergency assistance since the beginning of 2015. The emergency funding comes on top of the € 509 million already allocated to Greece under the National Programmes for 2014–2020. This assistance should be compared with the aid for Turkey, which received for similar goals € 6 billion in 2016 deal with the EU.

⁴⁷ *Price for rejecting refugees: € 250,000 per head*, „Politico”, 5.04.2016, <http://www.politico.eu/article/commission-wants-to-make-eu-countries-pay-for-not-accepting-refugees/> (last visited 29.05.2016).

estimated the annual costs of supporting one refugee in a given country as 6,000 euros (and such was the proposed level of EU support per person for the countries participating in the relocation scheme).

A particularly heated confrontation took place during the Council meeting when the richer and more politically influential states pushed their anti-crisis agenda, and their insistence clashed with the opposition of the smaller, politically weaker and poorer states, mainly from Central Europe.⁴⁸ The demands of the richer countries not only negated the voluntary nature of solidarity in the EU, but also refuted another important aspect of this concept, namely the principle that solidarity actions should be undertaken by the richer states in order to help the poorer. Admittedly, the EU Council's plan for refugee allocation sets the refugees quotas taking into account the country's level of wealth (to be precise, the total GDP). In the calculation mechanism, a country's GDP is granted a weight of 40%, but the second factor in the calculations is the country's population (again, with a weight of 40%).⁴⁹ It follows that as a result the more populous and yet relatively poorer countries might be forced to accept large numbers of refugees, and thus will have to carry a disproportionate burden. In addition, during the discussions over the shape of the proposed system, suggestions were made that the living conditions for refugees in different EU countries should be made equal, which would cause additional costs for the poorer countries with less developed social infrastructure and lower *per capita* income. It should also be noted that the most divisive issue in the public debate was whether a permanent relocation mechanism should be put in place (if so, then the mechanism would probably retroactively apply to the migrants who flooded into Germany, the richest EU country).

The migrant crisis in Europe, and the attempts to solve it by the EU institutions brought about numerous disintegration tendencies in Europe. The most fundamental change is the growing animosity and dwindling trust between the member states. These feelings grew not only as

⁴⁸ Council decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece, 12098/15, Brussels 22.09.2015.

⁴⁹ Cf. Council decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, Official Journal of the European Union L 248, 24.9.2015. Proposal for a Regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person, COM(2015) 450 final, Brussels, 9.9.2015, p. 11.

a result of the attempts to introduce the mandatory refugee relocation mechanism, but were also a reaction to the accompanying, highly emotional discussion about European solidarity. It can be exemplified by the words of the Austrian Foreign Minister, who said that the EU relocation mechanism was ‘wrong’ and ‘completely unrealistic’. Furthermore, he argued that it was in fact ‘dangerous, when some countries in the EU give the impression to be morally superior to other member states’.⁵⁰ Another manifestation of disintegration tendencies was the non-compliance with European law on the part of the majority of member states, which involved not only non-compliance with the existing legal provisions on refugee relocation, but also breaking (or not implementing) a number of other regulations defining the principles of the EU migration policy and the functioning of the Schengen Area. Yet another clear sign of the disintegration tendencies is the result of the 2016 EU referendum in the UK. It is obvious that fears related to the migrant crisis played a role in the result, and significantly contributed to the decision of the majority of UK voters to cast their ballots in favour of leaving the EU.

All in all, the debate about solidarity during the migrant crisis has been far-removed from the lofty ideals of the founding fathers of the EU. The usage of the term ‘solidarity’ in the debate has not always been in accordance with the original meaning of the principle of solidarity in which the term appears in the treaties. It was only rarely that both sides of the debate found common ground in the interpretation of the term (or even agreed as to its semantic meaning). The idea of solidarity has become a weapon in the heated political debate currently taking place in Europe. It has been invoked by both sides, largely in order to exert political pressure on one’s opponents, which shows that even such a lofty ideal can be used instrumentally in the public discourse. The attempt to use the ‘obligation of European solidarity’ in order to blackmail reluctant member states was a clear travesty and imbued the term (and the whole concept of European integration) with new negative associations. It could even be said that the instrumental use of this term devalued its importance and devalued the ideal of integration. Up until now, European integration was a commonly shared vision that mobilised politicians and the public to work together for the common good. But the recent debate about European solidarity in the context of the migrant crisis has exacerbated the divisions and hostility between member states, which is a blatant misuse of the founding fathers’ vision.

⁵⁰ *Refugee quotas are wrong, says Austria’s foreign minister*, “EUobserver”, 3.10.2016, <https://euobserver.com/tickers/135327> (last visited 29.10.2016).

The debate also indirectly strengthened Eurosceptic and populist forces in Europe, including in Central Europe.

5. The discussion

Before the outbreak of the eurozone crisis in 2010 the term ‘solidarity’ appeared quite rarely in the academic debates about European integration. Most of the scholars and commentators who referred to the concept of solidarity in their analyses of the crisis used this term in a way which harked back to the nineteenth-century discourse of solidarity, when it was connected with the emergence of the welfare states in Western Europe. Then the term ‘solidarity’ denoted mostly the financial redistribution from the richer members of a political community to the poorest ones, the goal of which was to help achieve political stability and stabilize the democratic order. In the context of the eurozone crisis, this meant that aid would be granted to those countries which were mired in economic problems in order to protect the single currency system. It was expected that solidarity with the crisis-stricken countries would be shown primarily by Germany, Finland, and the Netherlands, i.e. by the countries with the highest financial ratings. They were, however, reluctant to offer such support.⁵¹

Scholars have noted⁵² that the crisis proved to be an unfavourable period for a show of solidarity, which was manifested by the growing reluctance of the richest EU societies, in particular Germany and France, to share their countries’ wealth (coming from the citizens’ taxes) with the inhabitants of the crisis-stricken countries. Bowing to the pressure from large groups of citizens, the politicians of the richer countries made their anti-aid stances more rigid, arguing against possible redistribution of financial resources to the crisis-stricken countries (whose economies were also the least competitive and the slowest-growing in the EU). In this context, it was impossible to implement the ideal of solidarity, understood as the pursuit of common growth, at a time when the crisis further deepened the differences in the pace of economic growth and employment

⁵¹ R. Fiorentini, *From an ‘austere’ monetary union to a federal union. More solidarity among European citizens in: The European Union and Supranational Political Economy*, R. Fiorentini, G. Montani (eds.), London–New York 2015, pp. 183–203; S. Börner, *From National to European Solidarity? The Negotiation of Redistributive Spaces in: European Integration Processes of Change and the National Experience*, S. Börner, M. Eigmüller (eds.), Houndmills–Basingstoke 2015, pp. 166–188; K.R. McNamara, *The Forgotten Problem of Embeddedness in: The Future of the Euro*, M. Matthijs, M. Blyth (eds.), Oxford–New York 2015, pp. 21–43.

⁵² N. Copsey, *op.cit.*, p. 119; S. Börner, *op.cit.*

structures between the EMU countries. The voters' reluctance to grant financial aid to other countries also led to the emergence of the political narratives which later reappeared in the context of the migrant crisis: the richer countries warned the crisis-stricken ones against the non-compliance with EU laws (especially the fiscal regulations), and threatened them by postulating that any financial aid would be conditioned upon full compliance.⁵³ This type of reasoning was also reflected in the academic discourse. For example, the principle of solidarity in the euro area became increasingly interpreted as 'solidarity in the discharge of obligations and commitments' (in particular the fiscal criteria), and by extension it also came to mean solidarity in the joint pursuit of a common policy (and implementation of common European law, even if it was introduced in majority voting procedure).⁵⁴

Nevertheless, most scholars still talked about solidarity in the classic context of the financial assistance of the richer countries granted to the poorer and crisis-ridden ones. Some scholars argued however that such a show of solidarity, expressed by financial aid, should be conditioned upon the further deepening of political integration, and namely the gradual transformation of the EU into a democratic federation.⁵⁵ They argued that only upon the establishment of such a federation would there be the possibility of making fiscal transfers to those members of the community who find themselves in difficulties. This scenario constitutes an important shift in the European solidarity discourse, and a marked departure from Schuman's vision. Solidarity is no longer understood as the ideal leading towards greater political integration. It should be applied only *after* the full integration has taken place, and after the creation of a fully formed democratic European community. Among the proponents of this vision is Jürgen Habermas, who is in favour of fiscal solidarity, but at the same time argues for the creation of a political union in the eurozone and for the transfer of sovereignty (and taxes) from the national level to the European level.⁵⁶

It seems that the above was the key element in the analysis of the concept of solidarity during the common currency crisis. This dilemma (i.e. how close should the integration be?) has also proven important in the

⁵³ *Eurozone needs 'limited fiscal solidarity'*, "EUobserver", 12.10.2012, <https://euobserver.com/economic/117850> (last visited 29.01.2016).

⁵⁴ Ch. Gaitanidas, *Limits to solidarity – prospects for the rescue of the Euro from a legal perspective* in: *Europe at a Crossroad*, H. Brunkhorst, Ch. Gaitanides, G. Grozinger (eds.), Baden-Baden 2015, pp. 138–148.

⁵⁵ K.R. McNamara, *op.cit.*, pp. 28–29.

⁵⁶ J. Habermas, *op.cit.*, p. 19.

analysis of the migrant crisis. During this crisis it is again necessary to redistribute the fiscal resources from the EU to the most affected member states, primarily to Greece and Italy. The EU assistance is indispensable in order to develop the infrastructure that can deal with ‘processing’ the immigrants (their registration, humanitarian aid, and – at a later stage – social programmes that will help the refugees to integrate with their hosting communities and facilitate their assimilation into the new environment). Considerable financial resources are necessary to protect the EU’s external borders and to repatriate unwanted immigrants. One proposal that emerged during the debate was that of introducing a new funding mechanism in the form of common EU bonds in order to resolve the crisis.⁵⁷ This same idea was floated earlier during the eurozone crisis, in order to save the common currency. In the opinion of Berlin, its implementation would first require deepening the political union in Europe. Increasing the political integration is also envisaged as a solution that would not only save the euro area, but also probably the Schengen Area.

Jürgen Habermas’s observation – that during the crisis solidarity becomes an important political category, but it should not be overused in the public discourse – is certainly cogent. In his opinion, it should not be associated with justice, and it specifically should not be equated with the discharge of a country’s commitments or obligations. Solidarity actions should be voluntary rather than mandatory, and by definition they should not be imposed upon others by use of pre-existing conditions or political blackmail.⁵⁸ Similar caveats should also apply to the migrant crisis, especially in the situation where we are dealing with so many diverse, and sometimes conflicting, interpretations of the term ‘solidarity.’ The same sentiment was voiced by the head of the European Commission, who in his 2016 State of the Union speech said that ‘when it comes to managing the refugee crisis, [...] solidarity must be given voluntarily. It must come from the heart. It cannot be forced’.⁵⁹

Habermas also made another perceptive observation when he remarked that the erosion of solidarity in Europe results from the increasing distrust between member states.⁶⁰ As mentioned above, the migrant crisis has been a time of deepening discord and division within the EU, which also stemmed from conflicting political narratives, and the result-

⁵⁷ *Italy presents anti-austerity roadmap*, “EUobserver”, 22.02.2016, <https://euobserver.com/economic/132396> (last visited 22.02.2016).

⁵⁸ J. Habermas, *op.cit.*, pp. 22–23.

⁵⁹ J.-C. Juncker, *State of the European Union speech on 14 September 2016*, Luxembourg 2016, p. 16.

⁶⁰ J. Habermas, *op.cit.*, p. 24.

ing discussions have been highly emotional and often accusatory. In the discourse related to the migrant crisis, political opponents are vilified and the idea of European integration has become increasingly criticised, and even blamed for the crisis. In the second half of 2015, Central European countries often found themselves at the receiving end of the harangues of European politicians. They were repeatedly admonished for their lack of solidarity, compassion and European identity, and additionally chastised for their ingratitude (as they now refused to 'pay forward' the aid that they themselves received from the EU following accession). This sharp division between the East and West of the EU has, however, proved ephemeral, and even somewhat misleading. It was not the Central European countries who blocked the implementation of the European Commission's (and Berlin's) plan of fixed refugee quotas. It should be recalled that in the summer and autumn of 2015 there were two proposals for refugee relocation schemes (first for 40,000 refugees, then for 120,000). The proposals were supposed to pave the way for the establishment of a permanent mechanism for the distribution of asylum seekers among the EU countries. The Central European countries who opposed the schemes (specifically, the Czech Republic, Slovakia, Hungary and Romania) were outvoted and the implementation of the programme (including the prohibitively high fines for non-compliance) would probably have been legally enforced. However, in the aftermath of the Paris terrorist attacks of 13 November 2015, and due to the growing popularity of the anti-immigration National Front, the French Government felt the need take a step back and made its stance more rigid.⁶¹ In subsequent months, the relocation mechanism was practically universally disregarded: almost eighteen months after it came into effect, only approximately 3.5% of the total number of 160,000 refugees have been relocated in accordance with the scheme.⁶² Interestingly, Berlin was abandoned first by France, which is normally its closest ally and also one of the leaders of European decision-making and of the implementation of EU decisions. Subsequently, the German anti-crisis solution lost the support of most other member states, with the exception

⁶¹ At the annual conference on security policy in Munich, the French Prime Minister clearly stated that he is opposed to a fixed mechanism of refugee relocation in the EU and said that he is in favour of closing the EU's external borders. Cf. «*Nous ne pas pouvons accueillir plus de réfugiés*», selon Manuel Valls, "Le Monde", 13.02.2016, http://www.lemonde.fr/europe/article/2016/02/13/a-munich-l-europe-se-divise-sur-la-crise-des-refugies_4864911_3214.html (last visited 27.02.2016).

⁶² *Member States' Support to Emergency Relocation Mechanism*, 5.10.2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf (last visited 19.10.2016).

of Greece, Italy and Sweden (the countries most affected by the crisis). During this period, the solidarity rhetoric was significantly weakened, diminishing the use of solidarity to attack the Central European countries and to chastise them for their perceived lack of solidarity. The final blows to the German policy were the unilateral decisions made by some states (which, tellingly, were not the new EU members from Central Europe) which decided not to wait any longer for the EU response to the crisis and implemented their own measures, including internal refugee quotas. These countries were Denmark, Sweden and Austria.⁶³

Conclusions

In summarizing the above analysis, it should be stressed that solidarity was supposed to be one of the guiding principles of the united Europe. In the vision of the founding fathers, it was supposed to benefit all nations and bring about joint economic growth and the creation of a strong political community. This interpretation of solidarity should also be viewed against the background of the historical interpretations of the concept, which refer to aid granted by the rich to the poor, the aim of which was to stabilise the political order. During the eurozone crisis, opinions appeared that while the redistribution of funds in the spirit of solidarity would stabilise or even save the eurozone, it should be conditioned upon the establishment of a political union or a democratic community at the European level. The problem is that so far such a community simply does not exist, and national politicians are not very enthusiastic about creating one. In fact, the opposite is true: in the midst of the crisis, disintegration tendencies have gained increasing momentum. Eurosceptic movements in many European countries repeatedly remind voters about the importance of democratic national communities. This movement towards disintegration is becoming an ever larger obstacle to the practical implementation of the ideal of solidarity in the relations between the member states and nations of the EU.

Despite the above-mentioned dysfunctions, it is still possible to make some conclusions related to the future of European solidarity, which is after all rooted in the treaties. Firstly, on a very basic level solidarity can be understood as simply refraining from harming the interests of the EU, and indirectly also those of other member states. Secondly, solidarity

⁶³ Austria introduced a ceiling of 80 people a day, and agreed to let another 3,200 a day to pass through its territory under the condition that they would go to another country. *Austria plans fresh curbs on borders with Italy and Slovenia*, "Financial Times", 17.02.2016, p. 2.

should be voluntary, and therefore should not be imposed by political or legal pressure, especially if solidarity actions involve considerable financial or social costs. Thirdly, it should be deployed to a greater extent by the richer countries than the poorer ones. Unfortunately, as demonstrated above, the political deliberations during the migrant crisis and the tenor of the subsequent anti-crisis proposals often went against these assumptions. We witnessed rival political narratives that exploited the idea of solidarity in an instrumental way, most often for short-term gain or as a sort of blackmail levelled at political adversaries. Solidarity ceased to be treated as a noble ideal and was reduced to the role of a political weapon, or a veil masking particular interests and hidden agendas. In some cases the term ‘solidarity’ was completely misused and thus devalued. Instead of promoting the cooperation between European Union member states, building mutual trust and fostering a sense of political community, the political debate during the migrant crisis contributed to a sharp rise in divisions and hostility between European countries, to the detriment of further European integration.

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