

Introduction

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Solidarity is an intensively discussed topic within the European Union (EU). This is not at all surprising considering we are living in times of crisis. Difficulties accumulate, if we think about the economic recession that has gripped the union since 2008 and the increased immigration of refugees and asylum seekers since the summer of 2015. With regard to both of these situations, the European Union has seen the need to develop policies that meet the challenges of these crises, and accordingly, various programmes have been launched in these fields (e.g. the European Financial Stability Facility, the Stability and Growth Pact, border patrol operations, relocation and resettlement programmes, the EU-Turkey agreements). However, many of these policies fall short of public expectations, particularly where the principle of solidarity is concerned. National governments have been reluctant to sign agreements requiring more intense cooperation, joint responsibility and burden sharing. Governments' propensity to defend national interests has inspired this reluctance. However, this hesitancy also seems to stem from the EU's institutional and legal architecture because the principle of solidarity is legally enshrined in a rather unbalanced manner. On the one hand, solidarity is only weakly developed within European law, whereas on the other hand, it has found a much wider and diverse application at the national level, thus inhibiting coordination and harmonisation. The situation, however, is changing. In fact, the various EU crises seem to have provoked considerable alternations in both respects. Apparently, the crises have stepped up the pressure on EU institutions and on national governments to promote cooperation and solidarity among member states, whereas legislators at both the national and the EU level seem to marginalise the role of solidarity in many countries. This is especially true if we factor in austerity measures and welfare state retrenchment policies. These observations reveal that solidarity is a highly contested and dynamic field of political action and policy-making. Given this field's relevance, it seems important to devote our attention to European solidarity in its various manifestations.

The goal of this collective volume is to broaden our knowledge of European solidarity along these lines. Of particular interest is understanding how solidarity is embedded within the institutional, political and legal architectures of the EU and its member states. For this purpose, this book examines solidarity's role as a legal principle and as a component of public policies in eight European countries—Denmark, France, Germany, Greece, Italy, Poland, Switzerland and the UK—and within the EU's institutional fabric. This spectrum of cases reflects more than just the need to consider the situations of countries that the economic and immigration crises have affected in different ways. These nation states also have various legal and political systems that impact how authorities, on the one hand, and citizens and organisations, on the other, have reacted to these crises. These countries present a diverse constitutional organisation of the state because they were explicitly selected to encompass a wide spectrum of variability while remaining in the general frame of contemporary Western liberal democracies. They mirror the diversity of European landscapes in terms of the state's structure, the system of government, rights enforcement and litigation, the political system and the cultural and socio-economic background, while allowing, at the same time, for a systematic comparison. Suffice to recall that the countries to be studied conform to a combination of 'the most similar' and 'the most dissimilar' case-study selection. The cleavage between the sole country belonging to the common law system (the UK) and the others, characterised by civil law systems, is nuanced and, at the same time, enriched and made more complex by how it intertwines with other cleavages: centralised versus federal states; symmetric versus asymmetric decentralisation (or devolution); constitutional monarchies versus republics; parliamentary (in various typologies) versus semi-presidential (in various typologies) and directorial systems of government; diffuse versus centralised (with the presence of a constitutional court) systems of judicial review. Seven countries are EU member states, so they relate to the EU legal framework and to crisis-driven European measures. However, the inclusion of Switzerland allows for considering the situation in a country that, although it is not a part of the EU, is closely associated with it in many areas of regulation while also being characterised by a peculiar system of government, federal system, society structure and socio-economic background. Moreover, diverse mechanisms of rights enforcement and litigation among countries (some countries heavily rely on the activism of the ombudsman and of administrative justice, for instance) add further complexity to the analysis of the constitu-

tional and legal frameworks relevant for the discussion of solidarity as a legal concept.

Diversity is also a keyword in the discussion of political systems, counting two-party systems, pluri-party systems, multi-party systems, and fragmented-party systems. Diversity is a keyword in the discussion of the democratic model as well: majoritarian and consensus democracies, along with semi-direct and consociational ones. The countries' socio-economic backgrounds are nothing short of diversity, as Denmark, France, Germany, Greece, Italy, Poland, Switzerland and the UK encompass the full range, with Greece representing the most deprived landscape and Denmark holding the most privileged position. Noteworthy is the fact that other variables, such as levels of corruption, clientelism, religions' influence, and income and wealth distribution strongly contribute to defining diversity in our case study.

Due to the diversity of cases outlined so far, we have meticulously sifted through legal systems in search of the fields in which solidarity is applied, with special attention given to the research policy areas of disability, unemployment, immigration and asylum. In particular, we have highlighted when solidarity is explicitly mentioned in constitutions, laws, and court decisions, as well as when connected principles (equality, social justice, human dignity, etc.) are either included in the legal text or more broadly when they underpin norms and jurisprudence.

This collective volume builds on research conducted within the framework of an international research consortium that the EU funded through its Horizon2020 programme. This project was committed to the systematic, interdisciplinary and praxis-oriented analysis of European solidarity in times of crisis.¹ These general objectives were broken down into various

1 The project has the title "European paths to transnational solidarity at times of crisis: Conditions, forms, role models and policy responses" (TransSOL). It has received funding from the EU's Horizon 2020 research and innovation programme under grant agreement No 649435. The TransSOL consortium is coordinated by the University of Siegen (Christian Lahusen), and it is formed, additionally, by the Glasgow Caledonian University (Simone Baglioni), European Alternatives e.V. Berlin (Daphne Büllesbach), the Sciences Po Paris (Manlio Cinalli), the University of Florence (Carlo Fusaro and Veronica Federico), the University of Geneva (Marco Giugni), the University of Sheffield (Maria Grasso), the University of Crete (Maria Kousis), the University of Siegen (Christian Lahusen), European Alternatives Ltd. LBG UK (Lorenzo Marsili), the University of Warsaw (Maria Theiss) and the University of Copenhagen (Hans-Jörg Trenz).

work packages that paid special attention to various aspects of the overarching topic. Among others, TransSOL was particularly interested in monitoring and analyzing the levels and forms of solidarity practices and attitudes among European citizens and civil society organisations. Various research packages were developed and implemented with these objectives (e.g. an individual opinion poll, various organisational surveys, a media content analysis), from which this book took inspiration as well.

The findings presented in this book stem from original research work that all teams of the European consortium conducted. The joint effort was devoted to gathering information on the political, legal and institutional contexts of transnational solidarity. This information has been retrieved via a combination of the desk research of various sources (e.g. legal and policy documents, national and EU case law, scientific literature), information requests to relevant institutions and semi-structured interviews with legal and policy experts and academics, which were conducted in July and October 2015. Additionally, the national chapters of this book benefitted from insights generated via an organisational survey, which was devoted to monitoring, analysing and assessing the innovative practices of transnational solidarity in response to the crises. Among other tasks, this work package consisted of a series of qualitative interviews with representatives of grassroots/informal solidarity organisations, associations and movements active in the three fields of analysis (unemployment, disability and immigration and asylum). Thirty interviews were conducted in each country from August to October 2016. Information gathered through interviews does not intend to be representative and exhaustive; rather, it offers multiple and partial views on the relevance of the legal and policy frameworks, on the most critical aspects of law enforcement and on the soundness of the policy and legal frameworks to meet vulnerable people's expectations. In other words, these data provide further insights to complement the analysis of the role of the law, not just as it exists in legal text and in cases but rather as it is actually applied in society.

The main focus of this book is a systematic mapping exercise of the position and role of solidarity in member countries' legal systems and at the EU level. Given the considerable changes in this field during the past years, which makes it difficult for research to keep track of developments, we see the merit of providing with this volume a broad overview and description of the current situation in our eight countries. The terrain of our analysis has been the national legal systems in its three crucial dimensions: (a) the constitution and its values; (b) the legislation, focusing main-

ly on framework laws; and (c) the case law, especially constitutional courts or supreme court jurisprudence. This three-dimensional approach allows one to consider both the legal contexts that preexisted the crises and the crisis-driven reforms.

Solidarity: An Evocative Concept

Solidarity is a deeply evocative concept, connected in everyone's imagination with positive attitudes of openness, generosity and cooperation. In scholarly writing, the usage of the concept has been more focused and narrow, even though the scientific literature has addressed a variety of aspects, thus mirroring the various disciplines involved in its analysis (e.g. philosophy, legal studies, political science, sociology, psychology). A closer look at the extensive literature reveals that we can extract a number of conceptual assumptions and empirical issues that will help to prepare the ground for our own analyses. In general, we can draw three general lessons from scholarly writing: First, solidarity is a relationship of support tied to (informal or formal) rights and obligations; second, solidarity might have universalist orientations but is most of the time conditional; and third, solidarity is institutionalised at several interdependent levels of aggregation.

First, solidarity refers to a human relationship focused on the (mutual) support of others. This general conceptualisation, however, is far from satisfactory, as other concepts also refer to similar relationships: empathy and care, charitable and humanitarian actions, philanthropy and altruism. In fact, many definitions make explicit use of these concepts, suggesting that solidarity is closely linked to and maybe identical to them. Often, solidarity is defined in relation to one of these concepts. 'Solidarity', for instance, is defined as the attitudes and practices geared towards helping others who are struggling or are in need (e.g. Stjernø 2012, 2), be that via personal contributions or through the active support of others' activities—such as the humanitarian aid of civil society organisations or the state's re-distributional public policies (Svallfors 1997; Fong 2001; Amat and Wibbels 2009; Rehm et al. 2012). However, what, then, is the specificity of solidarity when compared with the other concepts? A close look at the literature reveals that most scholars agree on the specification that solidarity is a relationship of support tied to group-related rights, responsibilities and obligations. This relationship of support can be linked to informal groups,

whose survival is dependent on their members' activities. Along this line of reasoning, group solidarity emerges from—and depends on—exchange relations among their members (Hechter 1987; Widegren 1997). A similar observation can be made with regard to more formal groups, such as nation-states, because here, we are speaking of entities that require social integration and solidarity. In these cases, solidarity is tied to citizenship and thus to formalised rights and obligations (Turner 1990; Blais 2007; Apostoli 2012; Supiot 2015). Along these lines of reasoning, we find a number of authors who argued that the promotion of European solidarity is thus dependent on the emergence and enactment of European citizenship (e.g., Balibar, 2004 and 2014; Jacobs 2007; Dobson 2012; Guild et al. 2013; Isin and Saward 2013). In this sense, we can summarize that solidarity is not an individual act of (unilateral) help, empathy and care but rather an activity or disposition of support that is intimately linked to shared norms, rights and obligations. Groups might expect from their members that they act in solidarity with others, even though these expectations can remain implicit and informal. At the level of nation-states, solidarity might be voluntary, but in many cases, it is also obligatory if we think of redistributive policies that are financed via taxes and contributions. Hence, in many instances, political, institutional and legal matters highly permeate solidarity. This also means that an analysis of existing legislations will tell us a great deal about the extent to which—and how—solidarity is introduced and enacted within the EU and its member states.

Second, scholarly debates have underlined that solidarity is an idea and value that combines universalism and particularism at the same time. Solidarity can be tied to abstract communities (i.e. humankind) and thus be associated with a universal understanding of generalised support (Brunkhorst 1997 and 2005; Balibar 2004). In empirical research, this solidarity approach is measured in terms of the generalised, civic dispositions of help not restricted to any specific group or conditionality (Amat and Wibbels 2009; Fong 2001; Rehm et al. 2012; Svallfors 1997). However, more often than not, solidarity is tightly associated with particularism, once relations of support are tied back to certain groups, and once solidarity is made conditional on group membership, mutual contributions and/or exchange relations. Empirical studies on informal groups have corroborated this finding (Hechter 1987), but similar conclusions have been drawn by scholars interested in the extent to which citizens support institutionalised solidarity, for example, in the form of social policies. In this respect, the readiness to support institutionalised solidarity seems to be patterned

by the assumed ‘neediness’ or ‘deservingness’, the social or spatial proximity of the targeted group (Oorschot 2000 and 2006; Blekesaune and Quadagno 2003; Brooks and Manza 2007; Stegmueller et al. 2012). According to these studies, elderly and disabled people are considered to be the most deserving, followed by unemployed people, with immigrants as the least deserving (Oorschot 2006). These differentiations do not only apply to social groups within a society but also to other countries as survey-based analyses have indicated (Lengfeld et al. 2015). What we learn from these studies is that solidarity is highly conditional, and this means that an analysis of solidarity always requires a comparison of issue fields and target groups.

Third, solidarity is erected and enacted at various levels of social aggregation, namely the level of individuals (interpersonal social solidarity – micro level), the level of the organisation (civil society – meso level) and the level of the state (welfare regimes – macro level). Various strands of research have dealt with these different levels of aggregation. The study of social solidarity has mainly looked at the dispositions and activities of individuals in support of others, both within smaller groups and/or extended communities (Hechter 1987, Widegren 1997; Oorschot et al. 2006; Delhey 2007). Studies of civil society or social movements have extended the focus of analysis towards solidarity within organisational fields, arguing that civic organisations are an important collective means of mobilising, organising and perpetuating solidarity in terms of binding norms, commitments and behaviours (Smith 2002; Balme and Chabanet 2008; della Porta and Caiani 2011; Baglioni and Giugni 2014). Finally, we have an extensive field of research devoted to institutionalised forms of solidarity. These scholars have indicated that solidarity is built into constitutions (Brunkhorst 2005; Ross and Borgmann-Prebil 2010; Bellamy et al. 2006; Dalesio 2013; Rodotà 2014) but also into policy fields and/or specific policies, as research on welfare states and social policies has argued (Esping-Andersen et al. 2002; de Bürca 2005; Morel et al. 2012).

The differentiation of solidarity along various levels of aggregation is important for better understanding the complexity of the topic. In fact, solidarity is not only enacted at the micro, meso and macro levels at the same time—through informal citizens’ networks, civil societies or welfare states. These various levels are also highly interdependent. Individual dispositions and practices of support for others might be promoted or inhibited, for instance, via the (un)availability of civic organisations and social movements, and/or through the (un)availability of political, institutional or

legal opportunities for civic engagement and volunteering. At the same time, the legitimacy and functionality of the welfare state are conditional on public support through elections as well as on the payment of taxes and contributions. At the same time, they are also conditional on the active participation of its citizens through civil society organisations and social movements in terms of political advocacy and/or service delivery.

The research of the TransSOL project condensed in this book is embedded into these debates and in the evidence generated via previous studies. The national case studies embrace the conviction of scholarly writing that it is necessary to do justice to the specificity of solidarity when compared with other concepts, such as help and care, philanthropy and empathy. Consequently, our analyses call attention to a number of specificities of solidarity. First, if solidarity is tied to rules, rights and obligations, then a careful analysis of institutionalised solidarity in the public domain is of the utmost importance. It will demonstrate to us which social and civic entitlements, rights and obligations are prominent and/or marginal in the political and legal domains of our various countries. Second, the aspect of conditionality is most often than not part of the application and enactment of solidarity in empirical reality. For this purpose, the analysis cannot be restricted to an inquiry into the role of solidarity as a general principle of human conduct, political regulation and public law. It also has to consider the role of solidarity in specific policy domains. This means we can learn much about solidarity as a legal principle and political norm once we compare various policy domains—in our case, the fields of unemployment, disabilities and migration/refugees. Third, solidarity is a highly contentious principle, as nation-states, corporate actors and individual citizens will have different views about the scope and orientation of solidarity and thus about the group of people to consider, the range of rights and obligations to stipulate, and the breath and length of support measures. Countries and policy domains do diverge in the type of conditionality they specify and in how they have tried to agree on diverging interests and views. Finally, although this book is mainly focused on the institutionalisation of solidarity within legal systems and political institutions (e.g. constitutions, policy-field-specific legislation and case laws), our analyses are guided by the conviction that a proper understanding of institutionalised solidarity at the state level requires a more ample framework of analysis that takes both the socio-economic context and the views and reactions of citizens and civic groups into consideration.

The Socio-Economic Context and the Crisis

Before we move to a description and analysis of solidarity as a legal principle and reference point of public policies, we wish to delineate the socio-economic context of the eight countries under analysis, as well as the impact of the various crises that have been felt in Europe since 2008. This contextual information is important for better understanding and assessing the role and position of solidarity within the legal systems and public policies of the eight countries. On the one hand, it is necessary to provide a picture of the socio-economic situation in these countries to identify the societal grievances and cleavages (e.g. poverty, inequalities or exclusion) to which solidarity as a legal and political principle responds and/or might need to react. On the other hand, we wish to provide information on institutional and political indicators that reveal the level and extent of redistributive social policies in these countries, as a proxy of what the principle of solidarity entails in terms of public policies.

The data we have assembled from various compendia and statistical databases (see WP1-Dataset: <http://transsol.eu/outputs/data/>) largely confirm two main findings from previous research: European countries diverge considerably with regard to societal cleavages and redistributive policies addressing these problems; at the same time, the various crises affecting the EU since 2008 are increasing the differences and inequalities among the countries. In fact, research has corroborated the considerable differences among European countries pertaining to economic wealth and societal grievances. Inequalities in terms of economic wealth (countries and regions) and income distribution (households) have long been known to exist when comparing European countries from the richer northern regions, those less well-off nations in the South, and the Eastern European accession countries (Brandolini and Smeeding 2006; Beckfield 2006; Allmendinger and Driesch 2014). Differences in social inequalities (e.g. poverty rates or income differentials) were determined based on various factors, such as labour markets and employment patterns, industrial structures, research and development, education and vocational skills, or the spatial location within Europe. However, social policies also have their effects when considering redistribution programmes' ability to decrease the risk of poverty, compensate for the loss of income and provide assistance through services (Caminada and Goudswaard 2009). Here, research has developed impressive insights into various welfare regimes marked by varying degrees of social security coverage, marked by the generosity of social

benefits and governed by the rationale of institutions such as the state, the market, the family and civic associations (Esping-Andersen 1990 and 1996; Pierson 1994; Castels 2004). Mainly, research distinguishes among a benevolent and universal Scandinavian/Nordic model; a moderately generous, conservative and neo-corporatist continental model; and a residual and familialistic Southern model (Esping-Andersen 1996, Gallie and Paugam 2000; Cinalli and Giugni 2010).

These realities, however, have evolved across time. Research has confirmed, for instance, that economic and social inequalities among countries and regions have decreased since the 1990s (Heidenreich and Wunder 2007; Geppert and Stephan 2008)—before the outbreak of the Great Recession in 2008. However, the situation since then has been different because economic and social inequalities among countries (and among regions within countries) are on the rise again. With regard to labour markets, studies converge in identifying a gradual ‘dualisation’ between insiders and outsiders (Boeri 2011; Emmenegger et al. 2012; Barbieri and Cutuli 2016; Heidenreich 2016). This corresponds with increasing levels of poverty, material deprivation and socio-economic segregation (Bárcena-Martin et al. 2014; Marcińczak et al. 2015).

Data available through Organisation for Economic Co-operation and Development (OECD)—compendia and Eurostat statistics corroborate these developments. Overall, this demonstrates that the EU has experienced a sharp decrease in its economy, thus pushing the European economy into a recession. The following graph summarizes the situation across countries with regard to two indicators that mirror the development of the economy and public finances. Denmark, France, Germany, Greece, Italy, Poland, Switzerland and the UK present very diverse socio-economic backgrounds, with Greece representing the most deprived landscape and Switzerland holding the most privileged position (see gross domestic product [GDP] per capita). The economic crisis has evidently exerted a strong impact on the socio-economic structures of the studied countries. Looking at growth in GDP between 2010 and 2013, we can say that the crisis has not notably affected economic growth in Poland and Switzerland, and it has had a temporary impact on the economy in countries such as Germany, France, Denmark and the UK (Figure 1). The crisis has led to a considerable recession mainly in Italy and, above all, in Greece. In addition, in Italy and Greece, the economic crisis was accompanied by a debt crisis, which pushed governments to undertake severe retrenchment pol-

icies and austerity measures. In 2016, government debt was still at 181% of GDP in Greece and 155% of GDP in Italy (Figure 2).

Figure 1

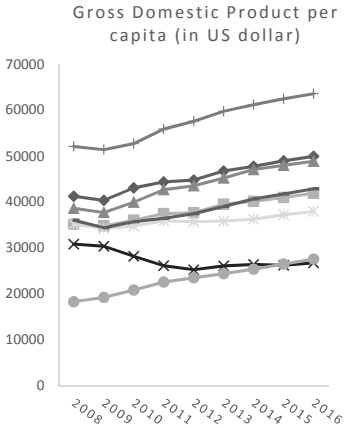
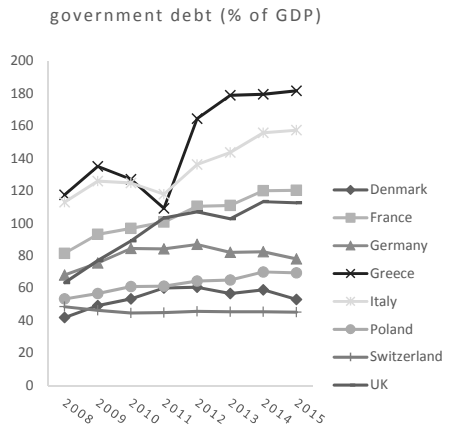


Figure 2



Source: OECD and Eurostat statistics

The financial and economic crisis has also hit hard on the social structures of EU countries, bringing economic grievances and poverty back onto the political agenda. These developments have also affected the welfare state, which has had problems with addressing the population's various needs due to increasing the numbers of beneficiaries and limited public funding. Figure 3 provides empirical indications for this development. It indicates that the proportion of people in the population who live under economic strain (i.e. the percentage of households acknowledging that making ends meet is difficult) is particularly prominent in Greece, followed by Italy and Poland. In Greece, 24.2% of households were already facing economic difficulties in 2010, but the datum worsened during the crisis, reaching its peak in 2013-14, when almost 40% of households suffered under the economic strain. Interestingly, however, except for the period of peak crisis in 2013, in Italy, the percentage has diminished, reaching its lowest level in 2016 (which nonetheless remained high at 10.8%). A similar observation can be made for Poland. In Germany, Denmark and France, economic strain remains low, even though all three countries experienced minimal increases in the number of households making ends meet with difficulty during the crisis, with this number decreasing in recent years.

The same trend applies in the UK, where variations were stark. In 2010, only 3.9% of Swiss households were experiencing economic strain, and this percentage diminished during the crisis (although not linearly), reaching its lowest rate (2.8%) in 2016. The Polish case is particularly interesting: While presenting the third-highest rate of economic strain in 2010 (14.1%), it experienced a marked decrease and attained an 8.4% rate in 2016.

Figure 3

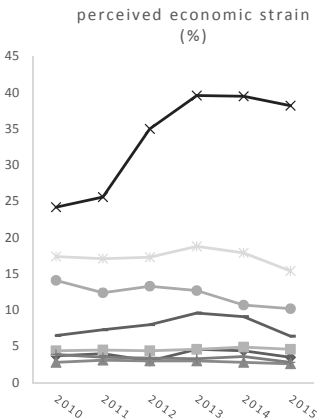
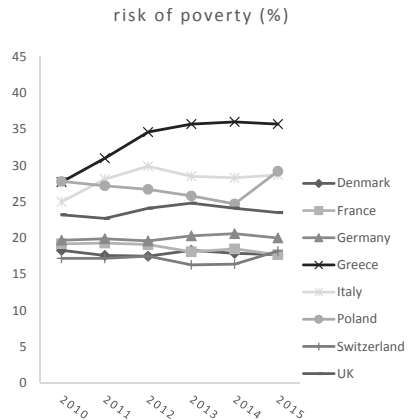


Figure 4



Source: OECD and Eurostat statistics

A similar picture is drawn when we considering the rates of risk of poverty, which correspond to the percentage of people with incomes below a threshold of 60% of the national median equivalised disposable income, including social transfers (Figure 4). This percentage is high in all of our countries, with the most alarming percentage being in Greece, where up to 36% of the population was at risk of poverty in 2014. After Greece, the countries most severely hit by the risk of poverty and social exclusion are Italy (where the crisis increased the percentage of the population at risk), Poland (characterised by a decreasing trend) and the UK (where, similarly to Italy, the crisis increased the percentage of the population at risk). It is interesting to note that the objective and subjective measures do not correspond everywhere. The subjective feeling of economic strain corresponds closely to the relative income situations of households in Greece, also across time, whereas the levels of subjective deprivation are much lower

in the other countries, as one would assume when looking at the statistical measure of the households' income situations. Here, the share of people feeling deprived is still considerable, but people tend to perceive their situations as less troublesome as the statistical threshold suggests.

Overall, the data corroborate the fact that the economic and financial crisis has had considerable effects on economic wealth, public finances and social grievances. This is clearly evidenced if we focus more closely on the three target groups in which our study is mainly interested: the unemployed, people with disabilities and refugees and migrants. Official statistics demonstrate that the number of people affected by vulnerability in these areas is considerable in all countries, and it has tended to increase since 2008. Figures 5 and 6 disclose these developments for the number of jobless people and people with disabilities suffering severe material deprivation. In all countries, unemployment among the general population has been on the rise since the outbreak of the economic crisis in 2009, even though the effect was rather short term in Germany and Switzerland. Unemployment rates have increased steadily since 2008 for most countries and climaxed in Denmark and the UK in 2011, in Greece and Poland in 2013, and in Italy and France in 2014 and 2015 respectively. More recently, unemployment decreased in this second group of countries as well, namely from 2014 in Poland and Greece, from 2015 in Italy and from 2016 in France. However, in 2016, it remained higher than in 2010 in Italy (11.7%), in France (10.1%) and in Greece (23.6%), whereas in Poland, it was lower (6.2%).

Financial hardships have not only impacted the jobless population but also people with disabilities, even though the experiences within the eight countries are quite different. The percentage of people with disabilities who indicated being exposed to severe material deprivation is highest in Greece, Poland and Italy, and it is lowest in Switzerland and Denmark. The economic and financial crisis has affected the disabled population particularly in Greece, Italy and the UK, as the proportion of those suffering deprivation has increased dramatically; in Denmark a regression can be reported for the years after 2012. In contrast to these countries, the situation has improved in Poland, France and Switzerland given that the number of people acknowledging living in precarious conditions has decreased significantly.

Figure 5

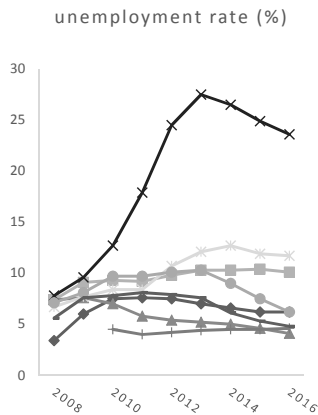
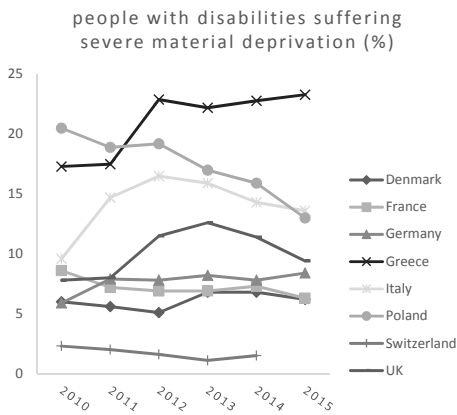


Figure 6

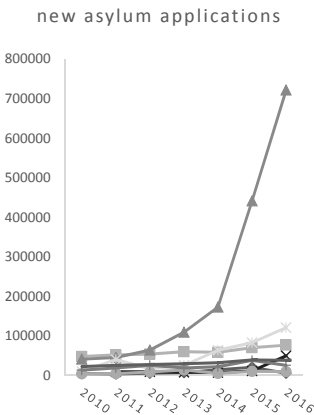
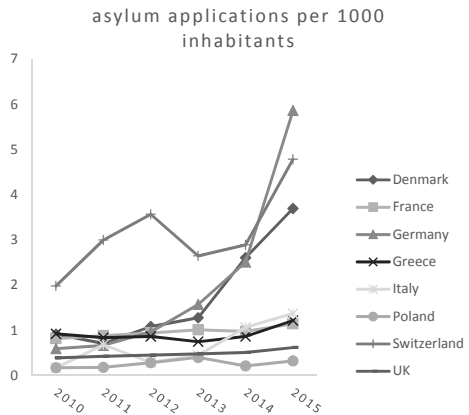


Source: Eurostat statistics

In the field of migration and asylum, the statistical data reveal considerable changes over time, particularly towards the end of our period of analysis. In fact, a total of 3.8 million people immigrated to one of the EU's 28 member states in 2014.² Inflows of the foreign population continued to increase in 2015 but not everywhere or to the same extent across European countries. Among the countries under our analysis, Germany reported the largest total number of immigrants (around 1.5 million) in 2015, followed by the UK (631,452), France (363,869) and Italy (280,078). Regarding asylum statistics, we look at first-time asylum applicants in Figure 7, thus discounting repeat applicants in this country. The number of first-time asylum applicants in Germany increased from 442,000 in 2015 to 722,000 in 2016. Greece and Italy also reported large increases (both in excess of 30,000 additional first-time asylum applicants) between 2015 and 2016. In relative terms, the largest increase in the number of first-time applicants was recorded in Greece (more than four times as high). By contrast, Denmark reported less than half the number of first-time asylum applicants in 2016 as in 2015. Germany's share of the EU total increased from 35% in 2015 to 60% in 2016, whereas other EU countries displaying noteworthy increases in their share of the EU total included Italy (up 3.4 percentage

2 See http://ec.europa.eu/eurostat/statisticsexplained/index.php/Migration_and_migrant_population_statistics.

points to 10.1%) and Greece (up 3.2 percentage points to 4.1%). However, we need to contextualize these figures by relating them to the sizes of the countries' populations. As Figure 8 reveals, we see that the number of overall asylum applications per 100 inhabitants increased not only in Germany but also in Switzerland, Denmark, Italy and Greece in 2015. For the countries that our study did not cover, a large proportion of asylum applicants were also counted for 2015 in Hungary, Sweden, Austria and Norway. Overall, we thus see that the deteriorating situations in the bordering regions of Europe stemming from war, persecution and poverty have had strong repercussions for many European countries, thus challenging the little-developed ability of the EU and its member states to find common policy solutions.

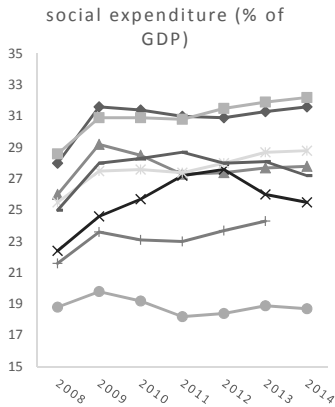
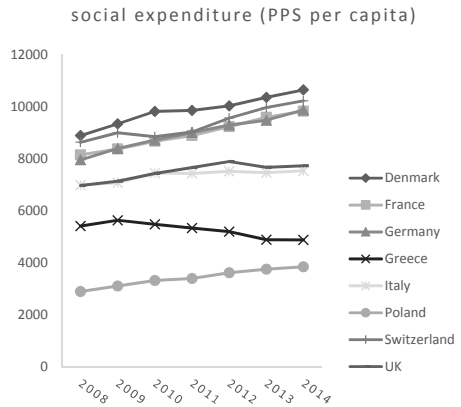
Figure 7**Figure 8**

Source: OECD Database on International Migration; Eurostat Database on asylum and general population (own calculations)

In addition, all of these developments have had repercussions for the welfare state because the financial and economic crisis has dampened the state's ability to respond to the growing social problems, particularly among the most-deprived population groups. To provide a concise picture of these repercussions is not an easy task given the variety of welfare regimes and programmes in Europe. In general lines, studies have talked about a gradual retrenchment of the welfare state since the 1990s (Pierson 1994 and 1996; Bonoli et al. 2000; Ebbinghaus 2015). This does not mean

that redistributive policies are generally on the retreat. On the contrary, social expenditure has been increasing in most countries, either following and reflecting economic growth in terms of GDP rates, and/or as a reaction to economic downturns and the subsequent rise of social benefits to compensate for market inequalities (Kenworthy and Pontusson 2005). However, a general trend exists to privilege in-kind benefits rather than cash benefits, to compensate for fewer market forces and to lower the effects on the reduction of social inequalities (Elsässer et al. 2015). Particularly since the Great Recession, we have seen welfare state reforms governed primarily by efficiency and austerity concerns (Kersbergen et al. 2014; Hermann 2014), and we have also witnessed major cutbacks in these countries particularly affected by the economic crisis and the agenda of EU-austerity policies (Zartaloudis 2014).

The statistics corroborate this uneven development across European nations. As revealed in Figures 9 and 10, we see that social expenditures diverge considerably. When considering expenditure per capita, it is Denmark, Switzerland, Germany and France that present the highest amounts of public funds devoted to social protection. Poland and Greece are at the other end of the group, with the lowest per capita rates of our eight countries. Expenditures have increased per capita in most countries, except for Greece, where they have decreased since 2009, and in Italy, where they remain stable since 2010. This development is echoed largely by the total social expenditure amounts, measured in terms of shares of the GDP. In all countries, the public funds invested in social policies increased between 2008 and 2010 as a reaction to the crisis and the growing need for assistance for the rising rate of unemployed and poor people. Since then, social expenditures have increased in most countries in absolute terms, but they have developed in parallel to the growth of the economy, thus maintaining a stable share of the GDP across time. Only Greece has experienced a notable welfare retrenchment since 2012.

Figure 9**Figure 10**

Source: Eurostat statistics

Solidarity as Public Virtue? The Structure of the Volume

Solidarity is necessary now more than ever in Europe in its multiple dimensions and at the various levels of analysis as the data discussed above make palpable. Beginning in 2008, European countries had to struggle with a serious economic recession, growing public deficits, rising unemployment rates and material deprivations, human tragedies of war and forced migration. In all of these areas, governments and EU institutions were called to act in solidarity within deprived groups in desperate need of help as well as with other member states struggling with the consequences of these crises. The aim of the following chapters is to monitor, analyse and evaluate the policy responses to these challenges. They reveal that these crises have affected diversely the eight countries included in this study and also that the countries have responded differently to the problems. The book moves from Denmark, Germany and Switzerland, where the effects of the crisis, as well as the related legal and policy changes, have been moderate, to Greece, at the far end of the spectrum, where the crisis hit hard and crisis-driven reforms have been severe and radical, the book illustrates the legal and policy responses to the economic and migrant crisis at both the EU and nation states levels. In the three policy domains of unemployment, disability and immigration and asylum solidarity

however, crisis-driven legislation and policies are hardly inspired by solidarity. And this is the product of a precise political orientation, as at both national and European level solidarity is a basic principle decision-makers could have turned to. This juxtaposition is the object of the volume's enquiry.

The book is structured in a way to provide a systematic map of solidarity as a legal and political principle and of its critical enforcement in three crucial policy domains. It consists of three main parts. In Part I we try to understand what solidarity means in Denmark, France, Germany, Greece, Italy, Poland, Switzerland and the U.K. Moreover, we show whether the constitutional and legal systems mirror this specific meaning of solidarity and which different notions of solidarity they advance. In these cases, we inquire about the "transformative" purpose of the constitutional and legal system, analysing the most critical aspects of the process of social change through legislation. Finally, we ask if constitutions and laws remain "laws in the books" with little, or no adherence at all to the socio-political and cultural reality or if they translate into "law in action", becoming crucial instrument for the promotion of solidarity.

The second part of this book is devoted to the discussion of EU legal framework and case-law. It highlights the critical implication of the principle of solidarity during the crisis and provides a general overview of the EU legal framework and its direct enforcement through selected case-law. A particular emphasis is placed on the fields of unemployment, immigration/asylum, and disability.

The third part moves back to the eight countries. It focuses on the fundamental principles and legislation in the areas of unemployment, immigration/asylum, and disability during the crisis, with a critical analysis of the effective enforcement of the regulation and legislation. Special attention is paid to constitutional case-law and current political debates, and their impact on the level of rights' guarantee and enforcement. We question whether the legal and policy framework in the three areas of vulnerability can find any anchoring the principle of solidarity, and if and how solidarity has played a role during the crisis to mitigate or to strengthen crisis-driven legislation in the countries where such measures have been adopted. It thus studies the direct and indirect effects of the legal and political context on European solidarity. The aim is to provide a more precise analysis of the institutional and normative framework in reaction to the crisis in these three policy domains.

The book concludes with a comparative discussion of the findings of the three central parts pinpointing the arduous enforcement of solidarity as a legal and political paradigm in hard times. Other principles and values primed over solidarity: the rule of the market, economic and fiscal stability and solvency, security. Even the Courts, that in some countries proved to be quite effective in the protection of solidarity as constitutional paradigm against new retrenchment, austerity and anti-immigration legislation and policies, have not represented a very strong bulwark. Moreover, also at the European level, the jurisprudence of the Court of Justice has recently marked a trend reversal, opting for a restrictive interpretation of the solidaristic approach of social benefits. But no jurisprudence, no policy, no legislation can not be reversed once again. Solidarity remains strongly rooted at the constitutional level and as founding principle of the EU, a disposable value for future application.

References

- Allmendinger, J. and E. von den Driesch (2014)* Social Inequalities in Europe: Facing the challenge. Berlin: WZB-Discussion Paper n.2014-005.
- Amat, F. and E. Wibbels (2009)* "Electoral Incentives, Group Identity and Preferences for Redistribution". Instituto Juan March de Estudios e Investigaciones Working Paper 246.
- Apostoli, A. (2012)* La svalutazione del principio di solidarietà: crisi di un valore fondamentale per la democrazia. Milano: Giuffrè
- Baglioni, S. and M. Giugni (eds.) (2014)* Civil Society Organisations, Unemployment, and Precarity in Europe. Between Service and Policy. Houndmills, Basingstoke: Palgrave Macmillan.
- Balibar, E. (2004)* We, the People of Europe. Reflections on transnational citizenship. Princeton: Princeton University Press.
- Balibar, E. (2014)* Equaliberty: Political Essays. Durham: Duke University Press.
- Balme, R. and D. Chabanet (2008)* European Governance and Democracy. Power and Protest in the EU. Lanham: Rowman and Littlefield.
- Barbieri, P. and G. Cutuli (2016)* "Employment Protection Legislation, Labour Market Dualism, and Inequality in Europe". *European Sociological Review* 32: 501–516.
- Bàrcena-Martin, E. et al. (2014)* "Country Differences in Material Deprivation in Europe". *The Review of Income and Wealth*, 60(4): 802–820.
- Beckfield, J. (2006)* "European Integration and Income Inequality". *American Sociological Review*, 71: 964–985.
- Bellamy, R., D. Castiglione and J. Shaw (2006)* Making European Citizens: Civic Inclusion in a Transnational Context, Houndmills, Basingstoke: Palgrave MacMillan.

- Blekesaune, M. and J. Quadagno (2003) "Public attitudes toward welfare state policies: a comparative analysis of 24 countries". *European Sociological Review*, 19(5): 415–427.
- Blais, M.C. (2007) *La Solidarité. Histoire d'une Idée*. Paris: Gallimard
- Boeri, T. (2011) "Institutional Reforms and Dualism in European Labor Markets". in O. Ashenfelter and D. Card (eds.) *Handbook of Labour Economics*, Amsterdam: Elsevier, pp. 1173–1236.
- Bonoli, G., V. George and P. Taylor-Gooby (2000) *European Welfare Futures*. Oxford: Polity Press.
- Brandolini, A. and T. M. Smeeding (2006) "Patterns of Economic Inequality in Western Democracies: Some Facts on Levels and Trends". *Political Science and Politics*, 39(1): 21–26.
- Brooks, C. and J. Manza (2007) *Why Welfare States Persist: The Importance of Public Opinion in Democracies*. Chicago: Chicago University Press.
- Brunkhorst, H. (1997) *Solidarität unter Fremden*. Frankfurt a.M.: Fischer.
- Brunkhorst, H. (2005) *Solidarity. From civic friendship to Global legal community*. Cambridge (Mass): Cambridge University Press.
- Caminada, K. and K. Goudswaard (2009) "Effectiveness of Poverty Reduction in the EU: A Descriptive analysis". *Poverty and Public Policy*, 1 (2): 1–49.
- Castels, F. G. (2004) *The Future of the Welfare State. Crisis Myths and Crisis Realities*. Oxford: Oxford University Press.
- Cinalli, M. and M. Giugni (2010) "Welfare States, Political Opportunities, and the Claim-Making in the Field of Unemployment Politics". In: M. Giugni (ed.), *The Contentious Politics of Unemployment in Europe: Welfare States and Political Opportunities*, Basingstoke, Hampshire, Palgrave Macmillan, pp. 19–42.
- Dallessio Oršolić, T. (2013) "The Social Dimension of EU Citizenship – A Castle in the Air or Construction Gone Wrong?" *German Law Journal*, n.14: 869–888.
- de Búrca, G. (2005) *EU Law and the welfare State: in Search of Solidarity*. Oxford: Oxford University Press.
- Delhey, J. (2007) "Do Enlargements Make the European Union Less Cohesive? An Analysis of Trust between EU Nationalities". *Journal of Common Market Studies*, 45(2): 253–279.
- della Porta, D. and M. Caiani (2011) *Social Movements and Europeanisation*. Oxford: Oxford University Press.
- Dobson, L. (2012) *Supranational citizenship*. Oxford: Oxford University Press.
- Ebbinghaus, B. (2015) "Welfare retrenchment". In: J.D. Wright (ed.), *International Encyclopedia of the Social and Behavioral Sciences*, Amsterdam: Elsevier 2nd edition.
- Elsäßer, L., I. Rademacher and A. Schäfer (2015) "Cracks in the Foundation. Retrenchment in Advanced Welfare States". *Economic Sociology*, 16(3): 4–16.
- Emmenegger, P. et al. (eds.) (2012) *The Age of Dualisation. The Changing Face of Inequality in Deindustrialising g Societies*. New York: Oxford University Press.
- Esping-Andersen, G. (1990) *The Three Worlds of Welfare Capitalism*. Cambridge: Polity Press.

- Esping-Andersen G. (1996)* States in Transition. Social Security in the New Global Economy. London: Sage.
- Esping-Andersen, G. et al. (2002)* Why We Need a New Welfare State. Oxford: Oxford University Press.
- Fong, C. (2001)* "Social Preferences, Self-Interest, and the Demand for Redistribution. *Journal of Public Economics*, 82(2): 225-246.
- Gallie, D. and S. Paugam (2000)* Welfare regimes and the experience of unemployment in Europe. Oxford: Oxford University Press.
- Geppert, K. and A. Stephan (2008)* "Regional disparities in the European Union: Convergence and agglomeration". *Regional Science*, 87(2): 193-217.
- Guild, E., C. Gortázar Rotaecche and D. Kostakopoulou (eds) (2013)* The Reconceptualisation of European Union Citizenship. Leiden: Martinus Nijhoff.
- Hechter, M. (1987)* Principles of Group Solidarity. Berkeley: University of California Press.
- Heidenreich, M. and C. Wunder (2007)* "Patterns of Regional Inequality in the Enlarged Europe". *European Sociological Review*, 24 (1): 19-36.
- Heidenreich, M. (2016)* "Introduction: the double dualisation of inequality in Europe". In: M. Heidenreich (ed.) *Exploring Inequality in Europe. Diverging Income and Employment Opportunities in the Crisis*. Cheltenham: Edward Elgar, pp. 1–21.
- Hermann, C. (2014)* "Structural Adjustment and Neoliberal Convergence in Labour Markets and Welfare: The Impact of the Crisis and Austerity Measures on European Economic and Social Models". *Competition & Change*, 18(2): 111 – 130.
- Isin, E. and M. Saward (2013)* Enacting European Citizenship. Cambridge: Cambridge University Press.
- Jacobs, F. G. (2007)* "Citizenship of the European Union. A Legal Analysis". *European Law Journal*, 13 (5): 591-610.
- Kenworthy, L. and J. Pontusson (2005)* "Rising Inequality and the Politics of Redistribution in Affluent Countries". *Perspectives on Politics*, 3(3): 449-471.
- Lengfeld, H., S. Schmidt and J. Häuberer (2015)* "Is there a European solidarity? Attitudes towards fiscal assistance for debt-ridden European Union member states". Leipzig: Report of the Department of Sociology No. 67.
- Marcińczak, S., at al. (2015)* SocioEconomic Segregation in European Capital Cities: East Meets West. New York: Routledge.
- Morel, N., B. Palier and J. Palme (2012)* Towards a Social Investment Welfare State? : Ideas, Policies and Challenges. Bristol: Policy Press.
- Pierson, P. (1994)* Dismantling the Welfare State? Reagan, Thatcher and the Politics of Retrenchment. Cambridge: Cambridge University Press.
- Pierson, P. (1996)* "The New Politics of the Welfare State". *World Politics* 48(2): 143179.
- Rehm, P., J. Hacker and M. Schlesinger (2012)* "Insecure Alliances: Risk, Inequality and Support for the Welfare State". *American Political Science Review*, 106(2): 386-406.
- Pound, R. (1910)* "Law in books and law in action." *American Law Review*, 44, 12

- Rodotà, S. (2014) *La Solidarietà*. Roma: Laterza
- Ross, M. and Y. Borgmann-Prebil (eds.) (2010) *Promoting Solidarity in the European Union*. Oxford: Oxford University Press.
- Smith, J. (2002) "Bridging Global Divides? Strategic Framing and Solidarity in Transnational Social Movement Organisations". *International Sociology*, 17 (4): pp. 505-528.
- Stegmueller, D. et al. (2012) "Support for Redistribution in Western Europe. Assessing the Role of Religion". *European Sociological Review*, 28(4): 482-497.
- Stjernø, S. (2012) *Solidarity in Europe. The History of an Idea*. Cambridge: Cambridge University Press.
- Supiot, A. (2015) *La solidarité: enquête sur un principe juridique*. Paris: Odile Jacob.
- Svallfors, S. (1997) "Worlds of Welfare and Attitudes to Redistribution: A Comparison of Eight Western Nations". *European Journal of Sociology*, 13(3): 283-304.
- Turner, B. S. (1990) "Outline of a Theory of Citizenship.". *Sociology*, 24(2): 189 – 217.
- Van Oorschot, W. (2000) "Who Should Get What, and Why? On Deservingness Criteria and the Conditionality of Solidarity among the Public". *Policy & Politics*, 28(1): 33-48.
- Van Oorschot, W. (2006) "Making the Difference in Social Europe: Deservingness Perceptions among Citizens of European Welfare States". *Journal of European Social Policy* 16(1): 23-42.
- Van Oorschot, W., W. Arts and J. Gelissen (2006) "Social Capital in Europe. Measurement and Social and Regional Distribution of a Multifaceted Phenomenon". *Acta Sociologica*, XLIX, 149–167.
- Van Kersbergen, K., B. Vis and A. Hemerijck (2014) "The Great Recession and Welfare State Reform: Is Retrenchment Really the Only Game Left in Town?" *Social Policy & Administration*, 48(7): 883-904.
- Widegren, Ö. (1997) "Social Solidarity and Social Exchange". *Sociology*, 31(4): 755 – 771.
- Zartaloudis, S. (2014) "The Impact of the Fiscal Crisis on Greek and Portuguese Welfare States: Retrenchment before the Catch-up?". *Social Policy & Administration*, 48(7): 430-449.