

A REVIEW PAPER ON Condensed and Alienated Antiquities of Well-being and Human Rights

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ABSTRACT

This article explores the central and neglected principle of solidarity, a concept of contention, evasion and confusion in the fields of human rights, health and bioethics. It addresses general ambivalence to solidarity in law, philosophy and policy by discussing co-evolution of solidarity with unequalitarian encapsulations and human rights divisions. It argues that a renewed concept of solidarity is essential to meet ever more striking ethical demands because equality between men and women and the individualisation of responsibilities is linked to care deficit and collective responsibility. Issues of corporality, (inter)reliance, care and asymmetry, but are central to the rethink of solidarity, are neglected by dominant liberal approaches.

KEYWORDS: Law, Human Rights, Well-Being, Review

INTRODUCTION

This article examines the central but understated principle of human rights solidarity and takes into account the perspectives of health and healthcare. Solidarity can be considered the founding principle of general human rights ("fraternity," along with freedom and equality)[1]. Article 1 of the UDHR states: "[A]ll human beings shall be born free and equal in dignity and rights; They have reason and conscience and should act in a spirit of brotherhood towards each other." In the narrower domain of bioethics, solidarity with "cooperation" appears in the Universal Declaration of 14 stated principles (or groups of principles) on human rights and bioethics (UDBHR). Article 24.3 of the UDBHR on 'international cooperation' states that: 'States, individuals, families, groups and communities should respect and encourage solidarity among and between States, with special regard for those made vulnerable to disease or handicap or other personal, social or environmental circumstances and those with the limited resources' [2]. [2].

In comparison with UDHR's "brotherhood," "solidarity" may appear less prominent in the UDBHR text and in their extensive review Prainsack and Buyx[3] note that solidarity is not often explicitly covered in the literature on bioethics. However, solidarity is a prominent idea or value of bioethics and the whole UDBHR can reasonably be argued implicitly as solidarity [3,4]. The IBC Report (International Bioethics Commission of Social Responsibility and Health) suggests that, by interpreting the social responsibility for public health on three fundamental principles: justice, solidarity and equality, the principle of solidarity "supports the whole context of social responsibility" in the UDBHR[2].

Solidarity has been the subject of human rights contention, evasion and confusion. Relative neglect of the concept is attributed to the dominance of liberalism and its preference for autonomy in modern moral and political theories[1]. Solidarity is an ambivalent ideal which connotes pre-political relationships of brotherhood, family, parentship or tribe while promising to extend ethics, norms and politics to transcend ascriptive relations. Solidarity is meant to serve as a bridge between pre-modern and ultimately modern ideals of membership, linkage and inclusion[5], focusing our attention on the practical responsibilities that belong to a social-moral community.

The moral philosopher David Wiggins suggested that solidarity can be regarded as a 'phenomenological-cum genealogical foundation or root for human rights ethics,' a predisposition to protoethical principles and a historical demand for "the simplest form of ethical thinking." According to him, solidarity is not an ethical principle in itself, but "the predisposition that makes ordinary pursuit conditioned, civilised and humanised" in ways that "shore it up"[6].

The proto-political concept of solidarity may stem from a number of various bases, such as natural sympathy, social virtue, utilitarian calculation or functional requirements. All these justifications may lay the foundations for mutual duty expressed in the principle of Roman law "in solido" or "solidum," meaning "the whole thing every member can expect from each other" [6]. In this principle, Stjernø adopts a practically political "statist" approach, defining solidarity as a redistributive ethic involving "preparedness to share resources with others through personal contribution to or in need of struggling through tax and state-organized redistribution"[7]. This defines solidarity as a practical concept, which includes "representations of the willingness to bear costs and to help others" [3]. This depends, in the end, on the existence of "competition," and a contract which combines "winners" and "losers" and legitimises transfers from the former to the latter[8]. The spectrum of perspectives covers the potential tension between constitutional and liberal concepts of solidarity. Constitutive opinions emphasise the common good to the extent that they are "statist," and classical liberal views (most prevalent in human-rights thinking) prioritise the protection, and even emancipation, of the individual from state power[9].

The concept of solidarity invokes fundamental questions about the sociological foundations of ethics and rights as well as the nature of "values" for determining what constitutes a collective way of life and desirable conditions. "Values" indicate the morals of communities as such, informally established, socially enforced rules. Social moral rules both create bonds and form the basis of those bonds, for example through mutual respect, respect for the well-being of members or group pride. Solid relationships are not simply useful to individual group members, but collectively valuable because they encourage valuable group characteristics such as trust and attention[10].

The historical approach of Brunkhorst describes solidarity as a principle which has evolved over a number of stages. As the concept progressed from selective forms of old civic friendship, to Judeo-Christian brotherhood to modern patriotism and finally to an inclusive global legal system, inclusiveness increased[11]. Others believe that a more robust doctrine of humanism will be needed to supplement the full development of an inclusive global order[12]. As both the prerequisite and the

outcome of an intersubjective social order built through recognition and communication Axel Honneth[13] and Jürgen Habermas[14-18] offer thickly theoretical perspectives on solidarity. The essentially secular concepts of Honneth and Habermas and the Catholic theories of solidarity and human rights, which unite recognition, relation and collective action through mutual relationships, may seem surprisingly intimate.

CONCLUSION

A historical analysis demonstrates solidarity as an ambivalent, mixed concept that crosses the ideological poles left-right and secular-religious. Solidarity is a multi-faceted concept with a range of historical roots, ideological commitments and trends. This multi-faceted approach raises the question of whether a coherent discussion can be achieved. In theory, it may be enough to define solidarity as a condition of acts of cooperation to promote common ends, where relations formed by cooperative acts are valued also for their own sake. The concept of solidarity in human rights calls both for people qua human beings and for people qua members of society to the very core of human rights as universal. It also raises fears of overwhelming political burdens and demands precisely because it points to broader concepts of humanity, which transcend each particular group and are bound by the legal principle of 'joint responsibility and several liabilities.' Such expansive claims are 'unhomely' and potentially affect 'respect for a certain space in every human'. Recalling the French Revolution, one can see how the universal criteria for inclusion can be slipped, how the revolutionary slogan "fraternité ou dé" gained ominous overstatements, promising violence against non-brothers first, then false brothers.

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