

# Chapter 8: Is the Migration Crisis a Solidarity Crisis?

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## Introduction

On 14 September 2016 the president of the European Commission Jean-Claude Juncker delivered his State of the Union speech before the European Parliament. He stated that solidarity is the glue that keeps our Union together. Regarding Europe's response to the dramatic increase in the number of migrants coming to Europe since Spring 2015, he argued:

And when it comes to managing the refugee crisis, we have started to see solidarity. I am convinced much more solidarity is needed. But I also know that solidarity must be given voluntarily. It must come from the heart. It cannot be forced. (European Commission, 2016a, p.16).

These appeals for solidarity were promoted in a situation where the same Member States who played a key role in agreeing on the harmonisation of EU asylum policy were not implementing the decisions. While some Member States have resumed checks on previously open internal borders between Schengen states, others have constructed new walls along the external borders. Consequently, some poorer border countries bear the main burden of the increased migration to Europe (Christodoulou et al., 2016; Amitsis, 2016). Are the Member States thereby driving the often-called migration crisis to a solidarity crisis in Europe?

The aim of this chapter is to analyse to what extent and how increased migration to Europe has triggered conflicting ideas of solidarity in Europe. The chapter integrates analytical and normative approaches to the concept of solidarity. As an analytical concept, it examines EU institutions' idea of solidarity according to four dimensions: the foundation or sources of solidarity, the goal of solidarity, the boundaries of solidarity and the strength of the collective orientation (Stjernø, 2005). This analytical approach is useful to examine how various combinations give different forms of solidarity. As a normative concept, the chapter analyses how appeals for solidarity are used to justify a certain policy, something that is aimed at

(Karageorgiuo, 2016). Solidarity is discussed as a political obligation, and delineated from moral, legal and ethical obligations (Habermas, 2013; 2015). By integrating the analytical and normative approaches to solidarity in one framework, the chapter examines whether the migration crisis can be understood as a solidarity crisis.

This analysis is mainly based on documents from two EU institutions, the European Commission and the Council of the European Union, but it also includes documents from some EU Member States. Moreover, it concentrates on statements, proposals and decisions concerning the EU's migration and asylum policy. This policy is regulated in the Treaty of the Functioning of the European Union (TFEU) and specified in the Common European Asylum System (CEAS). CEAS aims to provide common minimum standards for the treatment of all asylum seekers in Europe, but it also allows for discretionary assessments in Member States. By combining the four dimensions of solidarity, this chapter analyses what idea of solidarity the Member States have committed themselves to in the framework of CEAS. This is followed up with an analysis of what kind of solidarity the EU institutions apply for, and the reactions from some Member States, the first year after the considerably increased migration to Europe, from May 2015 to May 2016.

The chapter is divided into four sections. The first discusses the concept of solidarity both as an analytical and normative concept. The second section analyses the understanding of solidarity applied in CEAS. The third section examines how EU institutions appeal for solidarity and whether there are conflicting perceptions of solidarity within the EU. The final section sums up and concludes.

## **The Concept of Solidarity**

While solidarity is a key concept in European political thinking, there is not one singular definition. The interpretation fluctuates depending on the context in which it is used and the understandings of the involved actors. Solidarity has commonly been applied in relation to civil society and inside nation states (Aschauer et al., 2016), but has been increasingly used and studied in relation to the EU (Ross, 2010; Silveira et al., 2013). Similarly, this chapter concentrates on the idea of solidarity in EU institutions and among Member States.

### *Solidarity as an analytical concept*

As an analytical concept, solidarity can be divided into dimensions, and one can examine how various combinations of dimensions change the meaning of the concept. In his seminal book on solidarity in Europe Stjernø (2005) applies a historical approach to analyse how the concept has been used in the three main traditions of thinking in Europe: classical sociology, socialist theory and Christian social ethics. His analysis is based on a definition of solidarity based on four dimensions (Stjernø, 2005).

(1) The foundation or sources of solidarity, which might be defined in terms of common interests, class, religion, sameness, homogeneity, ethics or altruism.

(2) The goal of solidarity, which can be to unite interests, unite people, contribute to social change, create harmony or social integration or to surmount conflicts. The objective or purpose of solidarity can be instrumental in terms of creating justice or maximising interests or the redistribution of risks.

(3) The boundaries of solidarity, which decide how inclusive the concept it, and with whom one should show solidarity. The boundaries can for instance be drawn in relation to the family, nation, Europe, the whole world.

(4) Solidarity can be identified in relation to the strength of the collective orientation.

This is defined as a question of the extent to which solidarity imply that the actors (individuals or states) should relinquish autonomy and freedom in order to achieve collective interests (Stjernø, 2005).

All dimensions point to some sort of inclusiveness, but the strength of identification and degree of inclusiveness varies within each combination. Moreover, Stjernø (2015) has examined the extent to which these four dimensions of solidarity can be found in EU documents, and concludes that the idea of solidarity consists of a series of ideological concepts from all three main traditions of thinking in Europe. He also concludes that the idea of solidarity in the EU is a part of a hybrid ideology with a set of flexible concepts, and this makes it possible to stretch solidarity in different directions according to the needs and circumstances (Stjernø, 2015, p.13).

However, the concept might be stretched so far that EU institutions and Member States apply conflicting ideas of solidarity. Therefore, it is worthwhile to apply an analytical approach that allows for the simultaneous existence of different types of solidarity. By applying the four

dimensions of solidarity to a national and a cosmopolitan model one receives contrasting ideal types of solidarity – as can be seen in table 1 below.

	<b>National Community</b>	<b>Cosmopolitanism</b>
<b>Foundation</b>	National identification – national ideals	Universal identification – cosmopolitan ideals
<b>Objective</b>	National unity	A good society or world
<b>Boundaries</b>	All citizens in a nation state	All human beings
<b>Collective Orientation</b>	Strong: Conditional reciprocity	Weak: Ethical ideals of compassion and altruism

Table 1. Contrasting ideal types of solidarity.

While the *foundation* for national solidarity is national identification, the foundation for universal human rights is universal identification. The first is based on national ideals and the second on cosmopolitan ideals. Moreover, the national model is based on the *objective* to unite all individuals belonging to a nation. This has been crucial in the nation building process in Europe, and the ideal is that all individuals should be equal within the nation (Rokkan 1975; Anderson, 1991). The human rights ideal type is also based on the idea of equal individuals, but this includes all individuals and the objective is to create a good society or world (Stjernø, 2005, p.18). This can be instrumental in terms of creating justice among individuals or to secure equal redistribution of risks (Beck, 2006). The *boundaries* of the national model distinguish all citizens in the nation state from others, while the cosmopolitan model includes all human beings. Finally, regarding the *collective orientation*, the national model has a strong collective orientation based on national community, democratic polity, and the welfare state redistribution is based on conditional reciprocity. In contrast, the cosmopolitan model has a weak collective orientation built on ethical ideals of compassion and altruism.

These ideal types, and the various combinations of dimensions related to them, are significant to understand the idea of solidarity in the EU’s migration and asylum policy. However, this analytical framework lacks a specific tool to evaluate the normative dimension of the concept of solidarity.

### *Solidarity – the normative dimension*

As a normative concept, solidarity can be defined by delineating the concept from other related concepts, and in this respect Habermas' (2013; 2015, pp.3-28) approach is useful. He argues that solidarity must be distinguished from justice, both in its moral and legal meaning. His argument is that moral and legal norms are perceived as “just” when they regulate practices that are in the equal interest of all affected. While moral commands should be obeyed out of respect for the underlying norm itself, the citizen's obedience to the law is conditioned by the sanctioning power of the state ensuring general compliance. The obligation to show solidarity must thus be distinguished from both moral and legal obligations. Habermas (2015, p.23) states solidarity is more related to ethical obligations. An ethical obligation can neither be based on the categorical force of a moral duty nor does it coincide with the coercive character of law. In contrast, it depends on the expectations of reciprocal favours, and the confidence in this reciprocity over time means ethical obligations coincide with actors' medium or long-term interests.

However, Habermas (2013) also delineates solidarity from ethical obligations as these are rooted in ties of antecedent existing communities such as family ties. He argues solidarity cannot rely on pre-political communities. In contrast, solidarity presupposes political contexts of life that are legally organized. It is thus a political concept. Whereas the historical national consciousness was constructed in close relationship with the formation of a political self-understanding, Habermas (2015, p.24) argues solidarity cannot rely on the self-evidence of a conventional ethical relationship of a community that evolved in a quasi-natural way. He states nationalism obscures this distinction between pre-political ethical communities and solidarity as a political concept. In addition, he argues that appeals for solidarity have an offensive character of challenging the legitimacy claim of any political order. Such appeals have thus a forward-looking character, which becomes particularly clear when solidarity is required in order to adjust the overstretched capacities of an existing political framework, as we can see in the EU today (Habermas 2015, p.24).

This concept of solidarity emphasises its offensive and political characteristics. There is often an appeal for solidarity in situations where there is a lack of trust, fair share of responsibility or if there are inequalities. The underlying mode is that solidarity is something that is aimed at, something that must be achieved but is not fully there (Karagiannis, 2007). In a similar way to the concept of justice (Fraser, 2016), solidarity is not experienced when it is there. It is

rather the lack of solidarity that is experienced. The call for solidarity is a response to something missing, and the call is a call for action to rectify this situation. Such a call or appeal for solidarity has a clear normative dimension. By including this normative dimension of solidarity in the analytical framework, we can examine how the EU institutions appeal for solidarity to justify a certain policy.

## Solidarity in the CEAS

The EU is neither a national state nor a cosmopolitan entity, but has elements of both ideal types. Similar to the cosmopolitan model, the EU is supposed to be based on universal identifications beyond the nation state borders (Eriksen, 2006). Parallel to the nation state, the EU has boundaries between ‘ins’ and ‘outs’, and it needs awareness among the members that their community differs from others. The combination of universal values and political community can, according to Ross (2010, p.32), be seen as a cosmopolitan solidarity in which the solidarity’s conceptual contribution gives shape to the cosmopolitan process in the EU.

Several authors have shown how solidarity has gradually been included in EU treaties, and how the concept is emphasised as one of the EU’s fundamental values in the TFEU (Ross, 2010; Saracino, 2014; Stjernø, 2015). Domurath (2013) has, for example, identified three forms of solidarity the TFEU: between the Member States, between the Member States and the individuals and between generations. There are also many authors who have raised the question whether there is a solidarity crisis in Europe, and especially related to the Euro and economic crisis that began in 2007 (Brunkhorst, 2011; Offe, 2013). Some authors have argued that the EU has a transformative impact on reshaping international society as a form of solidaritisation (Ahrens and Diez, 2015). In the area of migration and asylum, authors have argued it is necessary to combine solidarity within Europe and solidarity of Europe with the rest of the world (Karagiannis, 2007) and with the refugees (Karageorgiou, 2016). These combinations are crucial in the CEAS. While the current appeals for solidarity are predominantly about solidarity between the Member States, solidarity with the refugees is an underlying theme. Conversely, a lack a solidarity between Member States are often interpreted as a lack of solidarity with the refugees.

The CEAS aims to harmonise internal legislation on common standards for asylum seekers among the Member States. CEAS consists of three directives: on qualification, reception conditions and asylum procedures respectively; and two regulations on the Dublin system: the

Dublin Regulation and the Eurodac Regulation. The Dublin Regulation is central, as this is the only current framework for allocating responsibility for asylum claims (Guild, 2014). The main purpose of the Dublin Regulation is to define criteria and mechanisms for determining the Member State responsible for examining an application for international protection (Council of the European Union 2013).

To analyse the idea of solidarity applied in the CEAS we can adopt the framework of a combination of the four dimensions of solidarity. *The foundation* of solidarity is the identification with an area without internal borders, in which free movement of persons is guaranteed and there is a shared interest of protecting external borders. These shared interests are the result of the Schengen borders code providing common EU law regarding the internal and external borders of the European Union. The EU instigates its new border control through on-going efforts to harmonise the Member States' migration and asylum policies, and through the process of transferring the border control outside the territory by developing an external migration and asylum policy (Guild, 2009; Takle, 2011).

*The objective* of solidarity is to establish a humane, fair and efficient asylum system based on a fair distribution of asylum seekers and a fair sharing of responsibility (European Commission, 2016c). This goes back to 1999 when the European Council meeting held in Tampere agreed on the creation of CEAS. The objective was to harmonise internal legislation on common standards for asylum seekers among EU Member States. Implementation of CEAS was planned in two phases. The first aimed to harmonise the Member States' internal legislation on minimum common standards, regulated by the adoption of five instruments between 2002 and 2005. The second phase from 2008 and onwards had thus the aim of achieving both a higher unified common standard of protection and greater equality in protection across the EU and of ensuring a higher degree of solidarity among Member States (European Commission, 2015a).

*The boundaries* of solidarity are the 32 countries taking part in some parts of the EU/Schengen policies and the CEAS: the 28 EU Member States, and Norway, Iceland, Switzerland and Liechtenstein. European countries take part in diverging aspects of European border control. The Schengen cooperation includes EU Member States, except the UK, Ireland, Romania, Bulgaria, Cyprus and Croatia. It includes Norway, Iceland, Switzerland and Liechtenstein. These four countries are also part of the Dublin system, which is a part of the CEAS. All EU Member States take part in the CEAS.

The *collective orientation* is based on ideals of mutual trust, burden sharing, relocation and resettlement. According to the ideals, the collective orientation is strong as the Member States must relinquish national sovereignty rights to control territorial borders inside the Schengen area in order to achieve the CEAS. The Member States have played a key role in agreeing on the harmonisation of the directives in the CEAS in binding regulations based on majority vote in decision-making procedures. By signing the Dublin and Eurodac Regulations the Member States have agreed on EU laws, which determine the Member State responsible for persons in need of international protection.

	<b>Common European Asylum System (CEAS)</b>
<b>Foundation</b>	Identification with European ideals as an area without internal borders in which free movement of persons is guaranteed and there is a shared interest of protecting external borders
<b>Objective</b>	A humane, fair and efficient asylum system based on a fair distribution of asylum seekers – a fair sharing of responsibility
<b>Boundaries</b>	Different types of membership for 28 EU Member States and Norway, Iceland, Switzerland and Liechtenstein
<b>Collective Orientation</b>	Ideals of mutual trust, burden sharing, relocation and resettlement – harmonisation of policies Law regulation: majority vote

Table 2. Dimensions of solidarity in the CEAS

Table 2 above shows how the dimensions of solidarity in the CEAS combine the national and the cosmopolitan ideal types of solidarity. In line with cosmopolitan solidarity, the CEAS is *founded* on universalistic identification beyond national borders. In addition, the *objective* of a fair sharing of responsibility for asylum seekers goes beyond the traditional sovereign control of national borders. In line with the nation state model there are *boundaries* between ‘ins’ and ‘outs’, but as long as these are not clear-cut and vary in relation to different agreements among Member States they are not as definitive as the national boundaries. Moreover, solidarity in the CEAS has a *collective orientation*, which is more in line with the national than the cosmopolitan model as Member States must relinquish sovereignty rights to control territorial borders.

## Conflicting Ideas of Solidarity

The Member States agreements on CEAS are crucial for the EU institutions' appeals for solidarity as a response to the migration crisis. While several weaknesses have become more exposed in the context of the migration crisis, several studies had previously found critical weaknesses in how the CEAS functioned (e.g. Ngalikpima and Hennessy, 2013; Guild et al., 2014; Fratzke, 2015). Also the European Commission (2015a) shared their main conclusions that the CEAS did not work due to different asylum procedures and reception conditions in the Member States. Most critical was that the Dublin system did not function and the EU lacked a political instrument for a fair redistribution of asylum seekers (Takle and Seeberg, 2015).

### *EU Institutions' Appeal for Solidarity*

During the first year of the migration crisis the EU institutions produced a number of proposals and decisions dealing with the crisis. On 13 May 2015, the European Commission (2015a) presented its European Agenda on Migration in which it stated: "Emergency measures have been necessary because the collective European policy on the matter has fallen short." (European Commission, 2015a, p.2). Due to this shortcoming, the Commission proposed to relocate people from one Member State to another. The Commission specified this two weeks later, on 27 May 2015, by proposing a temporary distribution scheme for persons in clear need of protection within the EU. The scheme was intended to help Italy and Greece by redistributing 40,000 asylum seekers. The Commission also proposed a system for resettlement of 20,000 asylum seekers per year for the EU in 2 years, in line with UNHCR (European Commission, 2015b). The Commission's objective was to ensure a fair and balanced participation of all Member States in this common effort to overcome the nation states' different responses to migration. This implied an appeal for an understanding of solidarity, which transcends nation states' borders and thereby has elements of a cosmopolitan ideal type of solidarity.

On 25-26 June 2015, the European Council agreed to the rapid adoption of such temporary relocation and resettlement mechanisms, and concluded the relocation decision should be reached by consensus. One month later, on 20 July 2015 the Council agreed on the relocation of 32,256 persons from Italy and Greece and on the resettlement of 22,504 persons from outside the EU (Council of the European Union, 2015a). This means the Member States reached a consensus on common European solutions regarding an extremely low number of asylum seekers.

However, in two decisions on 14 and 22 September 2015 the Council adopted two legally binding decisions, which establish a relocation mechanism for 120,000 applicants for international protection from Greece and Italy (Council of the European Union, 2015b+c). The decisions called for concrete measures of solidarity towards the frontline states. Solidarity is defined in terms of relocation of asylum seekers from Greece and Italy. The decisions build on Article 78 (3) TFEU, which in short says that in the event of one or more Member States being confronted by a sudden inflow of nationals of third countries, the Council may adopt provisional measures. Central to the decision was also Article 80 TFEU, which in short says that the policies of the Union in the area of border checks, asylum and immigration are to be governed by the principle of solidarity and fair sharing of responsibility between the Member States, and Union acts adopted in this area are to contain appropriate measures to give effect to this principle. Both articles are crucial for the Member States' commitment to act in solidarity.

The decision of 22 September was taken by qualified majority vote in the Council, with Slovakia, Hungary, Romania and the Czech Republic being outvoted. The EU institutions appeal for solidarity was thereby combined with an obligation to comply with legal decisions. However, as a political concept solidarity depends on the confidence in reciprocity over time, and the obligations coincide with actors' interests (Habermas, 2013). While the obligation to act in solidarity is political and has a flexible content that can be interpreted in various ways, the obligation to comply with a legal decision is highly formalised.

### *Solidarity – Politics and Law*

The EU institutions' appeals for solidarity have so far been ineffective. Regarding the two Council decisions to relocate asylum seekers some Member States have refused to cooperate and the remainder relocated very few people. As of April 2016, only 1,145 of the 160,000 asylum seekers had been relocated (European Commission, 2016b). Moreover, the Council decision of 22 September 2015 has been challenged by two cases in the EU Court of Justice (ECJ). On 2 and 3 December 2015, Slovakia and Hungary respectively challenged the legality of the decision (Curia Documents, 2015a+b).

While the complaints covered many arguments on institutional balance and fundamental principles (Vikarska, 2015), one argument is particularly relevant to the call for solidarity. The Slovak and Hungarian governments questioned the conditions of the applicability of

Article 78(3) TFEU. They argued that this article does not empower the Council to adopt a legislative act, but solely empowers the Council to adopt acts through a non-legislative procedure. Moreover, they argued that the decision has the character of a legislative act, and should therefore have been adopted by the legislative process, which is thus not provided for in Article 78(3) (Curia Documents, 2015a+b).

The two governments question whether there is a legal basis, from which an obligation to act in solidarity can be extracted. They do not only agree for another legal basis, but also in line with a conflicting idea of solidarity. This is combined with disagreements on the extent to which competences are, and should be, transferred from the Member states to supranational EU institutions (Hampshire, 2015). As of summer 2016, the ECJ has still not delivered any conclusions. The question is whether the ECJ can operate as a solidarity promoting authority. Solidarity is a social and political act, which cannot be reduced to a legal question (Calhoun, 2005; Habermas, 2015, p.21).

The conflicting ideas of solidarity among the EU institutions and some Member States are particularly apparent in the Eastern European countries (Trauner, 2016; Bachmann, 2016). This can be exemplified by the Hungarian case. In 2015 approximately 390,000 migrants of which 177,000 were registered as asylum seekers crossed the Hungarian borders. The Hungarian government built a fence along the Hungarian-Serbian border and the Hungarian-Croatian border. This contributed to diverting the migrants away from Hungary to neighbouring countries, and particularly Slovenia. Since the legal and physical closure of these borders in October 2015, hardly any asylum seekers have entered Hungary (Simonovits and Bernat, 2016). The same year, the Hungarian government arranged a so-called 'national consultation', in which the Prime Minister Victor Orban appealed directly to Hungarian citizens:

Since Brussels has failed in handling immigration, Hungary has to follow its own way responding to the threat. We will not let economic migrants endangering (sic) Hungarian peoples' jobs and livelihoods. We have to decide on how Hungary should defend itself against illegal border crossings. (Translated and referred in Simonovits and Bernat, 2016, p.143).

The Hungarian government argues in line with a national ideal type of solidarity. The foundation for solidarity is the Hungarian nation state, and the objective is to unite people belonging to the Hungarian nation in a common response to the increased migration. The boundaries are between the Hungarian people and the migrants, and the collective orientation is relatively strong regarding

an obligation to protect Hungary from migration. Moreover, the government's appeals for solidarity refer to how Hungary has to follow its own path and not let the EU institutions decide on Hungarian territorial borders. In this idea of solidarity, the government takes the we-perspective of its national citizens. This is a form of nationalism Habermas (2015, p.24) states obscures the distinction between pre-political ethical communities and solidarity as a political concept.

In contrast, the EU institutions appeal for solidarity aims to overcome the Member States' national policies, and has thereby elements of a cosmopolitan ideal type. They appeal for a European solidarity based on a generalisation of interests across national borders. The we-perspective is all Member States and their citizens, but also solidarity with the rest of the world and the refugees is crucial. This is reflected in the aims of harmonisation in CEAS and the commitments included in TFEU, as discussed thoroughly above.

Nevertheless, the Hungarian government also defines the protection of Hungarian territorial borders in terms of European solidarity. The prospect of an influx of Muslims and non-European refugees is perceived as not only a threat against the socio-political and cultural integrity of their country but also of Europe (Tawat, 2016). This form of solidarity draws the boundaries on the basis of religious and cultural factors and is compatible with a cosmopolitan ideal type of solidarity.

### *Offensive Appeals for Solidarity*

As we have seen, the concept of solidarity has an offensive and forward-looking character, which becomes clear when solidarity appeals have the aim of changing the existing political framework (Habermas, 2015, p.24). This is crucial for the Commissions' proposals on migration and asylum policy. The Commission aims to overcome and go beyond the nation state approach to sovereign control of national borders. What can the Commission do as this aim is already laid down in the TFEU and in the CEAS, but not followed up by the Member States? It can present more offensive and forward-looking appeals for solidarity, and so it does. On 6 April 2016, the Commission presented a discussion paper in which it stated:

In the midst of the present crisis, the limitations of the present system and common challenges we face have been laid bare. Therefore, it is precisely at this moment, when concerted action and strong solidarity are most called for, that this future perspective is needed to open a path towards a human and efficient European migration and asylum policy based on a fair sharing of responsibilities. (European Commission, 2016b, p.20)

This discussion paper proposed several changes that would not only lead to an increased harmonisation through CEAS, but also transfer more power from Member States to EU institutions and agencies. On 4 May 2016, the Commission followed up with law proposals on CEAS. It argues in favour of maintaining open internal borders and protecting external borders:

The progressive creation of an area without internal frontiers in which free movement of persons is guaranteed in accordance with the TFEU and the establishment of Union policies regarding the conditions of stay of third-country nationals, including common efforts towards the management of external borders, makes it necessary to strike a balance between responsibility criteria in a spirit of solidarity. (European Commission, 2016c, p.30)

The objective of a fair sharing of responsibility requires a strong collective orientation. Consequently, the Commission's proposal concerns three related issues. Firstly, a short-term visa waiver for Turkish nationals with biometric passports. This was part of the EU/Turkey refugee deal in which conflicting solidarity among Member States has been solved by an increased externalisation of the European migration and asylum policy. As of summer 2016 the deal is still subject to Turkey meeting the EU conditions. Secondly, the Commission proposed to partly suspend the open Schengen borders for six months for Germany, Austria, Denmark, Sweden and Norway (European Commission, 2016e). This limit is proposed to prevent other Member States from establishing internal border control, and has clear references to the foundation of CEAS. Thirdly, the Commission proposed a new version of the Dublin Regulation, *Dublin IV*, in which the criteria to define a Member State responsible for an application for international protection is supplemented with a corrective allocation mechanism (European Commission, 2016d). It also proposed a new Eurodac Regulation and a transformation of EASO to a European Asylum Agency. These eventual revisions would be the first stage in a larger revision of the whole CEAS, and in combination with already announced new proposals they will represent a third phase of the CEAS (Peers, 2016).

The Commission's offensive appeals for solidarity are not only made to compensate for the failure to meet a certain standard in the existing CEAS. The appeals for solidarity are also appeals to uphold a political order that presupposes further supranational integration with transfer of competences from the Member States to the EU institutions.

## Conclusion

The question raised in this chapter is whether EU Member States' different reactions to the increased migration have led to a solidarity crisis in Europe. Whereas solidarity is a flexible concept that can be stretched in many directions, it is stretched so far in this case that the EU institutions and some Member States apply conflicting ideas of solidarity. Their ideas of solidarity build on different foundations and have various objectives and boundaries, but also the degree and form of collective orientations differ. Underlying these different ideas of solidarity there is a political conflict about the transfer of competences on control of national territorial borders from the nation state to European supranational institutions.

Any appeal for solidarity is a call for action with the aim of achieving something missing. Accordingly, the EU institutions' appeal for solidarity has an offensive and forward-looking aim to overcome some Member States' nationally oriented migration and asylum policy. While this can be seen all over Europe, it is particularly evident in Central and Eastern Europe. Hungary's policy is an example of an idea of solidarity based on a nation state. The objective is to unite people belonging to the Hungarian nation in a common response to the increased migration. The Hungarian government's appeal for solidarity shows how one can obscure the distinction between a pre-political ethical community and solidarity as a political concept.

The increased number of migrants coming to Europe is obviously a crisis for the migrants who are travelling, but it can barely be seen as a migration crisis in Europe. As the European countries have resources to handle the number of migrants, the crisis in Europe is rather related to the many different reactions. The conflicting ideas of solidarity have laid premises for these. The EU institutions' idea of solidarity, also reflected in CEAS and TFEU, has elements of both a cosmopolitan and national ideal type of solidarity. The objective of EU institutions' proposals to meet the challenges posed by increased migration is a fair sharing of responsibility for asylum seekers among Member States, and it expects Member States to relinquish their sovereign control over national borders.

In this political process, the European Council decision of September 2015 to relocate asylum seekers from one Member State led the conflict into a legal framework. The Council decision was based on a qualified majority vote, four Member States were outvoted and two of them have challenged the legality of the decision in the ECJ. This goes beyond a more elastic

concept of solidarity. Solidarity is a political concept, and as president Juncker said in the speech referred to in the introduction, solidarity must be given voluntarily. Solidarity depends on the expectation of reciprocal obligations over time, and these obligations are closely connected to a political community. In Europe, there are different collective orientations both between countries and levels within the EU. This analysis shows that there is not a lack of solidarity in Europe, but rather too many conflicting ideas of solidarity.

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