Special Section: Responsibility, Vulnerability, Dignity, and Humanity

Humanity and Social Responsibility, Solidarity, and Social Rights

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Abstract: This article discusses the suggestion of having the notion of solidarity as the foundational value for welfare scheme reforms. Solidarity is an emerging concept in bioethical deliberations emphasizing the need for value-oriented discussion in revising healthcare structures, and the notion has been contrasted with liberal justice and rights. I suggest that this contrast is unnecessary, flawed, and potentially counterproductive. As necessary as the sense of solidarity is in a society, it is an insufficient concept to secure the goals related to social responsibility. The discussion on solidarity is also based on a questionable sense of nostalgia. Furthermore, solidarity and liberal justice share essential objectives concerning welfare schemes; therefore, the question arises whether the proper comparison should in the first place be within justice and solidarity.

Keywords: solidarity; justice; communitarianism; liberalism; social responsibility; social rights; welfare reforms; bioethics

Introduction

What kind of political arrangements and structures would best assure respect for the individual, individual life plans, and self-expression, as well as the existence of social responsibility, cooperative structures, and understanding of society's influence on the individual, all of which are necessary to humanity? The question of human nature has traditionally been a starting point in the deliberations on how societies should be built. However, the extremist answers—that human beings are totally rational, totally communal, or totally egoistic—are not very convincing. Furthermore, taking account of the insight that human nature is, at least up to some point, a representation of its cultural and social context, it seems irrelevant to pursue an answer as to the original and true understanding of human nature.

Generally accepted conceptions do exist, at least when discussed at a culturally sensitive level. At least in Western modern societies, committed to democracy, equality, and reasonable pluralism, human beings are both individual and social creatures who need to be appreciated both as individuals and as members within a social context. Our individual humanity requires that we appreciate others' individuality with respect and that others appreciate our individuality with respect. In contrast, our social humanity requires that we take responsibility for others and that others take responsibility for us. This is a necessary idea in modern societies, where work is highly distributed and people are significantly dependent on one another's capacities, contributions, and cooperation.

In European bioethics the notion of *solidarity* has recently become a candidate conception on which societal structures should be built, especially with regard to the revision of welfare structures. In this article I discuss this proposal. I begin by reviewing the reasons given for emphasizing solidarity and the manner in which the notion is contrasted with rights-oriented justice. After this, and while endorsing

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the fostering of solidarity, I draw attention to several problems in the discussion that aims to establish solidarity as the foundational value of society. I conclude by remarking that solidarity and justice share important objectives, and instead of seeking a contrast, these objectives should be equally emphasized in the revision of welfare schemes.

Solidarity as a Foundation: The Disappearance and the Need for a Reappearance of Solidarity

The notion of solidarity has been a great challenge to European philosophers and bioethicists. As Matti Häyry[1] notes, *solidarity*, as a contrast with or complement to autonomy, justice, and human dignity, has attracted ethicists, especially in Continental Europe, in regard to discussions of the values on which healthcare services should be based. According to Häyry, solidarity is seen as an alternative to the American "autonomy and justice" approach, which overemphasizes the role of individuals as consumers of health services. Discussing what solidarity actually entails, Häyry defines solidarity as "a communal form of altruism, with a theoretical niche somewhere between the psychological, social, and political categories of sympathy, universal benevolence, and justice."[2]

According to the reflections of Barbara Prainsack and Alena Buyx,[3] solidarity is an emerging concept in bioethics. They note that in recent bioethical writing, the explicit use of the concept of solidarity is not common, whereas the use of the notion in an implicit manner is much more frequent. When the term is used explicitly, public health and the justice and equity of healthcare systems are among the prevalent themes with which solidarity is concerned. In addition, solidarity is discussed as a European, as opposed to an American, value. The notion of solidarity is related, at least, to the terms "responsibility," "charity," "dignity," "altruism," "reciprocity," "social capital," and "trust." The authors conclude by stating that at the moment there is no coherent way in which solidarity is used in bioethics. However, a working definition is proposed: "Solidarity signifies shared practices reflecting a collective commitment to carry 'costs' (financial, social, emotional, or otherwise) to assist others."[4]

According to Rob Houtepen and Ruud ter Meulen,[5] solidarity is an "intersubjective experience and common action required to uphold a system of social relationships and values that complies with common standards of decency and justice,"[6] a specific type of association between people, and the social and cultural infrastructure for justice. These varying but related definitions are coherent in emphasizing solidarity as an intersubjective altruistic practice. Houtepen and ter Meulen provide a comprehensive and much-cited elaboration about the attraction of solidarity, and I take their analysis as the basis for my discussion.

The early solidaristic schemes of social security and healthcare benefits for workers were based on commonality and mutuality among directly connected members of particular occupational groups, unions, and churches. These schemes evolved from two distinct influences in the nineteenth and early twentieth centuries. On the one hand, the Christian democratic party in the Netherlands, employing a charity-based notion of solidarity, has focused on altruism and sympathy at the individual level; on the other, the social democratic party has emphasized group-level solidarity as a tradition of the worker's movement and common struggle against outside forces.[7]

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Originating as voluntary arrangements motivated by a sense of fellowship with and compassion for the needy, schemes within well-defined groups and communities transformed into contractual solidarity when the maintenance of these arrangements proved to be possible only under the care of the state. The welfare schemes of the unions and churches gained their legal form as social policy when they transformed into functions governed by the state. The egalitarian state enforces our *sense of solidarity* (which features multiple but essentially converging forms) and solidaristic schemes by legislation and social policy, according to Houtepen and ter Meulen.

However, several contemporary trends challenge these strong collective welfare arrangements, including[8] the overall individualization of society; the political trend toward the responsibilization of the individual; and the changing paradigms in the healthcare system, including consumerist tendencies and growing medical and technological possibilities that create more costly medical interventions. Taking account of the these trends, and the relative scarcity of resources, it seems that the healthcare system, along with other welfare structures, will have to go through some major revisions.

Although these trends can also be interpreted positively as self-realization and emancipation from oppressive social ties, Heutepen and ter Meulen stress that an increased emphasis on individual interests goes hand in hand with undermining organic traditional social ties and structures, including moral and religious codes and reciprocal social responsibilities. In this negative meaning, Heutepen and ter Meulen maintain, individualization refers to hedonism, privatism, consumerism, and "the age of Me,"[9] which are all arrayed against solidarity as a normative concept understood as companionship, altruism, and the defense of the weakest.

Heutepen and ter Meulen's worry is that when healthcare schemes are revised, the fundamental underlying values will be forgotten, and only technical issues that try to fit supply and demand will be of concern. They maintain that the contractual form of solidarity has diminished our original sense of solidarity, replacing it with a procedural understanding of welfare structures. If the contractual form of solidarity is reduced to a procedural framework of technical calculations, our original sense of solidarity will be lost as a guiding light in this revision process.

This is why, according to them, we need to bring solidarity back into the discussion: we need to remember the foundational values of our welfare state. The revisions should be based on solutions of shared or deliberated foundations of values, and Heutepen and ter Meulen emphasize the meaning of solidarity as the foundational value for this process.

Contrasting Justice and Individual Rights with Solidarity

As part of their diagnosis about the lack of emphasis on solidarity, Heutepen and ter Meulen give weight to the manner in which prevalent moral, political, and social philosophies are based on justice and individual rights. Heutepen and ter Meulen make a distinction between a more universalistic and rights-based tradition of thought associated with the Anglo-Saxon world and with the concept of justice (which they mostly discuss along the lines of John Rawls's theory of *justice as fairness*[10]) and the more particularistic and commonality-oriented tradition associated with the Continental European tradition. Whereas the former focuses on individual freedom, rights, and obligations, Heutepen and ter Meulen maintain,

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the latter emphasizes social relations and mutual relationships as a precondition for individual development and self-realization, encouraging a positive conception of the freedom to develop oneself, as opposed to negative freedom from interference by others.

According to Heutepen and ter Meulen, a severe limitation in liberal justice is that it primarily focuses on the outcome of a distribution process. Emphasis is placed on the normative evaluation of the system's performance, and most effort is given to attempts to determine practical criteria for justice and to deliver a universalistic rational foundation for these criteria. Basically, the question is about whether everyone is getting their fair share of the deal. Another target of criticism is the limited conception of the person as an autonomous individual negotiating her interests with those of other autonomous individuals. It identifies people as consumers, providers, and financial backers. Elements of commonality and mutuality are narrowed down to a rational and individualistic foundation. Heutepen and ter Meulen maintain that philosophical liberalism ends up being "cold," "concealed as rationality: social support is conceptually limited to the distribution of provisions and need not necessarily be embedded in a 'warmer' whole of compassion, fraternity, real interest, guidance, and the like."[11]

In contrast, while discussing solidarity Heutepen and ter Meulen place great emphasis on solidarity being based on the fundamental social embeddedness and interdependency of individuals, a relationship among individuals in which each realizes her individuality with reference to common, cooperative relations. Thus, solidarity is a specific type of association among people, a quality of social relations that embraces "the practical and communicative aspects of reciprocal recognition as members of a shared lifeworld."[12]

As mentioned, Heutepen and ter Meulen maintain that solidarity is an intersubjective experience and a common action necessary to sustain a social and cultural infrastructure for justice. They associate solidarity with the terms "prerational" and "precontractual,"[13] that is, that which does not need collective rationality or contracts. Solidarity is presented as something inherent to humanity that flourishes in organic conditions but that can be diminished by proceduralism. Thus, the presented case seems to be that justice without solidarity is cold, rational, and procedural, lacking the warmer whole of compassion, fraternity, real interest, and guidance.

Heutepen and ter Meulen state that a practical theory of solidarity should not focus primarily on the moral rights and obligations of individuals but, rather, should ask what it takes from institutions to organize healthcare arrangements along solidaristic lines. In other words, institutions should operate in a way that promotes and supports citizens' virtues.[14] Heutepen and ter Meulen take these virtues to include citizenship as the capability to deal with disagreement, requiring virtues of autonomy, competence, and tolerance. Institutions should concentrate not only on the distribution of goods and services but also on the reproduction of citizenship.

This diagnosis of the nature of American liberalism and society's individualization is very similar to the communitarian critique of liberalism,[15] both in diagnostics and solutions. Current societal challenges are considered to be greatly derived from the lack of common values, proceduralism, and the mistaken conception that a person is free from communal ties. Furthermore, emphasis on civic virtues—including qualities of character that enable us to feel a sense of belonging, share a

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moral bond with our fellow citizens, realize that we share one another's fate, and understand the profound role of the community in our existence—is proposed as a solution. With an understanding of this shared fate and a sense of belonging, the critics suggest, we are motivated to understand our fellow citizens and strive for mutual comprehension in the deliberation of the common good. Practical and communicative aspects of reciprocal recognition as members of a shared lifeworld are highlighted. These similarities give perspective to understanding where the ideal of solidarity stands.

Solidarity and Its Challenges

The proposed problem, that is, basing revisions of welfare structures on technicalities without discussion of values, is noteworthy. Indeed, conducting reforms without thorough consideration of their purpose and foundations can lead to untoward results in which arbitrary factors may have profound influences on the outcome. Furthermore, the discussion about solidarity as a foundation of welfare structures and about the importance of placing more emphasis on this notion is significant and necessary.

Despite the somewhat unquestionable position of solidarity as a preferable value, the manner in which its emphasis is sought is not unproblematic. The reason for this can be found in the questionable sense of nostalgia in the discussion calling for solidarity, the inner tension in the concept of solidarity as a symmetric or asymmetric concept, and the extensive contrast that is drawn between solidarity and justice. I address each of these issues in turn.

Nostalgia

One major reason for questioning the call for solidarity as the founding value in society is the sense of nostalgia related to the discussion. The authors call for an organic sense of solidarity that they say existed in the early welfare state among communities with strong feelings of interconnection and a sense of belonging. Their major concerns relate to the current lack of feelings of interconnectedness and social cohesion. As attractive as the sense of interconnectedness is, the wish to look back to seek a sense of community is questionable. Did such genuine social cohesion ever exist and was everyone included in it?

First, it is doubtful that the conditions of organic solidarity are attainable in a modern society. Do such stable and identifiable communities, characterized by an organic, mutual need for one another, exist? Second, is there any desire or reason to establish such conditions? Even though the birth of the welfare state and the rise of a European sense of solidarity are irreplaceable and paramount characteristics of European civilization, those conditions are in many ways unsuitable for current society.

Although the nostalgic image entails the birth of the welfare state, it also includes, to mention but a few examples, a society of inequality between genders; paternalism in medicine and healthcare; the impenetrable power of the normative biopolitical force of medical diagnostics, including forced sterilizations, ideologies of racial hygiene, and intolerance of behavior deviating from strict social norms; an explicitly classist society that essentialized poverty and wealth; and a lack of tolerance and of liberal ideas of freedom of thought, speech, culture, religion,

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and self-expression. It seems that proponents of solidary call for a traditional and communal society without remarking on its negative impacts.[16]

Current modern and globalized societies rely, or at least seem to be relying, on ideals of democracy, pluralism, and equality. Even though the social stability gained with welfare structures and solidarity is a major player in enabling such pluralism, these modern ideals rely significantly on individual rights and liberties. These can, of course, also be considered mutual values. How these or other common values are met is a question outside the scope of this endeavor, but I suggest, at the least, that the process cannot rely on a conception of solidarity at the expense of justice and individual rights.

Thus, placing an extensive emphasis on the sense of solidarity is questionable for two reasons: first, the conditions of organic solidarity do not exist in modern society, and, second, those conditions are not even desirable. The search for mutual values in present society is more difficult than before, when the parties of the discussion formed a seemingly homogenous whole (mostly by passively or actively excluding other parties from the discussion). The solution cannot be just in the requirement of having mutual values.

Intrinsic Tension

A second concern is the intrinsic tension within the concept of solidarity. As mentioned, the concept originates in both the Christian democratic asymmetric notion and the social democratic symmetric notion. The two origins might bring about identical outcomes in welfare structures and do not necessarily exhibit tension in political practice. However, if we are seeking a foundational value for societal structures and guidelines according to which they are made, the idea of the possibility of having charity as this foundational value is disturbing.

The authors arguing for solidarity as a foundational value themselves urge for the importance of having a symmetrical notion of solidarity.[17] It is maintained that the asymmetrical, charity-based notion would be incompatible with the requirements of having a society in which the starting point is citizens with equal standing.[18] Indeed, welfare schemes based on charity might not be best suited for citizens' self-respect and equal standing. It seems that the equal standing of citizens is promoted by justifying social goods not on citizens' worthiness for assistance and the "warmer whole of compassion" but, rather, on dignity and entitlement. Social goods as entitlements and social rights are more certain maintainers of the symmetrical relation. The charity-based notion entails a connotation of exclusivity, if the gaining of certain social goods is made conditional on benevolence based on character, profession, culture, and the like.[19]

Thus, taking account of the twofold origin of the concept of solidarity, and of the fact that the current literature states that there is no coherent way to define the very concept, how can we be sure which origin will be the defining foundation for solidarity as a way to build welfare schemes? Arguing for a "proper" account of solidarity based on symmetrical notions is problematic because we are talking about a proper *sense* of solidarity. How can we be sure that everyone (or at least most) in a society will sense this symmetrical feeling of solidarity, and not charity-oriented solidarity?

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Contrast with Justice and Rights

The aforementioned remarks about the notion of solidarity could be partly overcome by reassuring that a certain conception of solidarity would not be based on nostalgia or charity-based accounts. However, the discussion on solidarity entails a further problem: why is solidarity contrasted so extensively with justice and rights?

There is a tension in emphasizing solidarity as part of the social infrastructure for justice, on the one hand, and then contrasting it with justice and rights, on the other. The wish to contrast solidarity with rights and justice poses the question of whether or not the emphasis on solidarity means a diminishment of justice and rights. What does such a diminishment mean? Structures based on solidarity, if they succeed, can have the same outcome as successful structures based on justice and rights. Moreover, both solidarity and rights can lead to untoward outcomes: the solidarity orientation could lead to a charity-based society with asymmetric relations. The rights orientation could lead to a procedural and "cold" society. Which is worse?

If we want to maintain and promote pluralism and equality, history, at least, does not give us good reasons to rely on societies based on mutual conceptions of values. Liberal rights seem to be what protects minorities and other disadvantaged groups from overly holistic conceptions of the good. As Amy Gutmann suggests, giving priority to justice—in terms of liberal rights—might be the fairest way to share the goods of citizenship with people who disagree about conceptions of the good. The object of liberal justice is to regulate social institutions, not entire lives and beliefs.[20]

However, both pluralism and equality are values, and there seems to be a bias toward relating value conservatism to the search for common values. Yet the extant social oppression, the struggles that minorities go through, socioeconomic inequality, and many other societal ills raise doubts as to whether we can have confidence in the rise of mutual values, in contrast to strengthening rights, granted that rights are by no means independent of values. If everyone were benevolent, solidaristic, and friendly, perhaps we would not need justice, rights, or even legislation. But as present society faces challenges related to globalization, multiculturalism, and pluralism, it appears that solidarity is not a sufficient foundation for welfare structures. However, a relevant question emerges: why is there a need to make a choice between solidarity and justice in the first place?

Solidarity, Liberalism, and Communitarianism: Shared Objectives

The position in which Heutepen and ter Meulen place solidarity, contrasted with liberalism and communitarianism, is interesting. Even though Heutepen and ter Meulen follow the communitarian criticism of liberalism and the communitarian notion of the person, they wish to keep separate their conceptions of solidarity and communitarianism. This is because, they state, communitarianism is unable to answer the challenge of moral diversity and pluralism in modern society. Even when the communitarian diagnosis of the problem (a lack of common values) is right, it is unclear where the solution (shared values) should come from. As Heutepen and ter Meulen note, historically, the call for community building has been associated with oppressive policies. Thus liberals tend to reduce the problems to systemic problems of distribution mechanisms of the welfare state

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and to whether or not everyone is getting their fair share. But, they continue, communitarians are wrong in wanting to offer a substantive, holistic vision of the good. Heutepen and ter Meulen wish to posit solidarity somewhere in the middle of liberal justice and communitarianism.

However, the picture attributed to communitarianism here is not straightforward. If they are not speaking of some strong version of communitarianism, many liberal communitarians themselves wish to escape forms of communitarian politics that seek a tradition-based, unitary, and incontestable common good.[21] Michael Sandel, for example, proposes a *democratic and pluralistic republican politics*[22] according to which the common good is defined through the deliberation of the community with a virtuous practice of politics. This understanding of politics is one that is inclusive of citizens who have knowledge of public affairs, a sense of belonging, a concern for the whole, and a moral bond with the community whose fate is at stake.

Furthermore, the picture outlined by the "American rights-oriented conception of justice" is not without its problems. This tradition is discussed mainly within the theoretical accounts of John Rawls, but many problems that Heutepen and ter Meulen mention as flaws of American liberalism are actually directed more toward libertarianism,[23] not liberalism. The accusations of coldness and proceduralism are not clearly applicable to Rawls; Rawls himself, for example, mentions fraternity as a required feeling in the enablement of the difference principle.[24]

Neither the proponents of solidarity nor the liberal communitarians wish to overthrow justice. Heutepen and ter Meulen highlight that they do not want to deny the evaluative force of the concept of justice, but the question remains as to whether justice offers a sufficient framework to evaluate healthcare arrangements by normative criteria. In a similar manner, Sandel states that the question for him is not whether rights should be respected but whether they can be identified and justified entirely separately from the moral importance of their ends. Rights as such are not immune to critique and can be questioned if they seem to be incompatible with that which is good.[25]

The emphasis on solidarity can be posited in a very similar theoretical framework to that of liberal communitarianism, aiming at improving and completing rights orientations with conceptions of the good. In the same way, it is proposed that the social and cultural infrastructure of justice—that is, solidarity—should receive more attention. However, if the aim is to have solidarity-based welfare schemes that comply with common standards of decency and justice, will contrasting justice with solidarity take us any further? If solidarity and justice were explored even deeper, we might find common foundations that actually are the ones that merit discussion.

What connects liberal justice and liberal communitarianism is that both, with their own reasons, give importance to the assumption that natural and social contingencies ought not to have a too powerful effect on a person's socioeconomic position, and that there should be some kind of redistributive institution for the mitigation of the differences that arise from the effects of these contingencies.

Liberal communitarianism starts with the idea of the common good, and it is maintained that large socioeconomic inequalities decrease the sense of belonging and intersubjective understanding of the sense of a shared fate—that is, the ability to take one another's position and act as multiply situated selves. If the lives of the members of different socioeconomic groups are too dissimilar, the members of the society do not achieve common experiences and are not able to cultivate a shared civic identity. Redistributive societal practices are supported, in contrast to mere

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charity or other communal practices, in order to uphold public institutions.[26] Liberal egalitarianism, for its part, holds that the basic structure of a just society derives from the assumption that neither the distribution of natural assets nor historical and social fortune should settle the distribution of income and wealth. Natural talents and the socioeconomic position one is born into are a matter of luck, are morally arbitrary, and are not deserved. Hence, no one actually deserves the merits of their great natural capacities or favorable social starting place, nor do they deserve the disadvantageous outcomes of contingencies. Without the mitigation of the arbitrary effects of natural and social lotteries, society cannot provide genuine equality of opportunity for its citizens.[27]

Thus, a shared element in liberal egalitarianism, liberal communitarianism, and—in the middle—solidarity is the support for redistributive institutions for the mitigation of the differences that arise from the effects of natural and social contingencies, with the aim of enabling genuine equality of opportunity, a sense of belonging and interconnectedness, social responsibility, and a shared humanity. These are the elements that ought to be emphasized while revising welfare structures, in contrast to accounts aiming to revoke welfare structures based on the responsibilization of the individual, economic benefit, or views[28] that hold a person's maintenance of his initial natural and social assets and ownership rights morally weightier than the leveling of the playing field via societal compensations.

What we need is to strengthen the idea that *we* are significantly socially constructed beings. What we are and what we do is largely a matter of natural and social lotteries: socioeconomic, geographic, biological, and cultural issues. Society affects the circumstances in which individuals live, and these circumstances affect how individuals become who they are. Therefore, social responsibility exists in regards to what kinds of circumstances obtain in society. Recognizing that the reason for our accomplishments is not merely ours, we acquire a sense of solidarity and motivation for redistributive welfare schemes.

Thus, solidarity should be seen as an intrinsic element to justice, not a contrasting one. Even though solidarity is an issue of the utmost importance in society, it must not—according to the reasons mentioned in this article—be emphasized at the cost of rights. Solidarity is insufficient to safeguard what it would like to safeguard. The emphasis on solidarity or communitarian values advances the task of finding a politics that combines community with a commitment to basic liberal values.

Notes

1. Häyry M. Precaution and solidarity. *Cambridge Quarterly of Healthcare Ethics* 2005;14:199–206.
2. See note 1, Häyry 2005, at 202.
3. Prainsack B, Buyx A. *Solidarity: Reflections on an Emerging Concept in Bioethics*. Swindon: Nuffield Council on Bioethics; 2011.
4. See note 3, Prainsack, Buyx 2011, at 46.
5. Houtepen R, ter Meulen R. New types of solidarity in the European welfare state. *Health Care Analysis* 2000a;8:329–40; Houtepen R, ter Meulen R. The expectation(s) of solidarity: Matters of justice, responsibility and identity in the reconstruction of the health care system. *Health Care Analysis* 2000b;8:355–76.
6. See note 5, Houtepen, ter Meulen 2000a, at 336. Houtepen and ter Meulen do not specify what they mean by "justice," but presumably—taking account of their critique, which will be presented subsequently—they refer to an intuitive European conception and not justice as found in American theories.

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7. See note 5, Houtepen, ter Meulen 2000a, 2000b.
8. See note 5, Houtepen, ter Meulen 2000a, 2000b.
9. See note 5, Houtepen, ter Meulen 2000a, at 333.
10. Rawls J. *A Theory of Justice*. Cambridge, MA: Belknap Press of Harvard University Press; 1999 [1971].
11. See note 5, Houtepen, ter Meulen 2000b, at 357.
12. See note 5, Houtepen, ter Meulen 2000b, at 361.
13. See note 5, Houtepen, ter Meulen 2000a, at 333, 335. The notions are discussed referring to Émile Durkheim's concept of anomy in terms of the loss of a common and shared morality. Durkheim E. *The Division of Labour in Society*. New York: The Free Press; 1964 [1893].
14. See note 5, Houtepen, ter Meulen 2000b.
15. Macinture A. *After Virtue*. London: Duckworth; 1982; Sandel M. *Liberalism and the Limits of Justice*. Cambridge: Cambridge University Press; 1998; Taylor C. *Sources of the Self: The Making of the Modern Identity*. Cambridge: Cambridge University Press; 1989; Walzer M. *Spheres of Justice*. Oxford: Blackwell; 1983.
16. These remarks are similar to, e.g., Rippe KP. Diminishing solidarity. *Ethical Theory and Moral Practice* 1998;1:355–74; Gutmann A. Communitarian critics of liberalism. *Philosophy & Public Affairs* 1985;14(3):308–22.
17. See note 5, Houtepen, ter Meulen 2000a, 2000b.
18. E.g., Pasini N, Reichlin M. Solidarity and the role of the state in Italian health care. *Health Care Analysis* 2000;8:341–54.
19. This conditionality reflects Gøsta Esping-Andersen's division between the social democratic Scandinavian welfare model with universal social security schemes—see Takala T. Justice for all? The Scandinavian approach. In: Battin M, Rhodes R, Silvers A, eds. *Medical and Social Justice: Essays on the Distribution of Health Care*. New York: Oxford University Press; 2002:183–90 —and Central European corporatist schemes, in which social rights depend on the workplace and often view the family, not the individual, as a unit. Esping-Andresen G. *The Three Worlds of Welfare Capitalism*. Cambridge: Polity; 1990.
20. See note 16, Gutmann 1985.
21. E.g., Michael Sandel states that both conventionalist communitarianism and liberalistic rights-based theory neglect that which is good: liberals leave the good aside in prioritizing the right, and communitarians make the same mistake by prioritizing tradition. See note 15, Sandel 1998, at xi.
22. Sandel MJ. *Democracy's Discontent: America in Search of a Public Philosophy*. Cambridge, MA: The Belknap Press of Harvard University Press; 1996, at 320–1.
23. See, e.g., Nozick R. *Anarchy, State and Utopia*. Oxford: Blackwell; 1975.
24. See note 10, Rawls 1999.
25. Sandel MJ. *Public Philosophy: Essays on Morality and Politics*. Cambridge, MA: Harvard University Press; 2005, at 213.
26. See note 22, Sandel 1996; note 25, Sandel 2005; and Sandel MJ. *Justice: What's the Right Thing to Do?* New York: Farrar, Straus and Giroux; 2009.
27. See note 10, Rawls 1999.
28. See note 23, Nozick 1975.

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