WHAT THE WORLD NEEDS NOW IS SOLIDARITY⁴

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⁴ The year 2020 was declared to a year of the Solidarity. "What the world needs now is solidarity. With solidarity we can defeat the virus and build a better world." UN-Secretary

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Installation

The origin of solidarity can be traced to a Roman idea known as *correality*⁵ where a single thing was owed by more than one person. There was just a single obligation, under these circumstances. There was a transformation and growth of this idea during the *ius communae*, before being codified in the Napoleonic Code of 1804.⁶ Our fundamental principle is that solidarity protects society from the lawlessness, the injustice, the isolation, the vulnerability and after all from the disintegration. Solidarity was the name of an organization and movement of workers against the communist government in Poland, which began in 1980 and established free elections in 1989. In this article, we examine how the social solidarity⁷ can be appeared in the regulatory work of a nation or on higher, international level and vice-versa: how the law affects the social solidarity⁸. We tried describing the reasons, why people act on basis of solidarity, which could be the root of their behaviour and how solidarity works in practice. We collected many meanings, phenomena about solidarity, this term is getting more relevant in global crisis,

5 Especially as far as *bonae fidei iudicia* were concerned. More about this in: J. Kerr Wylie, *Solidarity and Correality*, Edinburgh, London, 1923, p. 245

6 Obligatio in solidum: A **solidary obligation**, or an obligation *in solidum*, is a type of obligation in the civil law jurisprudence that allows either obligors to be bound together, each liable for the whole performance to be bound together, all owed just a single performance and each entitled to the entirety of it. Solidarity can be either active or passive. A solidary obligation that is active exists among the obliges (creditors) in the transaction. It is passive when it exists among the obligors (debtors) in a transaction. The origin of solidarity can be traced to a Roman idea known as *correality* where a single thing was owed by more than one person. Under these circumstances, there was just a single obligation. There was a transformation and growth of this idea during the *ius commune* before being codified in the Napoleonic Code of 1804. In Louisiana law, solidary obligations are governed by articles 1789–1806 of the Louisiana Civil Code. https://en.wikipedia.org/wiki/Solidary_obligations 10.05.2020
https://en.wikipedia.org/wiki/Solidary_obligations 17.05.2020.

7 The term solidarity appears to have entered the English language in the 19th century from the French "solidarite". The term, as well as related ones, has a considerable history. In the 1765 Encyclopedia (Encyclopedia ou Diction-naire ..., 1765) of Denis Diderot (1713-1784) and Jean Le Rond d'Alambert (1717-1783), one finds the „Solidarite” definición. A French-English dictionary from the 19th century gives prominence to the legal significance of the terms: solidaire (a bond or contract), solidairement (wholly, for the whole), solidarite (the being bound or obligated in solido) (Boyer's French Dictionary, 1830, p. 480). The roots of these terms lie in a form of obligation at law involving joint and several responsibilities, as well as rights. This remains the third meaning provided in the Oxford English Dictionary (Oxford English Dictionary: 1933, vol. 10, p. 400). The current collectivist valence of these terms is apparently drawn from French communist understandings of the latter part of the 19th century (cf. Skeat, 1956, p. 580]. In the English, the word came to designate "the fact or quality, on the part of communities, etc., of being perfectly united or at one in some respect, esp. in interests, sympathies, or aspirations" (Oxford English Dictionary: 1933, vol. 10, p. 400]

8 Engelhardt H.T. (1999) Solidarity: Post-Modern Perspectives. In: Bayertz K. (eds) Solidarity. Philosophical Studies in Contemporary Culture, vol 5. Springer, Dordrecht

because it is time (or it should be the time) to show solidarity and humanity. The financial crisis in 2008 and the COVID-19 situation, in view of the pandemic, create some interesting, crucial in terms of societal and economic well-analysable opportunities of solidarity. Politicians and religious leaders often use this world to get more popular or affect people to understand delicate situations or even to bag follower to help solving the problems. We summarized the philosophical origins, the moral framework and the fundament of this term. We sketched the Durkheimian sociology, which is arguing that the cohesion of the modern, “organic” society is built up by the interdependency-system of more and more differentiated and specialized individuals. Before covering the global society in practice, we collected the sociological aspects as well, all the way to evictions.

The New interpretation framework of solidarity

The issue of solidarity raises moral, legal and religious questions at the same time⁹. How and why it should be, can be, or is it necessary to cooperate with the other person? The answer can only be given by the cooperation of all the three previously mentioned areas of norming-system. The complexity of this question is shown by the fact that although the meaning of solidarity itself as a “terminus technicus” was developed by the ideologues of the Enlightenment, its roots go much deeper. Even religious thoughts of Old Testament recognized solidarity in the community of destiny that unites the chosen people with the Creator who covenants with them. (There are many further examples of solidarity at prophets). In addition, in the early Christian communities, the obligation to pay attention to each other and to cooperate also gained practical significance. St. Paul, for example, views the community as an organic whole, in which individuals are parts of the community, stating that if something is bad even for the smallest member of the body, it is bad for the whole body¹⁰. The human solidarity may be defined for example inherent in Islam as well. One of the Islam five pillars aims ending poverty, helping the poor citizens and to share prosperity via giving alms (Zakat¹¹) to strengthen society, achieve peace, protect the planet and foster a life of dignity for all.

⁹Birher N., Jog, erkölcs, vallás, in Birher N., Homicskó Á., (szerk) Az egyházi intézmények működtetésének etikai alapjai, Budapest 2019, 9-24.

¹⁰ *Róm 12,4-8; 1Kor 6,12-20; 10,14-22; 12,4-8;*

¹¹ <https://www.investopedia.com/terms/z/zakat.asp> 01.05.2020

In the modern age, the solidarity is mostly a reflection of the need for togetherness, the importance of cooperation, not only in enlightened principles, but also in the Christian social teaching¹². However, especially in the case of more serious community challenges, if it is raising awareness of the environmental impact of unsustainable social functioning or a major epidemic, possibly armed conflicts, we need to look at how the individual is prepared to show solidarity with people in need.

If we look at the frequency of use of the word solidarity, in the recent period - from the late 1970s - the frequency of use of the word in English and German has declined. The exception to this is the period when the coronavirus appeared, when solidarity became a frequently used word again - at least according to google search engines¹³.

1. Figure shows the change in search frequency for the word “solidarity” between 10 November 2019 and 20 April 2020. Source: Google trends

The trend is a proper indication of the recognition that – in order to be able to create social systems (including production systems) that are integrating and lasting along the lines of values - it is necessary to take into account the fact that one is not simply an individual but a “zoon politicon”, creature of the community, and also a kind of social existence. His life cannot be interpreted without the other. He alone cannot conceive, be born, grow up, learn.

¹² We are particularly thinking about the German social movements that have been active since the second half of the 1800s and the political organizations that have unfolded from them. Birher N., A TÁRSADALMI MEGÚJULÁS KÉT PÉLDÁJA: W. E. VON KETTELER ÉS HAMVAS BÉLA, in *Deliberationes* XI/2 2018, http://gff-szeged.hu/uploads/fm/dokumentumok/2019/Deliberationes_2018_02_net_jav.pdf, 29.04.2020

¹³<https://trends.google.hu/trends/explore?date=today%205-y&q=solidarity>,
https://books.google.com/ngrams/graph?content=solidarity&year_start=1800&year_end=2008&corpus=15&smoothing=3&share=&direct_url=t1%3B%2Csolidarity%3B%2Cc0#t1%3B%2Csolidarity%3B%2Cc0 29.04.2020

The other person facing him does not delimit, he does not simply become aware of his personal finality, as Jean Paul Sartre puts it, for the other, not hell, but on the contrary, the possibility of life (eternal life). Every real life is an encounter - we know from Martin Buber. Solidarity is the right way to deal with these encounters, to live the encounters without interest. There is no direct selfishness in solidarity. Solidarity is based on the recognition that I can be in a situation when I need help at any time. That is why I have a duty to help. Solidarity, moreover, is a specific principle that appears in all norms. Neither law, nor morality, and religion can be imagined without enforcing the principle of solidarity. In fact, John Rawls' theory of justice is also based on this principle. A society that pushes this principle into the background becomes unviable. The world of the selfish is not reproductive. Jesus of Nazareth beautifully articulates this evolutionary truth: "If the grain of wheat does not fall to the ground and does not die, it remains alone, but if it dies, it bears much fruit."

In the principle of solidarity, the fundamentally common nature of human beings, the equality of dignity and human rights for all people is given importance. According to the church's teaching, solidarity is a goodwill and an aspiration in society that is directed for the benefit of all people.¹⁴ The word „solidarity” comes from the Latin word *solidus*, which means solid, concise, complete whole, and it was initially used in certain legal contexts. The obligation of solidarity was the unlimited obligation of each debtor, as regards the total amount of a total debt, to which any person is to settle, the obligations of the others.¹⁵

True innovation can only be to recognize the necessary and joyful power of interdependence. Here, however, interdependence does not mean the interconnection of producer and consumer chains, as they are self-serving and do not affect the horizons of humanity beyond material reality. Interdependence primarily means family, nation, state - in Aristotle's interpretation, and from Jesus' point of view, love and eternal life. Focusing on today's current challenges in Western life should mean sustainability as well as social equity. If we do not become aware of this fact, we will be unable to secure the future entrusted to us by our grandchildren and great-grandchildren.

Behind all innovation's solidarity must be the basic idea of securing a human future. Following these abstract principles, we examine how a country can regulate solidarity in law and ethics in

¹⁴ http://www.ncsszi.hu/download.php?file_id=973 28.02. 2020

¹⁵ Arno Anzenbacher, *Christian social ethics*, 2001. p.187.

practice (the presentation of the need for religious regulation goes beyond the scope of this dissertation). Within the regulation at the national level, we also analyse a specific legal institution - implementation - the “solidarity” of which can be an important step towards greater social justice.

The purpose of solidarity is to build our movement, and to embody our mutual care and concern for justice. Solidarity works best when we respect each other's differing needs and life circumstances, understand that there are many ways of being in solidarity, and co-ordinate our responses.

In common terminus, solidarity means mutual commitment and the willingness to help each other, which - honestly say - unfortunately is almost completely extinct today.

The modern-liberal fundamentals of solidarity

The mechanical and organic solidarity

The modern thought recognized: Solidarity is a kind of „glue” among individuals, the bond of unity between the members of society united around a mutual mission, goal or against a common enemy. Émile Durkheim usually announced as the father of modern social sciences, as he basically established the framework the academic discipline of the 20th and 21st century sociology (as Max Weber and Karl Marx). In his well-known, widely cited book: *The Division of Labour in Society* (1893) he examined and analysed the „glue” of society, which was named social cohesion by him, solidarity, which can be divided into two types: mechanical societal solidarity and organic societal solidarity¹⁶.

The mechanical solidarity is an old type of societal integration. Before the industrial revolution the „mortar among the bricks” of society was the similarity of its members, the simplicity of farming, trade, production, the low-level division of labour, territorially fragmented, but regionally unified beliefs, values, and religiosity, the homogeneity of individuals: System of human relations and connections characterized by a ruled lifestyle, which is often based on the kinship ties of familial networks and intertwined with tradition. As a linguist, Noam Chomsky

¹⁶ Brunkhorst (2005): *Solidarity: From Civic Friendship to a Global Legal Community*

has found a close relationship between identity and language in studies that emphasize that a speaker's identity is not a definite phenomenon, but open to transformation, which is contextual and this is done through interactions: research based on practical categories and variability of identity, where solidarity and distance, as well as the granting of temporary autonomy and the exercise of power are the cornerstones¹⁷.

The historical dividing line – or says even more – breakpoint between the two principles (the mechanical and organic solidarity) was the Industrial Revolution and the technological evolution which resulted in ever-increasing need for knowledge-sharing, ever-expanding and specialized professions in a much more complex society. Rawls suggested in his book about A Theory of Justice, that “*egalitarian difference principle, which involves treating the endowment of each as part of the jointly held resources for the benefit of society as a whole, presupposes a high degree of solidarity among the participants.*” By contrast, Hauke Brunkhorst attempts to delineate a conception of solidarity that is not heavily tied to strong conceptions of community.

Obviously, the central normative concept is “democratic solidarity,” the bond among free and equal citizens, who in modern democracies are not identical in any ascriptive characteristics. Furthermore, examining the problematic in the trajectory of Emile Durkheim, Brunkhorst¹⁸ develops a conception of solidarity suited to a democratic society that is a modern society must be a “solidarity among strangers.” Moreover, it is intended to be Universalist, as far as it is rooted in a “patriotism of human rights” central to modern constitutional democracy and impartial. It is local and biased. This does not in any way detract from the universality of moral duties or human rights¹⁹. It only aims to distinguish between the universal level of morality and the local, solidarity-based level of certain forms of social justice. Solidarity, accordingly, is an interesting attitude, since it „lies halfway between unmediated feelings like love or compassion and a pure rational Kantian recognition of the moral standing of fellow human beings who have dignity and

¹⁷ As a Hungarian example, It was highlighted by the studies of Hamori (2006) and Szabo (2011).

¹⁸ Brunkhorst's distinctive approach to the concept of „solidarity combines history, normative theory, and political sociology in an innovative contribution to social and political thought. The first part of the book provides a historical account of the development of this modern egalitarian idea of democratic solidarity out of, and, in contrast to, the less egalitarian notions of civic friendship in the Greco-Roman world and brotherliness in the Judeo-Christian tradition. Part II analyses the modernization of Western societies, which destroyed the older solidarities that depended on the hierarchical structures of premodern societies. This process gave rise to problems of exclusion that modern societies could solve only with the help of democratic solidarity. Democratic constitutions aimed to bring social forces under the control of a politically constituted people; constitutions served as the institutional embodiment of democratic solidarity”.

¹⁹ Equal respect applies to all human beings as such; concern applies in more local groups, like peoples

Richard Miller, “Cosmopolitan Respect and Patriotic Concern,” *Philosophy and Public Affairs* 27 (1998): 202–22.

rights. One may describe solidarity as sympathy mediated by a belief in a common project”. Rawls gave a merely surprising definition of justice and solidarity in the society: “*All social primary goods — liberty and opportunity, income and wealth, and the bases of self-respect, — are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favoured*”²⁰ This way solidarity combines personal and impersonal components: the objects of solidarity are mostly anonymous in the sense that the subject does not personally know them. But they are also not considered as just human beings abstracted from all their individuating characteristics²¹.

Mechanical solidarity of Durkheim was created based on likeness and is primarily expressed by the criminal law of society, its collective passionate reaction to crime, the common response of people sharing a common conscience. Organic solidarity, in contrast, is grounded in the differences between people which call for cooperation and division of labour. It is the recognition of the importance of the different functioning in different parts of society, analogous to the harmonious functioning of parts of an organism. According to Dénes Némedi's exciting suggestion²², a three-element theory could explain this constellation: the theory of social differentiation, the theory of moral attachment of individuals (read more about it at Lawrence Kohlberg's stages of moral development²³), and the theory of value integration of group consciousness. This would be significantly different from the general concept of the Division in the general structure of complex theory. Durkheim later took steps in this direction, but the most important changes in his theory did not ultimately lead to this. Solidarity²⁴ is also one of six principles (dignity, freedoms, equality, solidarity, citizens' rights, and justice) of the Fundamental Rights of the European Union²⁵.

20 Ibid. While Rawls has since modified his theory of justice to some extent, the basic idea of the difference principle is still captured by the original formulation: “All social primary goods—liberty and opportunity, income and wealth, and the bases of self-respect, are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored” (303). Hauke Brunkhorst

21 By this way: We care for people with whom we feel solidarity, but do so on the basis of their belonging to “our” group fighting for a certain goal rather than as just individual human beings.

22 Dénes, Némedi (2006): Durkheim's Philosophy

23 Kohlberg, Lawrence; Charles Levine; Alexandra Hewer (1983). Moral stages: a current formulation and a response to critics. Basel, NY: Karger.

24 Solidarity: such as the unifying principle that defines the labor movement

25 Charter of Fundamental Rights of the European Union and December 20 of each year is International Human Solidarity Day recognized as an international observance.

Noam Chomsky argued from ideological and cultural point of view that the solidarity is core element and driving force of the human nature. By his opinion Adam Smith, David Hume and others emphasized the importance of solidarity, but from practical viewpoint the opposite conclusion was reached by them, when the examples - taken from the real life - were analysed.

The difference between the mechanical and organic solidarity can be more understandable taken to account the law-systems. In the mechanical society in case of crime, people respond intensely, emotionally: going to get revenge and urge to remove the perpetrator from the community; by this way the transgressor expect typical medieval, Biblical punishments, such as stigmatization, imprisonment, exile, and even sentence to death. In contrast, in the organic society everybody is different, without strong, unified morality; therefore, breaking the processes, disrupting the system is the “sin”, not the violation of morality. The modern “organic” punishment is creative and customized for re-forming and correcting the rule-breaker, this is called restitutive law (distinct to retributive law). According to Durkheimian viewpoint the crime is a natural and healthy phenomenon of society. In the well-fare states - as well - the basic principle of crime prevention is, to support solidarity in communities and to embrace bottom-up, collaborative initiatives. Professional aspirations for crime prevention; include strengthening social inclusion and tolerance, eliminates prejudices, consistent action to combat all forms of discrimination, and the widest possible use of restorative justice tools to repair the damage caused by crime. This principle is based on the almost 150-year-old foundation of organic solidarity.

„When one speaks of solidarity, one surely means to keep it within limits. When one turns systematically to fashioning social structures to feed the poor or protect those in danger by enforcing altruism, one discovers debates at various levels concerning the proper character of social structures and the goals they should pursue.”²⁶ As Engelhardt criticised the theory of solidarity speaking about the poverty and the uncertainties of definitions and meanings: „There does not appear to be agreement regarding substantial, concrete, content-full understandings of solidarity. Yet, it is precisely about such issues that agreement is necessary if one is to determine whether solidarity should be directed first to achieve equality or first to preserve-individual freedom. One can have a solidarity among libertarians and individualists, just as one can have a solidarity among egalitarians. Moreover, one needs to know how much of what one mayor should

26 K. Bayenz (1999 ed.), *Solidarity*, pp. 293-308. Kluwer Academic Publishers

sacrifice for others. Supporting others may not only benefit them, but also harm them. There may be forms of support that may meet short-term needs while undermining the best interests of those one aids. Explorations of solidarity begin with ambiguities concerning the concept and its application. These ambiguities for their part disclose the predicament of our time: there is no one universal moral narrative to give canonical moral content or guidance.”

Today, therefore, we cannot be satisfied with the simplified dogmatic definition of solidarity but must clearly outline at least two systems of norms: law and morality (and thirdly, the religion), the framework for cooperation within society in order to ensure sustainable future.

The Solidarity behaviour

Which part of our curriculum comprises solidarity²⁷? How much solidarity is there in humans²⁸? Economists and psychologists try to explain why people share. Are we more in solidarity than we thought – or are we just disguised egoists? Human beings are not only rational, as scientists claim. Man weighs between profit and fairness. A very fair person feels bad when he is better off than a competitor is and therefore gives him more. In order to be able to be in solidarity with others, he renounces something.²⁹ Why do we help another person or stand up for him?³⁰ Is there any answer? We help other people to ensure the dissemination and preservation of our information. We preferably support people whom we classify as similar due to different characteristics such as kinship or appearance. Those who are similar, we think, also carry parts of our genetic material. Another theory is that we are orientating ourselves in helping us to see if we can expect help from the person in the future. “Reciprocity” is called this principle. Being in solidarity seems rewarding. It also increases our status. Only those who are strong can support others. The one, who helps, feels better. “The higher the anonymity in a society, the less solidarity is.”³¹ “Everyone is best helped if he thinks only of himself in the competition”.

27 “There has been a general assault in the last 25 years on solidarity, democracy, social welfare, anything that interferes with private power, and there are many targets. One of the targets is undoubtedly the educational system...” (Noam Chomsky, 2000)

28 <https://www.zeit.de/wirtschaft/2010-07/solidaritaet-forschung> 29.04.2020

29 Axel Ockenfels, Gary Bolton: ERC: A Theory of Equity, Reciprocity, and Competition (Solidarity-game) https://www.researchgate.net/publication/4745797_ERC_A_Theory_of_Equity_Reciprocity_and_Competition 28.04.2020

30 <https://www.fluter.de/sites/default/files/artenschutz.pdf> 28.04.2020

31 <http://evolution.anthro.univie.ac.at/institutes/urbanethology/staff/grammer.html> 28.04.2020

³²“There can be not only competition, but also solidarity”³³. “A society does not work without solidarity”³⁴.

Solidarity “is not a feeling of vague compassion or shallow distress at the misfortunes of so many people, both near and far. On the contrary, it is a firm and persevering determination to commit oneself to the common good; that is to say, to the good of all and of each individual, because we are all really responsible for all³⁵.” Solidarity has many faces, it depends, and how people act in solidarity, for example out of self-interest or out of coercion. The various forms of solidarity include solidarity from natural solidarity (usually in small groups of relatives), solidarity out of self-interest (in the sense of giving and taking), fairness, coercion and solidarity out of self-sacrifice³⁶. Solidarity out of fairness is in the interests of everyone, but you can escape it without harm and take a “freeriding position”, i.e. benefit from the positive effect without doing your own (e.g. in the provision of public goods). Then we need a willingness to be fair in order to make one’s own contribution. Solidarity out of coercion is usually institutionalised when fairness is obviously not enough for everyone to make their contribution. Such a coercion today is usually the result of democratically adopted laws, which is why the term “force” may not really be appropriate. Solidarity from self-sacrifice refers to solidarity-based action, which neither linked to self-interest nor can be regarded as a requirement of fairness.

The five solidarity groups of different sizes by Gerhard Kruip (Various groups of solidarity³⁷) include the social area of the family, the field of civil society organisations, the nation state, supranational associations such as the European Union and world society. Kruip mentioned, that “sustainably accepted forced solidarity requires at least five things: the fullest possible control of their observance, fairness in the distribution of their burdens, effectiveness and efficiency in the use of resources, democratic procedures to determine them and the lasting awareness that it is right to organise certain forms of solidarity through compulsory solidarity. It seems that for the humanity of a society it is important to combine the various solidarity’s optimally. A large part

³²Christioph Lütge http://www.luetge.de/Familie_Luetges_Homepage/Christoph.html 28.04.2020

³³Psychologist Michael Kastner <https://www.k-p-c.org/beratungsteam/univ-prof-dr-dr-michael-kastner/> 28.04.2020

³⁴<https://www.caritas.de/neue-caritas/heftarchiv/jahrgang2012/artikel/gesellschaft-funktioniert-nicht-ohne-sol> 28.04.2020

³⁵ (Pope John Paul II, 1987)

³⁶ Mahatma Gandhi’s Strategy for solving problems was a combination of Truth, Sacrifice, Non-Violence, selfless service, cooperation and Solidarity. Sunanda Sharma, Asst. Prof., Dept. of Commerce, JCDAV Colege, Dasuya, Punjab, India <https://www.mkgandhi.org/articles/grelevance.htm> 10.05.2020.

³⁷Prof. Dr. Gerhard Kruip: <https://www.blogs.uni-mainz.de/fb01-kath-sozioethik-eng/vita-id-120/> 28.04.2020.

will be based on self-interest. Solidarity through self-interest also has its value and should not be talked down by excessive moralising. Solidarity from fairness will continue to work in many areas today. In addition, solidarity is also needed out of coercion, otherwise too many weaker ones will be excluded and not all the necessary public goods can be produced and the costs for them distributed fairly. However, because not everything that belongs to a human society can be organized based on coercive measures, the potential for solidarity of self-sacrifice and fairness must also be promoted and maintained.”

Solidarity in practice today

Solidarity is necessary in a divided world, because of inequalities in a human development and differences in economic growth³⁸. People feel responsible for solving problems; governments and non-governmental organizations (NGO) have special programs to help. The form of global solidarity: cross border solidarity, regional support, scholarships, helping by reconstruction after war or natural disasters, or in case of epidemic or pandemic, activism and new global arrangements, shared security.

Solidarity as abstract term dates to the labour movement, developed into different directions, but there is no definition about who should be solidary to whom. In the global world, several areas exist, where solidarity frequently used, for example by the International Labour Organization (ILO), the World Health Organization (WHO), the International Monetary Fund (IMF) and the World Bank, the United Nations High Commissioner for Refugees and by the protest movement against Group of Seven (G7) or Group of Twenty (G20). Solidarity is the conception of the assistance in the European Union and in the United Nations.

Global solidarity

Are we responsible for all conflicts in the world? Can we help in fact to solve them? Everybody can do something in his own community. “You can work on the good ones in the world,³⁹” as well. The new global governance reflects on the dysfunctions, which cannot be solved by the

³⁸<http://hdr.undp.org/sites/default/files/hdr2019.pdf> 28.04.2020.

³⁹ „Du darfst am Guten in der Welt mitarbeiten. “(Albert Schweitzer 1875-1965)

former traditional tools⁴⁰. A significant part of the global elite lost the sense of solidarity.⁴¹ The New Earth Politics suggested by Simon Nicholson and Sikina Jinnah, and the Earth System Governance by Frank Biermann proposed finding new ways and establishing new dialogues and "megalogues"⁴². The new century made a huge jump and created new levels of systems, functions and instruments. The main risk factors contain climate change, environmental degradation, violent conflicts, absolute poverty, and rapid demographic transition. Peter M Haas described the so-called epistemic communities, where there are networks of knowledge-based decision-makers to define the problems, identify various policy solutions and to assess policy outcomes. The common policy enterprises support the common goals and improve social welfare due to open dialogues and "megalogues". In the regular sessions of international organisations and global forums, delegates of the countries, NGOs, politicians and scientists are gathered to discuss the global problems.

The United Nations General Assembly adopted the Resolution 70/1, Transforming our World: the 2030 Agenda for Sustainable Development on 25th September 2015 with 17 Sustainable Development Goals and 169 targets, which aim to end poverty and hunger, protect human rights, human dignity and the planet from degradation, and foster peace.⁴³ “We are determined to mobilize the means required to implement this Agenda through a revitalized Global Partnership for Sustainable Development, based on a spirit of strengthened global solidarity, focused in particular on the needs of the poorest and most vulnerable and with the participation of all countries, all stakeholders and all people. The scale and ambition of the new Agenda requires a revitalized Global Partnership to ensure its implementation. We fully commit to this. This Partnership will work solidarity with the poorest and with people in vulnerable situations. It will facilitate an intensive global engagement in support of implementation of all the Goals and targets, bringing together Governments, the private sector, civil society.”

40 Laszlo Z. Karvalics: Ways to the global knowledge governance

41Dubai World Economic Forum 2019

42A simultaneous conversation involving many people <https://en.wiktionary.org/wiki/megalogue> 04.04.2020

43https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf 04.04.2020.

“If you want to go too fast, go alone. If you want to go fair, go together.”⁴⁴ “The leave no country behind”⁴⁵, international action of the United Nations supports countries’ capacity to enact and finance their development strategies, and enable channels through which global wealth can be redistributed. This action promotes global rules an equitable distribution of income and development opportunities at the international level, taking effective action on international cooperation, on tax, cross-border financial flows, migration and remittances, debt relief and trade. For shifting development cooperation to a more comprehensive and representative framework the program integrates new and traditional providers, in which governance representatives of both donors and recipients take part. In all the above-mentioned areas, least developed countries should be prioritized.”

The 56th Munich Security Conference (so called "Westlessness") Munich Security Report 2020⁴⁶ from February 14 to 16 2020 was about the question “Has the West lost its way?” At this conference, which was founded in 1963, under the theme of peace, networked security and solidarity through dialogue among senior politicians, diplomats, military and security experts from the member countries of North Atlantic Treaty Organisation (NATO) and the European Union, but also from other countries such as China, India, Iran, Japan and Russia. Representatives of international diplomacy discussed in fields energy security, cyber security, health security, human security, arms control, coronavirus, climate change, social media, artificial intelligence, Libyan conflict. In conclusion, we need a common understanding for our shared security.⁴⁷

“No one country is alone”, for example in case of SARS-CoV-2/COVID-19⁴⁸ the international community⁴⁹ has given China⁵⁰ valuable moral and material support, like shipping diagnostic

⁴⁴<https://www.imdb.com/title/tt0383475/> Lost Boys of Sudan 04.04.2020.

⁴⁵https://sustainabledevelopment.un.org/content/documents/2754713_July_PM_2_Leaving_no_one_behind_Summary_from_UN_Committee_for_Development_Policy.pdf 04.04.2020.

⁴⁶ https://securityconference.org/assets/user_upload/MunichSecurityReport2020.pdf 04.04.2020.

⁴⁷ NATO Secretary General Jens Stoltenberg

⁴⁸ <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/situation-reports> 04.04.2020.

⁴⁹ Twenty-one countries have provided aid to the coronavirus-hit China to help battle the spread of the disease. South Korea, Japan, Thailand, Malaysia, Indonesia, Kazakhstan, Pakistan, Germany, the UK, France, Italy, Hungary, Belarus, Turkey, Iran, the United Arab Emirates, Algiers, Egypt, Australia, New Zealand, Trinidad and Tobago, and the UNICEF have provided aid.

kits, as well as supplies of masks, gloves, gowns and other personal protective equipment to China and some of the countries that needed them the most⁵¹. After the situation was declared a pandemic, the World Health Organization (WHO) launched Covid-19 Solidarity Response Fund.⁵² In all affected countries, citizens should try to act on basic human solidarity – mostly in their neighbourhood⁵³ – that means take care of elder people or help citizens in need. Many of them understood that they should stay at home, (self-lockdown) because of the limited capacity of the hospitals, and for stop or at least decrease the spread of the pandemic.

In the 21st century, consumers became more interest on the origin of the products. People understood the importance of the environmental protection. To keep safe the Earth we need common actions and participation of all of us, even the companies, students and the governments. One of the best examples of common engagement is the Fridays for Future⁵⁴ (FFF) movement, which mobilizing worldwide tens of thousands of young people taking them to the streets⁵⁵ since August 2018. Multinational groups, if they want to address more consumers, need special arrangements, like Corporate Social Responsibility⁵⁶ and sustainable business management. Governments established their soft power⁵⁷ and public diplomacy, which includes the export of own interest in the frame of solidarity.

The European Union is a community of European States established on the spirit and principals of Solidarity. In the charter of EU Fundamental Rights Article, 27-38⁵⁸ described the expectations

50Foreign Minister of China, Wang Yi

51Tedros Adhanom Ghebreyesus (Director General, World Health Organization)

52 <https://www.covid19responsefund.org/> 04.04.2020.

53<https://girlinfiorence.com/2020/03/14/songs-for-solidarity-italians-unite-through-music-from-balconies-terraces-and-windows/> 04.04.2020.

54<https://fridaysforfuture.org/> 10.04.2020.

55Every Friday in 2018 and 2019, instead of going to school kids go on strike to campaign for better climate protection, demanding their governments take action to limit global warming under the 1.5-degree Celsius limit specified in the UN's Paris climate agreement. The FFF school strikes have developed into a global movement aroused global solidarity on environmental protection.

56 https://en.wikipedia.org/wiki/Corporate_social_responsibility 28.04.2020.

57A country's soft power rests on its resources of culture, political values and foreign policy, influencing social and public opinion through relatively less transparent channels in the donor countries. <https://softpower30.com/> 28.04.2020.

58 Charter of Fundamental Rights of the European Union (2012/C 326/02) Title IV, Solidarity: Workers' right to information and consultation within the undertaking, Right of collective bargaining and action, Right of access to placement services, Protection in the event of unjustified

of the behaviour of the Member States, how they relate to each other's. However, did this solidarity work in times of need⁵⁹? On the global pledging conference⁶⁰, (called global response – on 4 May 2020.) the EU raised together with the partners of the G20 and G7, and with other private partners⁶¹, as well. 7.5 billion Euros were given for funding to start a global research cooperation, to develop diagnostics, the efficiency of treatments and to work out vaccines. The EU has already committed over 380 million Euros in researches and innovation measures to prevent the spread of the virus. However, this budget was not enough to solve the human and the economic catastrophe and to recover the economic recession. The French-German Initiative in

dismissal, Fair and just working conditions, Prohibition of child labour and protection of young people at work, Family and professional life, Social security and social assistance, Health care, Access to services of general economic interest, Environmental protection, Consumer protection

59 The German Federal Foreign Office initiative to bring home German travellers cost 50 million EUR, helped other European citizens to return home, as well. Many other European Foreign Ministries followed them and offered the same.

The most infected country of The European Union was Italy⁵⁹ in March 2020, followed by Spain in April. As the region of Lombardy reported the first local transmission of the virus with three new cases, officially the pandemic began on 20th of February in Italy. The first case in Spain was reported at end of January; the spread of the pandemic became faster in March and made Spain the most infected European State from April.

Under the cohesion policy, on 14 March 2020, the European Commission proposed the new Coronavirus Response Investment Initiative to direct 37 billion EUR to fight against Covid-19. To this effect, the Commission supposed to relinquish this year its obligation to request Member States to refund unspent pre-financing for the structural funds. This amount is to about 8 billion EUR from the EU budget, from which the Member States will be able to use 29 billion EUR to supplement structural funding across the EU. In that event that, a public health crisis might happen, the Commission proposed to extend the scope of the EU Solidarity Fund up to 800 million EUR for the year 2020, which can be mobilized rapidly - if it is needed - especially for the Member States, hit by the virus the most.

60 Donor conference is an international assembly of politicians and diplomats to collect money to finance relief efforts after war or natural disasters. Donor Conferences are organized around the world for support reconstruction or recovery after civil or natural catastrophes.

1996 in Dayton two DCs for disarmament and reconstruction aid: 1.23 billion USD

2001 Brussel DC for Yugoslavia: 3.5 billion DM

2006 DC in Sweden for Lebanon after the war: 900 million USD

2013 DC in Brussel for reconstruction of Mali: 3.25 billion euro

2014 Berliner DC for Green Climate Fund (GCF): 9.3 billion USD

2014 DC in Cairo for Reconstruction of Gaza: 5.4 billion USD

2015 DC in Berlin started for "Impfallianz GAVI" to collect 430 million USD

2017 DC in Brussel for Syria: 6 billion euro (support for Syria between 2012 to 2017 from Germany 4.5 billion euro)

2017 DC in Geneva for Yemen after the civil war: 1.1 billion USD

2018 G5-DC Mauritanian for financing PIP (Programme d'investissements prioritaires): 1.3 billion euro

2019 Germany supposed to organize a DC for East-Ukraine, wanted 3 billion Euro

2019 started a French DC for fighting against Aids, TBC and Malaria will collect billions of USDs into the Global Funds

2020 DC for Albania after the earthquake: 1.15 billion euro

The most famous live aid concert was held in July 1985-raised 127 million USD for famine relief in Africa. The word hunger help (Welthungerhilfe) was founded in Germany, supported 8900 projects so far, in 70 countries with 3.53 billion Euros, aimed zero hunger until 2030.

61 EU, UN, WHO, Saudi Arabian, GB, Japan, Canada, Germany, France, Madonna, Bill and Melinda Gates

18. Mai about 500 billion Euro for the Recovery⁶² of the European business must accept by all member states following all of interest of the European countries.

Since the European Commission allowed in 2020⁶³ again to the Member States to protect their own economic actors, - based on the Article of 107 of the EU Treaty (former Article 87 TEC) - single actions of the European countries led to selfish steps to protect domestic companies, which may cause inequalities on the common market, especially in field of free competition. Even experts miss the European Solidarity⁶⁴ and an explicit phasing-out-corona-crises-strategy, politicians⁶⁵ are often criticised for the lack of coordination⁶⁶. Spiritual leaders⁶⁷ invoked the world for more solidarity as well.

Y.N. Harari⁶⁸ called the world to a leaderless world in his article in the Time.” Today humanity faces an acute crisis not only due to the coronavirus, but also due to the lack of trust among humans. To defeat an epidemic, people need to trust scientific experts, citizens need to trust public authorities, and countries need to trust each other. Over the last few years, irresponsible politicians have deliberately undermined trust in science, in public authorities and in international cooperation. Because of, now we are facing with this crisis bereft of global leaders that would inspire, organize and finance a coordinated global response. History indicates that real protection

62 First, the EU Finance ministers, then the European leaders agreed with each other in April – after more than 66.000 European people died because of the virus – that a community plan is needed in the event of an emergency to mitigate the impact of the virus on Europe's economy (Recovery Fund).

63 First time was in 2008 because of the financial crises 2007-2008

64 <https://www.handelsblatt.com/meinung/gastbeitraege/gastkommentar-europa-steht-in-der-coronakrise-vor-seinerhistorischen-bewaehrungsprobe/25716108.html>, 04.04.2020.

<https://www.tagesspiegel.de/politik/die-pandemie-als-stresstest-in-der-corona-krise-geht-es-um-leben-und-tod-auch-fuer-europa/25716154.html> 10.04.2020.

65 “We are EU members. We want a strong EU, but we have to see that the EU has weaknesses. These weaknesses we could see clearly during the outbreak. We have met with our neighbours and the (Visegrád Group) (Czech Republic, Hungary, Poland and Slovakia), however, we have seen no aid come from here. We have received aid from China, and we requested help from the Turkic Council, of which we are an observing member, and we got it.” Radio Kossuth, Prime Minister Viktor Orban, 27.03.2020.

“Never again,” we vowed after the war. However, for us Germans in particular, this “never again” means “never again alone.” In addition, this sentence is nowhere as true as in Europe. We must keep Europe together. We must think, feel and act as Europeans. If we do not hold Europe together, also during and after this pandemic, then we will have shown ourselves not to be worthy of 8 May. If Europe fails, the “never again” also fails. Federal President Frank-Walter Steinmeier, Berlin, 8 May 2020.

66 <https://blog.lefigaro.fr/rioufol/> 10.04.2020.

67 Pope Francis called Europe in his Easter Urbi et Orbi message for more solidarity. “The continent was able to overcome the rivalries of the past following the second world war thanks to a concrete spirit of solidarity, but in time of Covid-19 is urgent of these rivalries do not regain force. We need to recognize ourselves as a part of a single family and support one another. Selfishly pursuing particular interests’ risks damaging the peaceful coexistence and development of future generations. “The Dalai Lama messaged for the Earth Day 50th anniversary on 22nd April 2020 that “we can face the crises together, when we act in a spirit of solidarity and cooperation in order to provide for the pressing needs, particularly of our less fortunate brothers and sisters around the world. Sustainable access to properly equipped and staffed health-care facilities will help us meet the challenges of the current pandemic that ravages our planet.”

68 Yuval Noah Harari <https://www.ynharari.com/> 10.04.2020.

comes from the sharing of reliable scientific information, and from global solidarity. The epidemic could be an excellent opportunity for the EU to regain the popular support has lost in recent years. If the more fortunate members of the EU would swiftly and generously send money, equipment and medical personnel, to help their hardest-hit colleagues, this would prove the worth of the European ideal better, than any number of speeches. If, on the other hand, each country is left to fend for itself, then the epidemic might sound the death-knell of the union.”⁶⁹

Two practical examples of solidarity

The German regional funding program and the Hungarian eviction

Examining the role of public administration in increasing solidarity and how solidarity prevails on a regional basis, it is worth to understand the deeper aspects of the concept, which is a historical and economic philosophical thought system. Hechter (1987) distinguishes two types of social solidarity: Action (behaviour) and emotional (sentiment). In the case of solidarity for action, the individual mobilizes its resources for the Community purpose, while the emotional approach social solidarity in empathy, regret, friendship, manifested in love.

Lindenberg (2002) does not consider Hechter 's approach to be sufficient, and according to him social solidarity in action should be further subdivided: In this case the common good, the behaviour of the individual is adapted to the group, while the distributional situation in allocating costs and benefits to the individual in the interests of the group acting against its own interests. In case of emergency, the individual will offer help for the group. In an unfortunate situation, the individual behaves differently than as the group expects. In retrospect, however, the individual explains that why you act differently than you would have liked (the psychology calls it cognitive dissonance). In many cases, the literature defines three concepts in a very similar way: social solidarity, collective action and altruism. They are mostly defined as a slightly overlapping set.

These three important concepts lead us to new paradigms of the welfare state and the service state⁷⁰, which must be based on the paradigm system of social solidarity, including those were already described above. Already in the 1960s, the issue of inequality of opportunities for the

⁶⁹https://time.com/5803225/yuval-noah-harari-coronavirus-humanity-leadership/?fbclid=IwAR3suGYPOKwzIJFs59wv7AMci9Co2-Ftsi1Qw2_z7eCqpNJCXTiUwu5Aex8 10.04.2020.

⁷⁰ By Merriam-Webster Dictionary: „...the *service state*... takes the whole domain of human welfare for its province and would solve all economic and social ills through its administrative activities” — Roscoe Pound

disadvantaged, the hard fated, those living in minorities and the poor, and the importance of the application of positive discrimination came to the fore in scientific and social policy discourses. Later, this was replaced in the 80s and 90s by the inclusion of access and equal treatment in the legislation, the proliferation of ombudsmen, but today the literature speaks more of fairness and social solidarity. Public administration faces serious challenges to offset the distortions of economic life, the failures of social ascension.

Welfare states intervened in the functioning of the market and society in a predetermined way, through political and administrative means. Traces of this can be seen in the spread of social transfers (benefits, pensions, etc.), the fulfilment of fundamental social rights, and the provision of public services. Services affect not only the poor but also the state, society, as a whole has become the subject of the activities of the welfare state. As part of this, educational and cultural goods were also accessible to a wider range of people as these services developed into free or state-subsidized forms. The ideas of national solidarity and social responsibility were accompanied by the strengthening of state power. The transformation of welfare states (sometimes with significant slippages per state) arrived at another node in the 1980s. Welfare states, at the height of their successes, were forced to change attitudes by the 1973-74 oil price explosion and crisis. It has become clear that in the face of deteriorating economic performance (rising inflation and unemployment, an aging society), a state system that is basically in line with the situation half a century ago cannot be maintained. Social-philosophical critiques of welfare states have also influenced shrinking and profile cleansing. The accusations that often come up today are:

- Frequent misappropriation of benefits (not the ones who need them),
- Corruption and inefficiency,
- Over-proliferation of the state, integration of too many roles,
- Low- and poor-quality services for a lot of money,
- Office orientation instead of customer orientation. Preparing the legal environment to support new social phenomena and processes;
- Subsidiarity and deconcentrating (delegation of decision-making competence, transport of public administration closer to the citizen),

- Outsourcing and commercialization of many public tasks (energy, post, etc.) keeping it, it seeks to move from a superior position to a subordinate, cooperative relationship with those to whom it offers its services.

In the administration of the service state, the concept, organizational culture, operating model, technological infrastructure, transformation schedule, and pervasive long-term thinking of the administration, become emphasized. All this serves solidarity, which underpins the long-term security of society, a kind of calm, benevolent prosperity.

Solidarity in Germany between the federal states

The economic strength of the Member States of the European Union varies widely. It is not the aim of the European Union to bring all states to the same economic level. However, the EU is committed to the principle of solidarity, which helps the weaker release their circumstances and become more developed. This solidarity materially expressed in the European structural and regional policy, which specifically support the region's economic straits. However, solidarity is also the basis of cooperation between the EU countries politically, in fields of security challenges, disasters or dealing with refugees, as well. The central issue of the European Funding Programs is to support weaker regions and reducing inequalities between the areas of the Member States. The Article 107 of the EU Treaty allowed even state aid for the Member States to promote economic development of areas, where the standard of living is abnormally low, because of their structural, economic and social situation.

The German Federal Republic started their domestic contribution Program for structurally weaker regions in 1969⁷¹ and based on the Constitution⁷². After the reunification, it was necessary to develop a special program (Solidarity Pact⁷³1995-2019) for the new federal States⁷⁴ (former

71 In 6. October 1969 (BGB1. I S. 1861) modified by Article 269 der Verordnung vom 31. August 2015 (BGB1. I S. 1471). The designated Areas implemented by "Der Koordinierungsausschuss der Gemeinschaftsaufgabe".

72 Grundgesetz für die Bundesrepublik Deutschland Art 91a, b

73 Germany's federal government agreed a "Solidarity Pact" with the federal state governments to financially support the eastern German states and lift them to economic parity with the former West. That pact expired at the end of last year – 2019.

74 107/2.c. TREU: „aid granted to the economy of certain areas of the Federal Republic of Germany affected by the division of Germany, in so far as such aid is required in order to compensate for the economic disadvantages caused by that division”

German Democratic Republic) and to introduce a special tax, the Solidarity Surcharge⁷⁵. This surcharge financed the costs of the German Unity since 1995, the height amounts to 5.5 % of the income tax and the corporation tax. This tax belongs to the federal government⁷⁶.

The reconstruction of the East requires a long-term and secure financial perspective. The federal state principle enshrines the constitutional principle of solidarity between each other. On this basis, the Federal Government has supported the new German States, including Berlin since reunification in order to reduce the special burden of sharing and to fill the infrastructure gap vis-à-vis the West German States.

Fond "Deutsche Einheit"

(1990-1994): This Fond is an immediate inclusion of the new countries in the compensation mechanism, which exists among the old countries, created unpredictable risks and additional burdens for the old countries due to the considerable differences in the financial capacity of the new and old lands at the time. Therefore, the Unification Treaty provided for transitional arrangements in the area of financial compensation.

Solidarity Pact I (SP I)

(1995 - 2004): Since 1995, the new states and Berlin fully and equally involved in the overall German financial compensation. The new federal states and the capital received a special assistance from the Federal Government in order to overcome the consequences of the German division, in addition to the normal transfer mechanism for financial compensation: tax equalisation, state financial equalisation, federal supplementary allocation for example measures to improve economic infrastructure.

⁷⁵ In November 2019, the German Cabinet approved near-complete abolition of Solidarity Surcharge for 90 percent of taxpayers from 2021. The solidarity tax introduced as a special tax in 1991 for infrastructure development and projects in eastern Germany after German reunification in 1990. The charge currently levies an additional 5.5 percent income tax or corporation tax after a certain level of earnings. In 2018, the solidarity surcharge contributed 18.9 billion euro to the federal budget. For 2019 the Federal Government expected 19.4 billion and in 2020 20 billion euros.

⁷⁶ Der Ertrag der Finanzmonopole und das Aufkommen der folgenden Steuern stehen dem Bund zu: https://www.gesetze-im-internet.de/gg/art_106.html, <https://dejure.org/gesetze/GG/105.html> 10.04.2020.

Solidarity Pact II (SP II)

(2005 - 2019): The 2001 Memorandum of Understanding on the SP II directly linked to the SP I put the new federal states and Berlin on a secure footing in long-term period. The SP II reflects the shared belief of the Federal Government and the states that the East German states need a long-term and secure perspective and demonstrates state-level solidarity. The SP contributes 156 billion Euros, to the development of a self-sustaining economy in eastern Germany. The SP II consists of two parts, the so-called "Basket I"⁷⁷ and "Basket II"⁷⁸.

New rules on financial relations between the Federal Government (FG) and the lands for the period from 2020

In 2019, the legal provisions on federal-state financial compensation, including Solidarity Pact II, and other financial provisions between the federal government and the German States expired. The current legislature includes a new system of federal-state financial relations, since the most important political principle is the principle of equal living.

The discussion between the Federal Government, and the states and the coalition agreement also provide the establishment of a federal financial commission, involved representatives of the municipalities. Two points are particularly important for the eastern German countries in order to fulfil their constitutional tasks and continue to stimulate growth: the division of tasks between the Federal Government and the states and the future financial resources, that the less well-off

⁷⁷ Basket I: During the period, the Federal Government allocates special needs-supplementary allocations (SoBEZ) to the East German states under the Financial Compensation Act amounting 105 billion euros in annual steps to eliminate fragmentation-related backlogs in the infrastructure as compensation for the weaker financial capacity of the local authorities compared to the local authorities of the old states. The amount decreased each year.

⁷⁸ Basket II: The new states received around 51 billion euros from the disproportional funds of the Federal Government; this is relatively more than the budget for the old states. The resources of basket II decreased every year parallel reducing of the remaining structural weaknesses and inherited liabilities. The Federal Government and the East German lands agreed in 2006 on specific policy areas for using this basket. In addition, these states received support from the EU structural funds to promote economy and infrastructure. During the Solidarity Pact II. The FG paid in the period from 2005 to 2012 a total of 40.3 billion euros for basket II. This means that the Federal Government has already fulfilled approximately 78 % of its obligations under basket II of Solidarity Pact II. The East German states report once a year on the use of Solidarity Pact II funds and on their progress in closing the infrastructure gap through the "Progress Reports on Building East". In its comments on these progress reports, the Federal Government explains the nature and amount of its services under basket II.

countries get enough financial compensation. These financial flows are considerable importance to improve the financial situation of the eastern German countries.

According to experts, the Solidarity Pact focused only on the states of German Democratic Republic (GDR). However, inequality issues remain, between not only the new and the old federal states, but also the regions and districts within the federal states. In Germany, there are many less developed regions, than the other part, where the new member states are. The economic growth is still faster in the old federal states and slower in the new federal states, but the lowest level of gross domestic product (GDP) per capita is 37 % in “Landkreis Südwestpfalz⁷⁹” and the highest is 385 % in Wolfsburg⁸⁰. The German Parliament decided to finish the Solidarity Pact and to extend the former law in the frame of the Coordination “Gemeinschaftsaufgabe” (means joint task) and ensured for all federal states the same condition by getting financial support. Due to this decision, the German legislation has changed the former law (1969/2015). The common regulations put into force 1st January 2020, focused on current challenges like decarbonisation, digitalization, innovation and demographic change⁸¹.

A few thoughts about the procedure of the eviction

Nowadays, mortality loses its importance. Moral behaviour, religion have become an alternative. In every rule of law, however, law and its enforcement not a matter of choice. Law is mandatory for all people without exception – as The Fundamental Law of Hungary also sets it out.

The operation of the society, after all is determined by not only one, but several norms point. Moreover, their relationship is determined by several connections, because the legal standards in moral concepts are built in. There should not be any doubt about the relationship among morality, law and religion. The law must prevail; by interact with other social norms. The law is applied, should be linked closely to the moral rules, despite of the fact that those are at higher levels – and even have to be in higher levels – concerning, that merely based only to the moral rules, a society can’t be framed of legal and being regulated by it. What is more, the legal norms are compellable.

⁷⁹Rhineland-Pfalz

⁸⁰ Niedersachsen

⁸¹ People to job or job to people

It's good to have a moral foundation of the law since at the application of the enforcement, equity can be applied at the same time.

Implementation is an excellent example of how the law and the ethical aspects can appear in solidarity.

Enforcement procedures are determined by a set of laws, but by the drafting of legislation - about the State of Danger situation -, many forms of solidarity may be manifested at their practical application.

Surely, everyone has heard about eviction, if not elsewhere, from the media. This is how most people hear about the judicial officers – or in England so called bailiffs, what makes a difference - and the activities they do, it seems to be, that this job is not exactly popular. The Hungarian Judicial Executive Faculty has tried – in vain - to strengthen and safeguard public confidence in the judiciary by 'enforcing the right to a fair trial'.⁸²

Fact that there is a long way from the beginning of the enforcement procedure to the end of the auction, the closing stone of which is the possession of the auctioned property to the Auction Buyer. Under the Hungarian legislation in force, apart from special cases, there is an eviction moratorium from 15 November to 30 April.

However, the duration of the moratorium does not always provide a sure-fire protection, since, as is usually everywhere, there are exceptional cases here as well.

For example, the ban does not apply to arbitrary re-entry, since they moved in without any title, such as breaking into an apartment and moving into it without the owner's permission, or if the debtor has previously been subject to a fine.

There is also no moratorium on those whose property is auctioned by the judicial officer for the termination of joint ownership.

Furthermore, the court instructs the judicial officer to take the eviction if the debtor or a person living in the same household with him is entitled to use another residential property which can be moved in, instead of the residential property to be emptied.

⁸²35/2015 (II.25) IM Regulation on the handling of complaints against its autonomous bailiff action, the supervision of complaints and the register of disciplinary matters.

There is no place for deferral even if the claimant arranges for the accommodation of the debtor for the duration of the deferral, or the individual requests enforcement, where the individual is likely to have his or her housing without taking possession of the dwelling property to be emptied is not provided.⁸³

As shown above evictions can take many forms. From foreign currency crass, through arbitrary squatters, from the payment of the rent of municipal dwellings, to the arrears of rent or even overheads, to the possession of the properties purchased at auction.

Before learning about the process of possession, some concepts relating to the sale need to be clarified, given that the judicial officer has the possibility to take possession only in the case of immovable property.

In the case of an auction of real estate, it is therefore important to distinguish between a property in the status of 'inhabited' and 'removable'. The term "moveable" may be misleading, since in many cases someone lives in the property during the auction. From a legal point of view, however, the very fact that someone lives in the property does not mean that the property is auctioned in ad.

The property usually must be sold in a removable state, which means that, after the successful sale of the property, the new owner can take possession of it if the legal conditions are in place, regardless of whether the auctioned or in debt or in debt.⁸⁴

It should be stated as a fact that, unlike relocation, inhabitable sales result in a decrease in the starting price. The success of the auction can be greatly affected, so it is not indifferent to auction buyers to buy the property inhabitable.

The property is usually auctioned in a residential area.

According to court practice, the person who remains in the dwelling during residential sales cannot be considered an unjust use of the dwelling, so the new owner cannot move the resident. The remaining person shall have the same rights as the tenant. If the residual person is not in the property by virtue of his right of usufruct, this may mean that the new owner of the property will have to pay a user fee for the use of the property. It should be stressed that the new owner may

⁸³ Act LIII of 1994 on Judicial Enforcement Section 182/A.

⁸⁴ Act LIII of 1994 on Judicial Enforcement Section 141 (2).

not exercise the right of 'normal' termination in such a case.⁸⁵ The auctioneer must have known, at the time of his intention to buy, that he had acquired the property from the general rights of ownership by limiting the exercise of the right of possession and use.⁸⁶

A situation may arise where the immovable property is not exclusively owned by the debtor, i.e. jointly owned immovable property is sold, subject to the provisions of 2010/2142 Civil Principal Decision.

According to this decision:

„In the case of the price-control of the residence of jointly owned immovable property on the grounds of a cash debt, it is necessary to examine whether the immovable property is occupied, i.e. whether the 'non-debtor' co-owners are living in the immovable property”.⁸⁷

The 1994 Act of Enforcement at certain stages expressly obliges the judicial official to transfer the auctioned property to the Auctioneer.⁸⁸

In Hungary, auctions, combined with neighbouring Austria or Germany, take place differently about the obligation to move out.

In Austria and Germany, the debtor must move out of the property, before the property is being auctioned, and the judicial officers are subordinated to the court (In our country they work under the supervision of the court, which makes quite a big difference).

On the other hand, in Hungary, the obligor must leave the property within 30 days, counted from the end of the auction, along with his possessions.

Of course, the obligation to move out is affected by plenty of other different circumstances, enshrined in the legislation, which we have no opportunity to discuss in this article unfortunately.

As we mentioned before, after the implementation procedure has been opened, if it takes place at all, there is a long way to the sale of debtors' property at auction, in the event of non-compliance.

Practice shows that people, until the very last moment, do not even believe that the procedure can reach this stage; moreover, they almost do not even realize the gravity of the consequences.

⁸⁵ 364/2004 Court Decision

⁸⁶ Pfv.III.23.162/1998/3 Mansion Principal Decision.

⁸⁷ 2010/2142 Civil Principal Decision.

⁸⁸ Act LIII of 1994 on Judicial Enforcement Section 154.

Therefore, in many cases it could easily happen that the obligor really has nowhere to go after the eviction, or just starts thinking of where to go. This is the moment when solidarity would be needed during the procedure and which the legislator has not yet found a solution.

How can solidarity appear by the judicial officers

Solidarity appears at several points during enforcement, starting with the 1994 Law on Judicial Enforcement (hereinafter referred to as Vht.). It is therefore appropriate to take into from certain sections of the Law, through the Basic Law, to various government measures.

Throughout the enforcement procedure, the judicial officer should consider the principle of graduality.⁸⁹ In particular, the amount managed by the payment service provider and the debtor's wages should be implemented and the debt recovered. If, as anticipated, the debt is not recovered from the salary or the amount treated in the account within a relatively short period, the proceedings shall be initiated on movable or immovable property. It is important to note that the enforcement of immovable property can only be enforced at the request for enforcement!⁹⁰

If the amount of the capital claim to be recovered does not exceed HUF 500,000, or the HUF 1,000,000 and the claim is also pledged, the auction may be set only if the debtor has not complied with the payment of the instalment treatment to be made to him. ⁹¹

In a special case, the debt to be executed itself stems from a legal relationship in which the debtor was obliged to pay a sum of money in instalments with the consent of the enforcement requester, since in this case the claimant himself decided to pay it, to accept the service in instalments. In this case, it is also a condition for the granting of the benefit to pay part of the debt; the law also specifies this in principle: an amount, which, if the relationship had been maintained, corresponds to the amount due by the date of payment. ⁹²

⁸⁹ Act LIII of 1994 on Judicial Enforcement Section 7.

⁹⁰ Act LIII of 1994 on Judicial Enforcement Section 139 (1).

⁹¹ Act LIII of 1994 on Judicial Enforcement Section 52/B.

⁹² Act LIII of 1994 on Judicial Enforcement Section 52/A (6).

Hungary shall strive to provide social security to all its citizens.

Hungary shall implement social security for the persons listed in Paragraph (1) and other people in need through a system of social institutions and measures.⁹³

Hungary shall strive to provide every person with decent housing and access to public services.⁹⁴

As described above, the Government has initiated a plenty of important measures to prevent the debtors from getting out of a situation that seems hopeless.

I would take from these measures those, which are of great importance during the implementation procedure.

a) The Natural Persons Debt Settlement Act⁹⁵ entered into force on 1 September 2015.

The 2015 CV Act, under which "private bankruptcy" was introduced into the Hungarian legal system as a new legal institution. The provisions of the Law are implemented in a cascading way. The purpose of the debt settlement procedure is to restore the solvency of the individual using the individual's assets and income, while at the same time obtaining a full or partial return on creditors. Bankruptcy protection can be used by all those who have usable wealth and income, as well as a willingness to pay, but they lack the ability to pay. At the end of the successful procedure, the debtor is exempt from paying his additional debts after having fulfilled the expected level of his debts.⁹⁶

b) In 2011, a piece of legislation was created on the provision of housing for natural persons who are unable to fulfil their obligations under the credit agreement⁹⁷

c) In 2018, another legislation was created on ensuring the creation of homes for natural persons participating in the National Asset Management Programme⁹⁸.

⁹³ The fundamental law of Hungary Article XIX.

⁹⁴ The fundamental law of Hungary Article XXII.

⁹⁵ Act CV 2015 on the settlement of debt suppliant by natural persons.

⁹⁶ <http://www.csodvedelem.gov.hu/hirek/32> 2020.02.18.

⁹⁷ Act CLXX 2011 on the provision of housing for natural persons who are unable to fulfil their obligations under the credit agreement.

- d) Creating the Act XXXVIII of 2014 on the Resolution of Questions Relating to the Uniformity Decision of the Curia Regarding Consumer Loan Agreements of Financial Institutions tried to help the debtors as well.

„According to the Curia, the non-disclosure of the risk of exchange rate risk is unfair ("unclear, incomprehensible") and therefore the provision of the contract according to which the exchange rate risk is borne by the consumer.”⁹⁹

Given, that these legislations mean only in respect of claims secured by mortgage law that the debtor may get rid of his loan, if his property is purchased by the National Asset Manager. All the other cases will continue, but that one.

From one point of view, this regulation can serve as a quick solution to those people, who has difficulty with payment, but from the other hand, people can quickly get back on the streets.

We stress that the participation in these programmes must be complied with based on strict rules on several points, but unfortunately, we have no opportunity to apply these criteria in this publication, although it would be worth taking the time to.

However, these legislative measures have been indeed to taken as part of solidarity to facilitate the situation of debtors, we would say that, at some level, debtors who comply with their obligation to pay on a timely and regular basis are marginalised.

The number of enforcement procedures, auctions and subsequent evictions does not appear to decrease year by year.

Although the measures discussed above provide some temporary solutions for debtors, those are extremely far from enough and, in many cases, only firefighting for them - not really solutions - for their problems.

Unfortunately, in Hungary, the enforcement procedure has no connection to the social workers, though would be needed.

⁹⁸Act CIII 2018 on ensuring the creation of homes for natural persons participating in the National Asset Management Programme.

⁹⁹ Civil Rights Resolution 2/2014.

Solidarity can have many many faces, if we really would like to find a solution by the judicial enforcement.

As we have seen, there is solidarity on many points throughout the procedure, but we must not forget about that fact, that the process is only possible if there is cooperation on the debtor's side, too.

The legislation provides discounts; we try to help debtors with various debt settlement programmes in vain, if debtors do not cooperate with us.

- e) From the moment The State of Danger was announced a few weeks ago, we are flooded with all news about the spread of the virus, casualties, more over about all the necessary measures, new regulations taken by the Government in order to help people in this situation. Solidarity plays an important role as the new coronavirus – also known as COVID-19 – has been classified as a pandemic by the World Health Organization (WHO).

As we all know, the outbreak started in the Chinese city of Vuhan on 12. December 2019, and swept across all the countries without exception.

Implementation has also been heavily affected by the measures, taken by the Government. Published in the Hungarian Gazette on March 23, 2020 at night. From the day after the Government Decree No 57/2020 (III.23.) was published, and will be in force for 15 days¹⁰⁰, the it radically reshaped the work of the judicial officers in Hungary.¹⁰¹

The provisions on immovable property and evictions have been amended as follows:

Having jurisdiction in the place in connection with the eviction of the properties may only be taken after the State of Danger has ceased... (The earliest date is, when it can be done again, is on the 15th day after the State of Danger has ceased)

100 Fundamental Law of Hungary Article 53.

101 Government Decree No 57/2020 on measures to be taken in connection with enforcement in the State of Danger ordered to protect the health and life of Hungarian citizens in the prevention of a mass disease that endangers the safety of life and property (Extended by Government Decree 73/2020).

If the 15th day, that follows the end of the State of Danger, falls between 15 November and 30 April, the time limit shall be restarted on the 15th day that follows 30 April. That means the moratorium become 15 days longer, than it was before.

No auction shall be taken of the neural person's immovable properties during the period. If properties are already under auction, may be sold, if the auction had come to an end successfully, except for those properties of which auctions are already by the continued auction notice.

Germany plans to introduce similar measures in the area of evictions, but they enter into force only on 1 April 2020. Unlike in Hungary, the German measures are only put in place to prevent evictions from rental dwellings (tenant evictions). Foreclosures are left unchanged, notably in several other countries, including even in The United States.

The German federal government wants to protect tenants from eviction during outbreak. Rüdiger Petz, ministry spokesman, said: „We work to make sure that no one lose their home.”

According to reports by the ministries of justice, home affairs and economy, tenants should not be notified of their termination due to rental debt during the period of the virus, from 1 April to 30 September. In principle, however, the tenant remains liable to pay the rent.

Johannes Fechner, a legal expert for the German Social Democratic Party, said: "In the case of residential and commercial rents, rents are deferred for the time of the epidemic [...] No one has to worry about losing their apartment just because the Corona crisis prevents them paying the rent.”¹⁰²

„This special housing compensations have to be applied to those cases, where people ended huge loss of income, are in need and are otherwise unable to pay.” - said Daniel Föst, the spokesman of the German Free Democratic Party's building and housing policy.¹⁰³

In Germany, the Senate Justice Directorate announced that the Berlin District Court, who is responsible for all enforcement measures, had issued the appropriate decrees, and so did the other

¹⁰²<https://www.manager-magazin.de/politik/deutschland/corona-bund-will-mieter-vor-zwangsräumung-schuetzen-a-1305631.html> 25.03.2020.

¹⁰³<https://www.oldenburger-onlinezeitung.de/nachrichten/coronavirus-bundesregierung-prueft-massnahmen-zum-mieterschutz-36946.html> 25.03.2020.

courts. The Köpenick District Court, for example, recommended that judicial officers are not allowed to have jurisdiction in the place, must avoid any contact with debtors or creditors. Pre-arranged venues have also been cancelled after consultation with creditors. Even those, who have fallen short of paying their gas, water or electricity bills, will also benefit from these measures. As we can see, the measures taken by the Germans, leave the foreclosures in virtually unchanged form, those are limiting only the conduct of on-the-spot procedures.

In Hungary, under the new regulation, tax enforcement has been suspended. As a result, enforcement actions cannot be carried out in cases, which were transferred to the judicial officers by the tax authorities.

On the other hand, tax authorities do not stop enforcement procedures in Germany! „Continuous income is important for providing liquidity and maintaining the functioning of the community.” Therefore, the collection and enforcement procedures of the Berlin tax offices are not terminated. However, according to the Senate Treasury Department, federal and state governments have adopted tax measures because of the Corona crisis. „This will make equity measures such as deferral or tax relief easier for those people, who were directly affected by the outbreak of the coronavirus.”¹⁰⁴

We believe that several measures are really needed to be done, given that enforcement is already a sanction, but it is still an important part of the legal process. As Frank Ignatius put it: „It would be in vain to hold a tribunal, if the sentence had not been enforced.”¹⁰⁵ However, in some respects, preventing new auctions from being held, as regards the residential property of natural persons, may not have too many benefits in the long term if we put the interests of debtors first. Now, of course, it may be a solution, but if we look at the amendment to the eviction moratorium, it is practically irrelevant whether or not the property is sold, since the debtor does not have to leave it. Thinking further that, if their property were to be sold, the amount raised could be recovered, or at least interest would be greatly reduced. There will therefore be no reduction in interest rates, however, after the end of the State of Danger, the procedures will continue in the same way for claims with accumulated arrears. If the current trend continues, and the current crisis will con-

¹⁰⁴<https://www.rbb24.de/politik/thema/2020/coronavirus/beitraege/berlin-keine-wohnung-raeumung-sperrungen-strom-gas-wasser-corona-krise.html> 25.03.2020.

¹⁰⁵ Ignác Frank: The administrative law in the Hungarian land, Second part, Buda, 1846. p. 277.

tinue to ripple that is for sure, in 2021, debtors could face a serious increase in repayments.¹⁰⁶ The above measure, although it requires out-of-power performance from the State, in my view, can only provide a momentary solution or breathing.

Another problem is that there has been no differentiation in the procedures we mean, on the title of the claims. We are referring here to the case where the procedure was for child support, which is at the top of the sequence satisfaction.¹⁰⁷ Consequently, it is the child who does not receive the amount due to him or her. It must be seen that foreclosures cannot be reduced solely to foreign currency loans or claims purchased by factor companies; the process is much more complex than that.

In my view, the government's actions, as underlined, should show solidarity with those people, who have fulfilled their potential instalment obligations in the first place, but because of the measures put in place to prevent the spread of the epidemic, have lost their jobs, and now have difficulties with their payments.

People who did not make payments before the health crisis, they will not in the future either. Based on personal experiences the situation seems to escalate even further between them and the judicial officers, which is evident in the tone of their letters and their demeanour on the phone calls. As I see, for that reason, not to have complete anarchy in terms of procedures in the country, in many cases the policies of the surrounding countries should be followed, and it may not be necessary to ensure the same benefits for everyone.

What else could we do? (Ideas, that could be the solution)

Having adequate housing and shelter is a fundamental human right and a basic human need. Safety, a secure background, is a basic need for everyone, to be able to do their job, to be able to provide a financial security for their family and to create a decent standard of living. For the unfortunate people who have lost their homes, it is a great challenge to return to everyday life, and it often seems hopeless. It takes an extraordinary effort for every person and family to create a new home, because it is not so easy to overcome a feeling of vulnerability and humiliation. It there-

¹⁰⁶<https://www.penzcentrum.hu/hitel/a-19-legfontosabb-kerdes-es-valasz-a-hiteltorlesztes-i-moratoriumrol.1090803.html> 26.03.2020.

¹⁰⁷ Act LIII of 1994 on Judicial Enforcement Section 164.

fore can be seen in many cases that without having a proper home and assistance, the problem will only continue to spread. If there is no financial backing, the standard of living will decline; the absence of one fundamental human right causes another to be marginalised. We should just think it over, if the social situation of a parent or the parents deteriorates that will jeopardize the mental, physical wellbeing of the children, raised in the family. Problem creates problem. Something has to be done, some intervention is needed.

The literature distinguishes four European models of state engagement: Mediterranean, Scandinavian, Anglo-Saxon and continental models. The differences are mainly made by the different degrees of taxation, state redistribution and state interference in market processes. (The Essence of the Anglo-Saxon model is a state that is neutral in relation to low tax levels, low state redistribution and market developments.)¹⁰⁸

The Nordic model countries include Sweden, Finland, Denmark and the Netherlands. These countries are characterised by extremely high levels of taxation and significant social redistribution, with high levels of social benefits and public services. Another feature of the Scandinavian model, the high level of social care and high level of public is.

Unfortunately, in Hungary, the involvement of social workers has not been achieved at all in the area of implementation, despite the fact, that there is often a lack of awareness and total desperation among in this segment of society, which could be improved with the right measures.

Lack of information always creates problems to be addressed. Above all, it would be important to inform people properly, to identify problems, to raise awareness of the consequences.

Building a completely new social model always costs a lot, problems need to be solved, and only from exclusive public funding cannot be expected.

In my view, a solidarity-based social network - linked to the implementation procedure – would and could be needed to create.

Given that we are working in implementation, we see several opportunities to build a system based on a social basis that based on solidarity.

Unfortunately, in the context of this article, we are unable to explain the systems it would create, for a longer period.

¹⁰⁸ <http://www.atv.hu/belfold/20180128-mukodhet-a-skandinav-modell-magyarorszagon> 07.03.2020.

However, we would like to mention that several systems are already built up, only those would need to be developed, redesigned and the funds would be needed to re-allocated, and the system might work, without the government's extra financial expense.

The aim, in the implementation procedure, is to remedy the housing problems of working families with only one residential property and single persons, and to promote their independent livelihoods.

Both the State, the Hungarian Judicial Executive Faculty, together with the Ministry of Justice, the Court of Justice, the Notaries, the Employers, the Judicial Officers and even the Debtors would create a real social care system with financial contributions.

Conclusions and summary

Solidarity is also known, as the power of humanity. Solidarity has many meanings, as many people are alive nowadays. We are different, we do not have the same opinions in certain topics, and that is the way it has to be! However, there is mostly one thing, which is the same in us: that we are all human beings.

In the social teaching of the Church, the values of freedom and responsibility, justice and solidarity strike a balance between the individual and the community, which frees man from the effects that impede the conditions of physical and spiritual existence.¹⁰⁹ This harmonious state of development is called the public good of Catholic social teaching.

According to Habermas, "the social integration power of the law ultimately decides to the sources of social solidarity."¹¹⁰

Protection should be given to everyone so that everyone is protected from forced evictions, so that no people or even families with children can be deprived of their homes without providing them with having adequate housing.

As I have already said, having adequate housing is a fundamental human right and a basic human need.

Without enough financial support and cooperation, the fate of the evicted people is unfortunately sealed in many cases.

The principle of solidarity as a normative social principle is, above all, a principle of law, stresses Nell Breuning.¹¹¹ The social ethics principle therefore requires solidarity to be incorporated into the rules, the framework provisions, applying it to those in need in everyday life.

By linking the social ethics principle to individualism, which is reflected in personal morality, in my view, an institutional structure of solidarity could be created.

However, with the use of the resources at our disposal and the creation of a solidarity-based funding system, a social fund can be provided to individuals in genuine need and cooperation.

¹⁰⁹ http://www.ncsszi.hu/download.php?file_id=973 08.03.2020.

¹¹⁰ Jürgen Habermas: Faktizität und Geltung. Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechts, 1992.

¹¹¹ Arno Anzenbacher, Christian social ethics, 2001. p.188.

„True morality is not a simple “you” relationship, but a complex “we” relationship”.¹¹²

Please let us allow a quote in our article to be closed:

„Someone said me once

On a lonely day

Live your life as you will but

In every circumstance

Do not forget about giving hands since

A billion and more people

Reeling on each other

In the belief of

The power of humanity like

You are one of those who do care about solidarity.”¹¹³

¹¹² Birher -Homicskó: The basics of the functioning of ecclesiastical institutions.

¹¹³<https://www.youthreporter.eu/de/beitrag/solidarity-also-known-as-the-power-of-humanity.15138/#.Xmqw2ahKjb0>
08.03.2020.