



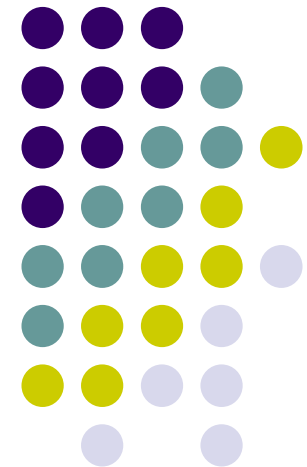
SUNICOP

EUROPEAN CONSTITUTIONAL LAW



SUNICOP

Solidarity as constitutional principle





Relevance to Constitutional Law

- **Solidarity as the motivation of legislation**
- **Solidarity in general sense**
- **Solidarity in normative sense – legal value**
- **Solidarity as constitutional value**
- **Some patterns in Europe**
- **Solidarity in the Hungarian Constitutional Law**

The Notion of Solidarity

- **Emotion & action**
- **Directions**
- **Mutual dependence and responsibility**
- **Restriction of self-interest, consideration of others' interests**
- **Scope of effect**



Solidarity as legal value



- **The „opposites”**
- **International law: solidarity rights**
- **State level**
 - **Direct rules**
 - **Supporting rules**
 - **Indirect rules**
 - **Non-legal means**



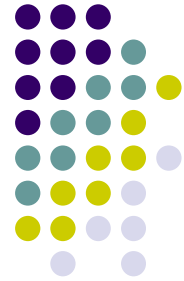
Solidarity in and beyond legislation



- **Direct**
 - the obligation to provide help (criminalization of the failure to provide help)
 - parents' duty of childcare and education
- **Supporting**
 - tax discounts on the aid provided for the needy
 - announcing grants for charitable persons and organizations
- **Indirect**
 - protection of the environment and public health
 - emergency management
 - world of work...
 - crisis legislation
- **Non-legal means**

Solidarity as Constitutional Value

- **Political**
- **Social**
- **Supranational**
- **Some national
constitutions...**
- **and in the EU**



Some national constitutions



- *Czech constitution*, “equal and free citizens who are conscious of their duties towards others and their responsibility towards the whole”
- *Polish constitution*, “a social market economy, based on solidarity, dialogue and cooperation between social partners” + “a democratic state ruled by law and implementing the principles of social justice”
- *Romanian constitution*, “The State foundation is laid on the unity of the Romanian people and the solidarity of its citizens.”



Solidarity and the EU

- Externally: *identity* of the integrational organization
- Internally: cohesion between Member States, commitment of mutual assistance (TFEU, Art. 222, Joint action against terror attacks)
- ECJ – Sodemar case
- Solidarity rights in the Charter – and social policy in the TFEU