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THE CRIMINAL LAW ASSESSMENT OF YOUNG ADULTS IN HUNGARY

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ABSTRACT

This study examines the conceptual and normative foundations for recognizing young adulthood (ages 18–24) as a distinct category in Hungarian criminal law. While current legislation treats individuals as fully responsible adults from age 18, empirical research from psychology, sociology, and criminology suggests that many young adults lack the psychosocial maturity typically associated with full adulthood. The analysis draws on national and comparative legal sources, judicial practice, and international frameworks to assess whether young adults warrant differentiated treatment in criminal justice. Findings reveal a normative gap in Hungarian law: the concept of "young adult" is inconsistently applied, lacking statutory definition and leading to judicial ambiguity. Based on legal theory, empirical criminal statistics, and comparative models, the study proposes the introduction of a formal legal definition within the Criminal Code and the inclusion of a new mitigating provision under Chapter IX. This reform would enhance legal clarity, promote proportional sentencing, and respect both judicial discretion and constitutional principles. The paper concludes that codifying young adulthood as a distinct penal category is both necessary and feasible for a more just and developmentally informed criminal justice system.

KEYWORDS Young adulthood, criminal justice reform, developmentally appropriate sentencing, legal capacity and maturity, age-responsive criminal law

1. Introduction

The 20th century brought growing recognition of the need to translate psychological concepts of maturity into the language of criminal law. Understanding the notion of "young adulthood" requires an appreciation of

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developmental stages, as personality does not cease to evolve upon reaching adolescence or legal adulthood. Development is a lifelong process characterized by qualitative changes and increasing complexity, with each stage presenting specific psychosocial tasks (Molnár, 1996).

Although some psychologists critique rigid stage models, Erik Erikson's widely accepted framework highlights the sequential resolution of psychosocial crises as essential to healthy development. In this context, adolescence marks the search for identity, while young adulthood centres on the capacity for intimacy. A failure to successfully navigate earlier stages may hinder later development, leading to dysfunctional behaviour, including potential criminality (Erikson, 1950).

While young adults possess full legal rights, their behaviour and decision-making often reflect unresolved developmental challenges. This transitional period is frequently marked by underutilized social competencies, raising the question of whether these individuals lack knowledge or psychological maturity. Scholars such as Quenzel Gudrun and Klaus Hurrelmann identify key markers of adult status – financial independence, family formation, civic participation – which serve as benchmarks for assessing psychosocial maturity (Quenzel & Hurrelmann, 2022).

Thus, examining young adulthood through a developmental lens offers valuable insight into the legal and social status of individuals at the threshold of full adult responsibility (Vörös, 2009).

2. The significance of age limits in criminal law

Age plays a critical role in defining legal capacity across various areas of law, including criminal responsibility. From obtaining a driver's license to entering marriage with judicial consent at 16, legal systems consistently tie rights and obligations to specific age thresholds. In criminal law, age marks a pivotal factor in determining when the state may legitimately impose punitive measures – a last resort (*ultima ratio*) – on individuals who have committed offenses (Tóth, 2017).

Over time, the protection of minors under 18 has become a constitutionally enshrined value, reinforced by international instruments now incorporated into national legal systems. These frameworks reflect a global consensus that children lack the maturity necessary for criminal accountability and should not be influenced through punitive mechanisms. Nonetheless, legislators continue to establish minimum ages of criminal responsibility – thresholds that differ significantly by jurisdiction and era (Molnár, 1996).

In Hungary, this lower age limit has fluctuated between 12 and 14 years since the era of the Csemegi Code, while other European states set it as low as 10 or as high as 15 (WHO, 2024). The absence of a consistent scientific basis for these limits often invites criticism and debate. While age can serve as an indicator of developmental stage, it alone is insufficient to assess criminal maturity. As Lombroso emphasized, a criminal act cannot be understood apart from the perpetrator (Lombroso, 1876).

Thus, modern criminal justice systems increasingly recognize the need to assess individual cognitive and moral maturity, particularly in cases involving minors. Scholars such as Géza Tokaji argue that it is not age per se, but the presence of developed intellectual capacity that should define criminal liability (Tokaji, 1976). In light of ongoing social and developmental research, age thresholds remain subject to adjustment – either downward or upward – depending on evolving legal and societal standards.

3. Young adulthood as a distinct legal category: a normative gap

A central question of this study is whether legal systems should recognize an additional age-based category – beyond the established thresholds of criminal liability and formal adulthood – that merits differentiated legal treatment. While the Curia's Criminal Chamber Opinion No. 56/2007 acknowledge age-related mitigating factors, including "young adults" and the elderly, these references lack binding force or clearly defined age boundaries (BKv. 56, Ch. II., Points 1 and 4).

Molnár József's dissertation provides a conceptual foundation for recognizing "young adults" (typically ages 18–21 or even up to 25–30) as a distinct group warranting tailored legal norms. He critiques the rigid age cutoffs currently in use, arguing that they obscure individual differences in maturity and psychosocial development. This group often exhibits behavioural and cognitive patterns closer to juveniles than to mature adults. Their decision-making, impulse control, and social integration capacities are still in formation (Molnár, 1996).

Several European legal systems already incorporate the category of young adults into their criminal justice frameworks, though the upper age limit varies. Typically, this group includes individuals from the age of legal adulthood up to 21 (Zeijlmans et al., 2021). In Hungary, however, the concept appears mainly in criminological discourse and official statistics, with limited normative consequences.

Ultimately, determining whether young adults require a distinct penal framework depends on an interdisciplinary understanding of their criminological, sociological, and psychological characteristics (Csúri, 2008). Without empirical insights from the social sciences, it is impossible to assess the necessity – or form – of such a model under Hungarian law. As with any legal reform, alignment with a nation's social, political, and cultural context is essential. While comparative analysis offers guidance, national adaptation must account for local developmental realities.

4. Legal approaches to young adult offenders: a comparative European perspective

The legal treatment of young adults is not a uniquely domestic concern; it reflects broader international trends shaped by cultural and institutional contexts. A comparative analysis of European jurisdictions offers valuable insight and a normative foundation for potential reform of Hungarian law.

Dünkel and Pruin identify three primary models in European criminal justice systems regarding young adults. The first permits their inclusion – either broadly or conditionally – within the juvenile justice system, as seen in Germany, Finland, and Croatia. This model favours sanctions more aligned with juvenile offenders than with adults. The second model, which includes Hungary, operates within the adult system but allows for mitigation based on the offender's age. The third model applies no distinction at all, subjecting young adults to the same substantive and procedural rules as older offenders (Dünkel & Purin, 2012).

However, Zeijlmans and colleagues challenge this categorical typology, noting that some countries, such as Croatia, exhibit mixed practices. They argue for a functional analysis of individual legal elements rather than classification by country. Their study focuses on four dimensions: procedural exemptions, differentiated sentencing, mitigated penalties, and separate detention (Zeijlmans et al., 2021).

These forms of differentiation are increasingly prevalent across the European Union and reflect a developmental approach to sanctioning. International frameworks support special consideration for young adults (Vaskuti, 2016).

The following section offers a closer examination of Germany, the Netherlands, and Austria – three Member States that exemplify distinct strategies in addressing this legal and developmental dilemma, summarized in Table 1.

Table 1: Comparative developmental approaches to young adults: Germany, the Netherlands, and Austria

EU Member State	Procedural measures	Tailored sanctions	Penalty reduction	Segregated detention
Germany	✓	✓	✓	✓
Netherlands	✓	✓		
Austria	✓		✓	✓

Germany exemplifies one of the most permissive systems regarding young adults in criminal justice. The German Youth Courts Act (JGG), enacted in 1953, prioritizes education over punishment and applies not only to juveniles but also, under certain conditions, to young adults aged 18 to 20. The JGG defines this group explicitly and provides a comprehensive legal framework. Young adults may be subject to juvenile justice provisions if their moral and intellectual development aligns with adolescence and the nature of the offense is comparable to juvenile crime. Even when adult criminal law applies, exemptions remain: for instance, young adults cannot receive life imprisonment; instead, a maximum sentence of 10 to 15 years may be imposed (Zeijlmans et al., 2021).

The Netherlands pioneered criminal justice provisions for young adults as early as 1965. Although initially seldom used, since 2014, courts can apply juvenile justice rules to offenders up to age 22, based on developmental assessments and the nature of the offense. Prosecutors consult forensic experts, such as the Probation Service and the Netherlands Institute of Forensic Psychiatry and Psychology, before making such decisions. If juvenile law is applied, the accused may be placed in a juvenile facility. This approach aims to reduce criminal careers and improve rehabilitation through access to education and milder sanctions. Juvenile detention is capped at two years, contrasting with potentially life-long sentences in adult courts. However, if adult procedures are applied, no mitigation is available (Zeijlmans et al., 2021).

Austria has recently reformed its justice system to address rising youth crime and promote reintegration. The Austrian Youth Court Act includes young adults aged 18 to 20, offering notable sentencing benefits. A 2016 reform capped custodial sentences at 15 years, barring life imprisonment – though exceptions introduced in 2020 allow adult penalties for serious crimes like homicide or terrorism. Procedural benefits include jurisdiction by youth courts and modified interrogation protocols. In penal enforcement, young adults may be held separately or in youth prisons. Although the statutory definition ends at 21, individuals may remain under youth penal regimes until age 24 if integration with juveniles is deemed appropriate. However, Austria lacks a distinct legal framework specifically tailored to young adults' developmental needs (Zeijlmans et al., 2021).

5. Young adult offenders in Hungary

5.1. Criminal statistics

Table 2 presents a five-year overview of criminal offenses in Hungary, disaggregated by age group (Office of the Prosecutor General, 2024). Among these, the 18–24 age group – commonly referred to as young adults – consistently represents the second highest number of offenders, following adults aged 25–59. Between 2019 and 2023, the number of crimes committed by young adults ranged from approximately 24,500 to 27,000 annually, peaking in 2022 at 27,098 offenses before slightly declining to 26,603 in 2023.

While overall criminal patterns fluctuate across age groups, the relative stability of crime rates within the young adult population is notable. Unlike juvenile crime (ages 14–17), which showed more significant variability, or adult crime (25–59), which increased more sharply by 2023, young adult offending remained persistently high throughout the period. This suggests that the young adult phase continues to be a structurally vulnerable stage in terms of deviant behaviour.

Table 2: Five-year overview of criminal offenses in Hungary

Age group	2019	2020	2021	2022	2023
Child (0–13)	1,826	1,734	1,763	2,352	2,523
Juvenile (14–17)	7,863	8,064	7,666	7,942	8,836
Young Adult (18–24)	24,497	23,989	26,078	27,098	26,603
Adult (25–59)	95,735	96,608	103,611	97,950	106,153
Elderly (60+)	6,740	8,543	7,557	8,622	9,028

The data supports the argument that young adults occupy a transitional zone in legal and psychological development. Although legally categorized as adults, many individuals in this age range lack full psychosocial maturity, which influences their risk of criminal involvement. This reinforces the need for differentiated legal treatment and policy responses aimed at preventing recidivism and promoting reintegration – interventions that acknowledge both the legal autonomy and developmental limitations of this group.

5.2. The legal concept of young adulthood

The primary legal source defining the category of young adults in Hungarian law is Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship (Child Protection Act), which was adopted in alignment with the

UN Convention on the Rights of the Child and Hungary's Fundamental Law. The Act was designed to protect children and promote their well-being, including through support for those leaving institutional care. Notably, the Act explicitly mentions the goal of assisting the social reintegration of young adults who were formerly under child protection (Child Protection Act, § 1, para. 1).

The law defines a young adult as a person who has reached the age of majority but is under 24 years old (Child Protection Act, § 5, point c). This definition is found in the interpretative provisions and forms the basis for specific entitlements, such as housing support (Child Protection Act, §§ 25-28). However, a closer examination raises interpretive concerns: while the term "young adult" is broadly defined by age, many of the Act's provisions – both in terminology and context – refer specifically to those who previously received child protection services.

This suggests a potentially narrower scope than initially assumed. The Act's preamble and explanatory memorandum emphasize the state's obligation to support children separated from their families through forms of positive discrimination. The term "child" is consistently defined as a person under 18, and the concept of "juvenile" is aligned with the Criminal Code's definition (Child Protection Act, § 5, points a-b). Thus, while the law offers a formal age-based definition of young adults, its substantive protections and entitlements may apply only to those with a history in the child welfare system (MR of Child Protection Act, §§ 1-3).

From a jurisprudential standpoint, although H. L. A. Hart advocated for interpreting legal concepts in light of their use by practitioners (Szigeti & Takács, 2004), Hungarian courts are required to interpret legal texts in accordance with their purpose and the Fundamental Law (FL, art. 28). As such, the Child Protection Act's definition of young adults appears to be functional and specific to its own regulatory domain, rather than establishing a universally applicable legal category for all 18-24-year-olds.

5.3. Criminal law perspective on young adulthood

In Hungarian criminal law, the term "young adult" lacks a binding statutory definition. The only national legal source to reference it is the Child Protection Act, which defines young adults as those aged 18 to under 24, but within the narrow context of child welfare and aftercare. While the Child Protection Act recognizes young adults in this limited scope, criminal law relies instead on judicial practice and interpretative documents.

The key reference point is the Curia's Criminal Chamber Opinion No. 56/2007, which – though not binding – addresses sentencing considerations. Here,

"young adults" are described as those slightly older than juveniles, with some court decisions defining this as the 18-21 age range. The Chamber Opinion excludes young adults from benefiting from a clean criminal record as a mitigating factor in the same way older adults might, suggesting the label implies a lesser level of individual accountability. However, the exact age boundary is vague, as it merely notes that these individuals have "only recently surpassed the age of juvenility" (BKv. 56, Ch. II., points 1 and 4).

Judicial practice has been inconsistent. Some rulings consider young adulthood as a mitigating factor; others disregard it entirely, depending on the judge's discretion and interpretation. This variability highlights a gap in legal certainty and opens questions about fairness and proportionality in sentencing.

Judges in Hungary operate under the principle of judicial independence and are bound by both statutory law and constitutional norms. The Constitutional Court upheld that sentencing guidelines must not unduly constrain judicial discretion. However, this does not preclude legislation from clarifying applicable categories – such as young adulthood – if consistent with the Fundamental Law (13/2002. (III. 20.) AB, point 2.2).

The Criminal Code prohibits life imprisonment for offenders under 20 (CC, § 41 para. 1), and Penal Enforcement Act link certain procedural consequences to the age of 21, such as changes in detention conditions (PEA, § 24, para. 6). Yet these fragmented provisions do not amount to a coherent doctrinal framework for young adults in criminal justice.

Several appellate cases (see e.g., Bhar. 308/2023/20, Bf. 315/2023/26, Bf. 191/2021/9) reveal how inconsistently age-related mitigation is applied. In some instances, second- or third-level courts rectified first-instance omissions by recognizing young adulthood as a mitigating factor. In others, courts failed to consider age altogether or made subjective determinations about its relevance, sometimes even extending the definition beyond age 24. This discretionary variability underscores the need for statutory clarity.

Scholars such as Katalin Ligeti, József Molnár, and András Csúri propose defining young adults in criminal law, often focusing on the 18–21 or even 18–25 age range (Ligeti, 2006; Molnár, 1996; Csúri, 2008). Their recommendations typically combine age limits with behavioural and criminological criteria (e.g., non-recidivism, non-violent offenses) to tailor sentencing. International norms support such frameworks. The UN Beijing Rules, Model Law on Juvenile Justice, and the Council of Europe's 2003 and 2008 recommendations advocate for extending juvenile justice principles to young adults, generally defined as those aged 18 to 21. These norms emphasize developmental immaturity and social reintegration as grounds for differentiated treatment.

6. Conclusion

While the formal threshold of adulthood in Hungary is set at 18, this study challenges proposals advocating for the optional or mandatory application of juvenile criminal provisions to young adults. Instead, it suggests a targeted reform: incorporating specific legal provisions for young adults (ages 18 to under 24) within Chapter IX of the Criminal Code ("Sentencing"), under a new subsection titled "Sentencing of Young Adults".

This placement is justified by existing indirect references. Section 80(1) of the Criminal Code mandates that sentencing must consider both aggravating and mitigating circumstances, referencing the Chamber Opinion – which includes young adulthood as a factor. Establishing an explicit legal definition within the Code would clarify judicial obligations and ensure equitable consideration of age-related factors.

A new statutory definition is recommended:

> (1) "A young adult is a person who, at the time of the offense, had reached the age of eighteen but not yet twenty-four."

This definition would elevate the concept from a non-binding interpretative guideline to a formal mitigating factor. Following this, the following clause is proposed for statutory inclusion:

> (2) "In the case of a young adult, sentencing may also be conducted pursuant to the next point of Section 82(2)."

Such provisions would obligate courts to consider young adulthood explicitly, enhancing predictability and fairness while respecting judicial independence.

Although most European jurisdictions and international recommendations define young adults as those under 21, Hungarian penal practice – especially in enforcement – often extends this range to 24. This reflects alignment with the Child Protection Act, which supports social reintegration up to age 24.

Three rationales underpin the proposed age range: (a) Sociological research confirms continued development beyond age 18. (b) Hungarian penal enforcement treats individuals up to 21 as juveniles for practical purposes. (c) The Child Protection Act provides support mechanisms for individuals up to age 24 exiting child welfare.

Given this multidimensional rationale, anchoring the legal definition of young adulthood at 24 promotes consistency across legal domains and better captures the transitional maturity of this group. A future extension of this boundary could be debated, but 24 currently provides a balanced and supported threshold.

Such a reform would not undermine judicial independence, as clarified by the Constitutional Court of Hungary, which holds that non-binding guidelines can guide sentencing but do not replace the need for codified norms. A statutory provision ensures clarity, equal treatment, and aligns with constitutional principles of legal certainty.

It is also worth noting that the Chamber Opinion refers to other age groups, such as the elderly, without statutory basis – further demonstrating the need for legislative clarity. Since personality development is cumulative, recognizing young adulthood in law is a necessary step toward comprehensive criminal justice reform.

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THE CHALLENGES OF SUSTAINABILITY IN THE DECISION-MAKING MECHANISM OF DEMOCRATIC STATES

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ABSTRACT

The problem of sustainability is one of the most important and pressing problems of the modern state. Although the history of the so-called green movement that is linked to the emergence of industrial society in the modern age, (to industrialism), in its contemporary form it is existing also a social movement, a political ideology – see, among others, green parties – and a state (international) obligation. What distinguishes the recent green movements today from the earlier conservation movement is its emphasis on science and research. The main aim of this study is to examine how democratic – above all, the participatory and deliberative democracies – political systems are dealing with the new challenges of sustainability and how they are finding political solutions to the demands of civil society. In parallel, the interdependence between social activism, democratic policy decision-making and international cooperation is worth considering, as coordination between sub-state and supra-state actors is needed to address sustainability.

KEYWORDS Paradigm shift, natural contract, social activism, participatory democracy

1. Introduction

The sustainability is a social-nature relations in general, has material and moral connotations, which is to be distinguished from the sustainable development (Barry, 1996; Brown et al., 1987; Caldwell, 1998). In moral terms supposes a particular ethical attitude to the future, what kind of duties has the current generation to preserve the World ecosystem. The diversity and complexity of the concept of sustainability is illustrated by the fact that the *right behaviour* can be about animal welfare, a commitment to the use of natural resources (see green energy), averting climate disaster, or even reducing wasteful consumption. What these behaviours have in common? It is presupposed a conscious individual

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conduct. At the individual level, prior to political decision-making process, appears primarily the ethical citizenship (Bourban, 2022), personal ethical relationship to the world, i.e. from the individual's side, active self-responsibility such as conscious participation in recycling or energy conservation. The ethically correct behaviour requires a change in personal perspective. The environmental philosophy theorizes this change in the terms of deep ecology (Naess, 1973), which means that instead of an anthropocentric perspective, a holistic vision of the world is required. By rejecting the human supremacy, the environment is analysed an integrated and coherent system. The survival of its component depends on other's one and any damage to the element of the system could threaten the well-being of the whole system (Drengson et al., 2011). At the political level, participation in political decision-making through political organizations (green parties) and political movements is necessary. The Western European liberal democratic state (Grimm, 2016; Caramani, 2017; Sartori, 1962), based on popular sovereignty and the exclusion of arbitrariness of the state, mostly demanded the participation of the citizen in (national) elections, and this was the primacy of the principle of representation. In this government model the individual and the political level operate in a mutually weakening way, with serious feedback.

The aim of the paper is to analyse how sustainability is embodied in participatory and deliberative democracy as a decisive type of postmodern democratic state. Whereas the former model of democracy focuses on the factors that encourage active citizen participation, the latter model emphasizes the need for citizens to be informed in a transparent and multifaceted way (Habermas, 1994). What both have in common is that they seek to draw on the lessons of representative democracy to orient the individual towards public affairs. To do this, it is first necessary to examine the paradigm shift inherent in the term sustainability, which is transforming the relationship between society and the state/political system. There is a vast literature analysing the relationship between the political system and the sustainability, but only partial answers have been found to the questions of how philosophical theories are incorporated into political programs, why democratic systems have a chance to mobilize society, and how the socio-state and international levels are interrelated in the treatment of a global problem.

2. Theory: Paradigm shift in eco philosophy and the social activism

The theoretical foundations of the birth of the modern state are originated in the idea of the social contract, which became the dominant theory of political philosophy from the16th century onwards, and despite its fictitious nature, it explained the distribution of rights and duties between governors and

governed and focused on the political power's legitimacy (Locke, 1963; Hobbes, 2001; Rousseau, 2001). The source of the exercise of power is therefore the consensus of the governed. One of the most important consequences of the contractual viewpoint is that members of the political community obey decisions taken by legitimate authority. The political development in Europe combined liberal values and the idea of popular sovereignty to create a liberal democracy, whose functioning is guaranteed by the will of the electorate on the one hand and by the institutionalized and guaranteed limits of state arbitrariness on the other. In the decades after the Second World War, the political construct of the liberal democracy was developed in Western Europe and the United States, and after the collapse of the bipolar order, it became a model for the rest of the world to follow. The emergence of sustainability in political programs, parties and movements began in this period. Its appearance has also drawn attention to several previously unseen problems.

The first obstacle is the Western European political construct that seeks to safeguard the socio-economic interests of political communities, fails to activate members of the political community between two parliamentary elections, and fails to promote the need for civic organization and, most importantly, fails to raise awareness of the common good among voters (Arendt, 2018; Putnam et al., 1992). Contrary to the expectations of normative theories of democracy, many representatives of elite theories have pointed out that one of the main characteristics of democratic political systems is the acquisition of the electorate's vote to put political decision-making in the hands of the parties (Mosca, 1939; Weber, 1995; Schumpeter, 1976). Beyond the international and state level of political decisions, the sustainability requires strong social activism, which will not lead to results without a change of mind-set. The arguments from sustainability usually propose wide-ranging changes in the present organization of society. The sustainability as issue involved the translation from a political and ethical concept to a regulative social principle expressed in law and politics, so requires the deliberation, the consent and actions. The second obstacle is the global nature of the sustainability. Above the nation state, there are international organizations and institutions such as the United Nations or the European Union, which has several conventions and action plans. It is enough to refer to two relevant documents. The 2030 Agenda for Sustainable Development as the part of United Nation's Sustainable Development Goals (European Commission, n.d.-a) adopted by the General Assembly of the UN in 2015 undertook to address the global challenges of: eradicating poverty; finding sustainable and inclusive development solutions; ensuring human rights for all; and making sure that no one is left behind. The Green Deal that covers the European Commission proposals for action contains in several policy areas: clean energy, sustainable industry; building and renovating; sustainable

mobility biodiversity; from farm to fork; eliminating pollution; climate action, which need to be seriously addressed by 2030 (European Commission, n.d.-b). The third major obstacle is that most states are not liberal democracies or are not democracies, so neither of these obstacles overcome in terms of the effectiveness of policymaking. In contrast to the overconsumption of the developed Western democratic countries in the global economic system, the inequality between underdeveloped or poor regions in most parts of the world is increasing because of the unequal distribution of global goods and responsibilities.

The paradigm shift is about rethinking the relationship – the social contract – between humans and humans, in relation to humans and ecosystem. Society and nature require a holistic approach that expressed among others the French philosopher Michel Serres. As bizarre as Serre's idea of a contract with nature may seem, it points to the essence of a change of perspective. Serres offers a curious vision of Francisco Goya's famous painting. In The Duel with a Stick two men are fighting each other with clubs, knee-deep in a quagmire of mud. The outcome seems clear both antagonists will perish. Looking at the foreground and background of the scheme, you can/should see the difference. The armed conflict that is the engine of history is happening before our eyes, while nature is in the background. Foreground and background are swept up in reinforcing feedback mechanisms: "We must decide on peace amongst ourselves to protect the world, and peace with the world to protect ourselves" (Serres, 2021). Serres' idea of the natural contract is an excellent example for understanding what is now called deep ecology in environmental philosophy. The holistic approach, that encourages an active citizenship's role, was inspired by the negative effects of industrialization in the late 19th century. The theoretical father of civil disobedience, Henry David Thoreau, building in part on Rousseau's love of natural living, himself stressed the importance of individual responsibility and moral dilemmas/choices (LaFreniere, 1990). Translated into the language of social norms, an ethical system needs to be developed at the global level that focuses not on man's dominance over nature, but on the relationship between man and nature, of which man is only a part. To work and to exist in harmony with nature is a fundamental normative requirement of social activism. The risk to the survival of humanity and the survival of nature on earth. The crisis reflects the fact that the man has completely mastered the nature of the earth, his relationship to it is still based on the old principles that he developed thousands of years ago. The Brundtland Report in 1987 (General Assembly, 1987) was already the first to deal in detail with the issue of sustainability, and a new holistic approach is a very important part of this. This means, in a narrow sense, looking at the economic system as an emphatically integrated part of a larger whole, which aims to improve the quality of human life within the carrying

capacity of the underlying ecosphere. In doing so, all forms of action are to be included within the framework of a social structure understood in conjunction with culture, the social dimension, the economy and technology. Hans Jonas emphasizes that changes in the field of technology must be followed by changes in the field of ethics, the basic principles of which can be briefly summarized as follows. Therefore, in relation to these entities, each individual actor must consider the consequences of his behaviour. According to Jonas "[h]umanity has no right to commit suicide" (Jonas, 1984). The first condition for achieving harmony is to acknowledge the multidimensional embeddedness of the individual and to mobilize our conscious and mental energies. The individual is part of several micro-communities, cultural communities, the humanity and the whole ecological system of the Earth. Some ancient philosophies (especially Stoicism and Epicureanism) were dominated by the proclamation of a life in accordance with nature. Later, in the teachings and lifestyle of St Francis of Assisi, Giordano Bruno, Rousseau, the German Romantics, Husserl, the critical philosophy of the 1960s, anarchism and feminism, among others, we find elements integrated by green philosophies. The second principle of ecological values is related to needs. Jonas translated Kant's categorical imperative for eco-ethics: "Act so that the effects of your action are compatible with the permanence of genuine human life or expressed negatively. Act so that the effects of your action are not destructive of the future possibility of such life" (Jonas, 1984). The evolution of natural systems, while maintaining an initial state of self-organization and self-regulation, is always characterized by the restoration of equilibrium through the principles of cooperation and coexistence of living beings. Jürgen Moltmann argues that classical liberties, socio-cultural rights and the rights of the living environment can be involved into the integrated and coherent system (Moltmann, 1989).

3. Methods: Conceptualizing the relationship between paradigm shift and politics decision making process

The theorization of the relationship between man and nature, particularly the transformation of anthropocentric ethics into bio centric ethics, is an important prerequisite for the analysis of the dimensions of social activism. The following features essentially characterize green political ideals, despite ideological differences: communitarianism (communitarian ethical approach), the need for global justice in the sharing of resources, non-violence with some extreme exceptions, the peace, and the need for sustainable economic development. While classical liberalism focused on the protection of the self-interests and freedom, the liberal state does not dictate moral goals its citizens are to achieve (Dobson, 2007). Hans Jonas pointed out that the problem of harming 'others' who live far away in space (e.g. third world populations) and time (future

generations) is becoming increasingly relevant. Such an interpretation, of course, significantly narrows the range of morally acceptable behaviour for members of a given community.

In contrast to liberal values, political movements with the program of the sustainability have appeared in the forms of political parties on both the left and the right wing and have even created international associations. Without wishing to be exhaustive, the political ideas shaped in the programs of the German Greens, the Green Party of Canada, the Finnish Green League, the Austrian Greens, and the Hungarian LMP etc. are increasingly influencing public political discourse. The green political philosophy may contain also an eco-authoritarian conception. Its solution is that authoritarian coercive measures are needed to avoid environmental catastrophe. At higher levels (national, supranational), democracy would be confined within ecological limits, for example, a competent elite would be responsible for the allocation of dwindling resources. At the local level, however, the most direct possible grassroots democracy is advocated, i.e. each small community could decide through direct participatory decision-making (see below).

The eco-radicalism arrived from the Marxism and argued for the decentralization of political centres. By adopting the Marx' social philosophy the human alienation in the exploitation and inequality characters of the capitalist economy, in which the profit-oriented behaviour of the capitalist class leads to the increase of the pauperization of the working class. Wallenstein's theory of the world system (Wallerstein, 2011) which was based on Marxism, projected the phenomena into global capitalism, the centre-states of the Western countries, whose economic development is ensured by exploiting the periphery and semi-periphery states. There are many levels of radical solutions. Starting from the basic premise of deep ecology, some variants organize violent movements, such as ecoterrorism (Eagan, 1995, 2008), to achieve their goals. Its protestations are directed against people and property, and attack the consumerist view of society, the capitalism and the insufficiency of political decision-making. On the other hand, the ecofeminism (Warren, 2015) is also highly critical of the patriarchal society; their ideas are linked to the gender philosophy and LGBTQ movements.

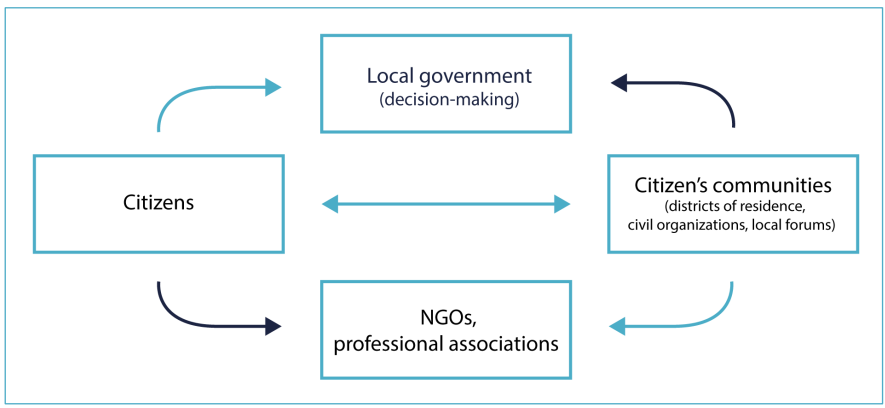
4. Sustainability and the model of the participatory democracy

A change in moral outlook also requires a new style of political leadership, one that does not seek to satisfy short-term interests, but recognizes that timely austerity (e.g. in energy use) will provide greater freedom for all in the long term. According to Caldwell modern man must somehow become better than he is;

this is not utopian idealistic advice, but advice necessary for survival (Caldwell, 1998). In this long-term policy-making process, the participatory democracy model can provide a solution at national level. One of the greatest failures of twentieth century democratic political systems was the growth of voter passivity. Is successful cooperation sustainable in a society whose members are bound together by civic obligations, law and self-interest? – asks Michael Sandel, a prominent figure of communitarian ethics (Sandel, 2002). The problem of sustainability that requires the promotion of activity between electoral cycles, which undoubtedly must be carried out at local level.

At the local level, it is also easier to convince the local population to support a particular issue, and local NGOs, citizens' forums, professional organizations can get involved in local decision-making processes.

Fig. 1: Decision making process in participatory democracy at local level



It is also highlighted that many forms of social activity are possible, and that they can promote each other.

1) Improving own life (quality of life), either individually or in a small community (e.g. a residential or workplace community at the level of daily routines) / micro-level
2) Promoting changes in a particular area, e.g. animal welfare or the preference for renewable green energy sources. This requires a greater degree of social cohesion. Involving NGOs and professional organizations can improve water quality or animal welfare at local and regional level /micro-level
3) It is possible to raise awareness and sensitize society and policymakers in a particular area /micro and macro-level
4) 2-3 influences the state legislative process / macro-level

Citizen's choices can play an important role in improving the environment and quality of life, but the complexity of environmental problems, the distance of goals and the different perceptions of the good life mean that the willingness to participate in decision-making is lower at national (state) level. The idea of participatory democracy builds on local practices and initiatives. It is no coincidence that British politician and the International Coordinator for the Green Party of England and Wales, Derek Wall (Wall, 2010) has identified the four pillars of green politics as follows: (1) ecological wisdom, (2) social justice, (3) grassroots democracy and (4) nonviolence. It was expanded by the Green Committees of Correspondence in the United States into Ten Key Values that further included (5) decentralization, (6) community-based economics, (7) post-patriarchal values, and (8) respect for diversity, (9) global responsibility, (10) future focus. These pillars are also found in the Global Green Charter, which brings together the green parties. Different federations complement the work of the global organization. The Federation of Green Parties of Africa, the Asia Green Network, the Federation of Green Parties of Americas, and European Green Party aim to coordinate solutions to continent-specific problems, through participation in legislation and policy-making processes.

At the same time, sustainability is a global issue, closely linked to the problem of equitable distribution of goods and burdens. It is difficult for people to give up their freedom to consume according to their desires, and it is hard for them to change, because it is against their short-term self-interest. According to David Korten, this phenomenon is rooted in the American cultural experience of the abundance of free land, which led to the so-called frontier or cowboy mentality or ethic (Korten, 1996). In contrast, the citizen (Rousseau, 2001) must be able to weigh the perceived long-term good of the community alongside his short-term self-interest. To do so, however, he must have sufficient information and, if necessary, expertise in the matter to be decided. Awareness of environmental risks is more than a difficult task when it comes to the trade-off between convenience, job preservation and the present versus the unforeseen future. Environmental justice is still a rather weightless value in the world of politics, so the principle that "doing good pays" is politically false. It is important to regulate fairly the use of scarce natural resources and natural capital, and to protect endangered species and areas more effectively. In addition, it is essential to establish strict rules that are commensurate with the environmental pressures on production/service provision and that are binding on all competing economic operators. Such regulation would certainly appear to be a restriction on the market, but on closer examination, it is merely a means of ensuring a more environmentally fair playing field.

Another point of debate relates to the undemocratic political systems in underdeveloped and poor countries. They are vulnerable to the global economy

and suffer from global crises. For a clearer picture, two competing ethical visions that present moral dilemmas should be focused on. The so-called lifeboat ethic (Hardin, 2021) assumes that resources are finite, and therefore that each geographical area, like a lifeboat, has a proposed maximum number of passengers. However, there are few lifeboats, not enough room for everyone, and the distribution of resources becomes unequal on a force-by-force basis. The so-called "spaceship ethic" (Shrader-Frechette, 2021) requires a shift in consciousness from individual ethics to community ethics, and from a society of rights to a society of duties. The Earth itself is a spaceship, of which every single geographical area and state is a part. The community is not only the human world but also, the entire ecosystem. On this spaceship, participants who have little or no share in the resources – think water shortages, droughts and other natural disasters – do not want to travel, while others on the spaceship enjoy and use many services and goods. A more equitable distribution between the unequal/disadvantaged regions requires a more solidarity-based and consumption-reducing approach in developed regions. The solution must therefore come from the developed countries, and the group of these countries should be the driving force behind the solution. From the state and political actors, we are back to the starting point for a change of perception for a paradigm shift, which is essential for understanding and managing sustainability.

5. Conclusion

The global problem of sustainability has challenged both the social mentality and the political decision-making process. Western individual values, coupled with a consumerism have become the norm in liberal Western democracies. The capitalist economy, also globalizing behind the political system, has reached the limits of its expansion. The solution is an environmentally friendly policy based on the protection of nature and ecosystems, which puts the economy at the service of sustainable development. Its success is highly doubtful. What is needed is a holistic approach to the nature-society relation, an increase in (civil) social activism and a reduction in inequalities in the global world. Sustainability calls attention to the need for a complex policy-making process that involves both sub-state and supranational levels. Effective state legislation will not be possible if society does not wake up to the challenge of sustainability. Effective state legislation is not possible without consciously coordinated legislation on a global scale and across states. There are many arguments in favour of participatory democracy. Unlike traditional liberal democracy, it can mobilize citizens at the local level and involve them in decision-making. This is particularly important because sustainability seems a distant and abstract goal, in contrast to the interests of the individual in the present and the consumer

desires for immediate satisfaction. For the moment, the global mindset is not working. Being in solidarity and active for humanity is a much bigger challenge than being active for our local environment. Increasing the willingness to participate in local decision-making can have a positive impact on the macro-level of state legislation. This of course requires a community-cantered, solidarity-based approach. Community spirit and social/political participation are mutually reinforcing.

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THE FREEDOM OF RESEARCH AND UNIVERSITY AUTONOMY FROM THE VIEWPOINT OF TECHNOLOGY TRANSFER ACCORDING TO THE LAW OF HUNGARY AND AUSTRIA (STYRIA) AND GERMANY (BRANDENBURG)

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ABSTRACT

This study explores the evolving dynamics of university autonomy and the freedom of research considering increasing expectations for technology transfer within higher education institutions. Focusing on Hungary, Austria (Styria), and Germany (Brandenburg), the paper provides a comparative legal analysis of how these Central European jurisdictions reconcile traditional academic freedoms with the modern entrepreneurial role of universities. It addresses how constitutional provisions, higher education laws, and patent regulations shape institutional and individual rights in the context of academic capitalism. By analysing legal frameworks and key court decisions, the study tensions between institutional autonomy and researchers' rights, particularly regarding intellectual property and administrative governance. The findings suggest that while Brandenburg provides a model of integration between legal clarity and institutional support for innovation, Hungary and Austria reveal gaps in the horizontal protection of academic freedoms and the legal recognition of researchers' roles in knowledge commercialization.

KEYWORDS University autonomy, freedom of research, technology transfer, intellectual property rights, higher education law

1. Introduction

The doctrines of the freedom of research and university autonomy are the main legal cornerstones that guarantee the independence and development of the higher education sector. The former can be considered a specific subcategory of the freedom of expression, while the latter traces back to traditions and

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privileges of the Middle Ages. Today, both the functions and obligations of universities are changing, which means that the legal content of the rights related to these principles also needs to be reinterpreted. Due to the phenomenon of academic capitalism, new roles for higher education institutions have emerged, one of which is technology transfer. Universities are not only focusing on education and research projects but are also concentrating on business activities related to the utilization of research results. The present study aims to reflect on the question of what kinds of changes university technology transfer generates in the relationships between researchers and universities, as well as within internal university structures, with a particular focus on the legal frameworks of Hungary, Austria (Styria), and Germany (Brandenburg).

2. Research design

The present paper investigates how the legal rights and obligations within universities have changed due to new functions, particularly in the area of technology transfer. It examines how the new role of universities has shifted the balance between researchers (academics) and higher education institutions. It also considers what kinds of legal guarantees should be provided to researchers and institutions to prevent the emergence of a disproportionate structure that could hinder the development of science. The first part of the paper provides a brief review of the literature on university autonomy, the freedom of research, and the third mission of universities. The second part analyses the legal frameworks of Hungary, Austria (Styria), and Germany (Brandenburg) both at the constitutional level and through higher education legislation. In the third part, the paper presents its own conclusions. Since the new functions of universities originated largely from the development of the US higher education system, the paper focuses on Central European countries to explore how they have adapted to these new trends. In Hungary, the influence of Germanic law has always been present, while Austria – due to historical reasons – has developed different legal traditions compared to Germany. Brandenburg was chosen because the state recently enacted a new Higher Education Act (in 2024) and, having been part of the former Eastern Bloc, offers a fascinating case study of how it has capitalized its higher education system. Styria, on the other hand, lies far from the capital, Vienna, yet hosts several well-known Austrian universities (e.g., Technische Universität Graz, Karl-Franzens-Universität Graz). The paper focuses on examining these issues from the perspective of state-owned universities. University autonomy is considered here specifically in terms of internal governance.

3. University autonomy and freedom of research

Autonomy is a Greek concept derived from the words self (Greek: *auto*) and law (Greek: *nomos*), originally meaning self-rule (Kocsis, 2009). In the traditional model of university governance, the state exercised significant control over budgetary and institutional matters; therefore, university autonomy provided freedom to make decisions regarding the content of academic life (Kohtamäki & Balbachevsky, 2018). According to Nybom, university autonomy is "accomplished by securing the individual freedom of the scholar" (Nybom, 2007, p. 915.).

For presenting the aspects of autonomy in the higher education sector, the Lisbon Declaration of the European University Association (hereinafter: EUA) should be considered a key reference. The EUA divides the autonomy of higher education institutions into four areas: (a) academic autonomy, (b) financial autonomy, (c) organizational autonomy, and (d) staffing autonomy (Lisbon Declaration, 2010). The EUA periodically conducts surveys on the level of autonomy of European higher education institutions (at both the national and provincial levels). Academic autonomy refers to aspects such as the allocation and abolition of courses and related subjects, the admission of students, and related matters. Financial autonomy addresses the way in which institutions are publicly financed, the possibilities for charging fees to students, ownership of buildings, and the feasibility of obtaining loans. Under organizational autonomy, the EUA assesses the election procedures for institutional leadership, the process for leaving leadership positions, the freedom to organize internal structures, the involvement of external members, and the creation of legal entities. Staffing autonomy is associated with the flexibility of recruitment, remuneration, dismissal, and promotion systems (University Autonomy in Europe, 2023).

Regarding the content of academic freedom, a document issued by the League of European Research Universities – a consortium of 24 higher education institutions – identifies the following areas of academic freedom, also in the form of soft law: (a) an individual right, (b) an institutional (or collective) right, and (c) a public obligation. Regarding institutional rights, distinctions can be made between (a) autonomy and accountability to the state, (b) self-governance and participation in decision-making, and (c) substantive institutional rights (i.e., the role of the institution's rights in enforcing individual rights). Regarding the obligations of the state, distinctions can be drawn between (a) the duties to respect and protect, and (b) the duties to provide and support (Vrielink et al., 2011).

4. New functions of Universities

Henry Etzkowitz associated the expansion of the functions of higher education institutions with the so-called academic revolutions. Universities emerged from ecclesiastical educational institutions (i.e., monastic schools) in the twelfth and thirteenth centuries (Barakonyi, 2004; Rospigliosi & Bourner, 2019; Karácsony, 2015). During this period, the function of higher education institutions (universities) was limited to education, i.e., the transmission of existing knowledge, preferably in an unchanged form, rather than the creation of new knowledge (Rospigliosi & Bourner, 2019). The first academic revolution in Prussia took place in the early nineteenth century, thanks to reforms associated with Wilhelm von Humboldt and the foundation of the University of Berlin in 1810. As a result, the function of higher education institutions was extended beyond teaching to include research (Etzkowitz, 2001).

The second academic revolution can be located in the United States and is divided into two distinct phases over time. Following the German example, the spread of higher education institutions overseas that incorporated research raised the question of who should own the intellectual creations resulting from research. In the first half of the twentieth century, some researchers offered the rights to their intellectual property to the university that employed them, and, in parallel, economic entities were established to exploit this intellectual property. In 1912, Frederick Cottrell, a professor at the University of California, founded the Research Corporation, which exploited his intellectual creations and used the income to fund new scientific projects and provide research grants (Campbell, 2019). In the US, the research projects of World War II—particularly Vannevar Bush's 1945 report *Science: The Endless Frontier*, which summarized science policy insights from wartime research projects—led to the creation of the National Science Foundation in 1950. The Foundation was intended to coordinate and supervise research and development projects funded by the federal government, although the Department of Defense and the Atomic Energy Commission had already been independently sponsoring research and development projects (Usselman, 2013).

In cases where the federal government funded a research and development project that resulted in an intellectual creation, the associated rights were granted to the federal government (Vigh, 2006). The Patent and Trademark Amendments Act of 1980, known as the Bayh-Dole Act after Senators Birch Bayh and Bob Dole, transferred intellectual property rights in the results of federally funded research to non-profit organizations (notably institutions of higher education) and small businesses. The success of the Bayh-Dole Act led several countries, including Germany, to adopt similar frameworks. Before 2002, under federal legislation in Germany, the intellectual property rights to works created

within the framework of higher education institutions were also vested in the researcher, under the so-called *Hochschullehrerprivileg* (Vigh, 2006; Czychowski, 2019).

5. International Law

Within the field of international law, there are relevant sources recognized as binding by the Hungarian, Austrian, and German states, which contain provisions on the right to research.

One such document is the International Covenant on Economic, Social and Cultural Rights (hereinafter: ICESCR), adopted under the auspices of the United Nations, which regulates issues of scientific and cultural freedom in Article 15. "The States Parties to the Covenant undertake to respect the freedom of scientific research and creative activity, which is indispensable for scientific research" (ICESCR, art. 15). In Hungary, the ICESCR was promulgated by Decree-Law No. 9 of 1976. In Austria, the ICESCR was promulgated by the Act of 7 December 1978, BGBl. Nr. 590/1978 (*Gesetz zu dem Internationalen Pakt über wirtschaftliche, soziale und kulturelle Rechte*). In Germany, it was promulgated by the Act of 23 November 1973 (*Gesetz zu dem Internationalen Pakt über wirtschaftliche, soziale und kulturelle Rechte*).

In the case of *Kenedi v. Hungary* (Application No. 31475/05), the European Court of Human Rights had to interpret the freedom of expression in relation to the right to research. The applicant was a historian specializing in the functioning of the secret services of dictatorships, comparative studies of the political police forces of totalitarian regimes, and the functioning of Soviet-type states. He sought to research the activities of the Hungarian State Security Service of the Ministry of the Interior during the 1960s. However, the Ministry refused to grant him access to the relevant documents. The European Court of Human Rights held that this constituted a breach of Article 10, because the Ministry had hindered the applicant's freedom to conduct scientific research, thereby violating his freedom of expression. The ECHR was promulgated in Hungary by Act XXXI of 1993. In Austria, the ECHR was promulgated by the Act of 24 September 1958, BGBl. Nr. 210/1958 (*Gesetz zu der Konvention zum Schutze der Menschenrechte und Grundfreiheiten*). In Germany, it was promulgated by the Act of 22 August 1952, BGBl. 1952 II S. 685 (*Gesetz zu der Konvention zum Schutze der Menschenrechte und Grundfreiheiten*).

6. National Law

6.1. Constitutional Level

6.1.1. Hungary

The Fundamental Law of Hungary (25 April 2011) (hereinafter: HFL) stands at the top of the legal system and can therefore be considered the country's Constitution. Article 10 of the HFL declares the freedom of research and the freedom of teaching, although both are regulated separately from the freedom of expression, which is addressed in Article 9. Nevertheless, Decision 34/1994. (VI. 24.) AB of the Hungarian Constitutional Court (hereinafter: HCC), which guarantees the freedom of scientific life (including the freedom of research), can be regarded as one aspect of communicational rights (i.e., freedom of expression) [34/1994. (VI. 24.) AB, Justification III.1.].

The first section focuses on individual rights, including "the freedom of scientific research and artistic creation, the freedom of learning, and the freedom of teaching". To answer the question of who is the subject of the freedom of research, a dilemma must be addressed. On one hand, theoretically, every natural person can be considered a subject of this fundamental right; on the other hand, those who actually enjoy the benefits of this right in practice are academic scholars, as pointed out by Zoltán Pozsár-Szentmiklósy and in Decision 34/1994. (VI. 24.) AB (Pozsár-Szentmiklósy, 2021). Pozsár-Szentmiklósy argues that the freedom of research encompasses the freedom to choose the subject, methodology, and sources of research[2], although neither Decision 34/1994. (VI. 24.) AB nor other HCC decisions explicitly define these elements. Decision 34/1994. (VI. 24.) AB emphasizes that the freedom of scientific life is composed of the freedom to seek scientific truths and the free dissemination of scientific views [34/1994. (VI. 24.) AB, Justification III.1.]. The freedom of scientific life requires guarantees for individuals engaged in scientific activities and protections against state interference and restrictions. The HFL requires not only state abstention but also positive action by the state [41/2005. (X. 27.) AB, Justification III.1.4.].

The third section of Article 10 of the HFL addresses the institutional autonomy of the Hungarian Academy of Sciences, the Hungarian Academy of Arts, and higher education institutions. "Higher education institutions shall be autonomous in terms of the content and methods of research and teaching; their organization shall be regulated by an Act" (HFL, art. 3).

The HFL also stipulates that the fundamental questions relating to the management and organization of higher education institutions must be

[2] Pozsár-Szentmiklósy uses a cross-reference to the 34/1994. (VI. 24.) AB decision in his statement.

regulated by an Act as a guarantee. The connection between the freedom of scientific life (e.g., freedom of research) and university autonomy has been recognized by scholars such as Gábor Hamza (Hamza, 2013) and by the HCC [21/2021. (VI. 22.) AB, Justification, IV]. Although the freedom of scientific life can be considered a right related to communicational freedoms, while university autonomy concerns institutional self-governance, as the HCC pointed out. The beneficiaries of autonomy are scholars (teachers and researchers) and students; the institution (university) represents the common interests of these individuals and can therefore be considered the bearer of autonomy [21/2021. (VI. 22.) AB, Justification, IV; 41/2005. (X. 27.) AB, Justification III.1.1]. Decision 21/2021. (VI. 22.) AB interpreted university autonomy and Article 10(3) of the HFL as guaranteeing that the subjects of autonomy (e.g., scholars) must have influence over the functioning of the university, must be able to express their views on research and teaching autonomy, must be permitted to enter into conflicts if necessary, and must have decision-making rights in matters related to research and teaching autonomy.

6.1.2. Austria

Austria is a federal republic, which means that legal norms exist at both the federal and state levels. The Austrian Federal Constitution (*Bundesverfassungsgesetze*, hereinafter: BVG) is a collection of different legal sources (a complex compilation of federal acts, special parts of federal acts, and international treaties) and, unlike the HFL in Hungary, cannot be found consolidated in a single legal document. The main cornerstone of the BVG is the Act of the Austrian Federal Constitution of 19 December 1945, BGBl. I Nr. 194/1999 (*Bundes-Verfassungsgesetz*, hereinafter: B-VG)[3].

Article 81c of the B-VG mentions the freedom of research from an institutional perspective and declares autonomy for state-owned universities: "The public universities are places of free scientific research, teaching and development of the arts. They shall act autonomously within the framework of the law and may issue statutes. The members of university collegial bodies shall be free from instructions" [B-VG art. 81c, para. 1; see also Jakab, 2002]. The Act of State Founding of 21 December 1867, RGBl. Nr. 142/1867 (*Staatsgrundgesetz*, hereinafter: StGG), in Article 17, states that *science and its teaching are free*. Thus, the StGG does not directly guarantee the freedom of research, although it does declare the freedom of science. The Federal Constitutional Act of 31 July 2016 on Sustainability, Animal Welfare, Comprehensive Environmental Protection, Safeguarding the Water and Food Supply, and Research, BGBl. I Nr. 82/2019

[3] In German the two names are different because of the hyphen, "Bundesverfassungsgesetze" (shortened version: BVG) refers to the whole constitution, "Bundes-Verfassungsgesetz" (shortened version: B-VG) refers to the Act of the Constitution (Constitution in a narrower sense).

(*Bundesverfassungsgesetz über die Nachhaltigkeit, den Tierschutz, den umfassenden Umweltschutz, die Sicherstellung der Wasser- und Lebensmittelversorgung und die Forschung*, hereinafter: BVG-Nachhaltigkeit), states that the Republic of Austria recognizes the importance of both basic and applied research (BVG-Nachhaltigkeit, § 6). According to Magdalena Pöschl, the explicit protection of basic and applied research at the constitutional level was intended to clarify that the commitment to animal protection does not exclude animal experimentation (Pöschl, 2022). Pöschl argues that if the legislator's intent was to balance animal rights and the freedom of research (i.e., the freedom to undertake animal experiments), then this constitutional move was unnecessary, as the Austrian Constitutional Court had already established guarantees based on Article 17 of the StGG. On the other hand, with the addition of the BVG-Nachhaltigkeit, the protection (and support) of basic and applied research has become a constitutional obligation for the state (Pöschl, 2022).

Decision No. 8136/1977 of the Austrian Constitutional Court (hereinafter: VfSlg) interpreted the content of the freedom of research under Article 17 of the StGG. The VfSlg emphasized that freedom of research is one of the general rights of citizens and is guaranteed to anyone conducting academic research. In examining the relationship between freedom of research and academic autonomy, the VfSlg adopted the following approach: the state has an obligation to take positive measures, specifically to grant university scholars a decisive role in the direct administration of science in order to safeguard the freedom of research (and teaching). Another important question concerns whether the freedom of research should be interpreted solely as freedom from state interference or also as freedom from interference by other entities. The VfSlg clarified that, according to Article 17 of the StGG, the freedom of research must be interpreted vertically, not horizontally; that is, it provides protection only against the state (VfSlg 8136/1977, Justification II.2.b). Pöschl argues that this narrative traces back to the adoption of the StGG in 1867, when the legislator did not intend to make a clear statement regarding the burdens imposed by religious teaching institutions or research activities conducted within them (Pöschl, 2022).

6.1.3. Styria

The Constitution of the State of Styria of 1956, LGBl. Nr. 30/1956 (*Dienst- und Gehaltsordnung der Beamten der Landeshauptstadt Graz*, hereinafter: DGO Graz), does not mention either the freedom of research (scientific freedom) or the autonomy of higher education institutions.

6.1.4. Germany

Germany is also a federal republic; therefore, legal sources are distinguished at both the federal and state levels. The German Basic Law of 23 May 1949, BGBl. I S. 2478 (*Grundgesetz für die Bundesrepublik Deutschland*, hereinafter: GG), can be considered the federal constitution of the country. Article 5 of the GG declares the freedom of research alongside the freedom of teaching and the freedom of expression. Christian von Coelln argues that the primary holders of these fundamental rights are academic (university) scholars (von Coelln, 2011). The object of academic freedom (as provided by Article 5(3) of the GG), according to the decision of the German Federal Constitutional Court (*Bundesverfassungsgericht*, hereinafter: BVerfG) in the joint cases 1 BvR 424/71 and 1 BvR 325/72, includes, above all, the processes, actions, and decisions based on scientific autonomy in the pursuit, interpretation, and dissemination of knowledge (BVerfG 1 BvR 424/71, 1 BvR 325/72, para. 112). Therefore, academic freedom and university (higher education institution) autonomy are protected under Article 5(3) of the GG. Academic freedom is not always, but largely, considered a fundamental right of institutional organization (von Coelln, 2011).

The BVerfG ruled in case 1 BvR 2219/20 that the state's seizure of research documents and audio recordings concerning *Islamist radicalization in prisons* violated Article 5 of the GG. In its reasoning, the court emphasized that the freedom of research includes the collection of confidential (classified) data and that state-enforced disclosure of such data makes such research difficult or impossible. Although constitutional rights, including the right to research, may be restricted, in this case the restriction was not justified. The court noted that research based on confidential data contributes to rational crime prevention in the long term, as it increases the knowledge available for crime prevention efforts (BVerfG 1 BvR 2219/20, paras. 13-15).

6.1.5. Brandenburg

The Constitution of the State of Brandenburg of 20 August 1992, GVBl. I/92, p. 298 (*Verfassung des Landes Brandenburg*, hereinafter: Verf BB), secures the freedom of research in the first section of Article 31: "Science, research and teaching shall be free". Although the second section of Article 31 of the Verf BB describes the limits of the freedom of research: "Research shall be subject to legal restrictions if it is likely to violate human dignity or destroy the natural foundations of life." Article 32 of the Verf BB declares the autonomy of higher education institutions, specifically naming "teachers, other employees and students" as the primary beneficiaries of self-governance.

6.2. Acts on Higher Education

6.2.1. Hungary

The Hungarian Act on National Higher Education, Act CCIV of 2011 (*nemzeti felsőoktatási törvény*, hereinafter: HNHEA), defines the fundamental obligations of higher education institutions as education, scientific research, and artistic creation (HNHEA, § 2, para. 1). The HNHEA also identifies the contribution to the social and economic development of the region – through the promotion and economic exploitation of the intellectual assets stemming from core activities for the benefit of the community – as one of the obligations of higher education institutions (HNHEA, § 2, para. 5a).

Although the HNHEA defines "scientific research" as a fundamental obligation of higher education institutions, it does not set out any further regulations. Thus, the HNHEA does not provide any detailed provisions regarding the content of the freedom of research.

The HNHEA contains no specific regulations concerning intellectual property rights related to employees of higher education institutions; it merely provides a hollow reference stating that, if an employee creates an item of intellectual property within the scope of their employment relationship, the general rules shall apply (HNHEA, § 90, para. 4).

However, the HNHEA provides an option for higher education institutions that hold rights to intellectual works to establish an "institutional company" ("intézményi társaság") (HNHEA, § 88, para. 7). The institutional company is subject to restrictions, as rules applicable to state-owned companies must be applied regarding its establishment, the acquisition of its shares, and the liability of its managing director (HNHEA, § 88, para. 3).

The HNHEA separates decision-making among the Senate (*szenátus*), the Rector (*rector*), the Chancellor (*kancellár*), and the Consistory (*konzisztórium*). The Senate is the main decision-making body of the university (HNHEA, § 12, para. 3), where academic scholars must hold a majority (HNHEA, § 12, para. 7, point a) alongside representatives of student self-governments and other employees of the institution. The Rector is regarded as the primary responsible manager and representative of the higher education institution and, according to the residual principle, exercises authority over all matters not assigned by law, the founding charter, the organizational and operational regulations, or the collective agreement to another person or body (HNHEA, § 13, para. 1). At state-owned higher education institutions, the Rector must share their competences with the Chancellor, who is responsible for the institution's operational management (HNHEA, § 13/A, para. 1). The Chancellor is a civil servant of the higher education institution, and the rights of the employer are exercised by the conservator

(HNHEA, § 13/A, para. 4). The Consistory is an operational body responsible for establishing the institution's strategic decisions and providing professional support and oversight of management activities (HNHEA, § 13/B, para. 1). The Rector and the Chancellor are ex officio members of the Consistory, while the other members are appointed by the conservator (HNHEA, § 13/B, para. 3).

6.2.2. Austria

The Austrian Federal University Act of 2002 (*Bundesgesetz über die Organisation der Universitäten und ihre Studien*, hereinafter: UG) specifies the obligations of the Universities in Article . Section 1 of Article 3 describes the obligation of the development of sciences (research and teaching). Section 8 of Article 3 sets out the obligation for universities to apply and implement their research results in practice (UG, § 3).

Article 105 regulates the freedom of knowledge and research (*Gewissensfreiheit und Forschungsfreiheit*). Members of the University were granted the freedom to decide individually whether to participate in academic endeavours, and no restrictions shall be imposed on them for refusing to cooperate, although the refusal must be submitted in writing to the supervisor (UG, § 105).

The UG declares that, according to the Austrian Patent Act, the university shall acquire service inventions created in the course of an employment or training relationship, either under public or private law, with the Federal Government or with the university itself, provided that the university is deemed to be the employer (UG, § 106, para. 2). If the Rectorate does not notify the inventor within three months, the inventor shall be entitled to the intellectual property rights (UG, § 106, para. 3).

In Austria, the general decision-making body of a university is the Senate (*Senat*), which consists of either eighteen or twenty-six members. Within the Senate, the representatives of academic staff form the majority (UG, § 25, para. 3a). Another key decision-making body is the University Council (*Universitätsrat*), which has either five, seven, or nine members (UG, § 21, para. 2). Certain decisions (e.g., the election of the Rector) require the approval of both the Senate and the University Council (UG, § 21, para. 1, p. 4 & § 25, para. 5a).

The UG defines the Rectorate (*Rektorat*) as the highest executive body of the university. According to the residual principle, the Rectorate exercises authority over all matters not expressly assigned to another body under this Act (UG, § 22, para. 1). The Rectorate consists of the Rector (*Rektor* or *Rektorin*), who serves as the chair of the body (UG, § 22, para. 4), and the Vice-Rectors (*Vizerektoren* or *Vizerektorinnen*). In the Austrian system, the UG does not provide for the position of Chancellor.

6.2.3. Styria

In Styria, no state-level regulation for universities or higher education institutions exists.

6.2.4. Germany

The German Federal Framework Act for Higher Education of 19 January 1999 (*Hochschulrahmengesetz*, hereinafter: HRG) defines the obligation of higher education institutions to cultivate and develop the sciences and the arts through research, teaching, study, and continuing education (HRG, § 2, para. 1). The HRG also establishes the obligation to promote the transfer of knowledge and technology (HRG, § 2, para. 7).

Article 4 of the HRG specifies that the freedom of research (as mentioned in the GG) particularly includes the choice of research questions, principles of methodology, the evaluation of research results, and their dissemination.

6.2.5. Brandenburg

The Higher Education Act of Brandenburg of 9 April 2024 (*Brandenburgisches Hochschulgesetz*, hereinafter: BbgHG) defines, in Section 1 of Article 3, the cultivation and development of the sciences through research as one of the obligations of higher education institutions. Article 12 describes an optional function of higher education institutions: supporting self-employment, particularly the founding of businesses by students, temporary academic staff, graduates, and former employees.

Section 2 of Article 4 of the BbgHG reiterates the HRG's non-exhaustive definition of the content of freedom of research. Although Section 4 of Article 4 of the BbgHG clarifies a limitation on the freedom of research for students, stating that it does not exempt them from the obligation to observe the regulations governing coexistence at the higher education institution. The BbgHG also establishes an obligation for academic staff in the form of the doctrine of academic honesty (*wissenschaftliche Redlichkeit*). Section 5 of Article 4 further describes the obligation of higher education institutions – within the scope of their self-regulation – to adopt rules ensuring compliance with the generally recognized principles of good scientific practice and for addressing scientific misconduct.

The BbgHG provides an option for higher education institutions in Brandenburg to support businesses that are related to the institutions, i.e., businesses founded by students, temporary academic staff, graduates, or former employees (BbgHG, § 3, para. 12).

For the purpose of knowledge and technology transfer, higher education institutions may support the self-employment of their students, temporary academic staff, graduates, and former employees, particularly by assisting business foundations, for a period of up to three years, or in justified exceptional cases, up to five years. The standard duration of support is three years; however, in special cases, it may be extended to five years. Support by higher education institutions may take the form of access to laboratories, facilities, and IT infrastructure (BbgHG, § 3, para. 12).

The regulations of the BbgHG do not designate a main decision-making body directly; the Act only identifies the President (*Präsident* or *Präsidentin*) as the central organ of the higher education institution, alongside other bodies specified in the basic regulations (BbgHG, § 70, para. 1). The principle of residual competence also applies to the President: he or she is responsible for all tasks of the higher education institution unless otherwise stipulated by this Act (BbgHG, § 71, para. 1). The BbgHG grants higher education institutions the freedom to decide on the establishment of a Presidency (BbgHG, § 73, para. 1). The Chancellor is also mentioned in the BbgHG; he or she manages the administration of the higher education institution and is a member of the Presidency (BbgHG, § 75, para. 1).

6.3. Acts on Patents

6.3.1. Hungary

Due to the fact that the HNHEA does not contain any specific regulation on employee inventions, Act XXXIII of 1995 on the Patent Protection of Inventions (*a találmányok szabadalmi oltalmáról szóló törvény*, hereinafter: HPA) shall be applied. The HPA states that the inventor is the person who has created an invention (HPA, § 7, para. 1), and that the inventor or their successor is entitled to patent the invention (HPA, § 8, para. 1). The employer may acquire rights related to an employee's invention in the case of a "service invention" or an "employee invention". The basic difference between the two is that, in the case of the former, the employee has a duty under their employment contract to perform work related to the domain of the invention (HPA, § 9, para. 1), while in the case of the latter, the employee has no such duty, although the exploitation of the invention falls within the sphere of the employer's activities (HPA, § 9, para. 2). Where an employee produces a service invention, the entitlement to the patent shall vest in the employer as the inventor's successor in title (HPA, § 10, para. 1). Where an employee produces an employee invention, the employer acquires the right of exploitation (HPA, § 10, para. 2). The employee shall receive remuneration from the employer for the transfer of rights in both cases (service and employee inventions) (HPA, § 13, para. 1 & § 14, para. 1).

According to Mihály Petkó, in the case of a service invention, a double standard must be fulfilled: the invention must be produced during the employment period, and the employee's duty to perform tasks related to the solutions must be clearly specified (Petkó, 2004). József Szalma states that an employee's failure to create an invention does not constitute a breach of contract, as the birth of an invention is a spontaneous process (Szalma, 2005). The Hungarian Supreme Court pointed out that excellent performance by an employee does not exceed the scope of their employment duties if it follows from their job description (e.g., holding an engineering degree), since one can be expected to perform assigned technical tasks to the highest standard and with maximum efficiency (EBH 2003.948.).

6.3.2. Austria

In Austria, the Act of 18 August 1970, BGBl. Nr. 259/1970 (*Patentgesetz*, hereinafter: PatG), regulates both the basic rules on patent protection and specific norms related to employee inventions. Service inventions (*Diensterfindungen*) are inventions made by an employee if their subject matter falls within the field of activity of the enterprise in which the employee works and if (a) the activity that led to the invention is part of the employee's official duties; or (b) the employee received the suggestion for the invention through their work in the company; or (c) the realization of the invention was significantly facilitated by the use of the employer's experience or resources (PatG, § 7, para. 3). In general, the employer may acquire ownership rights in the invention if a written agreement has been concluded between the employer and the employee (PatG, § 7, para. 1). According to the transfer of rights, the employee shall be entitled to appropriate special remuneration (PatG, § 8, para. 1). The fact that the employee is expressly employed by the employer for inventive work and is primarily engaged in such work plays a key role in determining remuneration. If the inventive work for which the employee was hired led to the invention, the employee shall be entitled to special remuneration only to the extent that it exceeds the remuneration already owed under the employment contract (PatG, § 8, para. 2).

On the other hand, employment relationships governed by public law are regulated differently. The employer may, without the need for a separate agreement with the employee, claim the employee's service inventions in their entirety or acquire a right of use in such inventions; this right of use is also effective against third parties (PatG, § 7, para. 2). Neither the PatG nor the UG contains special provisions regarding employees in the higher education sector.

6.3.3. Germany

In Germany, the Act of 16 December 1980, BGBl. 1981 I S. 1 (*Patentgesetz*, hereinafter: PatG), regulates the general rules on patents, while a separate act governs matters related to employee inventions, namely the German Federal Act on Employee Inventions of 25 July 1957 (*Gesetz über Arbeitnehmererfindungen*, hereinafter: ArbEG). The ArbEG regulates inventions that may be the subject of a patent or a utility model (ArbEG, § 2). It clearly distinguishes between inventions assigned to the employer (*Diensterfindungen*, hereinafter: service inventions) and free inventions (ArbEG, § 4). Service inventions are those made during the term of employment that (a) result from the employee's official duties within a private enterprise or public authority, or (b) are essentially based upon the experience or activities of the enterprise or authority (ArbEG, § 4, para. 2). Free inventions (*Freie Erfindungen*) are those that belong to the employee and do not fall under the aforementioned categories (ArbEG, § 4, para. 3). The employee is obligated to report any service invention to their employer (ArbEG, § 5, para. 1), who may claim ownership of the invention by making a corresponding declaration to the employee (ArbEG, § 6, para. 1). Upon the employer's claim, all property rights in the service invention transfer to the employer (ArbEG, § 7, para. 1). The employee shall be entitled to reasonable compensation from the employer for the claimed service invention (ArbEG, § 9, para. 1).

Specific provisions apply to service inventions made by employees of public services (ArbEG, § 40). Instead of claiming ownership of the invention – as is standard under the general rules – the employer may claim a reasonable share in the proceeds arising from the service invention if previously agreed (ArbEG, § 40, para. 1). Additionally, restrictions on the ways of exploiting a service invention may be imposed on an employee in the public interest, based on a general order issued by the competent supreme authority (ArbEG, § 40, para. 3). Special provisions concerning inventions at higher education institutions stipulate that inventors shall be entitled to disclose a service invention within the framework of their teaching or research activities, provided that they notify the employer in due time, typically at least two months in advance. Thus, the aforementioned section of the ArbEG (on public service employees) does not apply in this context (ArbEG, § 42, para. 1). Moreover, the ArbEG grants special rights to employees of higher education institutions, reflecting the sector's particularities (ArbEG, § 42, para. 2). Where an inventor refuses to disclose their service invention in order to safeguard their freedom of teaching and research, they shall not be obliged to report the invention to the employer. In such cases, the employee's remuneration is fixed at up to thirty percent of the proceeds realized from the exploitation of the invention (ArbEG, § 42, para. 4).

The current regulatory framework is the result of the 2002 ArbEG reform. Prior to this reform, the principle of the professors' privilege (*Hochschullehrerprivileg*) applied to natural persons conducting research activities at higher education institutions (Vígh, 2006). This privilege is deeply embedded in German legal thought, with a decision from 1910 already holding that inventions made by teachers at universities, academies, and similar institutions during the course of their teaching or research work do not belong to the state – their employer – even if the state provided the facilities, laboratories, apparatus, materials, and assistants at its own expense (Rösler, 2001).

When interpreting the meaning of income, the Federal Court of Justice (*Bundesgerichtshof*, BGH) has clarified that the concept of income (*Einnahmen*) must be interpreted broadly, encompassing all property accruing to the employer from the exploitation of the invention and causally linked to it. The decisive factor is the gross income, i.e., the income actually received; expenses related to the acquisition, maintenance, protection, and exploitation of property rights are not deductible (X ZR 59/12).

7. Conclusion

The paper argues that university autonomy also encompasses the decision-making freedom of the institution, and that the subjects of the freedom of research are both individuals and institutions. This latter phenomenon can generate conflicts between researchers and universities. The roles of universities have changed in the late 20th and early 21st centuries. In addition to education and research, the utilization of research results has also become an obligation for higher education institutions. The state has distanced itself even from state-owned universities, meaning that more responsibilities have been outsourced to higher education institutions. According to Bleiklie and Kogan, this led to fundamental changes within the internal structure of universities. Universities transitioned from being "republics of scholars" to becoming "stakeholder organizations." The authors explain this phenomenon primarily through the rise of the paradigm of academic capitalism, one sign of which is the overcrowding of higher education (where institutions compete to attract more students) (Bleiklie & Kogan, 2007).

The study states that all three investigated states – Hungary, Styria (Austria), and Brandenburg (Germany) – are bound by international agreements that provide guarantees for the freedom of research. At the national level, the HFL declares scientific freedoms (freedom of research, freedom of teaching, etc.) in a separate article. Academic freedom is protected at both the individual and institutional levels. In Styria, the B-VG guarantees autonomy for universities, and the StGG states that "science and its teaching are free." In Austria (Styria), both basic and

applied research enjoy protection at the constitutional level. In Brandenburg, both the GBL and the CoB safeguard the freedom of science, research, and teaching.

Although the HFL in Hungary explicitly affirms the freedom of scientific life, the HNHEA does not define specific elements of the freedom of research or the obligation to engage in technology transfer activities. These are only vaguely mentioned in the HHEA. Even the decisions of the HCC have not elaborated the substantive content of the freedom of research in a deeper sense. This phenomenon may also lead to uncertainty regarding the obligations of researchers at higher education institutions.

The Austrian UG declares the individual freedoms of university members and establishes the obligation of universities to utilize research results. According to the practice of the VfSlg, the subject of the freedom of research can be anyone engaging in scientific research (this approach does not focus primarily on the rights of scholars). The VfSlg also interprets the freedom of research first and foremost as protection against state intervention.

In Brandenburg, both the HRG and the BbgHG outline the freedom of research with examples (the research question, the principles of methodology, the evaluation of research results, and their dissemination) and define technology transfer activities as obligations of higher education institutions. In Germany (Brandenburg), according to the GG, the HRG, and the BVerfG's case law, scholars in particular are entitled to special rights arising from the freedom of scientific life.

In Hungary, the HNHEA states that institutional companies may be founded by higher education institutions to utilize research results, although certain regulations relating to state-owned companies also apply to them. The HNHEA separates academic and administrative leadership, albeit the main decision-making body – in practice – is the Consistory. Although the HPA does not contain specific rules regarding the freedom of research in the context of employees, employees are treated the same way as private sector employees. This approach fails to recognize the specific features of the higher education sector (e.g., the obligation to publish research results, the importance of freedom in choosing scientific methodologies, or the freedom to formulate research hypotheses).

In Styria, the UG declares (in accordance with the Austrian Patent Act) that the university shall acquire service inventions made at the university. In Austria, the separation of academic and administrative functions is not reflected in the leadership structure of universities. The PatG does not distinguish between university employees and other public sector employees; therefore, the general

rules applicable to public sector employees must be applied. According to the PatG, public sector employees enjoy fewer rights concerning service inventions compared to private sector employees. Thus, in Austria (Styria), according to constitutional and patent law, scholars are not entitled to any special privileges related to their scientific activities, because the freedom of research is interpreted broadly as a right available to anyone engaging in scientific research, and the content of this freedom is interpreted narrowly.

In Brandenburg, under the obligations imposed on higher education institutions, the BbgHG introduces a unique element: the support of businesses related to the institutions, i.e., businesses founded by students, temporary academic staff, graduates, and former employees. This reflects a new function of universities, where higher education institutions not only educate students but also nurture start-up businesses. Respecting university autonomy, the BbgHG grants universities the freedom to define the internal structure of the Presidency. The separation of academic and administrative affairs (e.g., the distinction between the titles of Rector and Chancellor) can also be observed. The ArbEG, on the other hand, places special emphasis on inventions created by university employees. Recognizing the special needs of the sector, the ArbEG distinguishes between regular public sector and higher education employees: on the one hand, the university acquires intellectual property rights, while on the other hand, the employee may refuse to report an invention if doing so would conflict with their scientific freedom.

The Hungarian system, particularly the HNHEA, should be modernized following the Brandenburg model. The HNHEA should more clearly define technology transfer activities as duties of higher education institutions and should place greater emphasis on specifying the content of the freedom of research at the individual level (as done in Brandenburg and Austria). Intensified university technology transfer activities may impose disproportionate burdens on higher education scholars compared to the institution. In Austria and Hungary, the freedom of research is mostly interpreted as a defensive right against the state, although adopting a horizontal approach would help establish legal guarantees for individuals against institutions as well. This narrative should also be incorporated into the regulation of intellectual property rights, particularly in the case of service inventions.

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AGENDA 2030: FUTURE CHALLENGES IN THE CONTEXT OF THE SUSTAINABILITY OF OCCUPATIONAL SAFETY AND HEALTH

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ABSTRACT

The study examines the sustainability of occupational safety and health in the light of the objectives of the 2030 Agenda framework, with a particular focus on the challenges posed by new technologies and digital forms of work.

Significant progress has been made in reducing the number of fatal accidents at work in the European Union over the last three decades, but major challenges remain, particularly in protecting workers' rights and creating safe working environments. New technologies, global labour market changes and sectoral shifts are creating new risks at work that require more complex and comprehensive occupational safety and health responses. OECD guidelines and international initiatives to measure the quality of the working environment are contributing to improving well-being at work, but their impact remains limited.

Ensuring decent work and a safe working environment is a priority of the Sustainable Development Goals of the 2030 Agenda and an important policy objective in Hungary. Improving new work organization practices and the situation of workers on digital platforms will require particular attention in the future.

KEYWORDS Safety of workplace, sustainability, Agenda 2030, occupational safety and health (OSH), digital working

1. Introduction

The protection of workers' health and safety, as provided for in the EU Treaties and the Charter of Fundamental Rights of the European Union, is a key element of the EU's people-centred economy. A healthy and productive workforce is an important aspect of the sustainability and competitiveness of the EU economy

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and ensuring healthy and safe working conditions is a prerequisite for this. Accidents at work, including fatal and non-fatal accidents at work, work-related or during commuting, remain a key indicator of health and safety outcomes, both in public policy and in public perception.

Over the past three decades, there has been significant progress in health and safety at work: the number of fatal accidents at work in the EU fell by around 70% between 1994 and 2018. Despite this progress, in 2018 there were still more than 3,300 fatal accidents and 3.1 million non-fatal accidents in the EU-27, and more than 200,000 workers die from work-related diseases every year. This results in enormous human suffering (European Commission, 2021).

It is estimated that for every euro invested in health and safety at work, the employer gets around twice the return. According to a study on the total social cost of workplace accidents and occupational diseases, the annual cost of such incidents in Hungary is estimated to be nearly HUF 400 billion, a figure that could be reduced by improving working conditions.

Despite the decline in the number of workplace accidents and illnesses over the past few decades, workers report continuing and emerging occupational safety and health risks. Today, smart digital systems and technologies have evolved faster than any innovation in our history, changing and impacting people's lives globally, while redefining the notion of occupational safety and health.

The psychosocial and emotional stressors on workers' well-being are increasing, while physical risks and ergonomic burdens remain high and stable. In addition, the use of new technologies in the workplace, sectoral shifts and changes in the workforce, as well as globalization, require wider and more comprehensive occupational safety and health (hereinafter: OSH) measures. The need to maintain and improve standards of worker protection is therefore a constant challenge (Ministry for National Economy, 2024).

2. Future challenges for safe and healthy work

Ethical concerns about the unfair sharing of OSH risks in global supply chains have led the International Labour Organization (hereinafter: ILO) to declare OSH as one of the fundamental principles and rights at work. Although important measures and initiatives (agreements, conventions, governmental and company programmes) have had an impact on the general situation, their impact at international level is still limited (International Labour Organization, 2022).

There are areas where the data suggest that no progress has been made. There is a lack of progress in the implementation and enforcement of relevant legislation, and at national level the capacity of OSH infrastructure varies widely between countries.

Ensuring compliance with the OSH legal framework and monitoring it statistically is made more difficult by the increase in the proportion of "atypical" forms of work (part-time, temporary, seasonal, self-employment, home-based and teleworking). The main characteristic of many of these types of employment is a less clear employer-employee relationship.

The data also show that many enterprises, especially micro and small enterprises and the self-employed, often have difficulties in performing more complex risk prevention tasks (e.g. tasks related to psychosocial, chemical, biological, optical, electromagnetic risks) due to a lack of resources, expertise and awareness. Some states have explicit targets for reaching micro and small enterprises and the self-employed, which often present enforcement authorities with major challenges in terms of supervision (Kardos, 2023).

The shift in the workforce is also visible at sectoral and occupational level. There has been an increase in the proportion of administrative (clerical, professional, managerial, etc.) and customer-oriented and communication occupations, which has resulted in a shift of risk towards psychosocial and emotional challenges, often associated with lower physical activity.

A healthy and productive workforce is important for the sustainability and competitiveness of the economy and ensuring healthy and safe working conditions is a prerequisite. Occupational accidents, including fatal and non-fatal accidents at work, work-related or during commuting, remain a key indicator of occupational safety and health outcomes, both in public policy and in public perception.

Although a number of studies, some of which have involved EU-OSHA, have attempted to estimate the impact of work-related diseases, including their financial burden, the relationship between work and major diseases affecting the adult population (cardiovascular disease, cancer, musculoskeletal disorders, lung diseases, hearing impairment) remains the subject of intense scientific debate (EU-OSHA, 2023).

In terms of the economic consequences of work accidents, EU-OSHA reports that the annual cost of work accidents and occupational diseases can reach 3.3% of GDP (European Commission, 2021). This includes direct costs, such as medical care and compensation, and indirect costs, such as loss of production and the cost of replacing labour. According to the Makronóm Institute's calculations, occupational accidents and diseases in Hungary in 2022 will have a significant social cost of HUF 382.1 billion, which could be reduced by improving working conditions (Ministry for National Economy, 2024). It is estimated that for every euro invested in health and safety at work, the employer gets around twice the return (European Commission, 2021).

The data shows that EU companies are outsourcing industries and services to developing countries that pose high occupational health and safety risks, such as mining, metallurgy, hazardous waste management, chemicals and textiles.

Looking ahead to the challenges ahead, it is clear that more comprehensive and coordinated efforts are needed to ensure decent, safe and healthy workplaces and working conditions at global level.

3. International aspirations: The plan for sustainable development

The 2030 Agenda for Sustainable Development (hereinafter: Agenda 2030), adopted by all UN member states in 2015, sets out a shared blueprint for peace and prosperity for people and the planet, now and in the future. At the heart of this are the 17 Sustainable Development Goals (hereinafter: SDGs), which represent an urgent call to action for all countries – both developed and developing – within the framework of a global partnership. They recognize that eradicating poverty and other forms of deprivation must go hand in hand with strategies to improve health and education, reduce inequality, and stimulate economic growth – all while addressing climate change and working to conserve oceans and forests.

The SDGs formulated in Agenda 2030 are based on decades of work by the countries and the UN, including the UN Department of Economic and Social Affairs, the results achieved in previous decades, such as Agenda 21 and the Millennium Development Goals (hereinafter: MDGs). The 2030 Sustainable Development Plan is a common compass for the world to help achieve a sustainable future (United Nations, 2023).

The Division for Sustainable Development Goals (hereinafter: DSDG) plays a pivotal role in assessing the implementation of the 2030 Agenda within the UN system, as well as in promoting advocacy and raising awareness about the SDGs. To realize the 2030 Agenda, it is essential that the widespread adoption of the SDGs translates into a robust commitment to achieving these global goals by all stakeholders. The DSDG is dedicated to fostering this commitment.

Annually, the UN Secretary-General will compile a report on the progress of the SDGs. This report, developed in collaboration with the UN system, will be based on the global indicator framework, data generated by national statistical systems, and information gathered at the regional level.

The pursuit of Sustainable Development Goal 8 is hindered by the lingering effects of the COVID-19 pandemic, escalating trade disputes, increasing debt burdens in developing countries, ongoing conflicts, and geopolitical tensions, all of which collectively threaten global economic stability. Although labour

markets have demonstrated resilience, the uneven recovery from the pandemic, diminishing labour rights protections, and emerging vulnerabilities undermine the prospects for social justice. The report predicts a deteriorating labour market outlook, with higher unemployment rates and sluggish economic growth in 2024, which will likely exacerbate income inequality and hinder equitable pay for women and access to decent work for young people. Achieving SDG 8 requires policies that promote economic growth with a strong emphasis on social justice and inclusive employment (United Nations, 2023).

Globally, numerous workers encounter substantial risks in their workplaces, with work-related accidents remaining widespread. In 11 out of 93 countries with available data, more than 10 work-related fatalities per 100,000 workers were reported. Furthermore, in half of the 96 countries with data, the incidence of non-fatal injuries per 100,000 workers surpassed 641.

From 2015 to 2022, the global average level of national compliance with labour rights decreased by 7%. This decline is evident in both developed and developing nations and has become more pronounced in all regions since 2020. Recent data suggests that ongoing crises have led to an increase in violations of labour rights in practice, and alarmingly, violations of fundamental civil liberties of workers, employers, and their organizations (United Nations, 2023).

4. Agenda 2030 framework: safe working environment for all employees

Of the 17 goals of the 2030 Agenda framework, Goal 8 is to promote inclusive and sustainable economic growth, employment and decent work for all. What is "decent work"? Decent work is the opportunity for everyone to have a job that provides a productive and decent income, job security and social protection for families, better prospects for personal development and social inclusion. The continuing lack of decent work opportunities, under-investment and under-consumption lead to the erosion of the basic social contract that underpins democratic societies: the need for all to participate in progress. Creating quality jobs remains a major challenge for almost all economies (United Nations, 2023).

Point 8.8 of the Agenda 2030 framework sets out the protection of workers' rights and refers to the promotion of a safe and secure working environment for all workers, including migrant workers, especially women migrants, and those in precarious forms of employment as a new challenge (International Labour Organization, 2024).

Among precarious employment, the rise of digital labour platforms has created both opportunities and challenges in the world of work. However, while jobs linked to these platforms have grown rapidly and offer flexibility and autonomy

to the workforce, they also pose challenges in terms of inadequate occupational safety and social security (Nilsen et al., 2021).

Platform workers often face difficulties in accessing social security benefits, even though a significant number of these workers may suffer accidents at work due to the specific characteristics of this sector.

A growing number of countries are adopting and introducing employment injury insurance (hereinafter: EII) schemes, following the social security principles set out in ILO Conventions, which include the Social Security (hereinafter: Minimum Standards) Convention, 1952 (No 102) and the Employment Injuries Benefits Convention, 1964 (No 121) (International Labour Organization, n.d.).

5. Dilemmas in assessing the quality of the working environment

The Organisation for Economic Co-operation and Development (hereinafter: OECD) is an international economic organisation based in Paris. Hungary has been a member since 1996.

The Organisation is an internationally recognised think tank that provides recommendations to Member States on how to improve public policies. The OECD compares the experiences of Member States in different policy areas, looks for answers to common challenges and problems, identifies "good practice" and standards, and helps to coordinate domestic and international policies. The OECD's fundamental objective is to remain a global forum for dialogue and decision-making on contemporary issues facing the world economy (OECD, n.d.).

The OECD Guidelines are intended to complement official statistics by helping to measure the quality of the working environment. Treating the quality of the working environment as a determinant of people's living conditions is clearly a way forward – as work is fundamental to workers' well-being (OECD, 2017).

However, the nature of the working environment and the factors that shape it have changed and now encompass much broader socio-economic aspects than the physical risk factors that were the focus of traditional physical health and safety regulation. Thus, in a context where work organisation and labour market practices are increasingly drawing attention to the limitations of purely quantitative assessment systems, and where the labour market inequalities that shape people's lives are highly dependent on the quality of workplaces, better measurement of working conditions and its future development is a policy imperative, as reflected, inter alia, in the UN 2030 Agenda's targets on quality at work and decent work.

While initiatives to assess the quality of the working environment have been developed in response to policy needs, their impact has remained limited due to irregular or one-off surveys, small sample sizes, limited comparability between countries, etc. For example, while several international surveys cover physical risk factors and work intensity, only two international surveys include questions on the extent to which the workplace supports workers' self-fulfilment or the quality of management practices. In addition, information on many other aspects of the work environment (such as physical demands, task-related discretion and autonomy, training and learning opportunities at work, work-related intrinsic rewards, work-life balance, working at different hours from the norm and flexibility of working hours) is only available for European countries and some OECD countries (OECD, n.d.).

6. Sustainable Development Goals in Hungary

In our country, the new Constitution adopted in 2011 specifically states that, in addition to the right to physical and mental health, "every worker has the right to working conditions that respect his or her health, safety and dignity" (Alaptörvény, art. XVII. para. 3).

Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work forms the basis of Hungary's highest-level national occupational safety and health legislation: Act XCIII of 1993 on Occupational Safety and Health. This Act contains, inter alia, provisions that are compatible with Directive 89/391/EEC. EU directives establishing requirements for European health and safety legislation – including the Framework Directive – have been transposed into national law.

After a long strategic gap, the National Policy for Occupational Health and Safety was adopted in 2016 in the form of a government decision. This document sets out the priorities for occupational safety and health in the country for the period 2016-2022, considering the European Union's 2014-2020 strategy for occupational safety and health and the WHO Global Action Plan. The document sets out the tasks in the following five dimensions (Kudász et al., 2022):

1) Improving the competitiveness of businesses,
2) To maintain the employability of workers,
3) Occupational health and safety training and education,
4) Information, communication,
5) Occupational safety and health research and development.

As an UN member state, Hungary is part of the 2030 Agenda. Monitoring and reviews are supported by the Global Indicator Framework, which currently sets

out 232 global indicators. However, the 2030 Agenda also allows for adaptation at regional and national level, so in addition to the global list, country groups and nation states are developing their own sets of indicators.

Hungary has been actively involved in shaping the framework from the very beginning, and the first steps have been taken to implement it at home.

The National Council for Sustainable Development (hereinafter: NCSD), established in 2007, has developed the new Hungarian National Sustainable Development Framework Strategy, which will facilitate the implementation of the domestic sustainable development policies. Adopted in 2013, the NFFT aims to examine the implementation of sustainability aspects by focusing on four resources (human, social, natural, and economic).

Compared to the European Union strategy or the SDGs, the Hungarian framework strategy is much narrower in its approach to sustainability. In its interpretation, sustainable development policy is primarily a long-term resource management activity.

The Hungarian Central Statistical Office (hereinafter: KSH) has undertaken to coordinate the compilation of domestic data for the global indicator list and is currently in the process of compiling the data, mapping additional data needs, and identifying gaps and potential data sources. Since 2007, the Central Statistical Office has been publishing a biennial progress report that includes sustainable development indicators to support the monitoring of both the strategy's implementation and overall progress (KSH, n.d.).

On 7 December 2023, the NCSD adopted the Fifth Progress Report on the implementation of the National Framework Strategy on Sustainable Development. The report covers the period 2021–2022 and aims to examine the four pillars of sustainability – human, social, environmental, and economic resources – as well as to assess the current status of progress toward the set targets by analysing national conditions and opportunities.

An analysis of the 16 key indicators reveals that, although several positive changes have occurred since the previous progress report, some indicator values have declined. Seven of the 16 indicators examined were rated as below average or poor, while only the employment rate and the gross fixed capital formation rate were rated as good compared to the EU average (Hétfa Kutatóintézet és Elemző Központ, 2023).

In terms of human resources, the number of births has fluctuated, but has not increased significantly as fertility has increased, due to a persistent decline in the number of women of childbearing age. The number of nursery places has increased dynamically, but capacity is still insufficient, and further expansion is

an important help to reintegrate women with children into the labour market. Homeworking has increased because of both the Covid-19 epidemic and the energy crisis caused by the Russia-Ukraine conflict, but the share of atypical employment is far below the EU average. Social ageing remains a pressing issue, accompanied by rising dependency ratios that raise concerns about the long-term sustainability of the current pension system (NFFT, 2023).

7. Conclusion

The 2030 Agenda framework emphasises sustainable and inclusive economic growth and the importance of ensuring decent work. Although the European Union has made significant progress in occupational safety and health over the past decades, major challenges remain.

According to the reports published so far, the domestic indicators are positive, but a turnaround is needed in Hungary to meet sustainability targets: "The basis for socio-economic development should not be based on greater use of resources, but on increasing and improving knowledge, innovation, efficiency and productivity" (NFFT, 2023).

At the international level, the SDG Summit in September 2019 also highlighted that the SDGs are not on track to be achieved globally by 2030. The event highlighted that Member States' efforts to achieve these goals are only 10 years away.

Ambitious action is needed to achieve the goals by 2030, which is why the UN has launched the Decade of Action to achieve the SDGs as soon as possible. The Decade of Action aims, among other things, to encourage action at individual and collective, local and global levels and to push for more ambitious action to accelerate implementation (The Government of Hungary, n.d.).

New technologies, shifting sectors and globalisation mean that safety risks at work are constantly changing and increasing. Increasing psychosocial stressors and the need to maintain a stable level of physical risks call for more comprehensive and concerted efforts to maintain the health and safety of workers. In addition, the spread of new atypical forms of work and digital work platforms creates new challenges in the field of occupational safety and health, in particular in the area of social security and occupational accident insurance.

Overall, looking ahead, countries and the international community must pay increased attention to creating safe and healthy working conditions to ensure the sustainability and competitiveness of the workforce in the global economy.

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REGULATORY EVOLUTION OF TRAFFIC ENDANGERMENT OFFENSES IN HUNGARY

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ABSTRACT

This paper explores the historical development and evolution of legal regulations addressing traffic-related endangerment crimes in Hungary. Beginning with the foundational Act V of 1878, the analysis highlights the distinction between intentional and negligent acts, with a focus on the heightened accountability associated with occupational and professional obligations. The study examines the significant legislative milestone of the Deficiency Act of 1948, which established the independent offense of endangering within the scope of an occupation, criminalizing immediate exposure to danger irrespective of material harm. Through an in-depth review of judicial practices, ministerial reasoning, and scholarly contributions, the paper elucidates the progression of key legal concepts, including negligence, causality, and occupational liability. By tracing these developments, the research underscores the dynamic interplay between evolving societal needs and legal frameworks, offering insights into the historical and legal foundations of contemporary traffic law in Hungary.

KEYWORDS Traffic-related endangerment crimes, negligence, causality, occupational liability, Deficiency Act of 1948

1. Introduction

This study delves into the historical evolution of legal regulations concerning traffic-related endangerment crimes in Hungary, focusing on the key milestones and principles shaping this field of law. By providing a detailed account of legislative and doctrinal developments, this work aims to offer insights into the interplay between evolving societal needs, legal theory, and judicial practice in addressing traffic-related endangerment crimes. The study is intended to contribute to a deeper understanding of the historical and legal foundations of current Hungarian traffic laws.

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2. Act V of 1878 the Hungarian Criminal Code on Crimes and Misdemeanours

2.1. Legislation in general

The first Hungarian Criminal Code (CC, 1879, § 486)[2] on one hand differentiated the equally intentional homicide and murder, and it ordered the punishment of manslaughter committed by negligence, and it ordered more serious punishment, if the death originated from the inexperience of the perpetrator in respect of his profession or occupation, his gross negligence or the violation of the related rules (CC, 1879, §§ 60, 90)[3]. At the same time it also differentiated intentional bodily injury (CC, 1879, §§ 301, 302)[4] and intentional harm connected to serious bodily injury (CC, 1879, § 310)[5], and in this respect it punished more seriously, if the serious bodily injury was due to the inexperience of the perpetrator in respect of his profession or occupation, his gross negligence or violating the related rules (CC, 1879, § 310)[6], and in this case with increasing the rigour it also allowed prohibition of the perpetrator from a profession or occupation (CC, 1879, §§ 60, 310)[7].

It is noteworthy that the Act fails to use the possessive case in one of the four occurrences – three times it states "in his occupation" or "in his profession," but once only "in the occupation." This may suggest either a slip of the pen by the author or a typesetting error introduced in later versions of the law; however, both explanations remain speculative. If the legislator, failing to notice the original slip, incorporates it into the law, then the error becomes part of the

[2] The minister of justice is assigned with implementing this Act, as the effective date and the transitional measures are regulated by a separate enacting Act. Section 1 of Act XXXVII of 1880 on enacting the Hungarian criminal codes (Act 1878:V. and Act 1879:XL.) The Hungarian criminal code on criminal acts and misdemeanours, and the Hungarian criminal code on petty offences will come into effect on September 1, 1880. Note: there is a point after the § symbols, in line with the law.

[3] § 60: Those cases are defined in the special part of this Act, in the case of which the person judged to be guilty must be banned from exercising the occupation that requires professional education. § 291: [. . .] In the cases of this section, the person found to be guilty may be banned from exercising the profession or occupation according to its decision for good or for a defined period and it may allow his exercising again depending on a new audit or another evidence that certifies the acquiring of the appropriate qualification.

[4] § 301: The person, who assaults the body of another person intentionally, but without the intention of killing him, or who violates the health of another person, if the injury, illness or mental condition caused by him lasted for a period longer than twenty days: committed the criminal act of serious bodily injury, – if it did not exceed twenty days, but lasted longer than eight days: he committed the misdemeanour of serious bodily injury, – and if it did not last longer than eight days, he committed the misdemeanour of light bodily injury. § 302: The criminal act of serious bodily injury must be punished with prison up to three years, – the misdemeanour of serious bodily injury is to be punished with jail up to one year and with fine up to five hundred forints, – and the misdemeanour of light bodily injury is to be punished with jail up to six month and a fine up to two hundred forints.

[5] The person, who caused a serious bodily injury to another person is to be punished with jail lasting up to three months, and with fine up to two hundred forints. [. . .]

[6] [. . .] However, if the serious bodily injury was due to the inexperience, gross negligence or the violation of their rules in his own profession or occupation of the perpetrator, he must be punished with jail lasting to one year and a fine of maximum five hundred forints.

[7] § 60: Those cases are defined in the special section of this Act, in three cases of which the person convicted to be guilty must be banned from exercising the occupation that required vocational education. § 310: [. . .] The resolutions of Section 291 that refer to banning from an occupation and allowing it again, have to be applied also in the case of this section.

legislation itself. Moreover, the first edition of the Act rules out the possibility of later typesetting errors, as Section 291 includes the following wording: "If, however, death [occurs], in the profession or occupation of the perpetrator […]" (CC [Zilahy ed.], 1879, § 291)[8].

In spite of all this, based on two decisions of the Curia, it is also clear that the conduct constituting both criminal acts – namely, the negligent causing of death under Section 291 and the negligent causing of serious bodily injury under Paragraph 2 of Section 310 – constitutes a violation of the rules of the perpetrator's own occupation (or profession)[9].

Two additional decisions of the Curia further restricted the interpretation of the terms occupation and profession. In a decision from 1891, the court stated:

> "Under the expressions 'profession' and 'occupation' as used in Section 310[10], only those life careers may be understood for which a permit from the state is required, and which are subject to specific conditions. Therefore, the 'cab driver business' does not fall into this category [April 3, 1891. 8553/90. J. Sz. V. 197.]" (Márkus, 1893, p. 460).

In a subsequent 1892 decision, the Curia elaborated:

> "The concept of 'profession' and 'occupation' as indicated in Point 2 of Section 310 refers to a permanent activity carried out by an individual, based on his professional education. Consequently, the service-providing role of the accused as a cab driver cannot be considered a profession or occupation within the meaning of the referenced section [March 1, 1892. 7996/91. J. Sz. VI. 460.]" (Márkus, 1893, p. 460).

[8] Naturally typesetting (or mistyping) errors may occur even this way. One example can be found in Sótonyi & Busch (2006, p. 227): "According to Section 291 'if however, it […] in the profession or occupation of the perpetrator". This is not the same as the text of the Act („in occupation"). A single letter (foglalkozásban vs. foglalkozásában) appears to have been added later – either as an unintentional error or as an attempt to correct a perceived deficiency. While the correction is grammatically sound, it nonetheless constitutes an unauthorized modification of the original legal text.

[9] „The accused caused injury to J.J., which lasted for more than twenty days, through negligence. However, since the accused was not a professional authorized to extract teeth from individuals suffering from tooth pain, and acted solely with the intention of helping, his liability could only be established under the first paragraph of Section 310 [September 16, '91, 2164.]" (Márkus, 1891, p. 673). „F. Pál, the accused person, as a patient guard, in spite of the strict prohibition effective in the St. Rókus Hospital, left alone for a few moments Anna G., whom he was to guard, who had asked him for water, and Anna G., using these minutes, threw herself down to the courtyard through the 2nd-floor open window of the corridor […]. Anna G. died after a couple of days; her death was caused by this fall. Since the accused person was strictly told […] not to leave Anna G. without supervision, who was often in an insensible state, and since the accused violated this prohibition and, through this omission, negligently caused the death of Anna G., he had to be declared guilty of the misdemeanour of killing a person by negligence, in violation of Section 290 of the Criminal Code [June 2, '96. 6468/95.]" (Márkus, 1897, p. 460).

[10] It was an occasional practice under the Criminal Code of 1878 to apply multiple paragraphs within a single legal provision. At the time, judicial practice typically referred to these as "paragraph one," "paragraph two," etc., while the use of Arabic numerals was rare. In contrast, the Code itself occasionally used Arabic numbering in other provisions. This observation has no substantial legal relevance; it is merely a technical note. Similarly, the period placed after the section symbol (§) was once common, but over time, this usage gradually disappeared.

The Criminal Code of 1878 therefore regulated negligent manslaughter and negligent serious bodily injury as offenses subject to more severe punishment when committed in connection with the perpetrator's profession or occupation – specifically due to inexperience, gross negligence, or violation of the relevant rules. This interpretation was also confirmed, with some nuance, by a Law Unification Decision issued in 1930:

> "K. 24. J. D. A person's act must be qualified and punished under Section 291 and Paragraph 2 of Section 310 of the Criminal Code if they caused the death or serious bodily injury of another by negligence while driving a vehicle—provided the person was qualified to drive the vehicle, even if they were not doing so professionally [June 13, 1930 – B.H.T. IX. 936.]" (Szentkuthy & Térfy, 1942, p. 357, see also Térfy & Térfy, 1948, pp. 1573-1575).

From the above, it can be observed that—since the law at the time did not recognize or regulate direct exposure to danger, as later legislation did—it excluded such situations from the scope of general duty of care applicable to everyone. Instead, it assigned liability to the specific rules governing the perpetrator's own occupation or profession. The act was thus evaluated under these professional rules, with particular emphasis on the perpetrator's inexperience, gross negligence, or rule violations. In retrospect, this step laid the groundwork for the future legal classification of the offense of endangerment committed within the scope of an occupation.

2.2. Negligence

The formal regulation included in Section 75 of the Criminal Code of 1878 states: only those acts are considered criminal if they are committed intentionally. The same applies to misdemeanours, except in cases where an act committed through negligence (*culpa*) is explicitly defined as a misdemeanour in the special part of the law. However, neither intentionality nor negligence is defined in the statute itself or in the ministerial reasoning. Intentionality is identified – albeit only with difficulty, based on the ministerial reasoning – as an expression of will[11] (MR of CC, 1878). Therefore, one can only conclude that negligence was regarded as the absence of will.

From two decisions of the Curia made in 1890, it can be observed that the judicial practice of the time elaborated the concept of negligence in terms of its legal definition:

[11] According to the Ministerial Justification of the Criminal Code of 1878: "However, it is necessary for an attempt to be intentional. The will of the perpetrator must be unconditionally directed toward committing a criminal act or misdemeanour. Therefore, the first and absolutely essential element of an attempt is intent; for this reason, an attempt to commit a 'delictum' by negligence cannot be considered. Just as we cannot recognize the attempt of a criminal act or misdemeanour committed through negligence, the primary governing element of an attempt is intent: this must determine the legal assessment."

> "Negligence means such an act or omission where the harmful impact on another person, or the 'possibility' of its unlawful result, was not known to the individual in question, even if this possibility was on his mind at the time he committed the unlawful act, and it allowed the omission to occur either by suppressing or failing to recall the otherwise known consequence. [January 23, 1890. 6310/89. M. I. 297.]" (Márkus, 1891, p. 675)[12].

> "[...] the unlawful nature of the act may not be known in advance 'it may not be foreseeable or intentional' although the perpetrator could have recognized, with due attention or care, the possibility of the unlawful nature of the situation resulting from it [June 11, 1890. 917. Dt. XXVIII. 267.]" (Márkus, 1891, p. 527).

One of the prominent figures in the field of criminal law, Ferenc Finkey, wrote the following in 1914: "With regard to negligence, the rules of the general part must be applied." This sentence may appear somewhat out of place and is difficult to interpret; however, the continuation is more readily understandable: "Foreseeing the possibility of the result (death) and not wanting the result to occur are usually its main characteristics." (Finkey, 1914, p. 589) Naturally, this also applies to cases involving bodily injury.

In this era[13], another outstanding figure in the field of criminal law, Pál Angyal, wrote in 1928 – while differing in approach, though not contradicting Ferenc Finkey – the following:

> "Negligence, in connection with the actual or potential knowledge of the causal link of the act, relates to the will directed at the act. In my view, from the perspective of motivational theory, negligence occurs when the perpetrator is driven by the hope associated with the non-occurrence of the result that ultimately does occur due to the commission of a criminal act in breach of their duties, or when the belief in the potential result fails to deter

[12] I note here that I deliberately sought out decisions of the Curia from this period. By that time, the Criminal Code of 1878 had already been in force for several years, and thus judicial practice had become well-established. Between 1879 and 1893, Károly Csemegi served as a judge of the Curia from the age of 53, without any precedent. He was also president of its Second Council and the creator of the Criminal Code, making him its most knowledgeable interpreter. As Hajnal recounts, "during these fourteen years, the decisions issued by the Curia were, without exception, submitted to voting after his lectures, without any changes." When county judge Majláth once asked how the council operated, Csemegi reportedly replied, "In the Council, only I have an opinion." He omitted mentioning that Majláth had replied, "I didn't know there was a one-man judicial body at the Curia." Csemegi's intense focus on examining the factual details of cases is also noted. On one rare occasion when his fellow judges overruled him, he was so affected that he became ill and had to be escorted to his apartment in a semiconscious state (Hajnal, 2003, pp. 78–81, 93). Tóth offers a similar personal perspective on Csemegi's character and judicial role (Tóth, 2020).

[13] From the perspective of the criminal law scholars of this era, I have chosen to limit my investigation to Ferenc Finkey and Pál Angyal, as they provided a comprehensive elaboration of substantive law. They not only clarified the correct interpretation of the written law, but in some respects even developed it further through their doctrinal insights. Their intellectual contributions – mutatis mutandis – remain relevant and continue to offer valuable guidance today.

> them – not because it was confronted and dismissed, but because it was absent, although it should or could have been present" (Angyal, 1928, p. 41).

Later, in 1943, he repeated this formulation verbatim: "Negligence occurs […] he was not refrained from it" (Angyal, 1943, p. 16).

2.3. *Causal relationship*

From the Ministerial Reasoning related to Paragraph 2 of the Criminal Code of 1878:

> "In the case of homicide, according to one opinion, not only the intention to kill and the actual killing of a person are required, but also the existence of a causal relationship between the intent and the resulting death. […] This causal link is not broken by a mistake regarding the identity of the victim, any more than it would be in the case of *aberratio ictus*. The perpetrator's intent was directed at depriving a person of life, and the outcome of the act is that a person was indeed deprived of life. This result arose from the perpetrator's conduct as a foreseeable and typical consequence, and thus the *causalis nexus* is fully established. […] It is not necessary for the injury itself to be the sole direct cause of death; it is sufficient if, according to the ordinary course of events, it is an indirect cause – but nevertheless the cause of the fatal outcome. This occurs when the injury sets in motion those forces and factors, or contributes to the emergence or intensification of influences, which in turn become the effective causes of other contributing factors. These combined causes, all originating from the injury, jointly result in death. However, there must be a causal relationship between the intermediate causes and the original injury" (MR of CC, 1878).

This reasoning also applies to bodily harm resulting from negligence.

What was described in the Ministerial Reasoning regarding the requirement of a causal relationship was later incorporated into judicial practice. Given the logical foundations of the issue, it can reasonably be assumed that this approach was already generally accepted even prior to its formal articulation.

The requirements for examining the causal relationship were reflected in the following decisions of the Curia[14] of the time:

- "Omission may qualify as an act falling under criminal law, provided it can be established without doubt that the negligence is causally linked to the

[14] On February 1, 1861, the Hungarian division of the Vienna Oberster Gerichtshof was terminated. The Curia ceremonially resumed its operation on April 3, 1861. Later, the Curia that had been operating until then was dissolved under the 1868 law on May 31, 1869, and the reorganised body held its first meeting on the morning of June 1, 1869. The restored Hungarian Royal Curia (Magyar Királyi [m. kir.] Kúria) – maintaining legal continuity – received this formal name in legislation starting with Act XXIX of 1921 on the simplification of criminal justice. The "K" appearing in certain references indicates the Kúria (Curia) (Bódiné, 2020).

fatal outcome — even if the omission committed through negligence was merely the initial cause that led to the factor directly resulting in death, or if the omission contributed to the cause of death by accelerating the fatal result [K. 5256/1933. Jhd. II. p. 51. J.H. VIII. 172.]" (Angyal, 1941, p. 57).

- "Negligence does not exclude the negligence of the aggrieved party, and this applies even when, without the aggrieved party's negligence, the unlawful result would not have occurred [K. 36/1922. Bj. LXXVII. p. 155. B.H.T. VII. 787.]" (Angyal, 1928, pp. 57-58).
- "This case involves a criminal offence of serious bodily injury, although the victim's health condition lasted more than 20 days because the victim failed to seek medical treatment [Feb. 12, 1901. 6563/1900.]" (Márkus, 1903, p. 219).

This illustrates that the contribution of the aggrieved party (or another factor) generally does not negate the existence of a causal relationship. This was further emphasized in a 1922 theoretical ruling:

- "Negligence does not exclude the possibility that the aggrieved party was also negligent, and that without such negligence the unlawful result would not have occurred [K. 787. E.H.; 36/1922. B.H.T. VII. 787.]" (Szentkuthy & Térfy, 1942, p. 311).
- "If a medical expert opinion states only the probability or possibility of a causal link between cause and effect, negligence on the part of the accused cannot be established for consequences that could not have been foreseen [Feb. 10, 1885. 8226/84. Dt. XI. 85.]" (Márkus, 1891, p. 662).

It should be immediately noted in connection with this decision that even at that time, the expert was not the final decision-maker. Legal conclusions regarding the existence or absence of a causal relationship were always drawn by the judge, based on the expert opinion – if the judge accepted it (notably, this is missing from the case summary)[15].

- In another case, the accused "was driving a carriage at high speed along a street where people were walking. He saw an old man in his path, at whom he only shouted. He neither slowed the horses nor steered them in another direction, and he ran the man over (…), who sustained several injuries requiring 14 days to heal. (…) Because the victim was 81 years old and had limited capacity for recovery, the same injuries would have

[15] This level of precision appears in the legal case referred to as the first one by Hajdu. Since the relevant section of the text (based on the medical opinion) is not placed in quotation marks in his work, it cannot be ruled out that it may stem from Hajdu's own knowledge of procedural law.

> healed within 8 days in a person of stronger build. This does not interrupt the causal link between the act (running over the victim) and the result (bodily harm), and therefore the causal relationship between the conduct and the harm remains intact [Feb. 8, 1889. 6591/88. M.I. 225.]" (Márkus, 1891, p. 675).

In this case, the key issue is that where there is a relevant initial cause, there may at most be contributing factors (such as the actions of the aggrieved party), but not the absence of causality.

2.4. Reasoning of the regulation

The Ministerial Reasoning of the first Hungarian Criminal Code essentially – and in a way that remains relevant to this day[16] – justified all of this as follows:

> "A person who, due to a clear lack of professional competence, causes the loss of human life – and who may have previously caused serious injuries or permanent disability to others – cannot be permitted to continue practicing a vocation they do not know, and through which they have brought misfortune to others and suffering to families. […] There is no more effective way to awaken the energy of the human spirit than by increasing liability for negligence. […] We did not classify negligence – or guilty carelessness – into higher or lower degrees. […] However, we did distinguish cases where death[17] resulted from the inexperience or gross negligence of the perpetrator in relation to their vocation, expertise, profession, or occupation. On this basis, society is entitled to expect full awareness of the risks involved and the utmost care in preventing them" (MR of CC, 1878).

Ferenc Finkey, in relation to Section 291 of the 1878 Criminal Code – and clearly also in relation to the second paragraph of Section 310 – expressed a similar view: "Persons who engage professionally or occupationally in activities that can easily endanger human life […] commit a greater omission of duty and typically cause greater harm through their negligence" (Finkey, 1914, p. 589).

One interpretation from 1968 – without referencing the ministerial reasoning of the 1878 Criminal Code – also stated: "Criminal law protects human life, bodily integrity, and health not only against actual injury, but also – by moving the boundary of prohibition forward in time – seeks to protect against behaviours that endanger them" (Halász, 1968, p. 1251).

[16] „Nor should we forget the reasoning behind the Code. It is an extensive study that covers the entire field of criminal law and, in some parts, elaborates on legal doctrines in monographic detail. In the early years of the Code's application, the courts relied almost exclusively on this study" (Fayer, 1894, pp. 259-260).

[17] This also applies appropriately to cases of serious bodily injury committed through negligence.

2.5. Occupation

Ferenc Finkey pointed out the following in 1914:

> "The nature of the 'profession or occupation' is not defined by law; individuals engaged in any public or private occupation (trade) fall under the scope of Section 291 – naturally, only with respect to activities that directly and exclusively involve their vocation" (Finkey, 1914, pp. 589-590).

This means that at the time, the violation of rules pertaining to the perpetrator's actual occupation (profession, trade, or line of work) was regarded – word for word – as constituting criminal behaviour.

Finkey further summarized in 1914 the types of acts falling within this scope:

> "Recently, cases of people being run over by automobiles have emerged. A driver was convicted […] who failed to reduce the speed of the vehicle, despite seeing children playing on the road, and ran over one of them (BJT. LVI. 115.). […] A father was rightly convicted for allowing his 12-year-old son to drive a horse-drawn carriage, who then caused an accident due to his inexperience (BJT. LXIII. 161.)" (Finkey, 1914, pp. 590, 616)

A more developed categorization was later introduced in 1941 by Pál Angyal and Gyula Isaák, which included, among other things, cases of traffic-related negligence (e.g., railway shunting, driving electric trams or other vehicles) (Angyal & Isaák, 1941).

2.6. Differentiated Punishment

In 1928, Pál Angyal – referring to other authors, though without expressing disagreement, thus implying his support – questioned the stricter approach justified in the ministerial reasoning of the 1878 Criminal Code. He stated: "It cannot be accepted as a general rule that the culpability of an expert is greater than that of a layperson. […] Therefore, the legislatively defined distinction in the severity of punishments is incorrect" (Angyal, 1928, p. 85).

I take a fundamentally different view. Occupational regulations define (or have defined) a standard of care – a canon – specifically for experts. Unlike laypersons, experts are, by virtue of their professional role, both expected to be aware of this standard and held accountable for observing it. Accordingly, if an expert fails to meet this standard, it is justified to impose a more severe punishment.

Later, however, as the legal relevance of whether the perpetrator acted in a professional capacity diminished – and the focus shifted instead to whether the act fell within a regulated professional domain – the situation changed to the disadvantage of laypersons. They were made accountable for a level of knowledge they did not necessarily possess.

That said, it is another matter entirely if, under certain circumstances, the layperson can still be justifiably held liable – for instance, when they recklessly cause a harmful result.

3. Act XLVIII of 1948 on the abolition and replacement of certain deficiencies in criminal law

The Deficiency Act of 1948[18] – without amending the previous legislation – supplemented it by introducing separate statutory elements. It declared punishable, as an intentional misdemeanour under the dual title of "Endangering Life or Bodily Integrity" and "Violation of Occupational Rules", the conduct of any person who, by knowingly violating the rules of their profession or occupation[19], or by deliberately neglecting related obligations, directly endangers the life or bodily integrity of others (Deficiency Act, 1948, § 20 para. 1)[20]. The Act prescribed punishment depending on whether the result was death or serious bodily injury (Deficiency Act, 1948, § 20 para. 2)[21], and it also included provisions for negligent forms of the offence (Deficiency Act, 1948, § 21)[22].

Thus, it introduced a novelty by creating an independent statutory category for the criminal offence later known as "endangerment committed in the course of an occupation." Moreover, it "invented" the concept of intent as a defining feature: the act of directly exposing others to danger was, in itself, deemed a criminal offence. Furthermore – aside from changes in the applicable penalties – the causing of serious bodily injury "for the purpose of obtaining material gain, or repeatedly or on a continuous basis" was added as an equally aggravating circumstance alongside the previously established outcomes of death or serious bodily injury.

[18] The Criminal Code of 1878 was amended by three so-called "criminal novels" (a term referring to amendments that incorporate a relatively large number of changes into an already existing act; abbreviated as Bn). These were: Act XXXVI of 1908 on the supplementation and amendment of the Criminal Code and criminal procedure (I. Bn); Act X of 1928 on the regulation of certain issues of criminal justice (II. Bn); Act XLVIII of 1948 on eliminating and correcting certain deficiencies of the criminal statutes (III. Bn). Section 53(1) of the Deficiency Act of 1948 states: "This Act, with the exception of Chapter I, shall enter into force on the day of its promulgation." The relevant provision was governed by Chapter VI; therefore – since the Act was promulgated on December 7, 1948 – it entered into force on that same day.

[19] From this point onward, the use of the possessive case is consistent.

[20] A person commits a misdemeanour and may be sentenced to up to five years of imprisonment if, by knowingly violating the rules of their profession or occupation, or by consciously neglecting related obligations, they expose the life or bodily integrity of others to immediate danger.

[21] The perpetrator of the acts defined in Paragraph 20(1) shall be sentenced to imprisonment between one and five years if the act resulted in serious bodily injury, or if it was committed for the purpose of obtaining material gain or was committed repeatedly or on a continuous basis. If the act caused the death of the aggrieved party, the punishment shall be up to ten years of imprisonment in a penitentiary.

[22] A person who commits the act defined in Paragraph 20(1) through negligence shall be punished for a misdemeanour with up to one year of imprisonment. A person who commits the act falling under Paragraph 20(2) through negligence shall be sentenced to up to three years of imprisonment.

The Ministerial Reasoning attached to Section 20 explains direct exposure to danger as follows:

> "Section 20 of the proposal is based on the consideration that such an omission of duty should, in itself, be punishable; it deserves punishment even if no material consequence occurs. A vehicle driver deserves to be punished if, for example, they drive on a high-traffic road section faster than the permitted speed […] – solely because they knowingly violated or neglected the rules of their profession or occupation – thereby creating an immediate danger to others, regardless of whether any actual harm occurred. Judicial practice, in line with the demands of life and the requirements of justice, interprets the term 'profession' broadly: it is not limited to activities that provide a livelihood, but also includes, for instance, so-called 'private driving'" (MR of Deficiency Act, 1948)[23].

A striking deficiency of the Ministerial Reasoning is that it does not contain a single word on the concept of conscious negligence. Implicitly, however, it treats the conduct as intentional – as reflected in the structure of the statutory provision – since negligent commission is regulated separately under Section 21. The reasoning includes only the following clarification: "Naturally, this is not the case when the procedure or activity corresponds to the standard of care required by the individual's occupation, even if an immediate danger to others has arisen" (MR of Deficiency Act, 1948).This implies that in such cases, there is no negligence. However, the fact that the conduct is nevertheless treated as intentional is made clear by the statement: "Paragraph (2) of Section 20 […] qualifies the conduct as a criminal offence […] because what is at issue here is not a negligent act, but an intentional one" (MR of Deficiency Act, 1948).

The reasoning provided for Section 21, however, contradicts this. Section 21 of the proposal imposes penalties for negligent commission of the acts defined in Section 20 and retains the same two degrees of qualification. Naturally, it does not treat negligent conduct falling under Paragraph (2) of Section 20 as a criminal offence. Moreover, it was overlooked that injury to health, although it includes bodily injury, was not mentioned in the new regulation – it was in fact omitted. Therefore, contrary to its title, the law intended to address deficiencies is itself deficient, including in the phrasing "who exposes the life or bodily integrity of others to immediate danger." The statutory text in Paragraph (1) of Section 20 should more accurately have read: "who exposes the life, bodily

[23] As Sándor Madai notes, in some years only professional drivers were considered to have violated occupational rules when committing an offence, while in other years non-professional drivers were also included. In response to these inconsistencies, the Curia issued Criminal Law Unification Decision No. 24 in 1930, stating that a person who causes death or serious bodily injury by negligence while driving a vehicle – even if not doing so as a profession – must be prosecuted and punished under Section 291 and Paragraph (2) of Section 310 of the Criminal Code (Madai, 2020, p. 326).

integrity, or health of others to immediate danger." The term "others" was likely intended to refer to another person or persons[24].

According to the 1953 commentary:

> "The concept of 'consciousness' appears here for the first time in our criminal legislation. […] The notion of consciousness referred to here is not identical with intent, and it must also be clearly distinguished from negligence. A person acts consciously if they are aware of the rules of their occupation or profession and, despite this, act in violation of those rules. For example, a traffic code (KRESZ) violation by a vehicle driver must always be considered conscious, since knowledge of the rules is part of their professional obligation" (Skorka, 1953, p. 20).

The "academic" explanation concerning consciousness presents a peculiar line of reasoning. It is, in effect, a wooden ring passed off as iron: a construct of negligence used to express intentionality, situated in a conceptual void between negligence and intent – a space not previously acknowledged in criminal law. More importantly, the normative text itself did not conform to the framework of criminal law at the time, which recognized only intent and negligence, and did not yet distinguish between types such as "conscious" or "gross" negligence.

Later, the reasoning accompanying the draft of the 1961 Criminal Code – which was submitted for professional debate – was critical of this approach[25]:

> "Our current law errs in attempting to distinguish between two statutory elements on the basis of 'consciousness' and negligence[26]. This is already evident in the term 'conscious negligence' (luxuria)[27], which by its very name incorporates features of both categories. Such a solution creates uncertainty in determining how to classify a criminal act committed under luxuria. The current law is also unclear as to what constitutes the offense itself. Section

[24] Act VII of 1945 elevated to statutory level the government decrees issued by the Temporary National Government concerning the people's courts. Section 1(1) enacted Decree No. 81/1945. (II. 5.) ME on people's tribunals, which was issued in Debrecen on January 25, 1945, and entered into force on February 5, 1945. Section 11 defined war crimes, including the following: "War criminals (…) include persons who were the instigators, perpetrators, or participants in the unlawful execution or torture of people" (Decree 81/1945, § 11). As noted by Bojta and Róth: "The Appeal Council does not share the view of the first-instance court, which held that the accused's actions could not be qualified as a war crime because they affected only one person, whereas the statute refers to 'people', implying multiple victims. However, in this context, 'people' does not denote plurality but is used in a general, abstract sense. […] Had the legislator intended to require at least two victims, it would have explicitly stated so using a phrase such as 'two or more persons'" (Bojta & Róth, 1945, p. 35).

[25] It was released for legal debate by Decree no. 3131/1960 of the Hungarian Revolutionary Worker-Peasant Government, published by the Ministry of Justice.

[26] The reference to the two criminal acts can only be understood if the dividing factor is whether the conduct was committed intentionally or negligently. Perhaps this is precisely the issue — assuming the duality refers to Sections 20 and 21.

[27] The reference to conscious negligence (luxuria) here is somewhat problematic, as it is a form of negligence alongside gross negligence (negligentia).

> 374 of the BHÖ (compilation of the criminal substantive laws in force)[28] suggests that the offense is the act of exposing others to immediate danger to life or bodily integrity. However, following the entry into force of Act XLVIII of 1948, judicial practice adopted the view that the offense lies in the violation of occupational rules[29]. Guilt is tied to the breach of such rules, and the resulting immediate danger – which stems from a causal link to the violation – constitutes the material consequence outlined in the statutory definition (B. H. 323). […] And if the offense lies in the violation of occupational rules, there is no need to insert an intermediate category – diverging from intent and negligence – namely, 'consciousness', into the statutory definition of the criminal act" (Decree 3131/1960).

According to the previously cited 1953 "academic" explanation:

> "Immediate danger should be interpreted as a situation in which, according to average human reasoning, it can be expected that a result endangering life or bodily integrity will occur imminently. Due to the inherently dangerous nature of the act, the actual occurrence of injury is not required for the criminal offense to be complete" (Skorka, 1953, pp. 20-21).

The 1948 Deficiency Act is also problematic in that it omits light bodily injury from its structure and therefore does not punish such outcomes when caused negligently[30].

Despite these criticisms, I consider it a significant step forward that exposure to immediate danger was made punishable.

4. Conclusion

The development of regulations concerning traffic-related endangerment crimes in Hungary reflects a dynamic interplay between legislative intent, societal change, and judicial interpretation. The Criminal Code of 1878 laid the groundwork by addressing negligent acts within the framework of occupational obligations, emphasizing the heightened duty of care required of professionals.

[28] A person commits the criminal offense of endangering life or bodily integrity under Section 374 and shall be punished with imprisonment for a term of one to five years if, by knowingly violating the rules of their profession or occupation, or by consciously neglecting related obligations, they expose the life or bodily integrity of others to immediate danger.

[29] In the Criminal Code of 1878, the violation of occupational (or professional) rules constituted criminal conduct, and in this respect, judicial practice remained consistent prior to the enactment of the Deficiency Act of 1948. Acts resulting from inexperience or gross negligence with regard to occupational (or professional) rules were considered to fall within the scope of such violations.

[30] Therefore, the Criminal Code of 1878 remained unchanged in the following respect: the second paragraph of Section 310 provided exclusively for the punishment of negligently causing serious bodily injury. This provision was retained in the Criminal Code of 1961 as well: Paragraph (1) of Section 258 defined the basic case of exposure to immediate danger, while Point (a) of Paragraph (2) specified the qualified case as causing serious bodily injury. This situation changed only with the enactment of the Criminal Code of 1978. Paragraph (1) of Section 171 introduced two basic cases: exposure to immediate danger and the causing of "bodily injury". In contrast, Paragraph (2) no longer included serious bodily injury among the qualified cases, meaning that both light and serious bodily injury were incorporated into the basic cases.

Subsequent legislative reforms – particularly the Deficiency Act of 1948 – marked a turning point by explicitly criminalizing acts that create immediate danger, regardless of material harm, thereby broadening the scope of legal protection for human life and health.

Judicial practice and scholarly contributions have played crucial roles in refining the understanding of key legal concepts such as negligence, causality, and occupational liability. These developments underscore the importance of aligning legal frameworks with societal expectations and technological advancements, particularly in areas as dynamic as traffic regulation.

By tracing the historical trajectory of these legal provisions, this study highlights the enduring relevance of foundational principles while acknowledging the need for continuous adaptation to address emerging challenges. The evolution of Hungarian traffic law serves as a testament to the legal system's capacity to balance individual accountability, public safety, and the complexities of modern society.

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THE IMPACT OF THE COVID-19 PANDEMIC ON PARLIAMENTARY WORK (COMPARATIVE ANALYSIS)

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ABSTRACT

Following World War II, it is difficult to identify any single event that has influenced the global community as profoundly as the outbreak of the COVID-19 pandemic. The pandemic, caused by the coronavirus designated as COVID-19 (also known as SARS-CoV-2), has fundamentally shaped our daily lives since its global emergence in 2020. As a result, hardly any country in the world has escaped the rise of constitutional law challenges triggered by the pandemic – issues that had not been previously addressed. One of the key constitutional concerns in democratic states worldwide was how to ensure the continued functioning of legislative bodies, i.e., parliaments. This study provides an overview of parliamentary operations across Europe during the pandemic.

KEYWORDS Covid-19, pandemic, parliament, administration, legislative work

1. Introduction

In European legal systems, two main models were observed in response to the COVID-19 pandemic as a public health emergency (Office of the National Assembly, 2021). One model is based on a constitutional or constitutionally entrenched legal framework regulating various forms of special legal orders (e.g., state of war, state of siege, state of emergency, state of necessity, state of danger, state of alert, etc.). The other model allows the executive branch (i.e., the government or its agencies and authorities) to exercise extraordinary powers, particularly in the field of legislative activity. These delegations of power are temporary, time-limited, and subject to parliamentary oversight. Additionally, adequate legal remedies are provided, primarily through the courts or constitutional courts[2].

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[2] Several countries have specific chapters or standalone pandemic laws embedded within their civil, defence, or health legislation to address such situations.

Regardless of whether the state of danger or other pandemic-related measures were introduced at the constitutional or statutory level, they were required to comply with common objectives and safeguards (Office of the National Assembly, 2021)[3].

2. National Legal Responses to the COVID-19 Pandemic

On January 30, 2020, the World Health Organization (hereinafter: WHO) declared a global public health emergency due to the novel coronavirus pandemic (COVID-19). Among EU countries, Italy was the first to respond by declaring a six-month state of emergency through a resolution of the Italian Council of Ministers. The rapid response was prompted by the particularly severe spread of the pandemic in Italy, followed by Spain. In other Member States, states of emergency or danger were declared between March 11 and 19, 2020 and were lifted between May 13 and June 24, 2020.

In several Member States, although the state of emergency or danger was lifted, a public health or epidemiological emergency remained in effect. At the beginning of the year, Romania faced a political crisis, while several other countries were preparing for regular or interim parliamentary elections, local elections (e.g., France), or even presidential elections (e.g., Poland) during the first half of the year. The holding or postponement of these elections often became a subject of political negotiation. Among European countries, Croatia, Germany, Poland, and Slovenia did not declare a state of emergency (Office of the National Assembly, 2021)[4].

The role of the legislature in managing the pandemic varied among Member States due to differences in their constitutional frameworks and legal structures. In every Member State where a state of emergency or danger was introduced – except for Slovakia and Estonia – the national parliament participated either in its declaration or in extending its duration[5]. Several Member States granted special legislative powers to designated bodies or institutions, with parliaments assuming a supervisory role[6]. During the second wave of the pandemic, many Member States reintroduced states of emergency or danger and once again enacted special legal regimes (Office of the National Assembly, 2021).

[3] Common objectives include ensuring a return to the original constitutional or lawful state once the emergency is over. A widely accepted requirement is that the legislature should maintain oversight over all temporary measures.

[4] Out of all the Member States, seven did not introduce a state of emergency. In addition to those already mentioned, these include Lithuania, Malta, and the Netherlands.

[5] The parliament may permit the proclamation of a state of emergency (e.g., in Romania), annul it (e.g., in the Czech Republic), or be required to authorize its extension (e.g., in Spain).

[6] For example, in Italy, Romania, and Spain, retroactive approval is required, whereas in Belgium, both prior and subsequent approval are necessary.

In the following sections, I will provide examples of pandemic-related measures in selected neighbouring countries and analyse the legislative responses from a parliamentary perspective.

2.1. Austria

During the COVID-19 pandemic, Austria did not declare a state of emergency. The National Council continued its sessions, and the federal state did not resort to extraordinary legislative measures. However, parliamentary procedures were expedited to ensure that voting could take place as quickly as possible. The federal government engaged in consultations with all party leaders before introducing specific measures.

On March 21, 2020, the "COVID-19 Measures Act" (Republic of Austria, 2020) was enacted, along with several procedural regulations adapted to the circumstances (e.g., extension of procedural deadlines, federal government decision-making via video conference, or resolution circulation).

Regarding parliamentary operations, it is notable that the Austrian Constitution did not allow for remote sessions. As a result, the Austrian legislature had to implement various public health and hygiene measures. The participation of Members of Parliament (MPs) was limited in proportion to their parliamentary factions, based on an agreement between parliamentary groups. This ensured proper social distancing, with some MPs assigned seating in the gallery.

MPs voted verbally, one by one, at the end of the session to avoid overcrowding in the plenary chamber (IPU, 2020). Even during the second wave of the pandemic, no state of emergency was declared. On February 8, 2021, the Austrian government introduced further restrictive measures to curb the pandemic, but these did not affect the constitutional order (Office of the National Assembly, 2021).

2.2. Croatia

Croatia declared an epidemic on March 11, 2020. Despite the pandemic and a severe earthquake on March 22, no state of emergency was proclaimed. According to Article 17 of the Constitution of the Republic of Croatia, a state of emergency may be declared in the event of a natural disaster with the support of two-thirds of the members of Parliament. If Parliament is incapacitated, the President of the Republic may declare a state of emergency upon the government's proposal.

Additionally, Article 88 of the Constitution allows Parliament to authorize the government to legislate by decree for up to one year, within strict limits. This option was considered in March, during the early stages of the pandemic, but

faced strong opposition from opposition parties. Since the government did not declare a state of emergency, the management of the pandemic was placed under the jurisdiction of the Civil Protection Authority as of March 18, 2020, following an amendment to the Law on the Civil Protection System (Selanec, 2020).

The Croatian Parliament limited the number of in-person sessions. Special measures were adopted to facilitate committee work without physical presence, while voting was conducted via email or SMS – an exceptionally rare procedural solution. Health and safety measures such as hand sanitization, social distancing, and regulated seating arrangements were introduced. In addition, a dedicated internal parliamentary software system was developed to support remote meetings (IPU, 2020).

2.3. Romania

According to Article 93 of the Romanian Constitution, if the President declares a state of emergency or martial law, parliamentary approval must be obtained within a maximum of five days from the enforcement of the measure. Under the provisions of the Constitution and Government Emergency Ordinance No. 21/2004 on the management of states of emergency, the President declared a 30-day state of emergency on March 16, 2020, by Decree No. 95/2020. Parliament approved the decree through a remote voting procedure on March 18, 2020. The decree introduced immediate and phased measures, assigning specific powers to various institutions responsible for crisis management. Additional powers were granted to the Interministerial National Emergency Committee, led by the Minister of Internal Affairs.

In Romania, both plenary and committee parliamentary sessions were held remotely at the onset of the pandemic. The Senate's Rules of Procedure were amended to allow for remote sessions in exceptional cases, including pandemics. The adopted amendments stipulated that, in such circumstances – when parliamentary representatives could not be physically present in the Senate – plenary sessions, meetings of parliamentary group leaders, and standing committees could be conducted electronically. Remote sessions were broadcast via the Senate's official website, while plenary voting was conducted by telephone using a roll-call system (IPU, 2020).

2.4. Slovakia

In Slovakia, under Article 102(1)(m) of the Constitution of the Slovak Republic, the President, upon the government's proposal, may order the mobilization of the armed forces, declare martial law, or proclaim a state of emergency.

In response to the second wave of the pandemic, Constitutional Act No. 227/2020 on State Security in Wartime, State of Emergency, and Extraordinary Situations reintroduced the state of emergency for 45 days starting on October 1, 2020. This was extended for another 45 days from November 14 and further prolonged on December 29 under a new constitutional act. On February 6, 2021, the state of emergency was extended for a third time, lasting an additional 40 days. The state of emergency initially declared on March 12 remained in force throughout the second wave (FRA, 2020).

The number of MPs and the required quorum were not reduced despite the pandemic. Both plenary and committee meetings were held without media or press access. MPs were required to wear masks covering their mouth and nose, as well as gloves, and were encouraged to disinfect their hands frequently to reduce the risk of infection. Entry to the parliamentary building was strictly limited to employees and authorized personnel. Plenary sessions were broadcast online, while press conferences were held outside the parliamentary building (IPU, 2020).

2.5. Slovenia

The Slovenian Constitution recognizes both martial law and a state of emergency under Article 92 as special legal regimes. A state of emergency is declared by the legislature upon the government's proposal if the state faces a significant and general threat to its existence. If the legislature is incapacitated, the President of the Republic declares a state of emergency (or martial law), which must be approved by the legislature at its next session.

On March 12, 2020, the government declared an epidemic, thereby activating the national emergency response plan. The epidemic status remained in effect until the end of May 2020. On April 16, the Slovenian Constitutional Court ordered the government to review the necessity, proportionality, and effectiveness of the restrictive measures every seven days. This obligation remained in place during both the first and second waves of the pandemic.

Due to rising case numbers, the government declared an epidemic again on October 19, 2020. On January 17, 2021, the epidemic status was extended for an additional 60 days (Office of the National Assembly, 2021).

3. Ensuring Parliamentary Work During the Pandemic

The primary challenge faced by EU Member State parliaments at the height of the pandemic was maintaining the continuity of institutional activities. While the COVID-19 pandemic did not constitute an armed conflict that would have entirely halted legislative work, public health measures discouraging or

prohibiting gatherings – along with social distancing requirements – resulted in staffing shortages and operational difficulties. These circumstances posed significant challenges to institutional frameworks and standard parliamentary procedures (Crego & Mańko, 2020).

All EU Member State parliaments adopted precautionary measures to contain and prevent the spread of the virus within their premises. These measures included the cancellation or strict limitation of visits and travel, the widespread adoption of remote work, enhanced cleaning and disinfection of facilities, and the provision of personal protective equipment (e.g., gloves, masks). Many parliaments required entrants to sign health declarations (e.g., confirming they had not recently travelled or had not been in contact with infected individuals) or to undergo medical screening (e.g., temperature checks) (Steidle, 2020).

In addition to hygiene measures, EU Member State parliaments implemented organizational strategies to ensure parliamentary continuity while safeguarding the health of MPs and staff. At the onset of the pandemic, some national parliaments (e.g., Spain, Latvia, Lithuania) decided to postpone their sessions and resume parliamentary activity after a few weeks. However, the majority of EU national parliaments opted to continue holding parliamentary sessions, even during the most severe phases of the crisis. Although the number of sessions was occasionally reduced, parliamentary activities remained focused on essential legislative tasks and pandemic-related matters (Steidle, 2020).

In some cases, parliaments relocated their sessions to larger venues (e.g., Luxembourg) or ensured that MPs did not gather in the same room by implementing remote voting mechanisms and maintaining safe physical distancing (e.g., Denmark) (Crego & Mańko, 2020).

Certain parliaments adopted digital transition strategies to maintain legislative efficiency. This involved conducting parliamentary sessions either entirely (both deliberations and voting) or partially (either deliberations or voting) in a remote format. Before the pandemic, only the two chambers of the Spanish Parliament allowed MPs to vote remotely under specific circumstances. Some other national parliaments permitted absentee voting through alternative means, such as written ballots (e.g., Greece) (Crego & Mańko, 2020).

However, the COVID-19 pandemic significantly increased the number of national parliaments that enabled MPs to participate in deliberations and vote remotely via electronic means (e.g., Belgium, Poland, Romania, Slovenia). In some cases, this option was limited to committee meetings and was not extended to plenary sessions (e.g., Greece, Lithuania) (Crego & Mańko, 2020).

These measures were essential for maintaining parliamentary activities while adhering to basic public health protocols. Although not ideal in all

circumstances, they ensured that national parliaments could continue exercising their legislative, budgetary, and supervisory functions even during the crisis.

The Hungarian National Assembly, after reviewing several international examples, uniquely continued to hold regular plenary and committee sessions even during the declared state of emergency (Stumpf, 2021). Under the extraordinary legal regime, the government was authorized – based on the Fundamental Law and legislation enacted by Parliament – to introduce necessary measures for managing the pandemic and its consequences through decrees for the duration of the emergency period[7].

The Hungarian National Assembly and its Office were unique in continuing to hold in-person plenary and committee sessions on a regular basis during the state of emergency, maintaining legislative procedures without interruption. In comparison with international examples, this approach can be regarded as a notably effective model of legislative functioning during a crisis.

The government submitted its proposal on defence measures against the coronavirus to Parliament on March 20, 2020, before the expiration of the initial 15-day period. Bill T/9790 was intended to be voted on immediately, deviating from Resolution 10/2014 (III. 24.) OGY on certain provisions of the Rules of Procedure (hereinafter: Rules of Procedure). However, under Section 65(1) of the Rules of Procedure, this would have required the support of four-fifths of MPs, which was not achieved[8]. Consequently, the bill was debated under an expedited procedure but was not passed immediately on March 23, 2020. Instead, Parliament voted on it a week later, on March 30, 2020 – four days after the first declaration of the state of danger had expired. This resulted in the enactment of Act XII of 2020 on the Containment of Coronavirus.

It is important to note that although the Hungarian Parliament is unicameral, it has two chambers available for plenary sessions. Given the pandemic situation and the need for social distancing, plenary sessions were held in the Upper House Chamber, which has 400 seats, rather than in the Lower House Chamber, which had been restructured with fewer seats following a reduction in the number of MPs.

[7] On October 28, 2022, the Government of Hungary declared a state of emergency in response to the armed conflict and humanitarian disaster in Ukraine. The state of emergency, introduced to address the consequences of the conflict in Hungary, was lifted on November 1 and simultaneously re-declared and extended. The government deemed it necessary to maintain the state of emergency, which continued to permit governance by decree.

[8] Section 65 (1) Exceptionally, on the proposal of the House Committee, the National Assembly may decide without debate, with the votes of at least the four-fifth of the Members present, to derogate from the provisions of the Rules of Procedure laid down in a resolution in the course of the discussion of and/or decision making on specific matters.

This arrangement, which maintained identical technical conditions, allowed for a smooth and safe legislative process. As in other high-risk environments, strict public health measures were enforced, including social distancing, mandatory mask-wearing, and enhanced hygiene protocols such as frequent hand sanitization and regular handwashing. MPs were advised to remain in the chamber only during speeches and voting.

Most parliamentary staff transitioned to remote work, with appropriate technical support provided. While the electronic submission of legislative proposals, amendments, and inquiries had been possible for years, remote voting was not implemented (IPU, 2020). Plenary sessions were made fully accessible to the public through live broadcasts on *www.parlament.hu* and television channels. Committee sessions were available to journalists via closed-circuit television from the Parliament's press room.

Despite the state of emergency, the National Assembly continued its legislative work – including on matters unrelated to the pandemic – according to the approved agenda of plenary sessions. Its oversight role was reinforced: the Government provided weekly reports on measures taken to contain the pandemic, and MPs were given extended time each week to pose immediate questions to government members. Notably, remote voting was not introduced, partly due to the effective implementation of these operational measures (Bill T/9790, Section 4).

4. Conclusion

The COVID-19 pandemic compelled national parliaments to adopt diverse strategies to maintain both safety and efficiency. Continuous operation and regular sessions are constitutional requirements in most democratic states. During a state of emergency, parliamentary oversight of the executive – whose powers are significantly expanded – remains essential, as it is one of the legislature's most fundamental functions. The first wave of the pandemic necessitated extraordinary solutions, as no widely available vaccine was yet in place.

Overall, the pandemic posed a significant challenge, underscoring the need for strong parliaments and well-supported legislative institutions to uphold democracy. To remain effective and relevant, parliamentary administrations must be forward-thinking and adaptable, capable of responding to unexpected and complex crises.

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MAX WEBER'S CRITICS IN GÖDEL'S PROPOSITIONAL THEOREM. A POSSIBLE APPLICATION OF GAME THEORY IN THE FIELD OF POLITICAL SCIENCE

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ABSTRACT

This paper explores the applicability of Gödel's incompleteness theorem to political theory by examining critiques of Max Weber's principle of value neutrality. It analyses the positions of Leo Strauss and Michael Polanyi, arguing that their critiques function as game-theoretical equivalents of Gödelian propositions – true statements that cannot be formally proven within a given system. The study demonstrates how Strauss's notion of the "crisis of modernity" and Polanyi's idea of "personal knowledge" challenge the epistemological assumptions of Weberian rationalism. By linking formal logic with political philosophy, the paper proposes a new analytical framework for understanding the limits of value-neutrality in political science. It concludes by advocating for epistemological pluralism and the recognition of moral truth claims beyond formal systems.

KEYWORDS Game theory, Max Weber, Leo Strauss, Mihály Polányi, political epistemology

1. Game theory methodology of the Weberian system of ideas and its critics

Is it a surreal image, or is it just a more thorough examination of the issue raised by the title on the field table of political science? I think I have to give a negative answer to this simple question, since in my opinion, both Max Weber's system of thoughts and ideas on the concept of the task of political science, as well as the critical reflections on it (see Leo Strauss, Mihály Polányi, or Eric Voegelin's criticism of Weber), can be derived not only from the generally accepted technique of political science (Straussian close reading), but the reflexive collisions of these task conceptions can also be described by game theory foundations.

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Why „game theory"? The question may arise in the reader as to why I want to focus my analysis "exactly" and "exclusively" on the basis of game theory definitions of the political science tasks of the authors listed above, and in connection with this, their constructed and developed Weberian criticism, which are critical reflections – to use the words of Mihály Polányi – „they evoke the feeling of breaking the glasses."

I chose game theory because my starting hypothesis is that authors who live with a critical reflection on Weber's doctrines become interpretable through the thought rhythms of game theory, and not only become interpretable actors (actors who make Weber's principles the subject of criticism), but at the same time they can correspond to the critical reflections in question – in a game theory perspective – in relation to Gödel's theorem.

In the following, I would like to present and explain the essential aspects of Gödel's theorem in a simple, but also to-the-point way. After this presentation, as well as through the evaluation of the conclusion of the proof, the web of connections that weaves through the deep (according to some researchers, unbridgeable) gap between game theory and political analysis will become evident.

It attempts to build a bridge against the widening of this gap (at the theoretical level, this study) by revealing the mutual influence of game theory and political analysis: the basic game-theoretic ideas of Gödel's theorem (as well as game-theoretic sub-aspects derivable from this theorem), and how these derivations can be applied within the "modern" interpretation framework of political philosophy.

Analysing Gödel, how can we explore the critical reflections of political science task-conceptions? This study is about this question and its answer, which is meant to break down the "theoretical Berlin Wall" that separates game theory and political science as two distinct scientific fields.

We have to wake up to it, and I know that this awakening will surely be only a bold beginning on a difficult path, but in any case, the basic premise must be made: although we are talking about fields of science created through separate paradigms, which interpret the world according to different systems of views (and questions) (and reality as well), both game theory and political science must be considered together.

By combining these two separate spheres, the researched, analysed area – or issue, or problem – can be given an analytical and theoretical background that neither sub-science would be capable of on its own.

The main idea of my basic preliminary statement is therefore that it takes on a unique theoretical construction, according to which I assume that these two fields of science – although to a certain extent and degree they show significant differences from each other – when embedded in an analytical framework, are so special that, until now, in the analyses of political science we can acquire new analytical methods through the „big bang in political theory" that they stimulate, which embeds political science in a space studded with novel critical reflections, and which is full of game theory proliferations. This may also mark the beginning of a new era of political analysis.

And now let's see what the game-theoretic (essential) driving force of Gödel's theorem lies in, explained in more detail below.

2. Gödel's theorem, or a possible starting point in game theory

In the following, I will try to outline Gödel's theorem in terms of its essential aspects: let there be an nth function of this type applied to w (in terms of the chosen ordering of the symbol strings), which we denote as: $P_n(w)$.

The chains of these propositions, which form the proofs of the theorems in the system, can also be marked by natural numbers following the ordering scheme outlined above. We denote them by: Π_n.

In the line below, let's review the following "propositional function" of the number w: $\sim\exists x$ [Π_x proves $P_x(w)$].

In terms of the essence of the statement, it only says (for us) that the *x*-th proof is the proof of the proposition that *Pw()* is applied to the value of *w* itself. The negated "existential quantifier" outside the square brackets is meant to remove one of the variables ("there is no *x* for which..."), ergo it is a quasi-divisor, as a result of which the arithmetic propositional function ultimately depends only on the value of the only "remaining" variable *w*. The whole phrase is meant to say that *Pw(w)* has no proof. This is the true core of Gödel's theorem: there are true propositions "with no proof within the system" (Penrose, 1993, p. 26).

Let's see the further details of the proof: we have numbered each one-variable propositional function, as a result of which the one just described must also be given (assigned) a number: let this number be *k*. Our propositional function is therefore the *k*-th in the list. Thus, the structure of the function will be as follows:

$\sim\exists x$ [Π_x proves *Pw(w)*] = *Pk(w)*. We must examine this function in addition to the specialized value $k = w$ corresponding to it.

As a test result, we get: $\sim\exists x$ [Π_x proves *Pk(k)*] = *Pk(k)*.

What does this specialized proposition *Pk(k)* tell us about? About the fact that this propositional function is completely and perfectly defined on the one hand, and that it is impossible to prove it on the other hand, since we do not have an adequate method for this.

In the words of Roger Penrose, the essence of this special proposition is reflected in the mirror image of Gödel's theorem, according to which:

> "Although *Pk(k)* is an arithmetic proposition, according to its construction, it states what is on the left: 'there is no proof of the proposition *Pk(k)* within the system.' If we have laid out our axioms and procedural rules carefully, and if we have done the numbering correctly, it is not possible to prove this *Pk(k)* within the system. Because if there were, then the 'meaning' of the statement *Pk(k)*, namely that there is no proof, would be false, so *Pk(k)* as an arithmetic proposition should be false. Our formal system cannot be so badly structured as to allow the proof of false propositions! Therefore, it must be the case that *Pk(k)* actually has no proof" (Penrose, 1993, p. 25).

And it's true. This is exactly what *Pk(k)* wants to tell us about itself. For this reason, what *Pk(k)* says must on the one hand be a true statement, while on the other hand it must also be true as an assumed arithmetic proposition, despite the fact that "we find a true proposition that has no proof within the system!" Ergo, the fact that our proposition cannot be proven does not rule out its truth. But no matter how we think about this issue, there will always be propositions that – in Penrose's expression – "get off the grid."

By following the line of thought detailed above, we have thus arrived at Gödel's conclusion, according to which we have established that this special proposition *Pk(k)* is a true statement, but we must also state here that although it is a true statement, the proposition *Pk(k)* cannot be proved within a formal framework. An additional insight into the essential aspect of this thought rhythm is that the formalistic (mathematical) concept of "truth" cannot necessarily be complete. In other words, no matter what kind of connections we can invent for arithmetic, we can say with certainty that there will be truths (special propositions) within the system that cannot be proven within the framework of formal systems thinking (i.e., we cannot assign true truth values to them through the formalist procedure).

As a result, we believe we can see the validity of the Gödel proposition *Pk(k)*, although we cannot derive this from the series of existing axioms.

Gödel's proof is a related mathematical experiment, the essence of which is to eliminate the hegemonic nature of the formalist point of view in the strict sense, and through this elimination to show us the weak support pillar of the formalist point of view – which lies in the true statements that we do not know within the

formalized system through the logic of the system and cannot prove by its mathematical regularities.

In this way, I have to accept Penrose's conclusion (about the essential driving forces of Gödel's theorem), according to which:

> "Whatever the situation, I see that a clear consequence of Gödel's proof is that the concept of mathematical truth cannot be enclosed in a formal scheme […] Because how to decide which axioms and rules of procedure to accept when trying to set up a formal system? Our decision must always be guided by our intuitive understanding of what is 'self-evidently true' if we know the 'meaning' of the symbols of the system" (Penrose, 1993, p. 134).

That is, Gödel's statement of fact – that the concept of mathematical truth transcends the concept of formalized systems thinking – transcends something "absolute" and "God-given"[2].

My goal (similar to Penrose's efforts) in this case too was to show, about a special Gödel proposition that cannot be proven or disproven using the axioms and rules of the formal system under investigation, that using our findings regarding the meaning of the operations in question, we can clearly see that it is a true proposition!

How can the critical reflection of Leo Strauss and Mihály Polányi on Max Weber's system of ideas be related to the proof of the Gödel proposition?

If we accept the Gödel proposition, the essence of which is that there are aspects of thinking, concepts of truth, and, as a result, true statements that cannot be proven (that is, they rely on the subjective), then such subjective factors include the crisis of modernity in the case of Leo Strauss, and the double meaning of personal knowledge in Polányi's interpretation process – or just think of Polányi's conceptual construction of "truth, freedom".

Knowing all of this, I believe that both Leo Strauss and Mihály Polányi can be interpreted through their criticism of Weber (not only as Max Weber's critics in political science), but also as specialized forms of manifestation of the Gödel proposition. That is, through the influence of game theory and political analysis (political philosophy) on each other – through a kind of Strauss and Polányi's outstanding proposition *Pk(k)* – which goes against the formal concept of "truth" and, as we shall see, surpasses it.

[2] Mathematical truth goes beyond man-made constructions.

In what follows, I will make a theoretical attempt to show how the logical path of the Gödel proposition depends on or can be related to, when viewed from the field of critical reflections on Weber's doctrines (Strauss and Polanyi).

3. Comparing the two Weber critiques with game theory: Or Weber's critics in Gödel's theorem – matching them on game-theoretical grounds

Leo Strauss's topos entitled „Crisis of Modernity" is an essential determinant of his philosophical thought.

For Strauss, the essence of this crisis can be seen in the fact that modernity (which simultaneously expects objectivity, an unselfish faith in historicism, the acceptance of the progressivity of modern science as a fact, and the spread of the idea of value relativism in scientific knowledge) is opposed to the premodern – one might say, to what is now labelled as unscientific – in which both political thinking and classical political philosophy (both its paradigm and questioning) are based.

This conflict, in the Straussian sense, is unsolvable, but there is only one way to prevent the escalation of the conflict, and for Strauss this is nothing more than the rehabilitation of classical political philosophy in the classical sense (starting with the Socratic turn); it is necessary to raise classical political philosophy back to its appropriate rank in relation to the scientific fields.

Analysing Strauss's critique of Weber, he arrives at the insight into the German social scientist's thinking that the Weberian system of conditions – whose real strength lies in the fact that the unique can arise from the general itself (Weber, 1967, 1970, 1995, 1998) – in Strauss's reading means nothing more than that they can be interpreted exclusively as the effects of other unique or partial phenomena, but our knowledge of the whole will never really be complete.

Strauss argues against Weber that the acceptance of the dimension of value neutrality is only a deceptive blind hope; what's more, it results in the self-deception of the social scientist himself, since both our concepts of values and our individual (only for us) interests determine the scientific orientation that, as a future "researcher, as a social analyst", we intend to accept.

In other words, in the Straussian sense, the social scientific desire for Weber's value neutrality is nothing more than an imaginable utopia or an illusory atmosphere viewed in the sky of social science, since it already bears its "valued character" through the main questions of the research field we have chosen, as well as through knowledge of the methodology of the given research system, in which values and value judgments are both "historically relative" when viewed in Strauss's theoretical construction.

Furthermore, Strauss believes that scientific truths are also – so to speak – realized as the results of subjective value judgments and, in this connection, arbitrary value choices. As a result of Weber's rejection of value neutrality, we cannot "call a spade a spade."

In our case, the Gödel propositional function reaches the Straussian path here: that is, the irreducibility of the "value neutrality criterion" highlighted by Strauss, viewed in the field of social science discourses, brings with it the game-theoretic correspondence of the Straussian interpretation (through Weber's critique), on which the Gödel propositional theorem provides the basis for us. The Gödel proposition (Straussian version) is one in which *Pk(k)* is equal to the Straussian value measurement function against value neutrality.

In other words, it is possible to imagine value judgments and value choices viewed within a specific field of science for which we do not have an adequate – relevant – series of proofs about the nature of the values or value judgments. In the absence of this, we can only say that the choice of values and value judgments based on Straussian foundations is the "true statement" (comparable to Gödel's proposition), which, at the same time – since we can speak of value choice in the intended sense of the subjective – cannot be proven by using the axioms and rules of the formal system, or we can arrive at a series of disprovable but nevertheless true statements that go beyond the thought perspective of the formal system.

We can attribute such a meaning to Leo Strauss's "concept of value" – a true statement on the one hand – and to Mihály Polányi's concept of personal knowledge on the other hand, applying Gödel's propositional theorem to both (Strauss, 1994,1996, 1999; Strauss & Cropsey, 1994).

4. Mihály Polányi's concept of personal knowledge in Gödel's propositional theorem

Regarding the concept of personal knowledge (Málik, 2006), Mihály Polányi believes that the preconditions for both scientific research and teachings that require scientific standards are created by the scientist's belief system, which is connected to the overall system of things.

Polányi argues, based on the evidence, that personal judgment – unique to each scientist – inevitably influences how strongly a given body of evidence is taken to support the validity of a particular statement. So, the scientist, as a subjective

element, can decide for himself what he accepts as "truth" and what he rejects, treating or considering as false as a result[3].

Analysing and interpreting Polányi, it becomes visible to us that in the subjective "choice between judgments" there is also a moral aspect that goes beyond the level of formal system thinking, and this moral force begins to operate in the idealism triggered by Polányi, turning the scientist's judgments into a matter of conscience.

After all (just as Strauss also comes to this conclusion), all scientists – who search for problems to be solved and thereby strive for a deeper understanding of social matters – form their individual opinions relying on their characteristic ("scientist") personal judgments, which they see in their own way and publish on the spacious field table of science, where the views they develop can become the subject of criticism, acceptance, and rejection at the same time.

In Polányi's view, science can only remain viable in modernity if scientists are able to voice their individual views, as a result of which scientists' decisions are considered sovereign in the world of science.

Through the application of the Gödel proposition, Polányi's theory is also transformed into a new system of views, and the analysis and impact of political philosophy built on game theory foundations are formulated anew, focusing on the field of modern political science.

We can make the following observations about Polányi's system of views outlined above (using Gödel's theorem): *Pk(k)* is the same as the scientist's subjective choice of values, which Polányi bases on moral principles. In this way, this choice of values based on morality becomes the element that goes beyond the magic circle of formalized system creation, as a result of which we can obtain another "true statement", since scientists can indeed form their own individual value judgments – as long as the social organization, in the case of Polányi and Strauss, is based on democratic standards – following the "true statements" they accepted and the facts they rejected in our case (Polányi, 1992, 1993, 1994, 1997).

5. Conclusion

Nevertheless, we must note that although in both cases we reached Strauss's and Polányi's idealism to establish the "true statements" of theses that transcend formalized systems, we cannot prove these true statements, and here the

[3] See the "scientist's acceptance of truth" appearing in Polanyi, as well as two other factors: on the one hand, the "value neutrality of criticism" inherent in Strauss's theoretical construction, and the connection between the terms appearing in Weber's sociology: the citizen in his "subjective intended sense".

influence of Gödel's propositional theorem can be seen in action within their theoretical constructions.

In other words, through the use of game theory (including Gödel's propositional theorem), we were able to embed social scientist-philosopher authors who reflect on Weber's doctrines (especially with regard to the concept of value neutrality) in a new framework. As a result of this, we can acquire a new epistemological and conceptual approach to political science – one that political science alone, including modern political philosophy, would not be able to satisfy.

Through the application of game theory, we became aware of the fact that there are "true statements" – not just proofs within the field of formal mathematics (by Gödel's propositional theorem) – which, although considered true, cannot be proven "using the system of axioms available in the given formal space" and with the help of conceptual criteria.

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THE RELIGIOUS FREEDOM AND THE RELIGIOUS TOLERANCE IN WESTERN EUROPE (1532-1685)

ALBERT, ANDRÁS[1]

ABSTRACT

By comparing the political and religious relations between Transylvania and Europe in the 16th and 17th centuries, it can be emphasized and demonstrated that Transylvania was an island of religious peace in a Europe of religious intolerance. Between 1568 and 1690, culture and religious life in the Principality of Transylvania flourished in the spirit of tolerance. With the enactment of freedom of religion, the Principality of Transylvania became one of the most enlightened states in 16th-century Europe. Western Europe at the beginning of the 16th century did not know any forms of religious tolerance. The Roman Catholic Church of the time classified all theological and religious views that differed from its own as heresy, and as a sin against God, punishing followers with death.

KEYWORDS Religious tolerance, freedom of religion, reformation Europe, Transylvania, confessional conflicts

1. Introduction

Meanwhile, the reformers of the 16th century – Martin Luther[2], John Calvin[3], and John Knox[4] – used the same tools against their opponents that the Holy See[5], and the Inquisition[6] used against them. The reformers initially acted and spoke in terms of religious freedom and religious tolerance. This position changed over

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[2] Martin Luther (Eisleben, 10 November 1483 – Lutherstadt Eisleben, 18 February 1546) was the spiritual father of the Protestant Reformation, a theologian, reformer, and biblical teacher at the University of Wittenberg.

[3] John Calvin (Noyon, 10 July 1509 – Geneva, 27 May 1564) was a Swiss reformer of French origin, a Christian scholar, and the founder of the Geneva Academy.

[4] John Knox (Giffordgate, c. 1505–1515 – Edinburgh, 24 November 1572) was a Scottish reformer, Calvinist theologian, and church organiser.

[5] The name "Holy See" or "Apostolic See" refers to the Pope himself and the organs of the Roman Curia that act on his behalf (Pálos Könyvtár, n.d.).

[6] The Latin name for the Inquisition was inquisitio haereticae pravitatis. Its primary purpose was to investigate suspected heresy, followed by a specific legal procedure conducted by the Catholic Church. The process concluded with the punishment of those who defied or disrespected Catholic dogma and were declared heretics (Pálos Könyvtár, n.d.).

time, and they persecuted and punished those whom they had earlier defended, declaring other reformers and religious groups heretical based on reformist principles.

Prince John Sigismund, together with the Transylvanian orders, accepted the principle of free thought and free preaching, and unlike the Western European countries, did not destroy freedom of religion and conscience with fire and sword, but addressed differing beliefs and religious disagreements through public theological debates[7].

With the proclamation of the Peace of Torda in 1568, Prince John Sigismund of Transylvania and the Transylvanian orders – contrary to the intolerance of the Reformation movements in Switzerland and Saxony – favoured peace and tolerance between the emerging denominations. The prince ruled like a true benefactor and took a conciliatory approach to confessional disputes. He appeared as a defender of the Christian religions (Borsos, 1855).

In the decades that followed, the spirit of religious tolerance and freedom continued to define the religious policy of Transylvania.

2. Religious freedom, religious tolerance, and the principle of *cuius regio, eius religio* in the Holy Roman Empire

The religious peace treaty of Nuremberg in 1532 granted Protestants in Germany the right to freely practice their religion until the planned universal council. Holy Roman Emperor Charles V (1519–1556) worked to reconcile the Catholic and Protestant sides when he issued the Augsburg Interim at the Imperial Assembly in Augsburg in 1548. However, neither side was willing to accept this creed. The Treaty of Passau, concluded in 1552, allowed Protestants to practice their religion freely. This treaty remained in effect until the acceptance of the Religious Peace of Augsburg in 1555[8]. The Religious Peace of Augsburg was formulated and proclaimed in the presence of Holy Roman Emperor Ferdinand I (1556–1564). The *ius reformandi* authorized the lord of the given principality or province to decide on religious matters.

Here, the principle of *cuius regio, eius religio* ("whose realm, his religion") was promulgated, according to which the inhabitants of a territory were obliged to follow or adopt the religion of the landowner. The agreement only allowed the possibility of religious practice within a given Christian denomination and only within a specific territory – but not in the spirit of religious coexistence. Only the

[7] On March 3, 1568, a synod was held in Gyulafehérvár, Hungary, where Lutherans, Reformed, and Unitarians from Hungary and Transylvania engaged in a theological dispute (Pokoly, 1904; Pásztori, 2009).

[8] The Peace of Augsburg was signed on 24 September 1555.

Catholic and Lutheran religions were included in the religious peace. The Lutherans were granted religious freedom throughout the Holy Roman Empire[9]. Protestant denominations that did not accept the agreement were allowed to emigrate from the respective areas. According to the agreement, an ecclesiastical prince could later change his own religion, but not the religion of his principality. This was known as the *reservatum ecclesiasticum*. In Germany, confessional division was legitimized at the level of imperial law.

Calvinism spread in the northwestern provinces of the Holy Roman Empire in a "second wave" from Switzerland, the Netherlands, and France. Frederick III (1559–1576), Prince Elector of the Palatinate, was the first to adopt Calvinist principles in 1562. He made Heidelberg the first centre of German Calvinism by drafting the Heidelberg Catechism with the university theologians Zacharias Ursinus and Caspar Olevianus, and presenting it to the synod convened on 29 January 1563, which accepted it and issued it for public use. The University of Heidelberg's reputation was enhanced by the widespread use of the Heidelberg Catechism[10] throughout the Holy Roman Empire. John Casimir, Elector of the Palatinate (1583–1592), gave refuge to Calvinist refugees who were being persecuted in France. Calvinism was also accepted in the states of Hesse-Kassel, Saxony-Anhalt, Lippe, Kleve, and Bremen. To counterbalance the political power of the Lutheran orders, the electorates increasingly supported Calvinism.

In 1613, Prince Elector John Sigismund of Brandenburg also adopted the Calvinist religion. In his country, he practiced religious tolerance toward the Lutherans. The religious wars raging between 1618 and 1648 rewrote the religious map of the Holy Roman Empire and Western Europe. In once-thriving towns and villages, many churches fell victim to religious intolerance. The wars between the armies of the Catholic League and the Protestant Union were both evidence and consequence of the religious intolerance manifested in European history.

[9] Martin Luther (1483–1546), a Saxon reformer and teacher in Wittenberg, formulated the idea of religious freedom in terms of his willingness to obey the emperor as a secular authority, while giving priority to the things of God in his life. In his opinion, it is not the bishops, the synods, or the pope who are competent to judge matters of faith, but the free conviction and decision of the individual in faith. The free individual is entitled to two things: to judge the doctrine of the Church and to choose the preacher (Warga, 1906).

[10] "The Heidelberg Catechism (1563) was composed in the city of Heidelberg, Germany, at the request of Elector Frederick III, who ruled the province of the Palatinate from 1559 to 1576. The new catechism was intended as a tool for teaching young people, a guide for preaching in the provincial churches, and a form of confessional unity among the several Protestant factions in the Palatinate. An old tradition credits Zacharias Ursinus and Caspar Olevianus with being the coauthors of the catechism, but the project was actually the work of a team of ministers and university theologians under the watchful eye of Frederick himself. Ursinus probably served as the primary writer on the team, and Olevianus had a lesser role. The catechism was approved by a synod in Heidelberg in January 1563." (Christian Reformed Church, n.d.).

3. Religious freedom and religious tolerance in Switzerland (1509–1564)

3.1. Ulrich Zwingli (1484–1531), the reformer and religious freedom in Switzerland

Ulrich Zwingli, as the pioneer of the Swiss Reformation, introduced innovations in preaching and the doctrines of the Lord's Supper. As the initiator of the Swiss Reformation, Zwingli Ulrich introduced innovations in preaching and the doctrine of the Lord's Supper. During his reformation activities, the city of Zurich converted to Protestantism. According to church historians and theologians, he was an enemy of all religious compulsion. He considered the Holy Scriptures to be the standard of faith and, in light of this, he respected freedom of religion and freedom of conscience (Warga, 1906).

During the disputes between the Catholic and Protestant sides of the Swiss cantons, the civil government prohibited all religious persecution and discrimination. This was sealed in the religious convention of Marburg in 1529. Tolerance toward the Lutherans was not extended to the Anabaptists. After the adoption of strict laws, the free persecution and extermination of the Anabaptists was declared. The religious differences and political disagreements of the Swiss cantons sparked a religious war in 1529 that lasted until 1531. Zwingli Ulrich, who participated in the renewed religious wars between the Swiss cantons, also chose this path. He died a heroic death in defence of Protestantism at the Battle of Capel in 1531.

3.2. John Calvin, the Geneva reformer and religious freedom in Switzerland (1509–1564)

After years of warfare, the Swiss Catholic and Reformed cantons made peace in 1531. According to the agreement, only the two parties were allowed to practice their religion freely. In 1532, János Kálvin published his commentary on Seneca's *De Clementia*. In this work, he advocated religious tolerance in defence of the persecuted Huguenots in France. He asked the French King, Francis I, for mercy on the persecuted French. In his declaration on religious freedom, he emphasized that true tolerance is essential, warning that so-called freedom must not become an excuse for disobedience to God or for boundless permissiveness. At the same time, he argued that individuals should neither renounce their own freedom nor deny it to others.

Calvin was the target of many criticisms and accusations from his theological contemporaries. He was subjected to numerous criticisms and accusations by his fellow theologians and was also accused of having almost completely abandoned his commitment to tolerance. His ecclesiastical and social status in

Geneva had been consolidated. Calvin's tolerance remained toward those who based their theological and moral teachings on the Holy Scriptures.

He exercised total intolerance toward those who spread arguments that differed from the Holy Scriptures and his teachings. He practiced complete intolerance against those who promoted doctrines different from the Holy Scriptures and his own teaching. The incident between John Calvin and the French doctor Hieronymus Bolsec was also related to this. Bolsec opposed Calvin's doctrine of double predestination and publicly criticized him. At Calvin's initiative, the city magistrate – taking into account the opinion of the Geneva church council – arrested Bolsec in October 1551, and after a long deliberation, exiled him from Geneva and Switzerland (van't Spijker, 2003).

Another similar case was that of Jean Trolliet. Calvin did not allow Trolliet to serve as a pastor. The conflict culminated in June 1552 when Trolliet complained to the council about Calvin's sermons. He criticized the Calvinist doctrine of predestination as developed in the *Institutio*[11]. He emphasized that by accepting the doctrine of predestination, one also blames God for sin. Calvin submitted a memorandum to the council in which he defended himself against the accusations. After a long investigation and debate, the council sided with Calvin's doctrine. It declared that the doctrine of predestination developed in the *Institutio* was based on Holy Scripture. Trolliet withdrew his complaint and admitted his mistake. The council rebuked him for his claims and obliged him to accept the doctrine of predestination.

The trial of Michael Servetus was one of the most controversial cases of religious freedom in the history of the city of Geneva. With the trial and execution of the Spanish doctor Mihály Servet in 1553, the city of Geneva became a stronghold of intolerance. John Calvin played a leading role in this (van't Spijker, 2003).

The British historian Henry Kamen describes the conditions prevailing in Geneva when he says: "The severity of the Calvinist discipline is also shown by the number of excommunications, which rose from 80 during the four-year period between 1551 and 1554 to over 300 in the year 1559 alone" (Kamen, 1967, pp. 51-52). With the introduction of Calvin's *Code of Geneva* (1541) and the publication of his work *Declaratio orthodoxae fidei de sacrae Trinitate* (1554), he became a representative of religious intolerance in Geneva. In this work, he develops the idea that tolerance is nothing more than the toleration of heresy. He was convinced that promoting heretical teachings was a sin against God, since they were contrary to divine doctrine. Heresies must be eradicated because they corrupt and dishonour both human and divine law (Calvin, 1554).

[11] It was the 1536 edition of the Institutio by the Genevan reformer John Calvin.

John Calvin's fellow reformer, Théodore de Bèze, professor of classical Greek, spoke out against tolerance in his work *De haereticis a civili magistratu puniendis* (*On the Punishability of Heretics by the Civil Authority*). He regarded tolerance as the work of the devil and loudly proclaimed that it must be rooted out as such.

In response to the Servetus trial and execution, Sebastian Castellio published *De haereticis, an sint persequendi* in 1554. He became known as a defender of religious tolerance in Western Europe (van't Spijker, 2003). He stood up against the persecution of heretics and in favour of religious freedom. He interpreted religious tolerance as follows: "Seeking the truth and saying it as we think can never be a sin. No one can be forced to believe, since belief is free […] The dogmas for which Christians mutually curse and kill each other are quite indifferent in themselves and do not improve people. The judgment over the spiritual does not belong to men, but to God alone" (Guggisberg, 1997, p. 45).

A few years later, in Bern in 1566, another heretic, Valentino Gentilis, was executed. Religious freedom and religious tolerance in Switzerland were only realized, and executions abolished, centuries later.

4. The struggle for freedom and religious liberty in the Netherlands in the 16th and 17th centuries

The English King Henry VIII (1509–1547) initiated the establishment of the Anglican Church in 1534 after his separation from Rome, which retained many of its Catholic features. As head of the Church of England, he dissolved the monasteries in 1536. However, he left dogmatic teachings, church ceremonies, and church organization largely untouched. The last years of his reign were characterized by religious intolerance and anti-Catholicism. The Act of Supremacy and the Treasons Act authorized King Henry VIII to convict and execute Thomas More and Cardinal John Fisher.

During the reign of Edward VI (1547–1553), his legitimate successor, Protestant reforms were introduced with the support of Thomas Cranmer, Archbishop of Canterbury. The next ruler, Mary I (r. 1553–1558), being a fervent Catholic, strove for the re-Catholicization of England and Scotland and mercilessly persecuted Protestants.

This political and religious intolerance continued during the reign of Queen Elizabeth I (1558–1603). The Act of Uniformity of 1559 reflects the political and religious conditions that characterized England in the 16th century (Lecler, 1960). The political and legal actions of the English rulers were a clear indication that anyone who went against their will would end up on the losing side. The intolerant spirit of 16th-century England is best reflected in the reign of Queen

Elizabeth I, who imprisoned her Catholic cousin, Mary, Queen of Scots, for 19 years before having her executed on February 8, 1587 (Walsham, 2006).

Sixteenth- and seventeenth-century England was characterized by intolerance[12]. England had to wait a long time for the establishment and practical application of religious tolerance.

5. Conventions and religious edicts in the name of religious freedom in France

In the years preceding the proclamation of the Edict of Torda, France was characterized by religious intolerance. In the Edict of Châteaubriant of 1551, French King Henry II prohibited all contact with foreign heretics and ordered the confiscation of the property of Reformed refugees living abroad. The Peace of Cateau-Cambrésis, signed on April 3, 1559, did not improve the situation of the Protestants. Neither the religious edict of Saint-Germain-en-Laye, issued in January 1562, nor the Edict of Amboise of 1563 lasted long, and neither guaranteed the free exercise of religion for the lower social classes (Papp, 2009).

After the proclamation of the Edict of Torda in 1568, the third French religious war broke out on August 18, 1568. Religious tolerance and the acceptance of beliefs other than Catholic dogma were completely unknown in France. This religious intolerance culminated in the St. Bartholomew's Day Massacre.

In one of the bloodiest events in European history, on August 23, 1572, Charles IX authorized the murder of 3,000 French Reformed Christians (Kamen, 1967). The Edict of Nantes, issued by Henry IV on April 13, 1598, ended 36 years of religious warfare. Its 92 articles included provisions for legal proceedings against the Reformed and the release of those imprisoned for their religion. Confiscated property was returned to the Reformers. Catholics and Reformed Christians enjoyed the same rights and could practice their religion freely.

Reformed believers had the same civil rights as Catholics. However, their public worship was restricted. On estates with high-ranking lordships, the practice of the Reformed religion was allowed for the owner, his family, and his household. On estates with lower jurisdiction, only the family was permitted to practice the Reformed faith. The Reformed were granted political equality with Catholics and could hold all kinds of titles, offices, and public positions.

[12] „Toleration was, despite this, not a distinctive feature of the Anglican Church. The Catholic population, which at the outset of the reign was still a substantial proportion, was subjected to penal laws which grew in the intensity and ferocity as the reign went on the menace from Catholic Spain grew greater. Elizabeth may have claimed not to wish to set a window into men's consciences, but the executions and repression suffered by English Catholics were a potent argument against the toleration of Protestants by Catholic powers in Europe. Under her 189 Catholics, the majority of them secular priests, were put to death, and some forty more died in prison. [. . .] Among the few on the Protestant side who opposed this policy is the surprising figure of John Foxe. [. . .] He was a rare apostle of liberty" (Kamen, 1967, pp. 161-162).

The Peace of Westphalia, adopted in 1648, reaffirmed the Peace of Augsburg. The Reformed faith was officially recognized, and the status quo prior to 1624 was restored. In France, Louis XIV revoked the Edict of Nantes in 1685 and stripped French Reformed Christians of their rights. Around 200,000 Huguenot artisans, merchants, and intellectuals left the country and settled in Germany, England, and the Netherlands. French Protestants were only allowed to freely practice their religion again in the mid-18th century (Adriányi, 1975).

6. The dominance of intolerance in 16th- and 17th-century Spain

In Spain, the religious and cultural segregation of the Christian Moors (Moriscos) living in the territory of the Spanish Empire began with the announcement of the royal decree published on January 1, 1567. In the territory of Granada, Arab clothing and the use of baths were forbidden. The Moriscos, who revolted on Christmas Day in 1568, were resettled in the southern parts of Castile in Spain under an assimilation plan. After the unsuccessful attempt, according to the decision of the Council of State on April 4, 1609, the aim was to expel the Moriscos from the country. The resettlement of around 300,000 Moriscos took place in March 1611 (Rawlings, 2006).

The Spanish Inquisition of the 16th century mercilessly persecuted and exterminated not only the Moriscos, but also the Protestants. Due to intolerance towards other cultures and religious groups, in the 16th and 17th centuries non-Catholics and ethnic groups with foreign cultures completely disappeared from Spain.

Religious tolerance and freedom were unknown concepts in 16th- and 17th-century Spain.

7. Conclusion

Summarizing the issues of religious freedom and religious tolerance established in Western European states, the conclusion can be drawn that the religious freedom and religious tolerance proclaimed in the Principality of Transylvania was unique in 16th-century Europe.

In the second half of the 17th century, political thinkers, philosophers, and legal scholars debated the natural rights of man. Religious tolerance and freedom of worship were increasingly promoted. The idea of religious tolerance permeated their work. Lawyer Samuel Pufendorf and political thinker John Locke stood out among them. Samuel Pufendorf, the well-known lawyer, supported his arguments with biblical quotations and explained his idea that every person has the right to choose their religion and practice it freely. This went against the

teachings of the medieval Church, which dictated and prescribed the individual's religious affiliation and religious life. With his new teaching, he proclaimed that ecclesiastical or secular superiors had no right to interfere in a person's religious beliefs. The freedom of religion advocated by him remained only a theoretical issue.

The famous work of the philosopher John Locke (1632–1704), *A Letter Concerning Toleration*, published in 1689, was only a philosophical approach to religious freedom. The practical implementation of the issue of religious freedom was not achieved. Results similar to the religious freedom and religious tolerance in Transylvania and Poland were only realized in Western European states at the end of the 18th century, in the Declaration of the Rights of Man during the French Revolution. The proclamation and implementation of religious freedom in Transylvania was unknown in Western political and ecclesiastical circles.

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