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Under the Umbrella

The Communal Dimension of Human Dignity in Private Law

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THESES OF THE DOCTORAL DISSERTATION

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I. Summary of the research task

1. Background, subject and aim of the research

Under Section 2:54(5) of the Hungarian Civil Code, any member of the Hungarian nation or of a national, ethnic, racial or religious community is entitled – within a thirty-day preclusive time limit – to enforce his or her own personality rights in respect of an infringement that is connected with his or her membership of the community, where such membership constitutes an essential feature of his or her personality, and that seriously offends the community before a wide public or is unjustifiably hurtful in its manner of expression. The communication speaks of many people at once, yet it is the individual member of the group who brings the action; it has been left to legal interpretation to show what links the individual to an attack on the community.

My research started from the premise that this link conceals two distinct questions: that of affectedness (how a communication about a community relates to a person who has not been named) and that of infringement (why the communication violates that person's human dignity). Hungarian legal scholarship and the case law of the Constitutional Court have used several concepts to describe this link – individualisability, spillover (*átsugárzás*), identity, human status and dehumanisation – yet the same term has at times been used to capture affectedness and at other times infringement. The 'dignity of the community' is a concept employed by Article IX(5) of the Fundamental Law and by the Constitutional Court; the holder of personality rights, however, is the individual human being, and the Civil Code attaches to an infringement offending the community the enforcement of the member's *own* personality rights.

The subject of the research is therefore the doctrinal conceptualisation of the legal link between harm suffered by a community and the infringement of an individual's personality rights, together with the constitutional background and the case law of Section 2:54(5) of the Civil Code; questions of criminal law and media regulation are addressed only to the extent necessary to understand the personality-rights problem. My aim was to develop an interpretive framework capable of verifiable application in judicial reasoning: one that recognises violations of dignity effected through the community and explains why a communication that is coarse but does not deny equal status may remain lawful.

2. Research questions and initial hypothesis

The principal research question is in what doctrinal and interpretive order the harm to the human dignity of an individual member caused by a communication directed at a community can be captured in such a way that both the individual structure of personality rights and freedom of expression retain their proper weight. My initial hypothesis was that community-based personality protection can be grounded consistently within the framework of individual dignity, without positing an independent collective human dignity: membership of the community mediates affectedness, while the protected content of dignity lies in the individual's equal human status. The comparative sub-question asked what doctrinal models have emerged in European national legal systems to link a communication about a group to the legal position of its individual members, and what is distinctive about the Hungarian normative connecting mechanism by comparison.

II. Investigations conducted and research methods

The dissertation is a work of doctrinal legal research combining five methods: doctrinal analysis, examination of the case law of the Constitutional Court and the European Court of Human Rights (ECtHR), analysis of Hungarian judicial decisions, jurisprudential reconstruction and functional-doctrinal comparative law. Jeremy Waldron's theory of status served as the theoretical point of departure (*Dignity, Rank, and Rights*, 2012; *The Harm in Hate Speech*, 2012), with John Tasioulas's conception as a limiting counterpoint (*On the Foundations of Human Rights*, 2015); I examined theories of group rights (French, Newman, Jones, Raz, Réaume) in order to determine whether the problem genuinely lies in the structure of right-holding. I did not adopt ready-made definitions from these works; rather, I paid particular attention to what each idea explains in Hungarian law.

The historical-doctrinal analysis traces the development of the law from László Sólyom's 2002 construction, through the decisions of the Constitutional Court and Article IX of the Fundamental Law, to Section 2:54(5) of the Civil Code. I covered the case law of the Constitutional Court up to decisions published by 20 September 2026, treating majority reasoning separately from concurring reasoning and dissenting opinions. I read the case law from the perspective of judicial reasoning: in addition to the ten community cases identified, I also included some 160 decisions of the Kúria (the Supreme Court of Hungary) applying the 'average reader' standard. The case law of the ECtHR served as an external control. The comparative analysis covered German, Polish, Spanish, French, Dutch, Austrian, Swiss and British law in detail, and further European legal systems selectively, using two complementary

classifications: five types of relationship (identical model, close doctrinal analogy, functional analogy, structural contrast, and different legal treatment of the same problem) and seven legal-technical models. In developing the practical framework of assessment, I also drew on my judicial experience in adjudicating cases involving fundamental rights.

The limitations of the study are as follows: the Hungarian case material is narrow, so no settled doctrine can be derived from it; the comparison with the ECtHR is limited by the fact that the structure of the Convention differs from that of Hungarian personality rights; the comparative analysis is not a complete inventory of European law, and no reliable picture can be formed of Czech, Slovak or Romanian civil-law practice; and the dissertation does not measure the psychological or social effects of communications. The nine chapters of the dissertation proceed from the theoretical foundations (Chapter II), through the development of Hungarian law (III), the author's own model (IV), domestic case law (V), Strasbourg control (VI) and European comparison (VII), to the framework for judicial assessment (VIII) and the conclusions (IX); the comparative analysis deliberately follows the development of the author's own model.

III. Summary of the scientific findings

The connection between community membership and human dignity is not a new idea: the theoretical starting point of equal human status is associated with Waldron, the concept of 'spillover' with László Sólyom, and the formulae of 'human status' and the 'core of dignity' with the Constitutional Court. The original scholarly contribution of the dissertation lies in linking individual affectedness, the violation of equal human status and the structure of judicial reasoning within a unified interpretive framework of personality rights, which it then tests against Hungarian legal practice, Strasbourg case law and the findings of European comparative law.

Section 4.9 of Chapter IV of the dissertation summarises the seven doctrinal propositions of the status-normative model. Building on these, this booklet systematises the doctrinal, case-law, comparative and practical findings of the research as a whole in thirteen theses. The theses distinguish the theoretical antecedents of the research and the established findings of existing case law from the dissertation's own conclusions.

A) Doctrinal propositions

Thesis 1. Community-based personality protection is individual legal protection realised through the community; the community is a connecting element, not the holder of dignity.

The question whether communities possess a human dignity of their own leads to a doctrinal dead end. The analysis of theories of group rights showed that the collectivist approach locates the communal dimension in the legal personality of the community and therefore does little to explain how belonging to a community becomes a constituent of the individual's personality, while the construction of jointly held rights demonstrates that recognising the communal character does not require a legal subject independent of the members. The problem is therefore to be sought not primarily in the structure of right-holding but in the content of individual dignity.

The law can maintain an exclusively individual structure of entitlement to human dignity while recognising that the individual becomes vulnerable to certain attacks precisely through his or her communal ties. A community-based infringement cannot be described as the sum of independent individual infringements: its common source is categorisation, so the relationship between communal and individual harm is structural rather than quantitative. Having regard also to Decision 2/2024 (I. 9.) AB of the Constitutional Court, three situations of entitlement can be distinguished: the human dignity of a natural person; the purpose-bound autonomy and good reputation of a legal person; and, finally, harm arising from a communication concerning a community without legal personality, which the member enforces as his or her own right. It follows that the contradiction between the 'dignity of the community' in Article IX(5) of the Fundamental Law and individual enforcement under the Civil Code is only apparent: the 'dignity of the community' is the constitutional recognition that the dignity of the individual may also be attacked through his or her community membership.

Thesis 2. In community-based infringements, the distinct protected interest of dignity is equal human status; status harm is an interpretive concept, not a new personality right.

In personality rights, the significance of dignity is to be found in its function: it is a legally protected minimum to which every person is entitled as a legal subject equal to others. In community-based infringements, this can be captured in the protection of equal human status – the normative minimum according to which no one may be relegated to a lower human or legal category on the basis of community membership. 'Status' does not denote social rank or esteem. Differences in social roles and hierarchies do not in themselves call human dignity into

question; the requirement of equal human status precludes such differences from justifying the treatment of anyone as an inferior human person.

The protected interest is distinct from honour and reputation; overlap is not excluded [Sections 2:45(1) and 2:54(5) of the Civil Code use the same phrase, ‘unjustifiably hurtful’], but the difference lies in the focus of the inquiry: the protection of honour asks whether social esteem has been adversely affected, whereas the status-normative inquiry asks what normative position the communication ascribes. A violation of dignity is thus not an ontological loss but a normative denial; it is in this context that the requirement of inviolability in Article II of the Fundamental Law acquires its particular significance: human dignity demands not the absence of social differences but unconditional respect for equal human status.

The research’s own contribution is the identification of equal human status as an independently identifiable protected interest of Hungarian community-based personality protection. This approach both precludes equating a violation of dignity with the mere fact of feeling offended and makes it possible to assess, in terms of personality rights, subordination effected through community membership.

This protected interest is narrow enough not to equate dignity with every instance of feeling offended, yet sensitive enough to subordination effected through the group. Status harm is a doctrinal concept serving the interpretation of Section 2:54(5) of the Civil Code; it creates neither an independent cause of action nor a new personality right. Its typical communicative forms – criminalisation, dehumanising or objectifying speech, moral exclusion and the construction of collective guilt – are not statutory elements but types that aid recognition: what they have in common is that they make group membership in itself a sufficient reason for lesser worth.

Thesis 3. Affectedness and infringement are two separate questions of inquiry.

Section 2:54(5) of the Civil Code breaks through the exclusivity of individualisation by name; it does not, however, abolish individualisation but transforms it: community membership and its significance for personality create the link through which the communication reaches the individual. By designating a category, a communication about a community simultaneously defines the circle of persons concerned and extends its characterisation to them; this is why an unnamed member may also become personally affected. The mechanism of harm can be described by three elements: community membership supplies the communication’s reference, personal identity creates affectedness, and equal human status is itself the protected position.

Accordingly, two reconstructions of meaning are required: what the communication asserts about the community, and what normative message this carries about the status of the individual member.

Affectedness does not entail infringement: affectedness is a connecting element, not proof of a violation of dignity. ‘Spillover’ thus describes a link; it does not prove an infringement. Conflating the two questions leads to two opposite errors: unlimited spillover would make every criticism of a group the personal concern of all its members, while an approach accepting only targeting by name would hollow out the community-based claim. The separation also resolves conceptual ambiguity: the dignity of the community, spillover, human status, the innermost sphere of personality, gratuitous attack and dehumanisation are each assigned a defined place and function within the structure of the dissertation.

B) Critical assessment of Hungarian practice

Thesis 4. Elements of the case law of the Constitutional Court and of the ordinary courts point towards a status-normative reading but have not produced a coherent framework of inquiry; doctrinal correction is required at several points.

Decisions 6/2021 (II. 19.) AB and 7/2021 (II. 19.) AB approached the ‘dignity of the community’ essentially through a negative definition; in my view, this provided no positive standard, rendered the interpretation of the two statutory limbs circular, and failed to give expression to the shift in approach flowing from the Fourth Amendment to the Fundamental Law. Decision 3418/2024 (XI. 28.) AB interpreted Article IX(5) as a procedural bridge between harm suffered as a member and the protection of individual dignity, dispensed with individual identifiability and intent to offend, did not extend the public figure’s duty of tolerance to members of the community, and extended protection to the majority community as well; I regard this decision as the direct constitutional antecedent of the model. Since Decision 19/2024 (XI. 11.) AB, a violation of the core of dignity has been a preliminary threshold question; but if the core encompasses every form of humiliation, it loses its delimiting function, and the general ‘two-pronged test’ has appeared only in concurring reasoning. From Decision 3402/2025 (XII. 10.) AB I infer that an infringement under the Civil Code need not reach the criminal-law threshold of incitement, and that the fact that a communication does not amount to incitement does not mean that it cannot infringe the member’s personality rights.

In the case law of the ordinary courts, affectedness is a question of substantive law (the substantive entitlement to sue): a declaration of membership raises a presumption which the defendant may rebut. In my view, the requirement of ‘awareness in others’, developed in the

reputation cases typical of earlier case law, was wrongly transposed to group harm. The Kúria rightly corrected the application of ‘spillover’ as an independent condition and rejected the requirements of an aggressive character and of a ‘vulnerability test’; owing to the closed nature of the statutory list, an ad hoc group created by the harm itself falls outside the scope of protection (prohibition of the *actio popularis*). A recurring weakness of the case law is a short circuit in reasoning: the characterisation ‘seriously offensive’ or ‘dehumanising’ often stands in place of the conclusion, and none of the some 160 Kúria decisions referring to the ‘average reader’ explains the content of that perspective.

C) The status-normative model

Thesis 5. The status-normative model is a subject-specific, fundamental-rights-sensitive normative framework for interpretation and reasoning.

The model is not a general method replacing the classical methods of legal interpretation. Section 2:54(5) of the Civil Code, however, employs open normative concepts (‘seriously offensive’, ‘unjustifiably hurtful’, ‘essential feature’, human dignity), so the judge must interpret the communication, determine affectedness, characterise the harm and weigh it against freedom of expression; the model renders these intermediate operations visible. Its central question is: what does the communication assert about the human and social place to which members of the community are entitled? It does not predetermine the outcome but allocates the burden of reasoning; it is closest to teleological and constitutionally conforming interpretation, but is exhausted by neither.

The model is not a mere adoption of Waldron’s theory. Waldron approaches the problem of hate speech from the perspective of public assurance and equal membership; the dissertation translates this idea into the structure of an individual private-law claim and supplements it with elements shaped by Hungarian personality rights, case law and constitutional freedom of expression: the separation of affectedness and infringement, the two axes of gradation, the ordering of the two statutory limbs, a sequence of questions in a doctrinally determined order, and an independent proportionality review of the legal consequence. Each element is recognisable in practice on its own; the novelty of the model lies in arranging them into a single, functionally differentiated and sequenced system. It has two conceptual consequences. First, the ‘seriously offensive’ limb is partly a qualitative question: what is decisive is not coarseness but status-assigning meaning, so a restrained communication may be severely status-destructive while a tasteless one is not necessarily so. Secondly, dehumanisation is not a characterisation

that in itself establishes an infringement, but a conclusion to be drawn from the social meaning of the communication.

Thesis 6. The model structures the inquiry along two separate axes of gradation.

The degrees of affectedness express the closeness of the link between the communication and the individual, while the degrees of status harm express the normative weight of the communication; strong affectedness does not in itself prove status harm. The degrees are neither statutory elements nor additive point scores, but categories of reasoning. I identified four degrees of affectedness: *weak* (remote institutional or historical criticism requiring several intermediate inferences), *moderate* (the community as a whole appears, but the subject matter or internal diversity calls for further reasoning), *strong* (a status assertion concerning all or typical members of the group, within whose scope the claimant clearly falls) and *direct* (the claimant is also identified by name, image or another individual characteristic). The size of the group is not decisive: where a status assertion designates the entire community, a large membership does not eliminate personal affectedness.

What distinguishes the five degrees of status harm is not the crude offensiveness of the words used but the social consequence attached to group membership; a dispassionate programme of exclusion may be graver than an emotional insult. The illustrative cases are drawn from the case law of the ECtHR, but the degrees are the dissertation's own organising categories – the ECtHR examples illustrate the content of the communications, not the outcomes of the decisions.

Degree	**Central assertion of the communication**	**Typical message as to treatment**	**Illustrative ECtHR case**
Identity engagement	Negative evaluation of a characteristic of the community	Attaches no adverse social rule to it	*Giniewski v. France*
Stigmatisation	Ascribes a lasting negative attribute to members	Justifies distrust and social distance	*Aksu v. Turkey*
Status devaluation	Portrays members as worthy of less trust or participation	Justifies exclusion from certain social roles	*Budinova and Chaprazov v. Bulgaria*
Status exclusion	Makes legal or political equality conditional	Demands restriction of rights, segregation or departure	*Zemmour v. France*
Existential denial	Declares the social or physical presence of the group unacceptable	Endorses violent removal, persecution or extermination	*Norwood v. the United Kingdom*

Stigmatisation becomes status devaluation when the negative attribute is linked to an inference concerning suitability or trustworthiness; the level of status exclusion is marked by the justification of legal or institutional restrictions, and existential denial by the rejection of peaceful presence. None of the degrees corresponds automatically to the ‘seriously offensive’ threshold. Group orientation (indirect, partial, member-directed or treatment-based) expresses to whom the communication is addressed and is therefore distinct from affectedness. The ‘typical group member’ is a standard of status, not of feelings: it is neither an empirical average person nor a fiction for determining meaning, but the normative perspective from which, on the basis of the reconstructed meaning, it can be assessed what status message the communication carries for the member; in applying it, the court must identify the historical, linguistic or social knowledge on which it relies.

Thesis 7. The status-normative inquiry brings the two limbs of infringement in the Civil Code into an ordered relationship.

The two alternative limbs – both of which may be established in respect of the same communication – show where the qualified harm originates. The degrees of *seriously offensive content* are as follows: hurtful criticism evaluates a community practice, teaching or historical role unfavourably; an offensive generalisation ascribes a negative attribute to members but does not yet directly affect their equal status; serious degradation presents them as inferior; status denial regards them as worthy of fewer rights, less trust or less participation; and dehumanisation and exclusion place them outside the human or political community. The *unjustifiably hurtful manner of expression* concerns the relationship between form and idea: a sharp form is closely linked to the opinion; a hurtful form is coarse, but its link remains recognisable; a seriously hurtful form humiliates a central element of identity with only a weak link; and gratuitous vilification carries no opinion capable of assessment. The inquiry is not stylistic advice: a less offensive alternative matters only if the idea could have been expressed without substantial loss.

Status harm may arise both from a communication that is restrained in tone but excludes members of the community and from a manner of expression that denies their human dignity. Its assessment does not, however, replace a separate examination of the statutory conditions of infringement. The separation also explains more precisely why legal protection may be lacking: in the ‘Krisztus teste!’ (‘Body of Christ!’) case, strong religious affectedness does not in itself entail status devaluation, although an unjustifiably hurtful form may even then call for separate examination.

Thesis 8. Judicial assessment can be organised into a framework of fifteen questions in a doctrinally determined order.

According to the model, the fifteen substantive nodes of reasoning are: (1) which community protected by statute is at issue; (2) what establishes the claimant's membership; (3) why the attachment is an essential feature of personality; (4) whether the communication was actually directed at the members; (5) what objective meaning it carries; (6) how strong the individual affectedness is; (7) whether the content is seriously offensive; (8) whether the manner of expression is unjustifiably hurtful; (9) what social status the communication ascribes to the members; (10) what opinion on a matter of public interest it conveys; (11) whether the offensive form is consistently linked to that opinion; (12) which fundamental right carries what weight in the case; (13) whether an infringement can be established; (14) which legal consequence is necessary and proportionate; and (15) whether the infringement and the legal consequence together restrict freedom of expression proportionately. The inquiry into the scope of application includes the following: the protected community must exist independently of the communication; a subgroup falls within the statutory scope where it is targeted on the basis of the protected characteristic; ascribed identity is also relevant; the 'essential feature' requirement does not call for a ranking of identities; and the inquiry must not turn into an examination before the court of a community-related element of identity (such as faith or national sentiment).

The sequence has independent doctrinal significance, because altering it would lead to outcome-driven reasoning: the court would first perceive the communication as seriously offensive and then select its meaning and target to fit. The sequence can be reconciled with the case law of the Constitutional Court – which treats a violation of the core of dignity as a preliminary threshold – if the normative order of constitutional characterisation is distinguished from the logical order of judicial cognition: a communication denying human status cannot be rendered protected by its public-interest character, but that quality can be established only once the target and the meaning have been ascertained.

Thesis 9. The balancing of fundamental rights, the legal consequence and the proportionality of the restriction as a whole constitute three distinct levels of decision.

Establishing status harm does not conclude the analysis; the weight in the individual case must be determined separately on each side. The protection of freedom of expression is likewise graduated: a public-interest position expressed in provocative form enjoys exceptionally strong protection; well-founded criticism of an institution or teaching enjoys strong protection; a needlessly generalising statement on public affairs falls in between; a predominantly abusive

utterance enjoys weak protection; and direct threats and incitement to violence may also raise the application of Article 17 of the European Convention on Human Rights. The triad of affectedness, harm and public interest provides orientation: where affectedness is weak, the harm moderate and the public interest strong, an infringement normally cannot be established; where affectedness is strong, the harm status-destructive and the public interest slight, an infringement is likely; and intermediate combinations call for detailed reasoning. The verifiability of the reasoning is served by identifying the three decisive circumstances and by counter-tests (does the position survive without the offensive element; does the communication leave room for individual assessment; what social rule can be read from it). Historical persecution does not create a different dignity, but it allows the likelihood of harm to be assessed more precisely; and, finally, members of the majority community are also entitled to protection.

The legal consequence must be selected separately: a declaration is in itself significant legal protection; an injunction must prohibit identifiable conduct; satisfaction (public redress) must be commensurate with the reach of the original communication; and a restitution (*sérelemdíj*) requires separate consideration, since status harm is not the same as psychological detriment. Because, for the purposes of Article 10 of the Convention, the infringement and the sanction together constitute the State's interference, the decision must be completed by a final Convention review: a moderate legal consequence cannot make up for deficient reasoning on the legal basis, nor can a correct legal basis justify an unnecessarily severe sanction.

Thesis 10. The relationship between the protection of dignity and freedom of expression is not zero-sum: the 'canary function' of dignity means early recognition, not early sanction.

The metaphor of the 'canary in the coal mine' expresses the diagnostic side of the model: a status-destructive communication signals that the normative conditions of public discourse have shifted in a dangerous direction, but it does not determine the form of the legal response, which may range from a pertinent reply to civil-law protection. The infringement threshold is therefore not a line of prohibition but a line of constitutional relevance; and 'early warning' is a legal category only where a normative meaning identifiable in the present affects the minimum of equal status – otherwise it would degenerate into precautionary censorship. The institutional rationale of freedom of expression itself presupposes the minimal equality of participants, so that in certain situations the protection of dignity serves to keep debate open. The status-normative minimum demands neither consensus nor esteem; it merely precludes

membership from being in itself a sufficient reason for inferiority. The model can thus remain neutral as between competing worldviews.

A more precise concept of dignity also benefits freedom of expression: sharp religious criticism, historical evaluation, political debate, artistic exaggeration and satire remain defensible even when they cause deep offence. The model is not 'more inclined to find infringements': in the case of merely offensive or identity-engaging communications it may narrow the scope of infringement, while in the case of stigmatising or exclusionary communications it provides a firmer basis – not through a lower threshold but through a more precise identification of the protected interest. It thereby addresses the chilling effect in both directions: inadequate protection may silence members of the targeted community, while unpredictable restriction may silence participants in the debate.

D) International and comparative findings

Thesis 11. The case law of the ECtHR confirms that a communication about a group can reach the legal position of an individual even without targeting by name, but it does not supply a ready-made test for the Civil Code.

The centre of gravity of the Strasbourg case law has shifted from the speaker's freedom under Article 10 to the protection of the person affected under Articles 8 and 14 and to the positive obligations of the State. In *Aksu v. Turkey*, community identity appeared as part of private life without a violation being found – the same structure as the separation of affectedness and infringement; in *Behar and Gutman* and *Budinova and Chaprazov v. Bulgaria*, the group member was affected even without being targeted by name, and the size of the group did not diminish the reach of the communication. According to the *Perinçek* judgment, a communication offending identity and historical memory does not yet deny the equal status of members; Article 17 is exceptional, since its overly broad application would eliminate proportionality review. From *R.B. v. Hungary*, *Király and Dömötör v. Hungary* and *Alković v. Montenegro*, I derived the distinction that community identity may be both evidence of a prejudiced motive and a factor shaping the social meaning of the harm; from the perspective of personality protection, the latter is decisive.

The ECtHR examines whether the State afforded adequate protection to the person affected and conducted an acceptable balancing exercise; the model, by contrast, is directed at the personality-rights characterisation of the communication itself. In certain circumstances, the Strasbourg case law may require effective individual legal protection against harm connected with group membership, and although it leaves the choice of means to national law, it does not

prescribe a construction such as that of the Hungarian Civil Code. What can be transferred from this case law is not a ready-made test but considerations for reasoning and context-sensitive standards of severity.

Thesis 12. The distinctive feature of the Hungarian solution – among the European legal systems examined – is its generalised, codified, private-law normative connecting mechanism.

There is no uniform 'group dignity' model in the European legal systems examined; the link is described by seven legal-technical models: the normative connecting mechanism, the individualisation model, historical status-based connection, direct group protection, the public-order (hate-speech) model, representative action and the anti-discrimination model. The common structural question is where the link between the communication and the individual is determined: in the individualisation model the court decides from the side of the group; in attachment-based connection, from the side of the claimant; in the historical model the link is supplied by the fate of the community; in the normative connecting mechanism the legislature decides in advance; while direct group protection and the public-order model do not even pose the question. Within the scope examined, no legal system recognises both an independent collective right to dignity and an individual private-law action based upon it.

The Hungarian rule has no exact counterpart. The closest functional analogy is Polish and Spanish practice, which grants protection under the member's own right but makes the claimant's attachment one of the constituent elements of the claim. At the level of propositions, the Spanish *Violeta Friedman* doctrine is the strongest doctrinal parallel – with reservations, since it arose partly in criminal proceedings and was tied to personal affectedness. The German doctrine of *Kollektivbeleidigung* is the most important contrast in terms of individualisation; the line of cases on 'Jews living in Germany' is a structural precursor, but it is a judicial exception confined to a single community, with no demonstrable historical influence. French and Dutch direct group protection represents a structural contrast, while Austrian, Swiss and English law reinforce individualisation.

The rule in the Civil Code is not a transposition of Framework Decision 2008/913/JHA. The Hungarian solution was not the first to recognise the individual relevance of harm to a community; it can be regarded as unique only within the scope examined, only as regards its generalised codified form, and subject to further examination of practice in the region. The comparison confirmed that the community need not be made a legal subject and that the separation of affectedness and infringement has independent significance; since the conditions

of connection are laid down by statute, in Hungarian law the focus shifts from judicial individualisation to the substantive definition of the infringement threshold.

E) Limits and safeguards

Thesis 13. The model remains a legitimate standard only with self-limiting propositions and two-sided application.

In the dissertation, I identified five risks in the application of the law: judicial moralising, the conflation of identity engagement and status harm, the pseudo-objectivity of the degrees, self-justifying application of the theory, and the overextension of legal consequences. The self-limiting propositions follow from these: feeling seriously offended is not the same as status harm; affectedness does not entail infringement; the degrees do not form a scoring system; and freedom of expression carries particularly great weight in debates on public affairs, religious teachings, historical questions and artistic expression. A condition of the model's legitimacy is two-sided application: the public, religious, historical or artistic function of the communication must be accounted for with the same weight as the violation of dignity, and the outcome that a communication is offensive and prejudiced yet does not cross the threshold must be kept open as a real possibility. The model does not resolve every case, does not claim the status of a general methodology, and does not determine in advance the degree to which a given word or image belongs. Its ultimate test is whether, in borderline cases, it justifies both sides of the line with the same discipline of argument.

Application of the findings and directions for further research

The findings can be applied primarily in proceedings based on Section 2:54(5) of the Civil Code: the fifteen-question framework assists in structuring the reasoning, while the graded characterisation assists review in appellate and constitutional complaint proceedings, because it makes visible where a decision diverged in its assessment of meaning, affectedness or the weight of fundamental rights.

In this field, the value of precedents lies in comparable structures of reasoning; over time, these may give rise to a case-law typology that concretises the open concepts with legal certainty. If the essence of the infringement is the devaluation of status, the legal consequence must correct that message. The decision cannot be reliably automated: the same expression may be a quotation, irony, counter-speech or vilification, so the final characterisation is the responsibility of a human decision-maker. Further research is needed to tie the standard of the typical group

member to demonstrable social experience, to analyse judicial practice empirically, and to examine regional (Czech, Slovak and Romanian) civil-law practice.

IV. The author's publications related to the topic

English renderings of Hungarian titles are given in square brackets for information only; they are not official titles of the publications.

Helga Kovács: Kanári a szénbányában: Az emberi méltóság státusznormatív funkciója a csoportsérelmeknél [Canary in the Coal Mine: The Status-Normative Function of Human Dignity in Group Harm]. *In Medias Res: Folyóirat a sajtószabadságról és a médiaszabályozásról*, vol. 15 (2026), no. 1, 36–64.

Helga Kovács: A célba vett emberi méltóság: A jogvédelem ítélkezési tapasztalatai [Targeted Human Dignity: Judicial Experience of Legal Protection]. *Iustum Aequum Salutare*, vol. 21 (2025), no. 1, 121–135.

Helga Kovács: Az igazi Gossip Girl a bíróságon: A Wagatha Christie per tanulságai a közösségi médiában posztolás jogi következményeivel kapcsolatban [The Real Gossip Girl in Court: Lessons of the Wagatha Christie Case on the Legal Consequences of Posting on Social Media]. *Acta Humana: Hungarian Centre for Human Rights Publications*, vol. 13 (2025), no. 2, 25–53.

Helga Kovács: Miért szubjektív az objektív? Az „átlagolvasó" fogalmának felhasználása a személyiségi jogi perekben [Why Is the Objective Subjective? The Use of the Concept of the 'Average Reader' in Personality Rights Litigation]. *In Medias Res: Folyóirat a sajtószabadságról és a médiaszabályozásról*, vol. 14 (2025), no. 1, 39–70.

András Koltay – Helga Kovács: The Protection of Public Debates and the Standards of Responsible Journalism: The Case of Index.hu versus Hungary. *Hungarian Yearbook of International Law and European Law*, Vol. 12, No. 1 (2024), 525–556.

Helga Kovács – András Koltay: A hírnév és a becsület védelmével kapcsolatos alkotmánybírósági esetjog az Alaptörvény hatálya alatt [Constitutional Court Case Law on the Protection of Reputation and Honour under the Fundamental Law]. In: András Koltay – Zsolt Szomora (eds): *A hírnév- és becsületvédelem joggyakorlata a polgári és a büntetőjogban* [The Case Law on the Protection of Reputation and Honour in Civil and Criminal Law]. Budapest, ORAC Kiadó, 2024, 47–83.

Helga Kovács: A képmáshoz és a hangfelvételhez való jog érvényesítése és a közösséghez tartozással összefüggő személyiségi jog érvényesítése iránt indított perek [Actions for the Enforcement of the Right to One's Image and Voice Recording and of Personality Rights Connected with Community Membership]. In: Marianna Dzsula – Helga Mariann Kovács – Ottó Sándor – Gabriella Terézia Tóth: *Polgári eljárásjog I–II.* [Civil Procedure I–II],

ed. Csilla Ribai. Budapest, Novissima Kiadó, 2024, 281–291. (Jogi Szakvizsga Kézikönyvek [Bar Examination Handbooks])

Helga Kovács – Kinga Sorbán: A Kúria felülvizsgálati határozata a személyiségi jogok megsértéséről a közösségi médiában [A Review Decision of the Kúria on the Infringement of Personality Rights on Social Media]. In: András Koltay – Zsolt Szomora (eds): *A hírnév- és becsületvédelem joggyakorlata a polgári és a büntetőjogban* [The Case Law on the Protection of Reputation and Honour in Civil and Criminal Law]. Budapest, ORAC Kiadó, 2024, 465–490.

Helga Kovács – András Koltay: A nyilvános viták védelme és a felelős újságírás normái: Az Index.hu v. Hungary-ítélet elemzése [The Protection of Public Debates and the Norms of Responsible Journalism: An Analysis of the Index.hu v. Hungary Judgment]. In: János Erdődy – László Komáromi (eds): *„Ad imaginem et similitudinem nostram": Emberkép a jogban* [The Image of Man in Law]. Budapest, Pázmány Press, 2024, 823–857.

Helga Kovács: A perbeli legitimáció a hírnév- és becsületvédelmi perekben [Standing in Proceedings for the Protection of Reputation and Honour]. In: András Koltay – Zsolt Szomora (eds): *A hírnév- és becsületvédelem joggyakorlata a polgári és a büntetőjogban* [The Case Law on the Protection of Reputation and Honour in Civil and Criminal Law]. Budapest, ORAC Kiadó, 2024, 269–288.

Helga Kovács: A valótlan tényállítás védelme [Protection against False Statements of Fact]. In: András Koltay – Zsolt Szomora (eds): *A hírnév- és becsületvédelem joggyakorlata a polgári és a büntetőjogban* [The Case Law on the Protection of Reputation and Honour in Civil and Criminal Law]. Budapest, ORAC Kiadó, 2024, 131–168.

Helga Kovács: Az emberi méltóság megsértésével kapcsolatos ítélkezési gyakorlat [Case Law on the Violation of Human Dignity]. In: András Koltay – Zsolt Szomora (eds): *A hírnév- és becsületvédelem joggyakorlata a polgári és a büntetőjogban* [The Case Law on the Protection of Reputation and Honour in Civil and Criminal Law]. Budapest, ORAC Kiadó, 2024, 203–228.

Helga Kovács: Személyiségi jogi igényérvényesítés a közösséghez tartozással összefüggésben [Enforcement of Personality Rights in Connection with Community Membership]. In: András Koltay – Zsolt Szomora (eds): *A hírnév- és becsületvédelem joggyakorlata a polgári és a büntetőjogban* [The Case Law on the Protection of Reputation and Honour in Civil and Criminal Law]. Budapest, ORAC Kiadó, 2024, 241–262.

Helga Kovács: „A Hamlet a királyfi nélkül" – az Amerikai Legfelső Bíróság a vallásgyakorlásról: A joggyakorlat változásai a Kennedy v. Bremerton School District ügy fényében ['Hamlet without the Prince' – the US Supreme Court on Religious Practice: Changes in Case Law in the Light of Kennedy v. Bremerton School District]. *Iustum Aequum Salutare*, vol. 19 (2023), no. 3, 205–225.

Helga Kovács: ‘Hamlet Without the Prince’ – The U.S. Supreme Court on Religious Practice: Changes in Case Law in the Light of the Kennedy v. Bremerton School District Case. *Public Governance, Administration and Finances Law Review*, Vol. 8, No. 1 (2023), 23–41.

Helga Kovács: A vallási közösségek méltóságának sérelme az Alkotmánybíróság értékelésében személyiségi jogi jogterületen [Violation of the Dignity of Religious Communities in the Assessment of the Constitutional Court in the Field of Personality Rights]. *In Medias Res: Folyóirat a sajtószabadságról és a médiaszabályozásról*, vol. 10 (2021), no. 2, 331–359.