

THE PRINCIPLE OF SOCIAL SOLIDARITY IN EUROPEAN UNION NORMS AND ROMANIAN LAW

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Abstract: Solidarity itself is a guiding principle for social policy. This document consists of reviewing the legal framework of a theory of solidarity. The theory of solidarity is the theoretical basis of the principle of social solidarity, which applies national law, European law and international law. The results of investigation of the concept of solidarity will be compared to the legal concepts at two levels: national law and European law. An explanation and analysis of the meaning of the concept of solidarity is essential in the current European debate and the global economic crisis. It is suggested that attempts to promote growth and economic prosperity of every member of society can only be for the universal good.

Keywords: assistance, insurance, solidarity, security, social, policy.

Social intercourse is specific for mankind and it is supposed to be a benefit and a blessing for individuals, not a source of envy, malice or corruption. Thus, even though an individual may look after his own interests, he must at the same time take into consideration the legitimate interests of others who, as human beings, have an equal claim to happiness (“the pursuit of happiness”, as in Thomas Jefferson’s *Declaration of Independence*), welfare, and the benefits derived from social living.

The examination of the principle of social solidarity is very important because it is at the core of many social security systems. According to the solidarity principle, all citizens face a series of social risks (unemployment, illness, ageing, death), that make them dependent on one another.

But the concept of solidarity has multiple meanings, being used in many ways. Its meanings change according to the domain and context in which it is used and, of course, to the particularities of each country/culture:

The issue of solidarity with different social groups is a particular interesting case in the context of the European welfare state: solidarity is what unifies; exclusion/ inclusion is what divides. This issue is, however, embedded in a national as well as international sociopolitical context that might have very different meanings across cultures¹.

The ambiguity of the notion of solidarity has resulted in the absence of a coherent theory of solidarity until now and in the lack of deep justification for its enforcement in the context of world economic crisis. In the course of time, most Western legal systems of social security enforced forms of solidarity, relying mainly on concepts of “welfarism”, but the difficulties faced by the welfare state are encouraging moves towards the British model of tax-based (rather than insurance-based) financing of social provisions.

The principle of solidarity was the basis of the creation of the European Communities and led to the concept of “European social model”². With the Treaty of Rome in 1957, social policy of the European Communities was formed by a set of complementary policies, which have grown and multiplied over time and who acted in those sectors of activity that affect or lead individual and social level of welfare³.

In the process of European construction, economic objectives have always been the priority. Treaty of Rome (1957), which established the European Economic Community, spoke of the need for a single European market on which competition and free trade are the core principles and desired that they should not be affected by national barriers. At the beginning, social issues were passed in the background. However, with the relaunch of integration in the mid '80s (the time coincided with the installation of Jacques Delors at the presidency of the European Commission in 1985) concerns for the social dimension has intensified and culminated in the development of the European Social Charter which was signed in December 1989 by eleven of the twelve members of the Community. Greater social protection in European communities has resulted in enhanced social solidarity especially for a family policy that relies on allowances and tax reduction for families, help with housing policy, in nurseries and children raising⁴.

¹ Miloš Kankaraš, Guy Moors, “Measurement Equivalence in Solidarity Attitudes in Europe. Insights from a Multiple-Group. Latent-Class Factor Approach”, in *International Sociology*, vol. 24(4)/2009, p. 558.

² *Ibid.*

³ See the book *Social Policy*, developed under Phare RO 0006.18.02 – “Training Civil Servants in European Affairs and Project Cycle Management”, implemented by the European Institute of Romania, in cooperation with Human Dynamics, 2003. This paper is part of the series “Micromonografii – Politici europene”, updated version.

⁴ *Ibid.*

The '90s marked a new development of social policy at the supranational level, the most notable success was the inclusion of this field in the basic EU treaties, namely the Maastricht (1992) and Amsterdam Treaty (1997)⁵.

The idea of a united Europe were laid on fundamental ideas and common values to which the Member States also subscribe and which are translated into practical measures by the Union's operational institutions. These acknowledged fundamental values are the securing of a lasting peace, unity, equality, freedom, security and *solidarity*. Of course, the meaning of solidarity in the European context is the *solidarity between Member States*. The principle of solidarity of the European Union is a fundamental principle based on sharing both the advantages, i.e. prosperity, and the burdens equally and justly among members. The permanent concern of the European Community for social policy issues led, in time, to the ceation of a "European social model".

The preamble of the Treaty on the European Union (TEU) states a desire "to deepen *solidarity (among European nations)*, to respect their history, culture and traditions". In the article 128.1 of the Treaty on the European Community (new art. 151.1) it is shown explicitly that the burden of Community is to contribute to "the full development of the cultures of the Member States while respecting their national and regional diversity and highlighting the common cultural heritage".

The Union's aim, as shown in the article I-3, is to promote peace, its values and welfare of its people. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, and a single market where competition is free and undistorted.

The Union shall work for sustainable development of Europe based on balanced economic growth, a highly competitive social market economy aiming at full employment of labor and social progress and a high level of protection and improvement of environmental quality. EU promotes scientific and technical progress, combates social exclusion and discrimination and promotes social justice and protection, equality between women and men, *solidarity between generations* and protection of childrens' rights. It also promotes economic, social and territorial cohesion and *solidarity among Member States*. The Union shall respect its rich cultural and linguistic diversity and ensure the preservation and development of cultural heritage.

In relations with the rest of the world, the Union affirms and promotes its values and interests, contributes to peace, security, sustainable development of the Earth, *solidarity and mutual respect among peoples*, free and fair trade, eradication of poverty and human rights protection, in particular child's, and the strict observance and the development of international law, particularly the United Nations Charter principles.

⁵ Fr. Démier, *Histoire des politiques sociales*, Paris, Editions du Seuil, 1996, Romanian edition, Iași, Institutul European, 1998, p.12.

The third paragraph of Article 1 of TEU explicitly refers to the principle of solidarity, an affirmation crucial for the concept of Social Europe. The EU principle of solidarity has implications for the various rights concerned with employment, industrial relations and social protection in the EU Charter.

Chapter IV (Articles 27-38) of the *Charter of Fundamental Rights of the European Union* is entitled 'Solidarity.' Articles 27 to 38 bear directly on employment and industrial relations: workers' right to information and consultation (Article 27), right to collective bargaining and action (Article 28), right to access to employment services (Article 29), protection in the event of unjustified dismissal (Article 30), fair and just working conditions (Article 31), prohibition of **child labor** and protection of young people at work (Article 32), family and professional life (Article 33), social security and social assistance (Article 34), health care (Article 35), access to services of general economic interest (Article 36), environmental protection (Article 37) and consumer's protection (Article 38). These are solidarity rights in the sense of the European Union's law on social protection.

The Lisbon Treaty introduced Article 1a which stipulates that "the Union is founded on values of respect for human dignity, freedom, democracy, equality, rule of law and respect human rights including the rights of persons belonging to minorities. These values are common to the Member States in a society characterized by pluralism, nondiscrimination, tolerance, justice, *solidarity* and equality *between women and men*".

Solidarity also implies the right of access to social security benefits and social services that are provided in case of maternity, illness, work accidents or professional illness, dependency or old age, and in case of loss of employment, in accordance with rules laid down by Union law and national laws and practices. Social security is defined as "the protection which society attaches to its members through a mix of public dispositions against the economic and social misery that threatens in case of loss or reduction in earnings due to illness, maternity, employment injury, unemployment, disability, old age or death, and providing medical care and benefits to families with children"⁶. Thus, any person residing and moving legally within the EU is entitled to social security benefits and social assistance benefits. Also, every worker is entitled to protection against unjustified dismissal in accordance with Union law and national laws and practices.

The principle of solidarity is often used in the context of social protection but, as we can observe, the concept of solidarity has multiple meanings: solidarity between EU Member States, solidarity (among European nations), solidarity between generations, solidarity between the members of society, solidarity between women and men. From the Solidarity Chapter of the EU Charter we can also make the difference between two categories of rights:

⁶ Bureau International du Travail, *La sécurité sociale*, Genève, 1995, p. 4.

programmatic social and economic solidarity rights (social assistance, health, education etc.) and justiciable civil and political rights (e.g. trade union freedom of association, information and consultation, collective bargaining and collective action). The EU Charter aims at opening a new chapter in the legal enforcement of solidarity rights, both at transnational and national levels.

According to article 63 b of the Lisbon Treaty, “The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle”. In this way, the Lisbon Treaty makes the principle of solidarity “an almost socialist-styled principle of the Union’s asylum, immigration and border control policies”⁷. Article 63b also makes an explicit reference to “financial implications”.

The idea of solidarity and burden-sharing between the EU Member States in the response to migration and asylum challenges, however, is not new. In 2005, the Commission adopted a framework program on solidarity and management of migration flows for the 2005-2007 period: “The Commission proposed financial solidarity mechanisms covering the areas of controls and surveillance of external borders, return of third-country nationals residing illegally in the EU, integration of legally resident third-country nationals and asylum”⁸.

The principle of “solidarity” has derived originally from the French legal system, brought into Community law by the Court of Justice. For example, this principle was applied by the European Court of Justice in a case concerning the complaints made by self-employed workers that compulsory contributions to the mutual funds established to provide social protection violated the principle of free competition in the common market as laid down in Articles 81-82 of TEC. In *Poucet v. Assurances générales de France (AGF) et Caisse mutuelle régionale de Languedoc-Rousillon (Camulrac)*, *Pistre v. Caisse autonome nationale de compensation de l’assurance viellesse des artisans (Cancava)*, Cases C-159/91⁹ and C-160/91¹⁰, the French government in its arguments to the Court cited Article L 111-1 of the French Social Security Code, which defines the principles of social protection in France: solidarity and compulsory affiliation. In its decision, the Court rejected the complaints of the self-employed workers. The motivation was that the French social security regime has a social objective in accordance with the principle of solidarity; its function is

⁷<http://www.europeanfoundation.org/docs/Tuesday%2029%20January/ARTICLE%2063b.mht>.

⁸<http://www.europeanfoundation.org/docs/Tuesday%2029%20January/ARTICLE%2063b.mht>

⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61991J0159:EN:PDF>.

¹⁰ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61991J0159:EN:HTML>.

exclusively social and does not constitute economic activity necessary to constitute an enterprise within the meaning of Articles 81-82.

Although modified through adaptation to other Member State systems and diffused through the entire European Community, solidarity became one of those principles which characterize the European law on social protection.

In specialized French literature, there are identified at least two variants of solidarity: national solidarity and occupational solidarity. National solidarity means “solidarity across all social and professional groups and involves a tax-financed, non-means-tested system of social protection offering flat-rate benefits”¹¹. Occupational solidarity involves “solidarity within a given professional group and it proposes a system of social security funded through insurance contributions and offering earnings-related benefits”¹². Occupational solidarity is present in those schemes founded on insurance: social insurance (pensions, unemployment allowances and other rights of social insurance) and health insurance.

Having its roots in the social teachings of the Catholic Church¹³, the principle of solidarity was developed by the leading architects of the communist system, Karl Marx. Karl Marx opposed the working class —or proletariat— to the owning class — the bourgeoisie — and the individualism to a constricted kind of class solidarity. Building communist society is, in Marx’s opinion, a process of class conflict and revolutionary struggle that would lead to the victory of the proletariat and the establishment of a classless socialist society in which private property would be abolished and the means of production and subsistence belong to the community. For Marx, communism was the result of material development, especially of productive forces. He believed that the most important issue is to change the world and not interpret it. Under the slogan adopted by the communist movement, communism was to be the world in which each received “by its capabilities beyond its needs”. Morality being abolished with the shortcomings, the main criteria that should govern the choice of projects were the scientific and aesthetic life. In other words, the communist society was

¹¹ Daniel Béland, Randall Hansen, “Reforming the French Welfare State: Solidarity, Social Exclusion and the Three Crisis of Citizenship”, in *West European Politics*, no. 1/January 2000, vol. 23, p. 51.

¹² *Ibid.*

¹³ Roman Catholic popes emphasized its importance and relevance specifically for the economic order, starting in 1891 with the encyclical *Rerum Novarum* by Pope Leo XIII. For the first time, the term “social charity” was used by Pope Pius XI in *Quadragesimo Anno* (1931). In 1987 Pope John Paul II renamed and detailed the principle of solidarity in the second of his three encyclicals addressed to the economic order: *Sollicitudo Rei Socialis*, saying that “Solidarity is undoubtedly a Christian virtue”. He also emphasized the applicability of the principle also to the international order among nations. John Paul II had become known also as “the Pope of Solidarity” because of his support to the Polish workers organization named *Solidarnosc*.

not a society of consumption, but it was a society that mobilized all people, either poor or rich in intellect, to show virtue and noble sentiments in producing goods¹⁴. True communism meant the complete abolition of the principle of property which had to end human alienation to create authentic moral relationships between individuals, between man and nature. The institution of property is one that caused man to be unable to enjoy an object that another man possess and want an object that does not hold. This has distorted the desires of individuals. In terms of true communism, Marx considered that it would be possible joint use of property. Communist production activity was meant to be a process of collaboration and finally, between physical and intellectual work there should be no difference. Marx did not consider it was possible that the impoverished working class had no place in advanced capitalist world, where he considered revolution to take place. Facts have shown that the size of the extremely poor class depends on political and institutional factors and is not an inevitable consequence of capitalism as such. Words such as “equality” and “fraternity” were characteristic for communism, their translation into practice being designed to provide end of private wealth and private ownership of means of production, together with a new way of life based on cooperation and community solidarity. Communist ideal has always been proclaimed as an antidote to selfishness, especially selfishness materialized in particular property. Ideal communism action occurs very rarely in the historical evolution of mankind. Some researchers¹⁵ consider that it was done only in some religious communities and secular communities (the few still existing primitive peoples), where ownership and joint work is a way of life. In any case, and here there is a consensus in contemporary world political analysts, it seems not to have been made in communist countries.

Romania’s transition from communist regime which promoted, at least theoretically, full employment of labor, egalitarian distribution of earnings, solidarity with the disadvantaged, equal opportunities for all members of society to the capitalist regime has generated many negative social phenomena: poverty, social exclusion, high unemployment, labor migration. So we can say that the biggest challenge that Romania had to face after the transition to democracy was, perhaps, building a social security system and promoting social policies to resolve or at least mitigate these problems.

The principle of solidarity is the foundation of the Romanian state¹⁶, a principle of direct relevance to social security, and for all socio-economic domain, as underlying economic and social rights such as right to social security

¹⁴ C. Avram, *Regimuri politice comparate. Partea I. Autoritarismul și totalitarismul secolului XX*, Editura MJM, Craiova, 2002, pp. 145-151.

¹⁵ *Ibid.*

¹⁶ D. C. Dănișor, *Constituția României comentată. Titlul I. Principii generale*, București, Editura Universul Juridic, 2009, p. 166.

and right to information and consultation of employees, right to negotiate collective agreements and to initiate collective actions (including the right to strike), the right of access to services and employment placement and the right to protection against unfair dismissal.

According to the solidarity principle, all citizens face a series of social risks (unemployment, illness, ageing, death), that make them dependent on one another. It is universally assumed that social risks – illness, invalidity, unemployment – are randomly distributed. Social solidarity requires social risk assessment and involves pooling of contributions in order to provide a common fund from which benefits are paid after people contributed to the fund. In the event of a social risk, the insured receiving social security benefits only if he has satisfied the obligation to pay contributions. According to Law no. 19/2000 concerning the public system of pensions and other rights of social insurances, the principle of social solidarity means that people assume mutual obligations in return for which enjoy rights for the prevention, restriction or elimination of social risks under the law¹⁷.

Social solidarity works as long as each participant in public social insurance system fulfills its obligation to contribute a certain time to form a pool which will then cover losses sustained by insured persons from the production of certain risks (aging, temporary work incapacity, disability, maternity, death, etc.) that prevent them to perform an activity to normal parameters imposed by the workplace. Functioning mechanism of social solidarity is best illustrated by social insurances. Their social nature makes the collectivity to take the task of material insurance: “active population assume maintenance of those unable to work”¹⁸.

The principle of solidarity is in close relationship addition to the principles of obligativity and contributivity, the three principles being unable to function in one or other’s absence. The principle of obligativity or compulsory insurance requires that individuals and legal entities participate in the public system of social insurance, health insurance and unemployment insurance. Employees and others who have a legal labor relationship are compulsory insured in the public system. Persons who are not compulsory insured and those who are not insured in other insurance systems, not integrated into the public system, can benefit of voluntary insurance by concluding a contract of insurance under the law. Contributivity principle is a principle according to which contributory benefits (social insurance benefits) is entitled under social security contributions paid by individuals and legal entities. But there is still a risk: contributivity can unbalance the principles of solidarity and equality if not

¹⁷ Article 2 letter c) of Law no. 19/2000 concerning the public system of pensions and other rights of social insurances.

¹⁸ Sanda Ghimpu, Al. Țiclea, C. Tufan, *Dreptul securității sociale*, București, Editura All Beck, 1998, p. 32.

observed, for each insured, proportionality between benefits provided and contributions paid¹⁹.

Another Romanian law that mentions the solidarity principle is Law no. 95/2006 on health reform which stipulates, in article 208, par. 3, that health social insurances are compulsory and based on solidarity and subsidiarity in the constitution and use of funds. Solidarity is seen, in this case, as mandatory participation to pay health insurance contribution for the formation of Single National Fund of Health Insurances.

In any developed society all disadvantaged population groups should receive the minimum necessary income or services necessary for everyday life. This is the reason for the functioning of any system of social security. Due to the fact that, currently, there are, in the public pension system, pensions whose levels stands still under the income necessary to ensure a minimum standard of living, Government Urgency Ordinance no. 6/2009 introduced guaranteed minimum social pension. It is a case in which social solidarity is manifested by the fact that pensioners of the public pension system, with residence in Romania, benefit of the guaranteed minimum social pension regardless of date of registration to pension system if the pension amount, due or in payment, is below the guaranteed minimum social pension.

A form of social solidarity is providing a minimum income which is regarded as strictly necessary to sustain everyday life. In Romania, Law no. 416/2001 on guaranteed minimum income regulated such income which is based on the principle of solidarity, being the first time when a Romanian law referred to the homeless²⁰.

Social benefit is also a form of social protection/solidarity which is reflected in the provision of money in relation to the number of distinguished persons in the family, ment for helping families, single persons with incomes below a threshold considered basic minimum and homeless people living in need, money funded from local budgets and from certain revenues of the state budget²¹. Social benefits are non-contributory welfare benefits, consisting of money and benefits in kind, granted to individuals or families whose incomes are insufficient to cover minimum needs.

The term “solidarity” is mentioned also in Law no. 116/2002 on preventing and combating social marginalization. This law defines social marginalization as a “peripheral social position, characterized by to isolation, of individuals or groups with limited access to economic, political, educational and

¹⁹ Pierre Rosanvallon, *Noua problemă socială*, Institutul European, Iași, 1998, pp. 65-67; D. C. Dănișor, *cited work*, pp. 166-168.

²⁰ See also Loredana Belu, “Repere privind reglementarea ajutorului social în concordanță cu cerințele Uniunii Europene”, in *Revista de Științe Juridice*, no. 3-4/2005.

²¹ See also Al. Țiclea, *Dreptul securității sociale. Curs universitar*, ediția a II-a, București, Editura Universul Juridic, 2009, p. 336.

communication resources of the community”, being manifested by “the absence of a minimum social conditions of life”²². Law no. 116/2002 introduces the notion of “contract of solidarity” which is a contract concluded between an employer and a young man aged between 16 and 25 years at risk of professional exclusion. Under a contract of solidarity, the young in this category qualify for work placement with an employer approved by the National Agency for Employment. Besides the solidarity contract, the employer will close with the young a labor contract for a fixed term, equal to the contract of solidarity (two years). Employers hiring young people in terms of a contract of solidarity would enter into agreements with National Agency for Employment that it undertakes to repay the monthly basic salary set on youth employment, but not more than 75% of net average salary per economy²³.

Another act of social solidarity is the creation of Special Social Solidarity Fund for People with Disabilities (replacing Accident and Risk Fund), established by the Urgency Ordinance no. 102/1999. Financing of social assistance for the disabled is done mainly from the Special Social Solidarity Fund for People with Disabilities which consists of penalties due by law for non-payment of amounts due within this fund; individuals and legal persons’ donations made under the law, in compliance with destinations established by donors; amounts due from companies, autonomous corporations and national companies, other economic agents which employ people with disabilities within 4% of the total of employees; grants from state budget to supplement the fund, when the sources provided by law are not covering the needs. The costs of free city transport with means of public transportation are also supported from the Special Social Solidarity Fund for People with Disabilities.

Companies, autonomous corporations and national companies and other economic agents that have a total of at least 100 employees are required to hire disabled persons with an individual employment contract at a rate of at least 4% of the total of employees²⁴. Refusal to hire persons with disabilities as provided by law requires drawing monthly to the Special Social Solidarity Fund for People with Disabilities an amount equal to the minimum gross salary per economy, multiplied by the number of jobs in which they did not employ disabled. Disabled people employed by individual contract of labor by such operators shall have all the necessary adaptations and facilities to remove any impediments to the activity which is carried.

Another term used by Law no. 217/2003 on preventing and combating domestic violence is “familial solidarity”. The aims of this law were care and family support, development and consolidation of “family solidarity”, based on friendship, affection and mutual moral and material support between family

²² Article 3 of Law no. 116/2002 on preventing and combating social marginalization.

²³ Article 8 of Law no. 116/2002 on preventing and combating social marginalization.

²⁴ Article 42 par. 1 of Urgency Ordinance no. 102/1999.

members. Local government authorities and local communities, through legal representatives, provide conditions for strengthening families, preventing conflicts and violence in the family. If an act of violence occurs, local communities, through legal representatives, and government authorities offer logistical, informational and material support to the National Agency for Family Protection. The National Agency for Family Protection is a specialized body with legal personality, subordinated to the Ministry of Health and Family, established in February 2004, following the adoption of Law no. 217/2003 on preventing and combating domestic violence. Mayors and local councils work together and cooperate with religious organizations, NGOs, and any other legal entities and individuals involved in charitable actions, giving them the necessary support to achieve the objectives of preventing conflicts and violence in the family. As we can see in this case, social solidarity comes in support of family solidarity.

As Law no. 47/2006 says, national social assistance system is the body of institutions and measures that the State, through central government and local authorities, local collectivity and civil society, intervenes to prevent, limit or eliminate the effects of temporary or permanent situations that may lead to marginalization and social exclusion of individuals, families, groups or communities²⁵. The principle of solidarity put at the base of social assistance system stipulates that “the community is involved in supporting people who can not provide social needs, to maintain and strengthen social cohesion”²⁶.

Unlike social insurance, social assistance is universal because the need, once established, will allow access to all categories of people in need or unable to develop their capacity for social integration, to the benefits and social services which are granted in such situations²⁷.

State, being the guarantee and protector of public order, is concerned that individuals receive the benefits and social aid and is interested in controlling that this aid, expression of social solidarity, should not be diverted from its purpose. In Romania, especially after 1990, social security policies are oriented towards increasing state's role, but also towards developing a partnership under which the state, through public institutions, cooperates with civil society organizations in organizing and developing social services, as Law no. 47/2006 concerning the national social assistance system shows. Risks deepening social background and the limited capacity of state issued a new direction in social policy orientation, namely the launch of social support and community development programs. Decentralization of social services is an enabling framework that allows the

²⁵ Article 2 par. 1 of Law no. 47/2006 concerning the national system of social assistance.

²⁶ Article 4 letter c) of Law no. 47/2006 concerning the national system of social assistance.

²⁷ Sanda Ghimpu, Al. Țiclea, C. Tufan, *cited work*, p. 27.

community to become active and to mobilize resources and human efforts to solve its problems²⁸.

In the present state of society, the state assumes responsibility for achieving welfare measures provided by law and ensure transfer of powers and financial resources needed by local authorities, civil society and decentralized public services.

Another feature of social assistance resulting from the way in which it is done the financing of the social security system. In this respect I note that, unlike social insurances system whose birth is conditioned by the payment of contributions, for social assistance, according to art. 53 par. 1 of Law no. 47/2006 on the national system of social assistance, financial support of social benefits and social services is provided from local budgets and state budget and from extrabudgetary funds from sponsorships, donations or other contributions from natural or legal persons of the country or abroad.

Benefits financed from state budgets are non-contributory, reflecting the most meaningful society solidarity to support people who can not provide social needs, for strengthening and maintaining social cohesion, without any effort on their part²⁹. In other words, solidarity implies interdependence of individuals in a determined community, “from a restricted family to the largest international community - fact illustrated in the Universal Declaration of Human Rights”³⁰.

Thus conceived, the existence of solidarity induces social assistance of a group or a whole community to individuals which are in a difficult situation. Under this principle, the community is involved in supporting people who can not provide social needs, for strengthening and maintaining social cohesion. According to an author, “the weakness of the theory of solidarity can arise because social assistance is likely to be achieved as a punishment to those who were guilty of antisocial behaviour”³¹.

Taking into account the pressures and risks caused by internal and external economic developments, the need to sustain growth and reduce inflation, in the years 2009-2010 were adopted “immediate measures to ensure a climate of social protection based on the principle of solidarity and contribution in promoting social progress”³², such as Government Urgency Ordinance no. 28/2009 on the regulation of certain social protection measures, Law no. 49/2010 on certain measures in the field of labor and social insurance, Government Urgency Ordinance no. 4/2010 on the regulation of social

²⁸ *Asistența socială în România și Marea Britanie*, București, Unicef, 2000.

²⁹ Sanda Ghimpu, Al. Țiclea, C. Tufan, *cited work*, p. 15.

³⁰ Al. Athanasiu, *Dreptul securității sociale*, București, Editura Actami, 1995, p. 178.

³¹ *Ibid*, p. 179.

³² Government Urgency Ordinance no. 28/2009 on the regulation of certain social protection measures, reason exposure.

protection measures for 2010, Government Decision no. 23/2010 approving the payment standards for social services etc.

Ideal of a democratic society is that each member of the community be protected by measures of social security but this ideal is extremely to achieve. In the present conditions of economic crisis - aging population, growing unemployment, low employment rate of workers in rural areas – the question is if we have sufficient resources left to sustain social security expenditures. It results that “Under the thesis of compensation, if the state does not provide an adequate social insurance net, and if it cannot guarantee a minimum level of subsistence, then this deficit is compensated for by increased recourse to social networks and private coping strategies”³³.

Before the generalization of the economic crisis, some authors said that in all eight new EU members “there are grounds for optimism in their future capacity to sustain social solidarity through social protection and support”³⁴. But this was before...

In light of the new evolutions at social and economic level and having in view the rapid spread of poverty, in order to widespread solidarity and found a new base for the common welfare, society has to provide support for the poor and excluded through private social networks: “Thus, both cultural and religious traditions which emphasize solidarity and family cohesion, and social security systems covering only basic needs, can be at the root of this compensatory response”³⁵.

³³ E. Sik, B. Wellman, “Network Capital in Capitalist, Communist and Post-communist Countries”, in B. Wellman (ed.), *Networks in the Global Village. Life in Contemporary Community*, Boulder, CO, Westview, 1999; M. Prisching, “Solidarität: Der vielschichtige Kitt gesellschaftlichen Zusammenlebens”, in S. Lessenich (ed.), *Wohlfahrtsstaatliche Grundbegriffe. Historische und aktuelle Diskurse*, Frankfurt a. M. and New York: Campus, 2003, cited in Petra Böhnke, “Are the poor socially integrated? The link between poverty and social support in different welfare regimes”, in *Journal of European Social Policy* no. 18/2008, p. 135.

³⁴ Nick Manning, “Diversity and change in pre-accession Central and Eastern Europe since 1989”, in *Journal of European Social Policy*, no. 14/ 2004, p. 211.

³⁵ *Ibid.*

