

GERGELY DELI

The Mercy of Law

Introduction

In the present essay, I will attempt to answer the question of whether the concept of mercy can be used in relation to law – if so, in what ways – or whether this concept is, on the contrary, foreign to the world of law. While exploring the topic, I will use analogies that will hopefully make my argumentation interesting for professionals working in law enforcement, traffic and border police, or, at least for those who are willing to approach issues of their respective fields of specialization in abstracto, from a more theoretical perspective.

First, I attempt to define the concept itself, then I will investigate the characteristics of mercy in law. I will subsequently test the concept of legal mercy with the help of hypothetical cases and see whether it has its own explanatory power. If it does, and at the end of my investigation I will conclude that indeed it does, a meaningful debate can be initiated about the mercy of law. My final conclusion is that there is a need for safe spaces, in traffic or border protection alike. I am confident that my reasoning will be of interest to my readers.

The concept of mercy and the mercy of law

The Latin equivalent of “mercy” is *miseriordia*, meaning “heart open for suffering”. This suggests that the concept of mercy pertains more to the realm of emotions rather than that of rationality or other constructions of the mind. According to the Hungarian Catholic Lexicon¹ the concept of

¹ Diós, István–Viczián, János: Magyar katolikus lexikon I–XV. Szent István Társulat. Budapest, 1993–2010.

mercy is closely related to maternal love and comprises the openness and receptivity with which a mother bears her child in her womb.² She tolerates another body in her own knowing that bearing a child might involve discomfort, and that giving birth is inevitably painful. From a Catholic theological perspective, the incentive for mercy is the need that the person practising mercy is confronted with.³

Let me consider two specific examples from the Gospel in which the word “mercy” appears: the Parable of the Good Samaritan⁴ and that of the Prodigal Son.⁵ What substantive characteristics of mercy can be distinguished based on these two parables?

Jesus used the parable of the Good Samaritan⁶ to shed light on the meaning of the word “neighbor”. According to the parable, a man traveled from Jerusalem to Jericho and fell into the hands of thieves. He was robbed, beaten and left half-dead on the side of a road. Both a priest and a Levite saw him suffer, but they did not stop to help him. Finally, a Samaritan passed by, took pity on him and decided to take care of him. From the parable, it was obvious for the lawyer who questioned Jesus what the word “neighbor” meant, i.e. when the command of “love your neighbor as yourself” had to be applied.

Let me make a short digression since it is extremely intriguing to briefly analyze the parable as a legal argumentation technique. A legal approach can be applied without any doubt, as the parable is essentially an interpretation of the law. The term “neighbor”, part of the Greatest Commandment, must be defined so that it can serve as a normative guideline for the lawyer. How does Jesus define the notion of “neighbor”? He does not analyze the

² Ed. Herbert Haag. Tr. Ruzsiczky, É.. Budapest. (1989): See also *Bibliai Lexikon.*, 694 and Schütz, Ch.: *Praktisches Lexikon der Spiritualität.* Freiburg, Tr. Búzás, J.. Budapest. (1993): (1988): In Hungarian: *A keresztény szellemiség lexikona.* 155

³ Compare Lk. 10:25-37; Matt. 25:31-46

⁴ Lk. 10:30-35

⁵ Lk. 15:11-32

⁶ See in detail in Schramm, O.: *Die Parabel vom Barmherzigen Samaritaner.* Münster, 1953-54.

concept in the abstract, as is usually done nowadays, but describes a situation. This technique is all the more efficient since it ensures the atemporal normativity of Jesus' answer. Instead of a conceptual analysis⁷ (currently trending mostly in American legal theory) focusing on the "static" meaning of terms, Jesus' parable provides an interpretation through human relations. This is also the reason why his teaching is atemporal. Indeed, the meaning of words might undergo substantial change over time, but the characteristics of basic human relations remain the same regardless of eras or cultures.

The parable is presented in such a way that there is no doubt as to what the answer is. It shows unequivocally and immediately that the Samaritan is the neighbor. This is also a very important quality. The clearer the guideline is, the stronger its normative force will be. However, perhaps the most important technique that Jesus uses is the change in the normative perspective. The lawyer asks Jesus who his neighbor is, i.e. to whom he must show mercy. In other words, how does the lawyer, in the role of the person who practises mercy, know who he needs to be merciful to? It is important to note that Jesus reverses the perspective when answering the question: he shows who the neighbor is from the perspective of the person who receives mercy. From this perspective, the answer seems obvious. First, it excludes the difficulty of knowing whether a person wishes to receive mercy at all. It is after all possible that some like to be left robbed and half-dead on the side of the road. Who knows? Remember the case of the "Rotenburg Cannibal",⁸ who found a victim via the internet who volunteered to be eaten. And his actual victim was not the only volunteer. In Jesus'

⁷ For an excellent summary of legal argumentation see Kent Sinclair: *Legal Reasoning: In Search of an Adequate Theory of Argument*. *California Law Review*, Vol. 59, No. 3. A Tribute to Hans Kelsen (May, 1971). 821-858.

⁸ For the sentence closing the case see BGH vom 16. Februar 2007. For a detailed accounting of the case see Egon Petricius, Bernd Ramm: *Der Kannibalen-Fall von Rotenburg*. *Branchenforum Schmidt*, Alheim 2004. For a short summary see Petra Klages: *Der Fall Armin Meiwes*.

Source: <https://www.ngo-online.de/2010/11/28/der-fall-armin-meiwes>

Accessed: 04.03.2022

solution, this doubt does not arise since one must decide who the neighbor is from the perspective of the person receiving mercy. Hopefully, one knows whether one likes to lie severely battered on the side of the road! The essence of Jesus' method is that he provides a self-explanatory situation (not an abstract notion!) and a change of perspectives. To what extent this technique could be used to make a decision in other difficult legal cases would require an article of its own. Let me now return to my original point.

Regarding the concept of "mercy", the Parable of the Good Samaritan⁹ brings to the forefront the sort of universalism of values I have been alluding to so far. Deciding whether something is objectively good or bad is based on general human experience.¹⁰ According to this general measurement of values, being safe and sound is good, and being robbed and wounded is bad. It exemplifies universalism – or a kind of "dictatorship" – of values. Another often mentioned postulate concerning the parable is that all human lives are equally valuable, regardless of origin or ethnicity.¹¹

The other parable from the Gospel I mentioned earlier is that of the Prodigal Son.¹² A man had two sons. His younger son asked for his inheritance and recklessly wasted all his fortune until he became destitute. He then reconsidered and went back to his father, who forgave him and decided to celebrate his return. The older son resented the merriment, since he did not receive the same treatment, even though he had always faithfully served his father. His father reprimanded him, saying: "Son, you are always with me,

⁹ Engelbert, S.J. (ed.) (1968-1972): On representations of the parable see Kirschbaum,: *Lexikon der christlichen Ikonographie*. Allgemeine Ikonographie. vol. 1-4. Rome, vol. 4. 24; Sachs, Hannelore-Badstübner, Ernst-Neumann, Helga: *Christliche Ikonographie in Stichworten*. Leipzig, 1980. 52.

¹⁰ Compare with Waldron, J.: *Welfare and the Images of Charity*. In: Waldron, J.: *Liberal Rights*. Cambridge University Press. Cambridge. 1993. 225-50, at 239

¹¹ Bernard, T.: *Adeney-Riskotta: Strange Virtues: Ethics in a Multicultural World*. InterVarsity Press. 1995. 114.

¹² For its representations see Kirschbaum, Engelbert, S.J. (1968-1972): *Lexikon der christlichen Ikonographie*. Allgemeine Ikonographie. vol. 1-4. Rome, , vol. 4., 172.; Sachs, Hannelore-Badstübner, Ernst-Neumann, Helga: *Christliche Ikonographie in Stichworten*. Leipzig. 1980. 357.; *A keresztény művészet lexikona*. [Lexicon of Christian Art]. Budapest. 1986. 300.

and all that I have is yours. But it was fitting to be merry and be glad, for this brother of yours was dead and is alive again; he was lost and is found.”¹³

This parable draws the attention to the indifference of merit when practising mercy. One can receive mercy without deserving it. The prodigal son is aware of the fact that he did not deserve the welcome feast he received. He lived a reckless life, wasted his own inheritance and lessened his brother's with the celebration of his return. The indifference of merit when someone practises mercy may often entail an infringement of third-party interests.

As I have already mentioned, the concept of mercy also describes the relation of a pregnant woman to her fetus. It is easy to acknowledge that, for a pregnant woman, the qualities pertaining to mercy, i.e. the universalism of values and the indifference of merit, are both present. There is a universalism of values, since the life to be born is considered valuable and must be protected regardless of whether it is good for the child to be born or, from a different perspective, whether the birth of the child is good for the community. This relation also naturally comprises a change of perspective. That which is valuable is defined from the perspective of the one who receives mercy, not the one who provides it (i.e. the mother), at least according to the value judgement of most European legislation.¹⁴ Similarly, in the mother/fetus relationship, we can talk about an indifference of merit. The fetus, an unborn offspring, cannot have any merits, it simply exists. It definitely does not have its own actions or merits that provide it any kind of legal basis to be treated in a certain way. Furthermore, from the perspective of the fetus, dependent on the mother, limiting abortion equals practising mercy towards the fetus, while possibly harming the mother's

¹³ Lk. 15:31-32. English Bible quotations are taken from the Revised Standard Version (RSV).

¹⁴ On the protection of fetal life see for instance the decisions of the Hungarian Constitutional Court: decision 64/1991. (XII.17.) ABh. and decision 48/1998. (XI. 23.) ABh.

interest.¹⁵ Here again, practising mercy involves an infringement of interest.

It is also important to note that the concept of mercy should be distinguished from that of pardon. In order to be pardoned, a person must have been first found guilty. Otherwise, they would not be pardoned but acquitted. Pardon also involves universalism of values since it has to be decided, before pardon is given, whether someone is good or bad, guilty or innocent. In contrast, people receiving mercy are not necessarily guilty. They might be suffering or in need of help. Those who are pardoned are not in need in the sense that the difficult situation they have found themselves in is the direct consequence of their own criminal actions. Whereas the person being pardoned is always guilty, the person receiving mercy is not necessarily so. In the first case, indifference of merit does not apply because only those found guilty can be pardoned, a result which they did not “merit”.

The qualities of universalism of values and indifference of merit are not a rare legal phenomena. Legislation is permeated by a universalism of values. For instance, it is generally accepted that public order (a certain public order) is valuable. Indifference of merit is also not uncommon. Consider the example of objective liability structures, for instance, when the operator of a vehicle, not the actual offender, is liable for a traffic offence.

What is then the specificity of the mercy of law?

Mercy can only be practised when assistance is not legally binding. In case there are several conflicts of value, mercy does not even have any moral ground. On what moral ground could we favor, for instance, the mother over an eight-month-old fetus? In legal matters, however, there is the necessity to make a decision, there is no *non liquet*.

At this point in my argumentation, I am able to draw some preliminary conclusions. In the following, I will discuss moral/legal decision-making situations that show the two qualities of the mercy of law – universalism of

¹⁵ This viewpoint is discussed with great detail in Judith Jarvis Thomson (Fall 1971): A Defense of Abortion. *Philosophy & Public Affairs*. 1971/1. 47-66.

values and indifference of merit – at work. In cases to which the mercy of law applies, legal decision-making does not have a moral basis, yet a decision has to be made. My examples will border the field of law enforcement, more specifically, traffic enforcement, as I will shortly discuss legal dilemmas raised by self-driving vehicles.

Dilemmas

Let me start with the most famous of these legal dilemmas, the so-called trolley dilemma.¹⁶

Imagine you can control a trolley with a lever, and an out-of-control trolley is racing towards you. If you do nothing, the trolley will hit five people. If you pull the lever, the trolley will only kill one person. What would you do?

As this question and others similar to it often arise in connection with self-driving vehicles, it is of utmost importance how these situations are regulated. Research indicates¹⁷ that most people find it acceptable to pull the lever and “sacrifice” one life in order to save five.¹⁸ Let us now consider another, numerically similar situation, albeit leading to a different intuitive solution.¹⁹ Five people are waiting for organ transplants in a hospital, and they will all die shortly unless they receive new organs. Independently from them, a healthy man shows up at the hospital for his annual routine medical examinations. Can the doctor take his life and use his organs to save the

¹⁶ The first to discuss this problem was Foot, P. (1967): The problem of abortion and the doctrine of double effect. *Oxford Review* 5: 5–15. For a worthy continuation of Foot’s reflection see Thomson, J. J. (1985): The trolley problem. *The Yale Law Journal*. 94 (6): 1395–1415

¹⁷ See Gogoll, J., and Müller, J. F.: Autonomous cars: In favor of a mandatory ethics setting. *Science and Engineering Ethics*. 2016. 1–20.

¹⁸ For an argument contradicting public opinion see Nyholm, S. and J. Smids (2016): The ethics of accident-algorithms for self-driving cars: An applied trolley problem? *Ethical Theory and Moral Practice*. 19 (5): 1275–1289, at 1286.

¹⁹ For the example see Thomson, J. J.: The trolley problem. *The Yale Law Journal* 1985/6. 1395–1415, at 1396.

five patients waiting for transplants? The answer is definitely negative. The two hypothetical cases are essentially the same: by sacrificing one, we can save the life of five. Why are the two scenarios still so blatantly different?

In order to answer this question, let me consider a third hypothetical case,²⁰ in which the trolley is in a situation similar to the first hypothetical case. If it follows its track, it will kill five people, but this time, we do not have a lever to control it. There is, however, an obese person standing by. If we push that person in front of the trolley, we can change its course and save five lives. (It is also implied in this situation that we are thin and could not save the five people in question by throwing ourselves in front of the trolley in an act of self-sacrifice.) The question remains: would it be licit to sacrifice the unfortunate obese person to save five other lives?

I am convinced that our hearts would again say no. What is the difference between the first and the last two dilemmas? The difference might be that in the last two cases direct physical contact is required for the sacrifice. Both removing someone's organs and pushing someone under a trolley requires vigorous physical involvement, as opposed to operating a lever, which is a simple movement directed at an object, without actual contact with another human being. The person is "sacrificed" by the intermediate of a technical device: a lever. The moral of these dilemmas is that our ethical judgment changes when technology is involved, as opposed to cases where there is physical contact between two humans. An example is the horrible technicization of death and mass murder which occurred during World War II, in Nazi concentration camps.²¹ This is why it is important to be aware of the interference of technology in ethical issues related to self-driving vehicles. For self-driving vehicles, a self-learning algorithm stands between the person sitting in the car, the programmer and the pedestrian in

²⁰ See Thomson, J. J.: The trolley problem. *The Yale Law Journal* 1985/6. 1395–1415, at 1409.

²¹ On this problem see Eric Katz: On the neutrality of technology: the Holocaust death camps as a counter-example. *Journal of Genocide Research*. 2005/3. 409-421.

the street. In the event of a fatal accident, the algorithm, i.e. the factor causing the pedestrian's death, is separate from the victim both in time and space.

Showing mercy, however, requires physical proximity. If there is physical closeness, one is less likely to take another person's life, even indirectly. We have also seen the importance of physical proximity in the two parables. The prodigal son had to return to his father's home, and the good Samaritan had to bring the wounded traveler to an inn. Also, when the Samaritan was about to continue his journey, he asked the innkeeper to take care of the ailing traveler and stay by his bedside.

But to continue, let me add a twist to the trolley problem. Suppose there are three tracks, with one person on both the first and second tracks, and five people on the last.²² If we previously accepted that one person should be sacrificed to save five, now the question arises as to which way the trolley should be directed, and which person standing alone on the tracks should be killed.

If we still think pulling the lever and derailing the trolley is the right thing to do, let us examine a situation a self-driving vehicle might face. In this example,²³ seven people want to cross a two-way road on which a car, observing the rules, is approaching from the left. Of the seven people, the first one sees the car coming and reckons he has time to cross in front of the car and arrive safely in the other lane, which is free. However, the next five follow the first person without checking and step right in front of the approaching vehicle. The seventh and last person is more careful. She can see the car coming and does not step off the sidewalk. What should the self-driving vehicle do? If it goes straight, it hits the group of five trying to cross the road; if it changes its course either way, it will hit only one person, either in the other lane, or on the sidewalk. What should the vehicle base its decision on?

²² Lawlor, R.: The Ethics of Automated Vehicles: Why Self-driving Cars Should not Swerve in Dilemma Cases. *Res Publica* 2022/28. 193–216, 196.

²³ I have borrowed the example from Lawlor, *op. cit.* 195-196

The first pedestrian calculated his crossing correctly and is now safe, the last pedestrian did not even attempt to leave the sidewalk. We assume that these two exercised sufficient caution and do not deserve to get hit. It would seem unfair if the self-driving vehicle were programmed in a way to hit them instead of the careless group of five who jeopardized their own lives. In this particular situation, our intuition seems to contradict the principle of indifference of merit, which we posited as one of the main characteristics of mercy.

Let us then find a dilemma that cannot be solved based on merit. Suppose²⁴ there are three pedestrians on the road. One of them is pushed onto the sidewalk by a strong gust of wind, but the other two remain on the road, and are about to get hit by a self-driving car. The self-driving vehicle has then three options. First, it could hit the two persons standing on the road; second, it may opt to drive onto the sidewalk and hit the person who was pushed there by the wind; or, third, it changes lanes and crashes into the oncoming car. Maybe I am not wrong to suppose that we would again find changing lanes or driving on the sidewalk unjustified. But why? The reason, at least in my belief, is that the person on the sidewalk is on the sidewalk! And the sidewalk is, for some reason, considered as a “sacred and inviolable” space, a secure place or a *safe space*,²⁵ where cars can go exceptionally, only to save a life, for instance, and only if they do not endanger another life by doing so.

It can be derived from these ethical dilemmas, relevant for my discussion on the mercy of law, that some spaces are of special importance. This conclusion brings us closer to determining how decisions should be made in situations similar to the ones discussed above. Should we minimize the number of victims? Should we kill one person to save a group of five?

²⁴ Lawlor, op. cit. 198.

²⁵ Lawlor, op. cit. 197.

A solution to the dilemmas: the concept of safe spaces

It has been emphasized that there always needs to be a decision in law. In the situations outlined above, ethics cannot help legal decision-making because all the possible solutions are morally questionable. Killing one person to save five can qualify as a pragmatic decision, but not one which is morally acceptable. In other words, we are not facing problems illustrated by the so-called *hard cases* in the Anglo-Saxon legal literature.²⁶ Hard cases usually highlight legal gaps or legal norms that contradict and cancel one another so that decisions cannot be made based on legal grounds only. Ethics intervene as the last normative resort to solve hard cases. The cases I outlined exemplify the opposite: a legal decision needs to be made even though there is no morally acceptable solution. Moral considerations are not of any help since, if we abide by the principle of universalism of values (i.e. that all lives are equally valuable and should be judged accordingly), there is simply no morally acceptable decision, regardless of whether five or only one person dies as a result. Moreover, the minimization of the number of victims in the hypothetical cases I discussed did not seem to be a morally acceptable strategy either. Otherwise, we would have allowed the doctor to take the organs of a healthy patient coming to the hospital for his routine medical examinations, in order to give them to five other patients who desperately needed transplants. We also felt there was a need for designated safe places²⁷ where people can consider themselves absolutely safe, regardless of their merits and regardless of whether they happened to be there by accident, against their will or, on the contrary, as a precaution. How could these moral considerations be accounted for? Is it better not to act than to act when confronted with such dilemmas, assuming that, if one is not involved, one is not liable either? Let me cite an actual lawsuit. It is a basic principle in common law that if there are two innocent persons who

²⁶ See Ronald, D. (1977): *Taking Rights Seriously*. Harvard University Press. at 81-130.

²⁷ See Lawlor, R.: *The Ethics of Automated Vehicles: Why Self-driving Cars Should not Swerve in Dilemma Cases*. *Res Publica* 2022/4. 193–216, at 197.

could be held liable for a tort, the person who did something will be liable whereas the one who did not do anything will be exempted.²⁸ An example of how this principle is applied by a court is *Kremen v. Cohen*.²⁹ To explain it shortly, in the early days of the internet, Kremen had registered for free (!) the domain name *sex.com* with a company specializing in domain name registry. A certain Cohen produced a forged letter and made the company transfer Kremen's domain name – which was becoming more and more popular and lucrative – to his own. Cohen later fled to Mexico and could not be located. Kremen suffered a serious financial loss, as he did not get the profit he had rightfully hoped for. As Cohen could not be found, Kremen sued the registrant company, which, misled by Cohen, had reassigned the right to use the domain to the latter. Both Kremen and the registrant company were innocent, but Cohen could not be found, so the question was: who would recover Kremen's financial loss? Judge Kozinski presiding over the case answered the question referring to the principle mentioned above, i.e. the actor is held liable, not the non-actor.³⁰ As Kremen had not done anything, the registrant company was held liable to compensate for Kremen's loss.³¹

What can we learn from this case that is also relevant for self-driving vehicles: is it better not to pull the lever than to pull it? Not pulling the lever, however, sometimes seems to contradict our moral sense. Is it possible to resolve this contradiction? I reckon it is: the decisive factor is not whether one should or should not act, but keeping the physical proximity, the importance of which has already been demonstrated. What to do if a self-driving vehicle drifts onto the sidewalk and has the alternative to either hit a pedestrian or steer to the left and hit a pedestrian who happens to be on the road? In this case, it must be ensured that the sidewalk, as a safe space, remain safe to restore the safety of spatial relations. Note that the

²⁸ See *Rylands v. Fletcher* (H.L. 1868), 3 L.R.-E. & I. App. 330

²⁹ *Kremen v. Cohen* (9th Cir. 2003). - 337 F.3d 1024

³⁰ For a more detailed discussion see Richard A. Epstein (2005): *The Roman Law of Cyberconversion*, *Michigan State Law Review* 103, 103-120, at 113.

³¹ *Kremen*, 337 F.3d at 1035-36

contradiction is only superficial. Indeed, the person who does not act is either standing or moving in a certain, predictable way, so their position in space can be calculated: spatial relations are predictable. As my answer to the above discussed dilemmas is founded on the concept of safe spaces, it is important to clarify what the characteristics of such spaces are. Firstly and most importantly, the safety of the space has to be made obvious: sidewalks are usually clearly separated from the road by a curb. Secondly, in safe spaces, law is supposed to protect public order.³² Thirdly, it is expected that safe spaces not be disturbed nor suffer any unfounded or unlawful intrusion.

Favoring a spatial approach in answering the above-described legal dilemmas over other solutions, such as minimizing the number of victims, might seem daring at first. However, in truly difficult decision-making situations, it is always worth returning to the origins. The origins of law reach back to Roman law, more specifically, to the notion of *ius*. *Ius* – “law” in its most ancient meaning – designated an actual place at the Forum Romanum where the praetor administered justice.³³ Also, remember that in the majority of Romance languages the word “law” is at the same time a spatial indicator: *droit*, *direito*, *derecho*, *diritto*, *Recht*, *right*. It is not just any kind of direction: it shows one the “right” way.

Conclusion

In brief, it can be stated that our expectations concerning the mercy of law apply to safe spaces. First, the universalism of values applies in a safe space, because the force that created it will determine what can or cannot happen there. Second, indifference of merit also applies to a safe space, which means that anybody in a safe space has to be protected, as a general rule, regardless of whether they deserve to be protected or not. Third, the

³² Compare with Saint Thomas Aquinas: ST, II-I, Q 95. A 2.

³³ For more details see Leanna, B. (2007): *Actors and Audience in the Roman Courtroom*. Routledge. 14-16.

protecting force in the safe space does not have a first-order moral basis to rely on. Force has no legitimacy, it legitimizes itself. It ensures the protection of the safe space, because there is no other force that is able to protect it. One might rightfully wonder whether there is any moral justification behind the force protecting the safe place and the law established by this force. The answer is that there is a moral basis behind the force protecting a safe space, but it is not “first-order” morality, i.e. it does not determine what is right or wrong. Only a “second-order” morality can be found behind the force and law protecting the safe space, which “only” helps one to relate to a command given by this force. Does one follow the rules set by the protecting force or not?

In spaces secured by the force, there is an inevitable need to make decisions, and generally, all decisions are determined by the force. Outside the safe space, there is suffering and no mercy, since the force protecting the safe space does not protect, but abandons and, in some cases, sacrifices those outside its borders. As that force has its limits, not all spaces can be safe: their number is finite. Let us keep these lessons in mind when it comes to border protection. Borders are not protected because those within the safe space are good, and illegal migrants are evil (they are not necessarily so): as already mentioned, safe spaces are ruled by a universalism of values. Borders are not protected because those living within the borders, i.e. within the safe space, are superior in number, given that, from a moral standpoint, all lives are equally valuable. Borders are not protected because the culture within the safe space is “superior” (it is not) to the culture of those who would like to access it: there is a universalism of values. However, people living within the borders will determine which culture has to prevail within their safe space. We protect our borders to protect a safe space, and this safe space is called Hungary.