FROM THE HONOUR OF WORK THROUGH THE MEDIATED EXCHANGE PROCESS TO CODES OF PROFESSIONAL ETHICS

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Abstract

The article aims to present a concise introduction on how the notion of work developed in history. It is emphasized that the concept of work as a creative process is gradually taken over by the concept of work as a reliable productive power, consequently it is difficult to fully understand the value-creating function of work. A partial solution to this situation would be to lay down the code of professional ethics. The second part of the study comprises the realization of this process in accordance with contemporary Hungarian laws.

Keywords: work, system theory, social networks, professional ethics, codes of ethics, labour law

Legal theoretical approach to the notion of work in history

1. In early societies work was closely connected to keeping up the existence of the individual and the community incorporating the environment forming potential, the constant struggle and the connection with the transcendental. Eliade calls the period from 8000 B.C. the era of the 'longest revolution', during which the threefold content of the notion of work has developed.[14] As an example we are going to examine a few relations taken from Jewish tradition. Work is the basic condition of human existence; man, who was created on God's image, has learnt work from the Creator. God himself performed the 7-day work of creation to show an example to man. In this sense work is not a duty but – since work as a creative activity is in connection with the creative power - the most agreeable part of human life. (This belief has been gradually destroyed by the understanding of work as a function)[15]
The task of man according to the Torah is to multiply and occupy the Earth, in other words the building of the world.

2. With the emerging of the first great civilizations new understandings of work appeared: as a legal case and a way of personal life and self-realization. This period lasts until the beginning of the age of Modernity. Although in these periods manual labour in some cases was only done by slaves, and slaves were considered rather objects than persons, we have to

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[14] *Eliade, M., Vallási hiedelmek és eszmék története (The History of Religious Beliefs and Ideas), vol I, Budapest 1995, 35-54.*

[15] *Durkheim discusses 'the function of the division of labour', which is one of the significant elements of social cohesion. Durkheim, É., A társadalmi munkamegosztásról (The Division of Labour in Society), Budapest 2001.*

clarify that people could achieve special appreciation even with manual labour, for instance by doing artistic work. It is also significant that the Roman legal system already defined types of contract related to work, such as the hire of service called locatio-conductio operarum, from which locatio-conductio operis was differentiated, mandatum for assignments free of charge, as well as operae illiberales that stands for lower ranked types of work.

This sophisticated system continued in the Middle Ages partly as regulated by the guideline of 'ora et labora' and partly in the relation of serfs and guilds.

3. The third significant period started with the emerging of Modernism, in this era work became a 'medium', activities were differentiated, the joy of creation was taken over by the necessity to make a living, later this necessity developed to the ecstasy of consumption. In this period – especially in the beginning – the state was present only as an observer from the outside; the process was governed and controlled by market. The role of money became more significant as a specifically encoded governing principle. As Habermas points out: It deviated from normal language as a special code tailored to standard situations (such as exchange), which – based on the preference structure (demand and supply) effectively coordinates the decisions on activities without having to use the resources of the lifeworld[16]."[17] At this point the lifeworld and work as a system element became disconnected. Practically work appears in more and more object-like forms of existence.

Institutionalized work has ruined traditional forms of existence. Serfs became plebeians, craftsmen developed to proletariat. As a result of this process the state had to contribute to the organization of work, partly because taxes of institutionalized work became one of its main incomes. Systematized exchange processes became evident, money was the mediating power, but society had to pay the price. With his messianistic idea Marx was the last person who attempted to make independent economic processes and lifeworld converge to each other. The solution was revolutionary behaviour. This was not effective on the long term on the level of practice. The idealistic bases of the concept worked properly in theory but they failed in practice. Nevertheless it became obvious that there is enormous power in the network of individuals.[18] Work is more like a matter of system than an individual issue. This resulted in the alienation of individuals from reality.

4. This kind of alienation developed until the period following World War 2, when the notion of work became almost completely synthetic. The classic meaning of life is transformed into a concept of the system. The question refers rather to the operability of sub-systems that substitute the forms of life than to the telos or the sense of production. For this sake more sophisticated second and third generation human rights developed in the context of labour law. As a result of this substitute activity, while the collective labour laws, strike laws, gender equality laws are precisely defined, in practice masses of employees are controlled by multinational interests through the faith in consumption. The subsystems developed a new faith, namely the faith in sustainable growth. For this faith employees are forced to sell their work potentials, while the virtual narrative developed by sub-systems strives to defend their non-existent subjectivity.[19]

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[16] *Lifeworld is considered by Habermas as a resource that can be divided into culture, society and individual.*

[17] *Habermas, J., Filozófiai diskurzus a modernségről (The Philosophic Discourse of Modernity), Budapest 1998, 284.*

[18] *Birher N., „A szubszidiaritás mint a hálózati kapcsolatok egyik alapelve" ('Subsidiarity as one of the basic principles of network relations') in Hajdú Z., (ed) Szubszidiaritás és regionalitás (Subsidiarity and Regionality), Pécs 2010, 34-44.*

[19] *The story of Technopolis takes place in this world with the enthusiasm of unlimited development, rights without duties and technologies without costs. The story of Technopolis promises a Heaven on Earth without moral centre*

Habermas clearly points out: 'The barbarian state that was foreseen by Marx in case of the unsuccessful practice of revolution is characterized by the total subordination of lifeworld to the imperatives of valuing process detached from the use value and work.'[20]

At the time being, while politics and economy blame each other for the loss of faith in sustainable growth, it is not obvious in what direction the world is to develop. We have never had so many information about the elements of the system as today, but we do not know what is the role of this fact in the development of the new direction. How to select the relevant information? Is it possible that life will develop from the system-machine?[21]

These all are the framework of our topic even if it is not irrelevant at all. In the course of the historical examination it has become obvious that mankind – alienated from his or her creative work – has created a machine that is insecure to operate. It is a basic question whether it is possible to return to those principles that regard the individual as an existing entity (where the employee is a personal, creative value) where the community relies on solidarity (the collective makes efforts to attain the common interest of the individuals and does not serve one of the sub-systems) and where the communities are effectively and intelligently organized by subsidiarity?

Circumstances of the development of the fourth period – antecedents of thinking in networks

Thinking based on system approach and cybernetics in the Luhmannian sense is a result of constructivist-deconstructivist thinking and actions. The world is an organized unit of machines, the last illusion of mankind to create something bigger than itself from its own constituents. For this reason it systematically objectified the phenomena of public morality and reason and after the process of objectifying disposed of them as if they were some kind of historical rubbish. Together with them the attitude to the community and the individual as values was also thrown away. The modern individual concluded that the promise of subjectivity failed, the self-conscious praxis was not created in which everybody's solid autonomy gets successfully connected with the authentic self-realization of each individual.[22] In this process work have had a privileged role since this could have been the medium of the connection. In contrary, work itself also became mediatised by means of money. Work has lost its function as a personal and social self-realization, but it became tied to money as a medium, this process strengthened the structures of power. Economy was based on work and – supported by money – became connected to other manifestations of power. Later work itself has lost its natural connection with practice; it has become an – often virtual – action that produced no value but something that seems to be valuable under pressure and at a growing pace. The distance between real value and seeming value has become bigger and bigger until today. This was not realized in time by significant system philosophers.

Luhmann clearly points out that the universality of system theory is incompatible with humanity. The mechanized world consumed the real human relations and transformed them into partly communicative actions.[23]

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through the development of technology. Traditional narratives conveying stability and order are substituted by lifestyles, technical practice and the ecstasy of consumption. (Harker, B., Postmodernism and Quality, in Quality in Higher Education, 1995, 1, p. 31.

[20] *Habermas, Filozófiai diskurzus (Philosophic discourse), 285.*
[21] *Molnár T., Lélek és gép (Soul and machine), Budapest 2000, 137-211.*
[22] *Habermas, Filozófiai diskurzus (Philosophic discourse), 274.*
[23] *Structural obligation causes the disintegration of guaranteed knowledge, theorizing of generalized values and norms, as well as self-governed individualization … the strengthening of rationality phases – formerly regarded as*

The hazards of transforming and differentiating lifeworld structures are obvious as they cause new type of social pathologies. In the last days of the individual the structures of intersubjectivity disintegrate, individuals are torn out of their lifeworld.[24]

The result was a world in which theory defines itself as a subject that can reproduce itself in a non-existent world that is valid only for itself. Nietzsche declared this more simply: the world lives on itself and eats its own excrement.

On a more developed level of organization the medium of power and money is institutionalized, market economy and the structured function system of the state appears. According to the idealistic view in this situation the question is how to distribute the resources and the problems between the two systems. The more properly the distribution works, the less important the real social state becomes. It is not obvious that society is a factual and not a virtual network. It is not obvious that the living and historical system of personal relations is the missing centrality that the artificially generated system theory will never find.[25] As Wittgenstein pointed it out in his Tractatus[26]: The eye will not see itself.

It turns out that politics (power) and economy (money) are unsuitable to carry out their tasks in the operation that is defined in the system theory. Their operation is for their own sake: it is their autopoiezis and not the sake of the people (zoon politikon and individua substantia) who created them. It turns out that neither money nor power can force or buy solidarity and empathy. The struggle between economy and state is disadvantageous for the humanity that is diminished in system theory. The protests that take place nowadays are good example for that since in this case fighting is for its own sake and not the means of finding the solution. The revolutionary behaviour is not enough it is necessary to take into account the aspects of life (in biological and evolutionary sense). Habermas clearly states: being aware of the crisis of lifeworld can be completely transferred to the problem of control regarding the system. The perceived fact of the lifeworld will become a problem of system theory again and – while opening new metahorizons – deepens the more abstract and more incomprehensible discourse[27]. This is why the desire described by Habermas is unattainable, namely that the society-integrating power of solidarity should assert itself against the system-integrating medium of money and power. This is impossible since solidarity is merely a virtual element of a virtual system in the sense of the present. Practical solidarity will not appear until real 'Me' and real 'You' do not exist, there are only objectified forms of life and competence-segments. The goals of organizational solidarity are far from the will of the members and serve the self-production of the system instead. In a revolutionary context it generates a force that is capable of serious damage. This is why it is important that collective organizations concerned with employment affairs should represent the interest of the people instead of their own. This requires a totally new attitude from trade unions.

At the end of his study Habermas concludes: Europe forced itself and the world to participate in a growing and pointless competition, consequently Europe should be able to admit that the competition is senseless and ease itself of the 'burden of system generation'. In this world work is not a value but the practice that is substituting for the self-awareness and its only function is to feed the engine of system. The use of manpower is followed by the consumption of production and the produced goods and this will reproduce the manpower again in a constant senseless circle.

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the practice of subjects – takes *place in such conditions that are created by the sophisticated network of language-generated intersubjectivity. (Habermas, Filozófiai diskurzus, 279-280).*

[24] *Habermas, Filozófiai diskurzus (Philosophic discourse) 285.*

[25] *Collective identities are exposed to interpretations, and fit into an image about a fragile web rather than the stable centre of self-reflection. (Habermas, Filozófiai diskurzus /Philosophic discourse/ 291.)*

[26] *5.633*

[27] *Systems that refer to themselves lack self and centre, they have no reference point. Since modern societies do not have reference identity, their criticism is impossible…*

To realize this requires sacrifice but to return to humanity[28] can result in the appreciation of creative work and the interpersonal sense of relationships between 'Me' and 'You'. Under these circumstances, without being in the state of constant rush, time can regain its original meaning and value. This could be the fifth stage in the development of the notion of work: the age of rational actions supported by worldwide unified communication. This could result to the age of substantial global thinking and local acting. It is questionable whether the individual[29] and the community[30] deprived of their metaphysics, morality and reason are capable of this renewal.

Alternative solutions to problems of social networks

Luhmann realized that the operation of social subsystems is similar to the functions of living beings. He did not reach further than the statement that the self-reproduction of systems is like the autopiesis of living creatures. He did not find out that the organizations that are formed by people are not only similar to life functions but they themselves belong to life. Instead of the cybernetic operation of dead systems we must return to the concept of life. We have to rediscover the entelecheia that means the immanent sense of actions.

Luhmann is tied too strongly to the reality of language as a system integrator. He does not realize that the coherence of social relations is a result of stronger connections beyond language and the existence of relations can be perceived from a bigger distance as well. He points out that language is not a solid basis on which Ego and Alter could meet. Originating from this, he considers the mixing up of social and objective dimensions a major shortcoming of humanism.

The contrary of this is argued by Martin Buber who is familiar with all aspects of the encounter of 'Me' and 'You'. While Luhmann elaborates on intersubjectivity generated by language and a self-referentially closed system, which is to abolish the devaluated mind-body problem, Buber draws our attention to lives that are embedded in the encounters.

It needs to be clarified that work is a value generating activity. It is one of the privileged areas of man's self-realization. Employer and employee together are able to contribute to proper work, it is impossible to attain through the struggle with each other. Collective contracts must be transformed into agreements that exist in order to realize real work-related values instead of serving different ideologies. It is important to facilitate the spontaneous generation of these organizations.

The concept of value tied to the notion of work needs to be identified on the level of communication. Corresponding social patterns must be developed that can be copied in the social network. Patterns of rightful practice that are based on the consensus of employers and employees should be popularized and defended. This rightful practice relies on the principle that the value of the work is based on the individual which is also a guarantee for human dignity.

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[28] *We find system-relative environment in the place of transcendentally based world.*
[29] *According to the new interpretation the individual is not an internally (by consciousness, mind, will) controlled, autonomous being, but it is created by external impersonal structures and discourses: it is subordinate (sub-jectum in the original sense of the latin word). As Foucault points out: the subject is the changing and complex function of discourse, deprived of its creative role. In Lyotard's understanding it is a point through which different messages are passing. Julia Kristeva states that it is the process of signifying itself or the chain or translocation of signifiers. The subject is created by discursive practices, the institutionalized structures of power – again Foucault (www.mmi.elte.hu)*
[30] *System theory must keep away all kinds of identities of conscience created by systematic work from 'itself' as its self-reference. (Habermas, Filozófiai diskurzus /Philosophic discourse/ 297.)*

It is obvious that the role of work is not the supply of pointless system reproduction but one of the basic conditions of human existence.

In correspondence with this, work-related legislation should be defined by returning to personal level.

The most practice-oriented and direct option would be to implement codes of professional ethics. This topic is discussed in the next chapter.

Practical consequences – Professional ethics

When developing the rightful practical patterns, in terms of employer-employee relations the moral expectations and human relations beyond legal regulations in labour law must be taken into consideration. This can be applied among others by means of principles of professional ethics. They comprise ethical regulations that employees who work in employment-related legal relation must apply in practice in the course of their everyday work. In this present article those legal relations are regarded as employment-related legal relations in which the parties are in subordinate relation (legal relations such as regular employment, public servant, civil servant, government official).

Principles of professional ethics should be present in everyday work. According to Metapedia professional ethics is the collection of moral principles that individuals with different occupation must follow when they are at work. Consequently it is a branch of applied ethics: it regulates actions and behaviour in practice and evaluates actions according to moral principles.[31] Professional ethics is present in Luther's ethics and it declares that the individual can attain God's approval only by performing worldly duties properly. Each profession is appreciated and equally accepted by God. The individual behaves properly if he or she insists on the profession that God assigned him or her and is committed to complete and perfect performance.[32] Calvin improved Luther's approach and made the sacredness of professions more emphatic. He argued that people can gain God's approval not only by proper performance in their profession but this is the only way to attain it: committed and diligent work itself is the praising of God.[33] It is difficult to represent professional ethics in employment-related legal relations because since we try to regulate and force behaviour with non-legal nature. Dennis F. Thompson elaborated on the legal relations of public service and asserted that 'ethics in public service means to apply moral principles on the behaviour of officers who work in the organizations.'[34] Thompson argues that the ethics of public service is a division of political ethics that applies moral principles on politics. Generally speaking it can be stated that moral principles determine (a) the rights and duties that the individual must respect when acting in issues that affect social welfare as well as (b) the conditions that every collective practice and policy has to fulfil as they are in connection with individual and social welfare. Moral principles require altruism.[35] The same theory is summarized by Aurél Hencz: 'the ethics of civil service is the totality of moral principles reflected by laws or developed in practice in the context of civil service actions.'[36] Mártonffy states that the ethics

[31] http://hu.metapedia.org/wiki/Hivatásetika, 2011. május 22.
[32] Bodai Zsuzsa: A reformátorok gazdasági tanításai (Economic lessons of reformers). http://www.pointernet.pds.hu/kissendre/tudasszociologia/20060702150951642000000940.html, 2011. május 22.
[33] Kis Csongor: Kálvin és a pénzügyek (Calvin and financial affairs) . http://www.tzsinat.hu/?p=124, 2011. május 22.
[34] See also: D. F. Thompson: A közszolgálati etika lehetősége (The possibility of Administrative Ethics). In: Közszolgálat és etika (válogatta: Gulyás Gyula) Helikon Kiadó, Budapest, 1997. 34 p.
[35] See also: D. F. Thompson: A közszolgálati etika lehetősége (The possibility of Administrative Ethics). In: Közszolgálat és etika (válogatta: Gulyás Gyula) Helikon Kiadó, Budapest, 1997. 34 p.
[36] Hencz Aurél: Törekvések a közszolgálati etika kialakítására (Endeavours to develop civil service ethics) I-II. MTA Államtudományi Kutatások Programirodája, Budapest, 1987. I. kötet 9. p.

of civil service is providing social content for civil service work, the civil servants' relation to the clients.'[37] He argues that Hungarian public service right originates in principles that are present in all segments of public service law. Mártonffy states that public service has a moral basis. There is a moral element in all aspects of the law. Because of its nature and characteristics, this element is present in a more emphatic way in public service law than in other branches of law. He states that public service law requires the utmost ethics. He asserts that the duty of public servants is to be loyal to the head of government and to the state, honest life, painstaking service, protecting confidential information, being polite to customers, appropriate behaviour with the leaders and employees, having a house or an apartment at the place of service, as well as obedience.[38] Zoltán Magyary argues: 'The quality of public service depends on the officers. The value of each organizational and procedural reform is subject to the quality of public servants.'[39] In Magyary's opinion the most important duties of public officers are: quick and exact performance in public service tasks; living at the seat of the office to maintain a closer relationship with inhabitants; the public officer must not have another job; can have part-time job only by authorization of his or her superior; must not belong to any illegal organization; loyalty to the home country and the head of the government; truthfulness to the superior, the employees, colleagues and clients; preserving confidential information; appropriate behaviour with the leaders, employees, and other employees of the institution; to be polite to customers; autonomy; willingness to take responsibility; learning, constant further training; readiness to perform corrective actions; must not ask or receive reward or any kind of advantage from customers; must not suspend or stop working by his or her own decision or by agreement with the others, in other words the strike; virtuous life; stable financial condition; being free from addictions and causing public scandal; preserving the prestige of public service; must not tolerate that any family member in his or her household be involved in any offence against public decency.[40] As Gyula Koi points out: 'The ethics of public service means the ethics of organizations that fall under public law'.[41] As it turns out from the references professional ethics of the public sphere - where the authority of the government is more emphatically present - is more elaborated than in the case of regular employment, which is based on personal autonomy.

We are convinced that it is reasonable to define principles of professional ethics in a normative way with the aim of enforcing unified and compulsory behaviour in the case of employment-related legal relations. In this matter, though, it is necessary to make a clear-cut distinction between regular employment and the employment in public or civil service. In the case of regular employment the parties have a greater freedom to accommodate to ethical and behavioural requirements; they have a greater autonomy, while obligatory, normative regulations have a more significant role in civil and public service employment. This originates in the difference of the legal relation referring to the two different types of employment. Normative regulations imply a greater authorization of enforcement, consequently the required behaviour of professional ethics can be effectuated more successfully. This is entailed by the service-like character of public and civil service legal

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[37] *Lóczy Péter: A közszolgálati etikai rendszer kialakításának normatív és intézményi feltételei. (Normative and institutional conditions of developing the ethical system of civil service) In: Új magyar közigazgatás, 2009. 2. évf. 2. sz. 2. p.*

[38] *Hencz Aurél: Gondolatok a közszolgálati pragmatikáról és etikáról (Ideas on civil service pragmatics and ethics) (1867-1944). In: Magyar közigazgatás, 1993, 43. évf. 1. sz. 20. p.*

[39] *Dudás Ferenc: Gondolatok a közszolgálati etikáról I. (Ideas on civil service ethics I.) In: Magyar közigazgatás. 1999. 49. évf. 8. sz. 422. p.*

[40] *Hencz Aurél: Gondolatok a közszolgálati pragmatikáról és etikáról (Ideas on civil service pragmatics and ethics) (1867-1944). In: Magyar közigazgatás, 1993, 43. évf. 1. sz. 19. p.*

[41] *Koi Gyula: Töprengés a közszolgálati etika és a közszolgálati etikai kódex aktuális problémáin. In: Magyar Közigazgatás, 2002. 52. évf. 12. sz. 725. p.*

relations as opposed to regular employment that is determined by the requirement of society and personal ethical views. The exact definition of ethical and behavioural rules of employment-related legal relations can be realized by codes of ethics. It is important to emphasize, though, that the code of ethics in itself is not enough if the individuals due to their personal views are not able to identify themselves with the regulations and do not realize its significance.

It is difficult to phrase a generally applicable definition of the code of ethics; it is not defined even in professional literature. Code of ethics is a collection of regulations that is to standardize the behavioural norms of a given profession with a scope that – beside the behaviour in public service - affects even certain areas of the private life.[42] Corporate codes of ethics regulate ethical principles and requirements in regular employment-related legal relations. Corporate codes of ethics comprise the requirements on decent working conditions. One important feature of these codes is that their application always relies on free will, they convey rather moral than legal ties, nevertheless in several cases they can be referred to in the process of law enforcement and statutory interpretation in case of discussing particular situations. Consequently the aim of codes of employment is to provide guidance on required workplace behaviour that is obligatory for the employees. Employees must consider the regulations in codes of ethics important and useful in their everyday work. This way they can demonstrate that they are aware that they are honoured personally and at their workplace. It is important that the work itself should be acknowledged internally (within the organization) and externally (by the society).

The establishment of codes of ethics in civil and public service can be realized differently. Some codes of ethics are based on legal authorization while in other cases they are compiled through social discussion as a part of negotiations with the participation of the affected social/interest representation organizations and public authorities.[43] This comes from the different characteristics of the two regulated areas. As for public service it needs to be taken into consideration that constant ethical reform is an inevitable condition of democratic governance since the operation of particular governmental institutions needs the enforcement of ethical rules that are basic requirements of stable democracy.[44]

Effective Hungarian laws about the legal status of civil servants (hereafter called: civil servant act) and the legal status of government officials (hereafter called: government official act) do not contain a separate chapter on professional ethics. In these laws the basic principles can be found hidden in different segments of the text as legal requirements that need to be considered in law enforcement as aspects of professional ethics in civil service. The majority of general ethical principles – as they belong to the duties of employees – are present in laws regulating the legal status of public service and in general legal principles of labour law.

Political, economic and personal cases of incompatibility, the disciplinary and compensation systems, the general rules of work can be found in civil servant and government official act.[45] It is also important to mention that these laws and the labour code

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[42] *Koi Gyula: Töprengés a közszolgálati etika és a közszolgálati etikai kódex aktuális problémáin. (Speculations on the current problems of public service ethics and code of ethics) In: Magyar Közigazgatás, 2002. 52. évf. 12. sz. 728. p.*
[43] *Lóczy Péter: A közszolgálati etikai rendszer kialakításának normatív és intézményi feltételei. (Normative and institutional conditions of developing the ethical system of civil service) In: Új magyar közigazgatás, 2009. 2. évf. 2. sz. 5. p.*
[44] *Lóczy Péter: A közszolgálati etikai rendszer kialakításának normatív és intézményi feltételei. (Normative and institutional conditions of developing the ethical system of civil service) In: Új magyar közigazgatás, 2009. 2. évf. 2. sz. 1. p.*
[45] *Lóczy Péter: A közszolgálati etikai rendszer kialakításának normatív és intézményi feltételei. (Normative and institutional conditions of developing the ethical system of civil service) In: Új magyar közigazgatás, 2009. 2. évf. 2. sz. 3. p.*

do not incorporate detailed legal regulation on complying with principles of professional ethics and on taking sanctions in case of violation, consequently they are considered on the basis of general regulations. The authors are convinced that the legislator should consider implementing a system of reasonable sanctions in case of violating the principles of professional ethics in civil service. This could have an effect on the regulations of labour law since these issues are come up in legal statuses of labour law and require, thus the consideration of this matter is necessary. One should take it into account though; that in the course of sanctioning the violation of ethical rules it is necessary to demonstrate the general disapproval of society and the issue of personal conscience. In case the legislator is planning to implement a code of professional ethics in civil service a separate chapter should elaborate on the legal consequences of violating ethical principles, as well as on the necessary procedures. The content of these chapters, though, should also be in accordance with corresponding regulations of civil service and government official act. Our point of view is that in this issue distinct regulation is necessary in legal relations of labour law and civil service. In labour law violations of ethical rules should be incorporated in traditional termination system while in the case of civil service it can be implemented in a form of a separate act that should be in accordance with corresponding regulations of civil service and government official act. This must be decided by the legislator. In several cases that entail professional ethical requirements, though – as it is detailed in this present article – it is possible to take sanctions against civil servants on the basis of the regulations comprised in civil service act. In the case of civil service it is not necessarily needed to regulate procedures and sanctions for violation in a separate code comprising behavioural rules and principles of professional ethics. It would be reasonable to include or implicitly apply them within the confines of disciplinary responsibility that is regulated in civil service act and is applicable for those who are in the scope of government official act. Generally speaking disciplinary actions can be performed on the civil servant in case of culpable violation of duties originating in civil service legal relationship. Although the most important duties of civil servants are incorporated in the civil servant act, other regulations on the legal relationship of civil servants (such as code of professional ethics) and the agreement of the parties can declare numerous duties. It is another general requirement that the civil servant must perform all duties that belong to his or her scope of activities in compliance with laws referring to civil servant legal relationship, in accordance with professional practices, directions of the administrative organization, decisions of the governing institution, expertly, impartially, justly and with respect of public interest.

It follows from the above described facts that moral and ethical rules are present in regulations of labour law and civil service. The significant differences of the two kinds of employment come from the distinctions between the two legal relationships. Labour law regulates legal relationship between legal entities of private law, while in civil service public relationships one party is always a public authority, which becomes emphatic in further issues of regulation. It is still doubtful whether it is possible to define moral-ethical rules in employment-related legal relations, based on common characteristics. It could be an objective in the process of standardization to define common ethical principles of basic regulations for all employment-related legal relations, and then distinct regulations should be implemented on specific rules and further differentiating between particular legal relationships of civil service.

It is a subject of further studies to discover those general principles that should be effectuated in regulating all kinds of employment. Some of these principles have already been defined, others are to be specified and described. Employment-related principles in constitution include right to life and human dignity, the prohibition of discrimination, gender equality, the principle of equal pay for work of equal value, the protection of personal data, the right to work, the right to rest and leisure, the right to found and sustain trade unions and

interest representation organizations, the right to strike and the right to health. Among the principles of labour law the following ones are generally required: cooperation between the parties, good faith and fair dealing as basic requirements of expected behaviour, protection of data and economic interests, as well as the requirement of proper legal practice. Further behaviours of professional ethics are also defined in civil service, such as discrimination-free administration, unbiased working, impartiality, political neutrality, sense of responsibility and professionalism, fairness and humaneness, dignity and respectability, administration without being influenced, balance. The constant success of civil service administration can be guaranteed by reliable and consistent satisfaction of the clients' needs in excellent quality and at the same time coming up to the highest requirements of integrity.

When defining behavioural rules of professional ethics the normative legal guidelines need to be taken into consideration if they have an effect on legal regulation. It is doubtful whether issues regulated by legal norms can be subject to ethical regulations; nevertheless they need to be considered in the inventory of values.

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A MUNKA BECSÜLETÉTŐL A MÉDIUMON KERESZTÜL ZAJLÓ CSEREFOLYAMATON ÁT A HIVATÁSETIKAI KÓDEXIG

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Összefoglaló

A cikk röviden bemutatja a munka fogalmának történeti kialakulását. Felhívja a figyelmet arra, hogy a munka mint alkotó folyamat helyét átveszi a munka mint kiszámítható termelőerő fogalma. Mindez nehézzé teszi a munka értékteremtő funkciójának megélését. Ennek a helyzetnek a részleges kezelésére alkalmas a hivatásetikai kódex megalkotása. A folyamatnak a hatályos magyar jog szerinti megvalósulását mutatja be a tanulmány második fele.

Kulcsszavak: munka, rendszerelmélet, társadalmi hálózatok, hivatásetika, etikai kódexek, munkajog

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