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PUBLIC AND PRIVATE SPHERE OF MORALITY IN DEMOCRATIC AND TOTALITARIAN COUNTRIES

Ibolya VARI-SZILAGYI, Budapest

In this paper the reader will find only sketchy outlines of the major questions and relations of the topic. The weight of each question can only be illustrated, and not logically verified, based partly on empirical research and case studies and partly on personal experience. Nevertheless, questions derived from the uncertainty of separating private and public morality, or from states caused by intentional vagueness in the Central-East European countries under the circumstances of so-called existing socialism were not only of personal importance and the drive to clarify them must be part of the democratizing process.

Due to complex social changes and a sort of social consensus from the 18th-19th centuries, public and private morality have become separated and regulated in statutory law, and human rights laws were enacted in West European countries. This process also began in countries east of this region, but for various formations harmful to the individual.

When pondering the dividing line between private and public morality, one might easily conclude that private morality as such does not exist since morality is a par excellence social phenomenon both in principles and ideals, and in praxis (norms and customs). Should we assume the position which regards all manifestations of an individual life as subordinated directly to public life and society for which the individual is responsible in public, then we have abolished the private sphere and arrive at Plato's State or the Phalanstery in Imre Madách's *The Tragedy of Man* where all essential decisions and events of private life, even choosing a spouse, are centrally regulated. Yet we know that the sphere of private life and activity has areas in which our decisions, feelings and behaviour are directly subject to our conscience, where an act or its absence will not be judged publicly. It is also true that our feelings and knowledge about the boundaries of these domains are historically and culturally predetermined, just as the dividing line between the two main fields of morality is specific to each historical era and culture. Wherever this line may be, however, private affairs like choosing friends or breaking up friendships, deciding to have children, etc., all have features which require social discussion and have social consequences. This implication was exaggerated or

the existence of the private sphere has been questioned by fascist and totalitarian ideologies as with reference to the "purity of superior race" or in other cases, to the collective interests of society, and the institutions and officials working in this spirit violated the personal autonomy of people everyday.

It is certainly no use talking of the separation of public and private morality, and of knowing this dividing line or not, unless the individual feels that he experiences his fate and the events of his close and broad environment not only as a member of a social group (or groups) but also as a unique individual, that is, he has relative independence and moral autonomy. This presupposes that the differentiation in question has some objectified "imprint" in the principles and practice of institutionalized law and ethics in public mentality, literature, mass media, education, as well as in the political, legal and moral sense and judgement of the people as citizens. These manifestations emerging at various levels of social organization do not perfectly coincide despite their partly overlapping contents; asynchrony or inconsistency among them may range from slight shifts of emphasis to profound differences. The latter are social-historical products just as the division between public and private morality is, so they are conditional upon age, culture and social structure. It would take too long to discuss now why and to what extent the division between public and private morality depends on age, culture and society.

Another topic to be thrashed out would be why this question has gained so much importance in advanced or developing industrialized countries. One of the most conspicuous results of the European Values Studies of 1981 and 1985 covering twenty countries was the series of data that revealed an increasing demand for personal freedom and autonomy in every field of life (Heunks, 1985: 12). The higher the educational level of the population examined, the more massive this demand was - predictive data for the future. It also turned out that personal freedom is again an abstract concept that has no homogeneous meaning, and heavily depends on the context, that is, it cannot be identified with the concept of personal autonomy without problems. Depending on the social relations and situation, it may refer to the most popular variant of freedom in our culture: hedonism, or it may mean a productive freedom that propels modernization.

Institutionalized legal principles and practice as well as public mentality, education, telecommunications and the moral and legal sense and judgement of individuals constitute such "planes" of society that are almost never in harmony with each other and more probably are asynchronous or discontinuous. It is easy to understand why there could never be complete harmony between these formations, although we know ages and societies that were characterized by a great measure of harmony, there were others in which asynchronity was shockingly great - which contributes to people's feeling of alienation in the often Kafkaesque situations of their world.

Why is the differentiation of these two spheres of morality an important question? In my view, it has theoretical and practical significance as to whether the lawful representatives (of legislation and the enforcement of power) and the common citizens of the country are clear as to what of their life conduct and acts belongs to the public, what is

subject to public judgement, and how this is regulated in statutory law and in the sense of judgement of the people.

Thus, the question is complex: first of all it refers to statutory law and legal practice, to education and practical morality, and to a lesser extent to how a simple citizen is informed, how he is conscious of the law and his rights. Does he know his rights and liabilities, does he know how he can get legal protection and/or moral support when measures taken were illegal and injurious to him?

The stability and viability of any social system requires that its institutions and representatives make it clear to the citizens which of their activities and behaviours they wish to legally and morally regulate and sanction, and which methods of regulation they prefer.

This suffices to show that the proper and unequivocal legal and moral differentiation of public and private morality has great practical significance. On the one hand, it refers to an important set of conditions of the individual's social orientation, to the extent which it is clarified and known. On the other hand, it defines the limits and degree of regulation of individual and institutional responsibility, the lawfulness and equity of impeachment.

Obviously, an awareness of the difference and dividing line between public and private morality is part of the moral consciousness like all other ethic-related knowledge. Similarly, it consists not only of theoretical and positive knowledge but also of the persons's daily experiences, both as actor and sufferer, and of the manifestations of the given country's legal practice and practiccal morality. Knowledge and experience together constitute the grounds and source for evaluating the limits and state of public and private morality. But not only the individual is responsible for this knowledge. It can be promoted, or conversely, hindered by the distinct differentiation or confusion of these two fields of morality also incorporated in the legal principles and legal practice. Of course people widely vary in the extent to which they reflect upon their own deeds, the social expectations and norms and the extent to which they live them through. Yet, if there is a proliferation in the number of legal and moral "moonwalkers", when people do not have the minimum knowledge of their rights and obligations (due to their living at a low level of awareness, or to social practice) then these phenomena indicate that something is wrong with social development. In this case the question of institutional individual's "legal" and "moral" awareness and disposition. There are quite a lot of moonwalkers among us as regards moral and legal sense and knowledge.

In advanced industrial and industrializing countries social orientation is made more difficult by a general feature: in these societies the former continuous layers of customs, norms and values traditionally built one upon the other have been disrupted and confused, and the resulting mosaic - the lack of clear and homogeneous systems or values and customs - does not promote the clarity of moral judgment. In tratidional societies the coordination of requirements coming from moral norms and values is ensured by a very requirements coming from moral norms and values is ensured by a very effective force: the coherent system of customs. "In modern societies various systems of customs

and tradition become superimposed on each other: under these conditions, resorting automatisms, the lack of rational considerations and of conscious choice might all become a special kind of trap: resulting in the mental inconsistency of 'moral moon-walking'" (Huszár, 1982; 22).

The question of demarcation between these two spheres of morality needs clarification not only in view of the purity of legal regulation. This differentiation is only in part a legal problem, as it is also a political and moral problem. It is also true that legal under- or over-regulation of the question incurred, and is still incurring, much debate not only in the Eastern, formerly socialist countries but also in countries of the West. (See, for instance, Habermas' accusation that legal regulation is penetrating the private sphere more and more deeply, threatening to devour it.) The phrase "legal pollution of the environment" was also coined in disputes at various public forums.

It remains, however, a fact that there was a sharp difference in the state of citizens in East and West European countries as regards human rights and in connection with that, the demarcation between public and private morality. This difference is echoed or reflected by the development of the mentality of entire generations.

The aim of this paper is to present data, cases and observations to prove that in terms of personality development and social psychology it has completely different consequences whether a person grows up knowing the limits of public and private morality or not, knowing that human rights are ensured for him including the right to "civil disobedience", or if he grows up deprived of all this. In the latter case he experiences his dependence and the uselessness, even "harm" of his private opinion, being completely subordinated to the opinion of the state and party institutions representing the vaguely defined "collective".

The legal competence and knowledge of the citizens depend on schooling, information and experience. It is perhaps less important to know statutory laws than to have first-hand experience of the prevalent legal practice built into the individuals. In this regard, there is a great difference between the citizens of Western and Eastern European countries. To describe this difference as well as the legal system and practice of countries with a dissimilar social structure it is helpful to use the typologies worked out in the literature of modern legal philosophy and sociology by Günter Teubner, Philipp Selznick and Philippe Nonet after Max Weber. These typologies proved most functional in the professional debates on the role of constitutional tribunals and on the relation of politics and law. Therefore, it seems, expedient to make a short review of these for better understanding before presenting the social-psychological phenomena that have evolved in the individuals and social layers as a result of lengthy exposure to qualitatively different legislation and legal practices in democratic and totalitarian states (legal practice meaning the implementation of rules and provisions of the law in the strict sense). They help to better express in formal terms what it is in different legal practices that refers to the possibilities of a person's moral development and frames of reference, and what comes from them.

In legal and political discussions of the recent decades polemists often go back to Max Weber's conceptual typology differentiating formal (or autonomous) and material law. In Weber's theory this typology was to denote phases in the legal development of industrial societies, and not absoluteness. As a rational and (in a good sense) bureaucratic tool of the state-administrative and political makeup of industrial societies, formal law comprises the general principles and rules that make the society operative and the behaviour of the institutions and individuals rational and calculatable. In this way, it induces and fosters mutual confidence in the rules of procedure of the economy and politics, through expectable behaviours and sanctions. By emphasizing the rational, the uniform and the calculatable, by concentrating too keenly on social integration, there was perhaps an excessive insistence on the abstracly formulated positive rules in the practice of formal law. At the time of the consolidation of modern law and state this was a necessity promoting rationality to dominance and ensuring a kind of social integration, but Weber had already noted that there were anti-rational tendencies in this type of legal practice as well. Eventually G. Teubner highlighted this tendency asserting that parallel to the legal regulation of an industrial society and with the strengthening of movements challenging the bourgeois democracies, the nature of law changes, or may change: "formal law turning into material law designed for the attainment of definite (politically defined) goals" (Teubner, 1982, p. 220).

The strengthening of the tendency of material law entails changes in legal practice as well: when judging a case, the juridical organs focus on the relation between a case and its consequences on the one hand and the goal to be attained through the given legal rule on the other. This means a far less rigid insistence on statutory rules; the observation of rules is less formal. Material righteousness is also given a chance.

This, in turn needed operative and not mock juries, a peculiarity of bourgeois social construction against the background of which the inner deliberations of the jurors could be predominated by the primary ethic norms and the pursuit of material justice.

Another typology that aptly illustrates the chosen topic also comes from Teubner. It differentiates two major types in the development of bourgeois law: *repressive and reflexive law.*

It is typical of *repressive law* which evolved at the time of absolute monarchies that law is the servant of centralized state power, being instrumentally subjected to it. Law is incorporated into the machinery of political power without any relative independence. Though historically it emerged much earlier, it is still *a typical feature of every centralized and dictatorial - totalitarian - state power.* Without its relative independence, the law only dysfunctionally meets the requirement of promoting social integration with its own tools. Integration caused by fear and punishment, which is all repressive law can achieve when the legal system and practice are dominated by force and penalization, is not true integration. Repressive law characterizes despotic, repressive political regulation. It

contributes to the concept of the "state father" prohibiting everything or permitting certain things but arrogating all rights to himself. This model is well known in the state administrative and legal practice of people's democracies as well.

By contrast, *reflexive* - or as authors Nonet and Selznick call it *responsive* - law is subordinated to more democratic politics against which it plays an instrumental role. It can also ensure that new legal rules be enacted as the outcome of political renegotiation, that the repeated changes and cases of reconciliation of interests generated within the complex subsystems of modern society be realized with the tools of law as well. In this system of law the guarantees for the rights of the citizens and minorities is of salient importance. Its role is therefore not only subsequent penalization but also prevention, and it can continuously, reflexively control its own effectiveness.

The system and practice of law in advanced West European countries have become more and more reflexive. This, in turn, has contributed to overall social rationality, to the harmony between the regulating mechanisms of particular social subsystems while ensuring the rights of individuals and minorities. As an ideal, this is, of course, subject to constant debate and negotiation in the West European countries as well, yet the legal system is such that it provides for several legal forms of modification, dispute and opposition.

Viewed from Central Europe, even the enforcement of the repressive law must have seemed illusory in these countries since neglect or shrewd falsification of existing positive rules, which displayed the predominance of penal law, was also frequently discussed and served as instruments in the hands of totalitarian systems to advance their actual political need.

"Judging from Central-Eastern Europe, the conception of reflexive law may remain a pure illusion for us for a long time. The political goal that can be set here is to purge politics from the microprocesses of law and to have the changes of central administrative and political priorities *exert their influence through legislation* in the legal sphere. Though the demand to curb the subjection of law to the state is also voiced in Hungary, the dominance of politics over legislation is a far smaller problem today that the fact that wiping off valid law, ignoring the hierarchy of legal sources, encumbents at various posts of the political sphere interfere with most diverse social spheres case after case" (Pokol, 1987:422).

This paper does not aim to discuss the dynamic relation between law and politics, or law and economy. The only angle from which it contemplates the specificities of various systems and practices of law is the one that shows what effects they have had upon the everyday ethical behaviour, personality development or the protection of the identity of the people. It looks at the psychic consequences of the different legal systems (as they could be experienced and elaborated), and examines the moments or inconsistencies of both types of legal practice resulting in the feeling of mental comfort or discomfort. I might perhaps say that it is interested in the limits of the individual's psychic tolerance

in the constant battle of principle and practice in a society governed by fear and uncertainty.

According to their declared principles so-called democratic society do not stand too far from the "well-ordered society" as designed by R. Rawls: "I characterized a well-ordered society as one designed to advance the good of its members and effectively regulated by a public opinion of justice. Thus it is a society in which everyone accepts the same principles of justice and the basic social institutions satisfy and are known to satisfy these principles" (Rawls, 1971: D.453-454).

However, reality and everyday life are quite another state of affairs in these countries, within an entirely destroyed or spoiled sense of justice and faith in each other and in all kinds of institutions and leadership.

How this situation could come about will be illustrated below by selecting several dimensions of social life.

First of all, the case of *civil disobedience* in western and in so-called socialist countries is looked at:

Rawls gave the most valuable and interesting analysis of civil disobedience, which is worth reconsidering here. Since he assumed that a state of near justice requires a democratic regime, his theory concerns the role and appropriateness of civil disobedience to a legitimately established democratic authority. According to him, this theory cannot be applied to the other forms of government, not except incidentally, to other kind of dissent or resistance: "The problem of civil disobedience, as I shall interpret it, arises only within a more or less just democratic state for those citizens who recognize and accept the legitimacy of the constitution. The difficulty is one of a conflict of duties. At what point does the duty to comply with laws enacted by a legislative majority (or with an executive act supported by such a majority) cease to be binding in view of the right to defend one's liberties and the duty to oppose injustice? This question involves the nature and limits of majority rule. For this reason the problem of civil disobedience is a crucial test case for any theory of the moral basis of democracy" (Rawls, 1971: 363).

The question and the possibility of civil disobedience is strictly connected with the prevalence or lack of accepted human rights.

With respect to *the position of human civil rights* we had to recognize again the significant difference between the states of Western and Eastern Europe. Most of the analyses on the issue have connected this difference and the backwardness of the states of Eastern Europe in realization of human-civil rights with the so-called personality cult, they regarded it as a consequence of this distortion of "socialist state power". Tamás Földesi went much further in his analysis and showed that this backwardness cannot be explained by the "personality cult" only (which, incidentally, comes in widely varying types) but it is a result of the influence of two contradictory tendencies that existed in the Eastern European countries during the former decades. These contradictory ten-

dencies have come about as "a permanent phenomenon of the characteristic political structure" (Földesi, 1989: 27).

The first tendency "is characterized by the fact that human rights have been officially and legally accepted without limitations and declared a basic general principle. The constitutions of the Eastern European countries all include a recognition of human-civil rights, reflecting the fact that these political systems consider human-civil rights to be basic values. The inclusion of these rights in the constitutions also had significant international reasons. The Eastern European countries thus signalled that they consider the UN Charter and the declarations on human rights adopted in 1948 and 1966 to be compulsory. In keeping with this position, representatives of these countries have repeatedly emphasized in both international and domestic forums, that their social practice is in (full) harmony with these principles, norms and postulates declared in the Charter.

At the same time, a contrary tendency has also existed in the Eastern European countries, which led to basic contradictions. In these societies, a one-party system was in operation which did not enable the existence or functioning of political parties differing significantly from the ruling party, and thus, did not allow such parties to organize, hold meetings, or have their own press. As a result, the so-called "classical" political manifestation of human rights thus differs significantly from its traditional bourgeois (and UN-codified) version" (Földesi, 1989: 27).

He stated that the limitation of classical human-civil rights had held back the development of these societies to a significant extent in almost every respect.

Finally, it seems necessary to mention another important institution of the legal system: the place and role of *constitutional tribunals*.

One of the most significant differences between the so-called socialist and the western democratic countries is the presence or lack of the constitutional tribunals. This legal institution could play a key-role in preserving the lawfulness and the citizens' common and individual interests, and rights. In the Western countries the role of constitutional tribunals has grown considerably during the last decades - although this role has been also disputed - while in the Eastern countries the contrary has been the case they were pushed into the background and wasted or liquidated after the second world war.

As is known, the constitutional tribunals could play a key role because they have to control whether the new rules or provisions of law are in agreement with the legal constitution accepted or introduced by the different state and political agencies (parliament, government). Their duty is to cancel (liquidate) all the rules which turn out to be in opposition with the spirit and text of the valid constitution of a state. In more recent literature of philosophy and sociology of law there is a debate on the possible liberal or conservative nature of the constitutional tribunals with an emphasis on the latter, but the example of Eastern European countries can show us how this evaluation depends on the given social context as in these countries the institution mentioned above is inevitable and presumably plays a positive role.

This detour into the world of law, the most important recent concepts of its position and development in different countries perhaps helps us to grasp conceptually the decisive differences between the observable patterns of public and private spheres of life and morality and of the relation of the existing legal system and practice of law to these spheres.

Now I wish to "blow up" or to illustrate these patterns by using the concepts above. There are (or more exactly: "there were") due to the rapid "silent revolution" in Eastern Europe surprisingly different patterns along the following dimensions:

DIFFERENT PATTERNS OF DEVELOPING AND PRIVATE MORALITY

	Dimension	Western democratic countries	Eastern European countries
1.	Relationship between politics and law	Subject to fights and negotiations within the constitutional framework	Eastern Europeans submissive to the monolithic political power
2.	Constitutional tribunals	They are functioning	Lack of them or their work
3.	The nature of the law, system and practice of law	Reflexive to a growing extent Dominance of civil law	Repressive law. Even neglect of this repressive law by politics (see prosecution upon spurious charges in period of the "personality cult") Dominance of penal law.
4.	Human-civil rights	Subject to maintaining and extending them within the legal system	Ambiguous position but they are mostly not ensured
5.	Civil disobedience	Legal possibilities, as subject to negotiations	Lack of the legal possibility
6.	People's relation to the law	Higher legal consciousness or awareness of law	Lower awareness of law/ dissatisfaction could come about only through illegal routes.
7.	Framework of	A clear demarcation	A clear demarcation

forming private	of the boundaries of	is missing.
and public	the private and public	The lasting presence
morality and moral	spheres of life	of frustration,
responsibility	and of responsibility	uncertainty and fear.

For a social scientist it may be clear that some social psychological consequences of the different patterns of the life listed above are ruled by legal possibilities. Let us examine these consequences briefly.

SOCIAL PSYCHOLOGICAL PHENOMENA related to the patterns above

Some social psychological phenomena should be reconsidered here, as a result of the different patterns of possibilities for developing public and private morality.

For a person who knows that he or she has some legal rights and possibilities to express his/her opinion or dissatisfaction with some new rule of law either alone or joining together with some others, this knowledge means a lot. It plays different functions within their personality development, and identity formation.

First of all it means that he/she is taken into account as an individual. So it means the acceptance of him/her as an individual citizen who has the right to reconsider and evaluate the arrangements and rules of law with respect to newly developed social needs and situations of public and private issues. It also means a sense of security and of activity for him or her as a social being which becomes a very important constituent element of his/her social identity. This is the case even when someone has to accept severe - legally adjusted or given - punishment for his/her civil disobedience: this punishment will not necessarily lower his/her self-esteem or frustrate his/her social identity.

This knowledge of the legal possibility of civil disobedience within a democratic country offers a more coherent self- development with respect to values acquisition and preservation. The alternatives of social development are more clear and the subject's decision or choice as to which way he should go means a real commitment.

Normally, this knowledge also means a lot for the formation of their social relations and communities, which can also contribute to their mental health.

As is known, the western democratic countries also have a lot of problems with respect to the development of youth. However, some legal possibilities of civil disobedience as a constituent element of these democracies have a very firm - maybe partly unnoticed - positive influence on the self- and identity-formation of young people.

One can more easily recognize these positive effects when comparing this picture with the prevalent developmental patterns in Eastern European countries. The situation of the youth here has already been shockingly put in the background with a lack of historical continuity, with "blind-spots" in their historical knowledge. In addition to this, newer generations of the last four decades have had to cope with situations of growing

instability and insecurity, social and political problems without having legal possibilities to be disobedient.

What kind of behavioural patterns or routes are available for them under these circumstances? They could be selected and named as follows (these figures of models are rather well recognizable from the literature and films of these countries for those who are familiar with them).

The model of *"passive resistance"*. Historically, this is the most frequent and well-practised form of citizen's action (especially after the lost bourgeois democratic revolution in the Austro-Hungarian Empire during the last century).

The problem is that in the long-run this behaviour could become harmful and stressful (self-damaging) for the most active people (active by nature) because their protracted situation of frustration and "forced passivity" could easily lead them to depression and to other kinds of mental illness. This happened to a large stratum of peasants in the fifties in Hungary when they were virtually deprived of all their own products due to the rigid bureaucratic anti-peasant policy of the Rákosi-regime (due to the compulsory delivery and forced "emptying of lots"). The same was the case with the officially forced so-called Stakhanov-movement which aimed to enhance norms and production in industry. The harmful effects of both forced social changes could be experienced shortly afterwards in the psychiatric departments of hospitals and clinics. Even very famous psychiatrists who gave scientific indicators and warning on the rapidly growing number of mental illnesses could not achieve change in the situation. The only thing they could achieve was that they were dismissed from their position. Somehow, though not directly, the highest number of suicides in Hungary probably is also connected with the situation above and this form of citizen's reaction, but this is only one of the contributing factors.

The model of *"troublesome people"* or difficult people (they were achievement-orientated through rule-breaking). These people appeared in the 60s and at the beginning of the 70s when the regime ceased to be so monolithic as it had formerly been and some reform movements started within the economy and cultural life. General features of these people could be summed up as follows: they were rather creative, achievement-orientated, intelligent, had high competence in their field (no matter what this field exactly was) and they took risk in order to be able to exercise higher competence in their own fields. They could be regarded as innovators within the existing socialist bureaucratic systems who really made tremendous efforts towards a better economy, or a better health service or a more liberal, open, cultural and educational life. They rather frequently went in a self-sacrifying way against the "walls" raised by several dysfunctional institutions and arrangements.

Both this type of people and the so-called "walls" in a metaphorical sense were well-presented in the most interesting pictures and novels in Hungary during the last few decades. These "heroes" of socialist countries were sensitive enough to learn a lot from the development of western countries and also from recognition of the inner

contradictions of the state structure and ruling system on the basis of their experience. They also were rather quick to discover the "gaps", the possibility of a new undertaking within the existing system. They took the risk of breaking the rules because they were sure of the social usefulness of their undertakings (introducing a new system of economy, a new medicine, a new water-supply system, a new type of building-system, etc.). So they presented the model of rule-breaking being highly aware of their higher social responsibility. However, they formed a rather independent sphere of activity with the help of some higher authority whose place was also subject to unstable political relations. Due to this and to some other factors their life was permanently full of stress and fears, so in spite of the self-strengthening knowledge that they were on the right way they could rather easily become the subjects of victimization by other authorities.

Within democratic systems these people either would live the normal life of creative risk-taking engineers, physicians, etc. or they could go about civil disobedience in the legally accepted way. Due to the lack of space for legal action and under the circumstances that the power in these countries could not be regarded as a "legitimately established democratic authority", the way in which they expressed their dissatisfaction and social reformist activity could be regarded as a distorted form of resistance and of innovation: partly successful, partly self-deceiving and self-destructive frequently leading to their marginalization.

However, they presented a model of rule-breaking; they showed to people that this was possible in the 60s, 70s and they had followers on a large scale. Unfortunately, this aspect of their behaviour was more attractive than their endeavour to be socially useful. This was one of the causes of the development of the so-called secondary economy and perhaps also of growing corruption. (This was a side-effect of their model.)

The main causes of growing corruption are, of course, the economy of shortage and the lack of control by public opinion. It is known that corruption can be found everywhere in the world but where there is no common agreement and opinion against it, the whole process is much more dangerous not only economically but first of all from the point of view of practical morality (i.e. their model).

The simple fact that their acts and undertakings - which inevitably contained the series of elements of rule-breaking - were only a posteriori, made them extremely vulnerable. It tremendously enhanced their difficulties to find appropriate cooperators and also their responsibility for these other participants and for the success of the new undertaking or achievement. It also enhanced their fear of failure, of course. These people were partly envied, partly admired (only when they had already achieved some success) through the neglect and "comfortable" behaviour of all the kinds of "grey", average people who had acquired only one "rule": the surest way to survive is to be a conformist in thoughts and in behaviour. The latter tried to avoid the "troublesome people" because they might be dangerous for them. Under such circumstances most of these "troublesome people" were rather alone and it is unknown how many of them became not only marginalized but also damaged in their personality development. One thing is sure, they

could not maintain themselves so easily as representatives of real forms of civil disobedience (e.g. the representatives and new communities of civil green and peace movements).

Relevant data also supporting the picture above might be cited here: studies in the 70s with respect to professional attitudes and their further changes with young professionals also showed that the jog-adjustment of people with high professional competence proved to be much more difficult than those of lower professional competence.

Most convenient, of course, was the *conformist type* of behaviour under the circumstances with a lack of legal possibility for civil disobedience which could be also paralleled by cynical and extremely egoistical behaviour which need not be described here.

More important that the "troublesome people" were innovators in the respect that they have presented not a hidden but a visible model of rule-breaking. They clearly showed that they had followers on a large scale. Unfortunately this aspect of their behaviour was more attractive than their need to be useful for the society (whereas, social usefulness was a permanent inner need of the previous group). This was probably one of the causes of the development of the secondary economy and also the growth in corruption. (They did not mean to support this kind of behaviour but it could have been a side-effect of the appearance of these "troublesome people".)

In the Central- and East-European countries, in the 70s more and more people came to realize that only some stupidly naive people, so-called suckers, could have taken the ideas, promises and dreams of socialism seriously. Only they waited for success, achievement and social prestige from keeping officially declared norms, rules and expectations. They had to learn also that their hopes, wishes to help the country out of the existing crisis were rather illusionary because of the deep structural problems of these regimes. So rule-breaking became quite wide-spread and even unofficially accepted and institutionalized. However, this resulted in not only the growing size of individualistic and utalitarian behaviour and a rapidly weakening sense of morality, but it also resulted a relatively new social situation: an enduring and more and more frustrating situation of social anomalies.

As Merton said: "... the pattern of institutionalized rule-breaking comes about when the group or community is faced with the practical needs, the satisfaction of which requires the breaking of traditional norms, emotions and practices, or when the new behavioural expectations and needs are in contradiction with these traditional norms, emotions and practices" (Merton, 1980: 640). Under such circumstances trust and faith in each other (the importance of which in normal civil life was characterized extremely well by Rawls and which lived only in the form of nostalgia in the feelings and dreams of the people of these countries) were only the domain of "the lost paradise".

An additional data could be mentioned also supporting this picture. In a study aimed at learning more about the real state of knowledge of the Hungarian citizens on their rights and duties, and also on their entitlenedness it was found that their know-

ledge/information about their rights is very low, while a bit better but also low was their sense of legal rights. The researcher studied this knowledge and sense of law by asking questions about the possibility and appropriateness of some autonomous or independent endeavour in order to achieve some changes in the legal possibilities for better way of life (Sajó, 1989).

In summation, how can we answer to the question whether a state is responsible or not for the more clear demarcation of the public or private sphere of morality? If a state neglects to admit its responsibility in the given respect, or what is more, it consciously contributes a lot to the disorientation of the individuals about their rights and duties, then we are faced again with an *instrumental* or *manipulative treatment of morality* ruled by some ideological and political interests characteristic of a totalitarian regime.

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