



Dr. Kolláth György

The starting points of my presentations are not absolutely sure. I have to say something valid about my profession on a rapidly changing and strange field: about the law, which sometimes works without safety, calculability, quality and equitableness. The inflated law, which is labile in principle and ethic bases, has a following nature and is distorted by everyday problems, tries to keep up with the modern requirements. Many times it is obvious that it cannot succeed. There are a lot of gaps, legal collisions, but there is a lot of cramped conservatism, too.

Several social subsystems are characterized and pulled back by them. Maybe, you can also observe the paradigm shift. The previous, government-centered and paternalist system was left behind, and it cannot come back. But we have not reached yet in a perfect way to the free, open, modern law-driven human rights system, which can show the exaggerations also. We are in a situation of no long-not yet, and nobody is satisfied with it. If there is a drastic society change, there is also turmoil. But it depends on us, not the fate, whether the change turns to the right direction, how long the temporary and insecure situation will be and who will benefit from it, and whether there is a guarantee to implement the modernization successfully. I think the problem is that the treatment in many fields is only for the symptoms, there is no conception, and the resources are used for the four-year-changing, over-political surface activities.

More other coordinates are amorphous. The name of one is market challenge. Fact: the market economy breaks into the general and specified fields of the person's identity. So today human relations, fates can be sentenced to "live or die" on the basis of DNA samples, polygraphs, personality tests, or paired handwriting probe. Maybe tomorrow an astrologist will decide, and then we can turn to St. Peter. Seriously, we cannot often tell who will decide on the basis of our work? Often, it is not a public authority, but a private employer, the press, sometimes a researcher, or an amateur psychologist. It is not the same. We have to obey to an authority, but we should not be used by everybody. Even the time cannot bring legal remedy. The demand and the supply of the market and the protection of the state's interests can encounter routinely. In many cases the former wins, sometimes the latter, and then the condemnation of the criminal law can give the threatening last word. See Btk. III. title: Crimes against freedom and human dignity!

There are a lot of disadvantageous signs. As a lawyer I often see that the things that are banned for the criminal jurisdiction (e.g. not permitted or over-extended secret information collection and analysis), are served up for a couple of hundred thousands forints by the (partly) legal private service provider. This is the harmful upside-down turning of the saying: "What Jupiter can do, the ox cannot".

We have several classic legal dilemmas. Shall we have to legalize all things and methods which can be implemented physically-technically? Is it possible or is it allowed: are these synonyms? My answer is no. It has not been decided yet which is the stronger: the professional ethics, which shows us carefulness and the recognition and minimalization of the dangers. Or the money and courage: we should not be inefficient and passive, the things that are banned here can be done abroad. Are we harmful only to ourselves? My answer is: we cannot permit everything which the authority cannot ban, limit. There are no animal tests in the legal relations of the people. We cannot concede in the issue of basic values. But the basic values cannot be changed from government to government. A modern European state shall be neutral in its ideology.

Cím
Human dignity, self-identity and the attention of the "public"

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Is it true that what we cannot prevent we shall lead, because it is the only way to control it? Maybe yes, maybe no way. Example: in a divorce sue can the pretty woman use a DNA sample to prove that the child is not his husband's, ergo the husband can go humiliated, with empty hands wherever he wants to? In the so called identity legal disputes it is usual to try to abuse the law, operating with the requirements of the so called material truth. Is the aim holy? In a constitutional state it is not!

Is it the same if I analyze myself or somebody else tries to analyze me? Obviously, they are not the same. Similarly, it is not the same if a personality, motivations of a serial killer have to be explored, or a curious, malevolent reader wants to read about the frailty, faults of a celebrity. My answer: except for the infringement of the law, the voluntariness is the right path. Professionally, only this has a real value, credibility. I think the difference between collecting the information about a given person and using that information malevolently in the future is important. It is not true that if something is in my territory it becomes a prey. Not even the privacy of a public leader is public value.

There are some good market examples, as well. A commercial radio station gives high standard, ethic analysis about the profile of the voluntary writers. The radio listeners need it, understand it and like it. This is the right path.