

should be accepted as a routine method. Similarly, administration of antithrombotic drugs, post surgery and in all other circumstances of immobilization where the risk of pulmonary embolism is feared. Ronald Cape stated that "an ounce of prevention in geriatrics has a greater value than a cart of treatment", namely the role of prevention is 12.5 times bigger than of the treatment.

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## **NECESSARY DISTINCTIONS IN THE STUDY OF THE CURRENT PROBLEMS OF ETHICS**

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**Summary:** This article analyzes the concepts with which the ethical discourse operates from the perspective of the practical problems that the discourse faces. The particularity of this analysis rests in the fact that it presents the different interpretations attributed to these concepts by the Romanian authors in the related literature of the last decade. The first part of the article discusses the differences between ethics, moral and morality, as well as the elements of regulation which are instituted in this case. The second section focuses upon the relationship between normative and applied

ethics, accentuating the evolution directions of the functioning fields of applied ethics. The third section highlights the characteristics which define moral norms and values, as well as the mediation of the relationships between them. The last part of the article examines the distinctions between ethical and judicial norms, by stressing the specific means of their functioning in social practice.

**Key words:** ethics, moral norm, judicial norm, normative systems, applied ethics.

### **Ethics, moral, morality**

Ethics studies human action, as well as the values and norms regarding which it conforms or it should conform.

The fundamental problem assumed by ethics is the appreciation of the behavior and action means which form the practice of human life, both at the level of the individuals and that of social relations. From this perspective, ethics studies, on the one hand, the moral principles which stand at the base of social relations with the help of certain specific concepts: correctness, duty, fairness, dignity, honor, conscience, moral ideal etc. On the other hand, ethics deals with the theoretical study of values and human conduct in relation to the moral principles which stand at the base of moral attitudes and behaviors, making the distinction between what is “fair” and what is “unfair” from a universally accepted point of view.

Ethics and morality are often used as synonyms in daily speech. One should however mention the fact that moral refers to the array of behaving and cohabitating norms of people with each other and whose breach is not sanctioned by the law, but by public opinion. Moral is considered a form of social conscience which reflects ideas, concepts and beliefs regarding the individual’s behavior in society. It include and set of

conduct rules which derive from a certain conception of good and bad and which permits an interpretative variety at an individual level, while ethics has a universal sphere, which may be a code of norms, a system of values or a means of theorizing and justifying certain such systems.

Moral norms are the creation of a certain society or culture which originate in social experiences and practices and are influenced by the degree of culture and civilization of a society. These moral norms influence the individual and social behavior, indicating people's conduct in different surroundings, the consequences of their violation and the sanctions which derive from their violation.

From this perspective, the norm can be considered a rule or a prescription which regulates the behavior of individuals, groups, organizations and collectivities. The main characteristic of ethical norms consists in the fact that they have their source in the will of a normative authority and are addressed to certain subjects of the norm. In order to make its will known by the subject, the respective authority elaborates a set of norms and, in order to make its will effective, it adds sanctions or punishments. "In the absence of an instance with authority and which can be identified easily, says Nancy Davis, we cannot know precisely which the moral norms are (the deontological constraints) that have to govern our behavior. In the absence of a set of clear procedures which can establish the means of solving the conflicts connected to the moral norms proposed, the ethical disagreements do not find a solution" (2006, p.245).

In the light of these considerations, C. Zamfir (1998) draws attention upon the fact that the systems of norms and the regulating activity in the field of ethics are confronted with a series of limits such as the following:

- The contradictory characteristic of value and normative systems, an absolute confrontation with the norms only being able to exist in the situation where the system of norms is coherent and non-contradictory. “Due to its social complexity, writes C. Zamfir, the subsystems which make up the global society oftentimes feature contradictory normative demands, posing the individual in a situation where he can often be deflected in relation to one regulation or another” (1998, p.390-391).
- Although regulations promote a series of real demands of the socio-human system, not all of the demands which press upon the individual or collective behavior can find an expression on the normative level. For this reason, the space in which a behavior functions is more complex than the system of values and norms which operate at a given time. This is why certain behaviors which do not conform to certain norms appear precisely due to the lack of a formulation in a normative way of these demands, necessities or pressures.
- Regulations tend to substitute the knowing behaviors centered on the solution of concrete situations, with a more ample activity of knowing, focused on the identification of certain general categories of situations and the quasi-mechanical application of the regulated solutions. “In this case, says C. Zamfir, the responsibility for the effective consequences of the behavior, for the quality of the solutions adopted is replaced by the responsibility of complying to norms, a situation which generates rigidity in thinking, or a narrowing of the field of moral action” (1998, p.391).

Beyond these difficulties, the set of conduct norms and rules are meant to ensure the application into practice of the ethical values and

principles which stand at the base of individual behavior, the behavior of a community or of an organization. For the members of a community or of an organization this set of principles and norms of conduct represents a moral contract by which they agree to respect them and promote them in their professional activity. Going even further, one can state that moral norms manifest themselves firstly as norms of professional ethics, functioning in direct connection with what must be done and what must be avoided.

When the moral norms manifest themselves as rules, they interact with judicial norms, norms which assure a public interest that is regulated by the law system. In other words, moral rules function by the intervention of public opinion and are regulated by codes of ethical behavior, while judicial norms are consecrated by the law system typical to each society or field of activity.

In these conditions, moral cannot have an abstract, generally valid character, rather being characterized by certain relativism. However, from one type of organization to another, certain moral imperatives remain valid (not to steal, not to lie, respect a given word etc.), which regard the human characteristic of a rational being and owner of one's own conscience.

To resume the discussion, moral is considered a real phenomenon, an array of rules and norms with an imperative characteristic and which regards the daily behavior, the practical life of individuals and human communities. Moral norms are statements which indicate what an individual must and must not do, representing cultural values consecrated through tradition and education.

Ethics refers to the theory which studies this real phenomenon, namely the conceptual system which stands at the base of a certain view

on morality. While moral has a significant emotional component, ethics implies more detachment, exploration and acceptance of alternative ways of life, being a rational approach of moral principles and norms. In other words, moral regards the practical character of morality, and ethics regards the cognitive and explicative levels.

Based on these distinctions, authors such as Țigu (2003), Crăciun (2005), Morar (2012), Mureșan (2013), Bădescu (2013) and others consider that ethics has an analytical character (it deals with the research of the causes of human action) and a normative one (it establishes a set of rules and norms of conduct); ethics is a practical science (oriented towards action) and a rational one (it is preoccupied with the way of becoming aware of and assuming the ethical-moral norms by the individuals); lastly, ethics is not a descriptive science (it does not indicate how human actions must be performed in order to be considered moral), but a prescriptive one (it recommends certain norms which should be respected).

### **Normative ethics and applied ethics**

Along the years, the study of ethics was structured on numerous levels: the first level, called meta-ethics, defines the nature of moral terms; the second level, of normative ethics, studies ethical theories and objectives; the third level, of applied ethics, focuses upon the research of the aspects which define certain spheres of ethics. Other formulations distinguish between the two fields of research of ethics: theoretical ethics, which studies the theoretical problems of the origin and essence of moral, and normative ethics, which regards the elaboration and theoretical foundation of a system determined by moral norms and standards, as well as certain codes of moral conduct.

Baring in mind the purpose of this paper, I will focus upon the principal aspects which define normative ethics and the specific of the application of moral principles and norms within what the specialists in the field call applied ethics.

In an initial approximation, *normative ethics* studies the great ethical theories and doctrines, as well as defining a set of norms where human actions need to fit.

Normative ethics prescribes the standards referring to the standards of well-conduct and the characteristics of the wrong conduct of people. It may also be regarded as a testing system of the behaviors considered desirable by society. The classical example of the normative principle of ethics is the rule “do to other only what we want to be done to ourselves”. From this point of view, anyone could decide if an action is right or wrong, and to determine the evaluation criteria for the moral conduct of a person.

Crăciun, Morar and Macoviciuc (2005), for instance, suggest the idea that we can talk about three specific approaches: the theories of virtue, the theories of duty and the theories of consequences.

In short, the prerequisite of the first theory is that these rules are taught and transposed in practice the moment when someone performs a certain action. Along history, thinkers have focused upon the importance of formulating and developing positive traits of the character and upon the possibility that these norms may be taught and applied in inter-human relationships.

Values such as wisdom, courage, moderation, fair play, moral strength, generosity, self esteem and sincerity were thus explained, along with the negative features such as cowardice, injustice, foolhardiness etc.

The theories of duty start from the prerequisite of the existence of certain clearly formulated obligations in the context of human existence, whether we are talking about duty to ourselves, or to others. Other interpretations of duty regard the relationship between a person's rights correlated to the duty of another person, the existence of a fundamental principle of duty which exceeds particular duties called "the definite imperative" or the so-called "first glance" duties, such is the case of one's duty to respect one's promises, to compensate a person when he/she has been prejudiced, to act towards the improvement of one's own professional abilities and not to insult others.

The theories of consequences try to determine moral responsibility by estimating the consequences of an individual's actions, the correct moral conduct being determined by a cost-benefit analysis. In other words, an action is correct from a moral point of view if the consequences of that action are more favorable than unfavorable. This involves, on the one hand, the identification of the favorable and unfavorable consequences of an action and, on the other hand, the determination of the context where all of the favorable consequences predominate in relation to the unfavorable consequences. It is important to highlight that these evaluations regard the individual, the group and the collectivity, as well as the determination of the consequences of each action in relation to which fairness (utility) is estimated or of the incorrectness (uselessness) of the given action from a moral point of view.

Applied ethics aims at transposing the theoretical principles of moral norms in situations which are typical to the real life, trying to solve problems and dilemmas of current activities. This form of ethics, stresses V. Morar (2012), A. Sandu (2012) and R. Mureşan (2013) focuses upon



the clarifying certain contradictions between the approaches of a principia nature of normative ethics and the possibilities of applying the ethical theories and principles in precise cases and contexts.

From among the fields where approached of applied ethics have been constituted, I will focus upon the aspects which define medical ethics, bioethics, environment ethics, professional ethics, the ethics of information technology and business ethics. Next, I will summarize a few main aspects which characterize the fields mentioned above, with the specification that I will not approach controversies or debates which go beyond the purpose of this paper.

*Medical ethics* is the form of applied ethics which analyzes quality, risks, as well as the social and individual implications of the activities performed in the field of medicine and medical assistance. An eloquent example is offered by the set of principles that the medical staff must possess when taking a decision connected to a patient: to act so as to obtain the maximum effect for the patient; not to harm; to ensure the correct distribution of the health maintenance resources; to adopt the correct decision; to prescribe a treatment based on the resources available; to assure the patient's right of being treated so as to keep his dignity; to assure the patient's right of knowing the whole truth regarding his condition or treatment (cf. Ionescu, 2005, p.27-28).

As a discipline which studies the ethical problems resulted from the progresses of medicine and biology, *bioethics* tries to establish the moral value of applying these results. The debates regarding this field are intense, given the fact that they question not only the estimation of the benefits, but also of the way in which different discoveries, experiments or tests with human material contravene moral.

From the set of questions which need a moral answer, we will mention the following: Who will control the results obtained from the research activity? How can one assure the confidentiality of the results? Who will benefit from genetic testing and in which conditions? How can genetic discrimination be avoided? Who can access genetic therapy? Which is the impact of scientific discoveries upon society? What are the risks and dangers generated by certain scientific discoveries?

*Environment ethics* analyzes the moral significance of the relationships between man and the natural environment, their influence upon fields of activity such as law, economy, sociology or geography, as well as the interdependencies which are instituted between these fields and the natural environment. The first themes which make the object of these preoccupations are the following: the increasing tendency of the disequilibrium between man and nature; the irrational exploitation of the planet's resources; the broadening of the pollution phenomenon; the destruction of the habitats of different species; the deterioration of the environment and global warming; the risk of different forms of genetic manipulation; the physical conditions of the environment and its relations with other beings.

*Professional ethics* regards the practices and codes of ethical conduct which regulate the activity of those who exercise a profession. The professional associations or bodies of lawyers, magistrates, public workers, auditors, evaluators, accountants, mediators, teachers etc. have elaborated codes of ethical conduct by which one can intervene with discipline in cases where the members have breached norms of professional ethics.

Although the codes of ethics differ from one professional association to another, they contain a few common themes, some of

which are: professional integrity and objectivity; professional competence; confidentiality; professionalism and independence; one's own interest and the traffic of influence; the conflict of interests; the elimination of incompetence; fighting abuse or the acceptance of unlawful goods; disavowing corruption and bribe; the preoccupation for the development of professional responsibilities.

*The ethics of information technology* constitutes a more recent branch of applied ethics with significant development in the past few years due to changes brought along by the informational technologies and globalization. Seen in a larger sense, this field of ethics includes the standards of professional practice, judicial aspects, corporative ethics and responsibility, elements of public policies, the protection of personal data, the functioning of the systems of demographic evidence and administration, the protection of banking, commercial and financial information, the system of accessing personal data etc.

The ethics in this field approached a wide set of aspects, which vary from the observance of intellectual property, the definition of the professional responsibility of those involved in the creation of informatics programs and respecting one's right to a private life, to the protection of different types of information against thieves, defrauding access codes or information stored in the memory of a computer, forging data, images or texts conceived for the disinformation of users etc.

As a particular form of applied ethics, *business ethics* in an array of moral norms and rules referring to the conduct of economical agents. It synthesizes the system of values, principles and norms which established themselves along time in the actions of economical agents, sometimes mattering more than the judicial principles and norms.

In the interpretation given by Ionescu, Bibu and Munteanu, business ethics “examines the rules and principles of an ethical kind in a context based on relations of a commercial nature”. It studies “the different moral problems which can arise from business relationships, namely the set of contractual or extra-contractual duties and obligations which are imposed to all the people who engage in commercial activities” (2006, p.41).

The authors mentioned above insist upon the normative feature of business ethics, where certain ethical standards are defined, as well as upon reasons “regarding what is wrong and what is right in the way of ‘doing business’, regarding what must be said in a business context, regarding what must be done and what must not be done in a certain situation or regarding a certain business relation” (op.cit. p.42).

This leads to the idea that business ethics regards the definition of moral principles and codes of conduct which regulate the inter-human relationships from within the economical and commercial organizations, including the moral consequences of the decisions taken in business relations, both upon the staff within the organization and the people outside it.

Returning to the theoretical aspects of ethics, a particular place is occupied by the discussion about the moral norms and values which regulate the behavior of individuals, organizations and collectivities, a theme which will be analyzed in the following section.

### **Moral norms and values**

As I have already shown, the moral norms are statements with an imperative character which indicate the way, the purpose and the direction of human thinking and action. The norm itself does not have a

coercive power, but refers to an imperative whose value is exclusively rational and independent from its practical realization. The person who respects the norm assumes it as a value, as a law or as a criterion of appreciation.

The characteristic of norms lies in the fact that it is addressed to certain subjects and it has its source in the will of an authority. Both social and moral norms are constituted in normative systems which are composed of values and rules. While the values are purposes towards what one wants from a moral point of view, the rules are indications concerning the ways which are considered legitimate and acceptable in order to attain the values (cf. Mureşan, 2013).

Within a normative system, norms may regulate certain interdictions, recommendations referring to desirable behaviors, indications of the minimally accepted performance, and means of doing a certain thing or models of behavior in different situations.

The activity of elaborating norms and imposing them is associated to rewards (appreciations, prestige, esteem, consideration, promotion etc.) and with punishments applied by institutions (fines, administrative sanctions, relegations, judicial sanctions) or by professional organisms (remonstrance, withdrawal of human support, discontinuing cooperation, marginalization etc.).

Another problem refers to the fact that norms vary by their degree of precision and fullness. That is why norms are stated in a way which can guarantee their applicability (there should be no cases where a conformity judgment should become difficult), while other norms are more general, although they are presented as being important.

This leads to a classification of moral norms with direct implications both for theoretical ethics and applied ethics (cf. Tigu, 2003, p.18):

- General norms – present in all kinds of human communities, they have time durability and they influence a vast specter of human relations and activities (fairness, dignity, courage, sincerity, loyalty, generosity);
- Particular norms – they are addressed to determined human communities, with a certain variation in time and space and they influence particular human activities and relationships (moral norms typical to a profession, the norms of family life etc.);
- Special norms – which manifest themselves within limited groups or on special occasions (protocol norms, negotiation rules, courtesy or good manners norms etc.).

In tight connection with the aspects mentioned above, we should mention the fact that the moral norms carry out the following functions: they promote the fundamental demands of an organizational system; they express the array of knowledge accumulated regarding interpersonal relationships; they recommend certain forms of human behavior and social attitudes; they represent a way of exercising the social and evaluation character of individual behaviors; they ensure consensus increase and the reduction of uncertainty and social activities.

Starting from these principle considerations, one can say that moral values and norms also find themselves in aspects connected to ethical codes, some characteristics being edifying in this respect: they express the commitment of the members of the organization to respect the ethical norms and values; they state the moral and conduct standards that the members of the organization intend to follow, as well as the

sanctions which can be applied in situations where these norms are breached; they correlate contractual relationships with trust, attachment and responsibility; they support the formation of an organizational culture based on respect and the increase of individual responsibility; they protect the members of the organization from abusive, unlawful or opportunistic behaviors; they contribute to the creation of a working environment based on competition and cooperation developed according to correct rules; they contribute to the promotion of a positive image of the organization and they increase the trust of the public and the social partners in its activity.

Fathoming the aspects signaled by authors such as Crăciun (2005), Morar (2012), Bădescu (2013) and others, I will now draw your attention upon the following problems: at every level of manifestation, morality or its lack may not be imposed to the individual by an instance exterior to him, nor can it be sanctioned from a legal point of view. Hence the distinction between moral norms and judicial prescriptions:

- Moral norms refer to individual behaviors which are free, aware and rational, with consequences upon others or upon one's own person;
- Moral norms are definite normative statements which formulate certain obligations or duties to perform deeds which are in conformity with the values promoted by the society;
- Moral norms are based on the authority of will, as they are imposed by individual conscience;
- Moral norms are accompanied by sanctions connected to the individual or public conscience.

In the context of this debate, the relation between moral and judicial norms demands special interest as will be seen in the following section.

### **The mediation of the ethical norms – judicial norms relationship**

The problem of the ethical norms – judicial norms relationship is one of the widely debated themes in the related literature, a fact which shapes itself in numerous approaches.

The first approach regards the functional independence of the judicial from the ethical, although at the level of daily practices the ethical values become constitutive principles of law. By analyzing this particularity, A. Sandu shows that “the judicial employs the existing values at the level of the community, offering them a limited integration, while the ethical should represent an affirmative guide of what is desirable. In practice, the judicial also administers the obligations, and ethics regulates the moral behavior which it transforms in social practice, from where it is taken over by the judicial in the shape of a custom.” According to this interpretation, moral becomes “a spring of law through the social practices, and ethical theory institutes the predominant paradigm in the judicial practice” (2012, p.51).

The author’s conclusion is that “ethical theories have the role of validating judicial norms from the perspective of the conformity between the judicial norm and the system of values accepted by the society. The moral norm does not directly become a judicial norm either, this transformation being mediated by the ethical theories, and then, from these, by means of doctrine, the moral norms reach the judicial practice” (Sandu, 2012, p.51).



Another approach of the ethical-judicial relationship is that where the judicial exercise is seen as a practice of ethics, respectively the whole ethics is considered to be modeled by the judicial norm. In this interpretation, the ethical and the judicial are in a relationship of mutual dependence, which does not permit one or the other to function independently. Developing this idea regarding judicial ethics, M. Miroiu and G. Beblea (2001) consider that it is improper to talk about an ethics of the professionals from the field of the judicial activity, either because this profession is an ethical exercise by excellence, or because any additional ethical norm would do nothing but add sanctions which rather regard the administrative aspect of the profession.

In order to fathom the problems mentioned above, the authors propose the following distinctions of principle (cf. Miroiu and Beblea, 2001, p.70 and the fol.):

- The relation between the judicial and the moral norm – which suggests that in most cases the jurist's activity is so rigorously regulated that there seems to be nothing left but judicial specifications. Theoretically, if one can formulate an ethical demand which is not mentioned by the law, it would be useless or it would be included within the array of judicial regulations. In reality, there is also an intermediary way of ethical norms, which are not specified in judicial codes but which are necessary to the proper functioning of the profession of the jurist.
- The moral tasks of the jurists especially differ by the highlighting of certain principles which are prevalent according to the roles they perform in the judicial sphere. In other words, although a common set of ethical obligations is kept, by its professional nature, the lawyers' ethics, for instance, also gets oriented according to certain

principles, others than the ones which regard the magistrates' profession. Depending of this distinction, the relation with the subjects of the judicial act itself differs: if in the case of a lawyer we are talking about a relationship with a client, the magistrate is faced with two probes which can give the credit of law to a claimant or a culprit (in civil law), respectively to accuse or discharge a one held chargeable (in penal law).

- The need of ethics for the professions in the justice system is not founded on the relationship between the ethical and the judicial at the level of the norms. This aspect enters within the preoccupation of the legislator factors that should use the ethical as a main criterion of judicial norms. One can even state that, within a democratic society the entire legislation should satisfy the ethical demands of the given society, demands which prevail in relation to those which regard physical or judicial persons.

A third approach regards both the distinctions between ethics and legality and the prejudices about the world of business or the minimal rules that a firm must comply with regarding its employees and clients. In this context, Daniel Dăianu considers that certain operations in the field of business may be legal but less ethical. "When the conflicts of interests are not properly regulated or when the judicial framework present grave omissions, he writes, some individuals renounce the considerations of an ethical kind in the favor of a significant profit" (2006, p.91). The examples which he employs start from the idea that morality has no place in business, all the way to aspects connected to over-regulated or sub-regulated and from the reputation as a source of trust, honesty, truth and loyalty, to the systems of values connected to moral conflicts and dilemmas.

On the same line of argumentation we can also find R. Solomon's comments, who states that, although the purpose of a business is profit, "this purpose must only be achieved by supplying good quality goods and services by the creation of jobs and by the integration within the community (...). The profits themselves are not the purpose of businesses: profits are distributed and redistributed. The profit is a means of constituting a business and remunerating employees, directors and investors. For some, concludes the author, profits are an indicator of competition, but even in these cases what matters is the satisfaction brought by victory and not by the profits themselves" (2006, p.378-388).

The fourth approach of the moral norm – judicial norm relations regards the deontological perspective or professional ethics. In the explanation given by V. Morar (2012, p.254 and the fol.), for instance, deontology is a theory of duties (and not of the duty in general), a theory which results from actual life experiences or from the situations created by the performance of an activity. For this reason, deontology has a particular connotation given the fact that its rules regard the determined group which emits and applies them to itself with the purpose of ensuring the discipline of its members.

It is important to stress the fact that, due to its disciplinarian specific, deontology does not necessarily refer to what is bad, but rather to what is dangerous within the activity of a professional community. Situating itself "before the bad and the illegal", deontology prescribes only to avoid what we would normally not do and not to place ourselves in situations which expose us to such risks.

In other words, crimes such as corruption, traffic of influence, the conflict of interests, not abiding to procedure rules or professional principles are sanctioned by the penal code, not by deontology.

Consequently, deontology refers to the profession's own rules, whose exercise it governs, as well as to the expectations that it has after the application of the code of professional conduct.

The fifth approach is theorized by I.E. Iamandi and R. Filip, who state that between the moral and the judicial norms there are differences regarding their field of applicability, in the way that “the judicial prescriptions are always applied in certain circumstances, and what is not banned by the law is allowed”, while moral norms are available in any circumstances. Regarding the action rule, continue the authors, on most occasions “a legal interdiction is doubled by a moral one and not the other way around. When the law emits only an interdiction (...), moral adds a duty or an obligation which cannot be imposed by an authority which is exterior to the law, but only by inner conscience of each individual” (2014, p.13).

According to this interpretation, judicial norms not only distinguish themselves from moral norms by the way in which they the acts of conforming to a system of norms are presented, but by the clearer stating of the sanctions and of those allowed to apply them. This involves a continuous explanation of the regulations from the point of view of those who support them, as well as a systematic preoccupation for the precision and the fullness of the normative system.

At the end of this discussion, I should also mention two facts meant to better explain the particularities of judicial norms in relation to moral norms. I am making the specification that these particularities are systematized based on the consultation of the general theory of law elaborated by N. Popa (2012) and M. Niemesch (2014). In this regard, I will firstly highlight the features which define the judicial norm:

- It has a general and impersonal character – the judicial norm is an example of conduct which may be applied equally and continually to each individual, without thus understanding the fact that all norms of law are addressed to all the subjects of the law.
- It has a compulsory character – by intervening in the essential fields of society, the judicial norm may not be left at the level of the free will of the subjects of the law, being imposed, where needed, by constraint.
- It has a typical character – it formulates the model or the type of conduct which must be followed by those it addresses.
- It has a public character – that is, in order for a behavior prescribed by the judicial norm to be followed, it must be made known to the individuals.

Secondly, the norm of law has its own structure, which integrates elements such as the following:

- The hypothesis – it is the part of the judicial norm which states the conditions and the contexts where it is applied, as well as the categories of subjects to whom these norms are addressed.
- The disposition – it is the structural element of the judicial norm which establishes the conduct which must be respected in the conditions and contexts stated by the hypothesis.
- The sanction – it is the part of the judicial norm which establishes the consequences which derive from not respecting the disposition of the given norm in the contexts stated by its hypothesis, as well as the probable measures which the competent authorities may take against the subject who violated the norm.

## **Conclusions**

From the multitude of theoretical and practical aspects which may be associated to the analyses performed in this article, I will focus on the following ideas which may constitute the subject of further research and debates among specialists:

- Moral is made up of values, norms and models by which one intends to regulate inter-humans relations, while ethics intends to research these rules and to prescribe rules both for the individual conduct and for the social organization of moral life. The main tendency manifested in the field of ethics refers to the apparition of certain forms of applied ethics and the increasing preoccupation for the regulation of inter-human relations by elaborating codes of ethical conduct typical to certain professions or fields of activity.

- Apart from the concepts of ethics and moral, in the related vocabulary we also encounter the concept of deontology, defined as a set of rules used for guidance by an organization, a professional institution or a profession. We should stress the fact that the array of norms which shape a certain type of professional behavior includes both norms which are judicially consecrated (imposed by the coercion force of the state), and moral norms (whose abidance or violation are sanctioned by public opinion). From this perspective, the term of deontology may be attached to the significance of professional ethics, as a set of duties, principles and norms inherent to the performance of a professional activity.

- As the base of the performance of a profession there should not only be normative acts which organize the given perspective and consecrate the judicial status of those who exercise it, but also certain moral codes which include the duties and principles of a moral nature which give an identity to this profession and whose meanings and legitimacy must be defended. These codes of moral conduct are meant to

prevent the violation of the accepted norms, as well as the affirmation of the social value of individual and collective responsibility. Finally, if the moral sanction is only situated at the level of individual conscience or is materialized through the public good, the judicial sanctions are exterior to the individual and involve the intervention of public authorities.

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