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ETHICS OF EU LAW: OPPORTUNITIES FOR UKRAINE

Ethics of European law is somehow ambiguous term. In its legislation, European Union (EU) suggests to appeal both to moral values and ethics. But there are some differences in these two notions. My personal experience of communication with EU teachers (e.g., Spyridon Koutrofinis, Berlin) was quite surprising when at the Summer School in Duesseldorf (2014) I suggested definitions of these two notions, borrowed from Ukrainian textbook and he found them appropriate. It seems to be quite simple division: ethics is a theory of what is moral. That is to say, ethics is a theory about values in light of which we make such and such conclusion about particular moral behavior.

However, it is not that simple as it seems to be. The term ‘moral’ is often associated with local values of particular countries when it comes to interpretation of the EU law while ‘ethics’ is rather something more abstract and universal on the EU area. The difficulty the EU legislation is currently facing is an appeal to moral values and ethics in the definitions of the laws and codes of practices where the ethics and moral values are not explained further. Perhaps, the root of this problem lies in the fact that it is not that simple to provide definitions of *local* moral values in terms *universal* categories.

The European approach to ethics can best be described by the principle ‘united in diversity’. This very word combination is a terminology with a wide meaning yet sounds contradictory (diversity is opposite to uniformity, or, partly, to union). However, this vagueness or ambiguity hardly can be avoided with such a complex (umbrella) character which EU has with all its different member states (MS). Now, it is the point when philosophy (as a discipline that makes judgments on general objects) comes to power. Some researchers (Frischhut, 2019, p. 16) claim that systematic approaches lead to philosophy: “Alles System führt auf Philosophie hin”). In other words, EU’s legislation needs to borrow so-called ‘non-legal concepts’ (Savigny, 1952, p. 48), which is ethics and morality (thus, philosophy). This kind of “ethicalization” of law is quite rich field to work on for philosophers that will benefit for Ukrainians and for the philosophers from Ukraine since it introduces general values (and actually, values are not ethical values if they are not *general*). Partly it leads to more ambiguous interpretations of law but, on the other hand, there is no other way in globalized world than to define terms, concepts, and notions common to other countries.

The ethics of EU’s law can be considered from the “horizontal” point of view: how EU legislation correlates or derived from the principles of ethics, how decision making depends on ethical terminology etc. And from the “vertical” point of view: layers and areas of EU covered (primary EU law, constitution; agreements, external

perspective; secondary EU law, tertiary, and national law). And also, the philosophical layers of this consideration would be an analysis in light of deontology, consequentialism, virtue ethics, which all belong to the normative theories (branch of ethics in comparison to so-called metaethics), to the ethics as practical philosophy in comparison to political, and legal philosophy.

It would be worth mentioning that EU's legislation must be found under certain philosophical theory. The objective of our research is to answer whether it contradicts to the principle of "diversity" (in case we accept only one philosophical approach)?

The case of Ukrainian integration is quite interesting and in our research we may trace those definitions that undergo fragmentation when general values interpreted in particular context. The process of the integration of Ukraine into EU area is considered as an evidence of how the categories common to the mind of each human being find their application in economical and political context. It is the case when *practical* philosophy (normally called "ethics") is used in the direct sense of this word and brings *practical* results.

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ОСНОВНІ ПРІОРИТЕТНІ НАПРЯМИ ГУМАНІТАРНОГО РОЗВИТКУ УКРАЇНИ В УМОВАХ СЬОГОДЕННЯ

У сучасних умовах забезпечення національної безпеки Української держави, виклики і загрози в гуманітарній сфері є не менш актуальним, ніж військово-політичні чи економічні.

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