

ETHICS IN THE EUROPEAN UNION

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Although ethics as a concept have been pondered in considerable detail by many intellectuals and in various points in time of human history, the concept itself still seems to evade accurate definition. The contributions of John Locke and Immanuel Kant, although they were not contemporaries, are very helpful when we wish to illustrate the varying approaches to ethics and how it is still difficult to define ethics even through a simplified approach. The cultural aspect of ethics further complicates the definition of this concept. While identifying differences between two countries which geographically do not belong to the same cultural heritage is relatively not so complex, such a distinction only relies on particularities and cannot be generalized. Moreover, it is difficult to define the boundaries of culture in general and a merely geographical criterion is not sufficient and even if a definition of such a criterion were possible, it is not desirable to take cultural aspects into account when trying to establish a definition of ethics in its most general form.

Although the origins of economics were beyond any doubt closely connected to ethics, it would be difficult to identify this connection in most areas of interest of economic theory. In spite of the fact that it might seem that this connection has been severed entirely, it would be erroneous to consider economics entirely independent of ethics, for ethical considerations are imperative even if they are merely considered as an accompaniment of economic theory and in addition to that, the link between ethics and economics remains relevant at least on a theoretical level and the interconnectedness of ethics and economics

cannot be denied even in recent history. This is an extremely important conclusion which becomes very useful when the relationship between ethics and law is analyzed because the relationship between ethics and economics is an integral part of the aforementioned relationship between ethics and law. However, in spite of the close connection between ethics and law, it would seem that the role of ethics is more of a marginal nature, if we presume that the role of ethics ever was significant at all. The complexity of the relationship between ethics and law can be readily identified when we look at specific examples of the connection between legality and ethicality. While it can generally be said that once something is considered illegal, it is most often also considered unethical, the opposite implication does not apply. Furthermore, it is quite troubling when we realize that the ability to manipulate this imbalance between the unethical and the illegal is valued very highly in financial terms...

One of the problems emerging from the unsatisfactory role of ethics in the process of legislation in the European Union is the alarming level of redundancy in terms of the laws governing certain areas of human interaction. The problem consists not only in the legislative process itself, but it also stems from the unnecessary detail and depth of regulation which rids the member states of the European Union of their economic freedom in terms of disallowing broader competition through excessive restraints on the functioning of the market. Devising laws which aspire to comprehensively regulate all aspects of human interaction to the utmost detail is quite obviously a conceited ambition which hopefully is not the norm in the case of any member state, yet it is logical that given the imperfection of laws which are in force in individual member states of the European Union, one would hardly expect the same process to work on the much greater scale of the European Union, not to mention if this were to be achieved by a mere summation of existing laws of individual member states.

From a purely pragmatic point of view, the role of ethics should be more significant in the legislative process because they would inherently offer a unifying perspective which is difficult (if not impossible) to achieve without them. Furthermore, due to the complexity and magnitude of the process of integration, it is necessary to constantly bear

in mind that the main aim of the whole project which has today become known as the European Union was to increase market accessibility and facilitate economic cooperation. However, this initial aim has apparently been forgotten because the market is becoming intensely and inefficiently standardized, which is possibly partially also the indirect consequence of the influence of the importance of sovereignty of individual member states.

Given the complexity and scale of integration and bearing in mind that laws and legislation of individual member states certainly cannot claim to have been drawn up without noticeable flaws, it is not advisable to underestimate the significance of ethics in the harmonization process. While excessive details in individual laws certainly result in unnecessary constraints of the free functioning of the market, it could hardly be argued that excessive ethical requirements would have the same consequences. The role of ethics is not only to counterbalance the impersonality of the market, but more importantly, it is the most convenient element of unification, partly because it is already present in the concept of lawmaking, but it must be incorporated into the legal process more rigorously and more directly. Whether it is done through directives or regulations is not so important because the process itself relies on the pillar system (which may be cancelled) and practical issues such as the relatively recent problems in corporate governance in Europe prove that the general role of ethics is indispensable and cannot be replaced by detailed regulation alone.

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