

## Postmodern Openings

ISSN: 2068-0236 | e-ISSN: 2069-9387

Covered in: Web of Sciences (WOS); EBSCO; ERIH+; Google Scholar; Index Copernicus; Ideas RePeC; Econpapers; Socionet; CEEOL; Ulrich ProQuest; Cabell, Journalseek; Scipio; Philpapers; SHERPA/RoMEO repositories; KVK; WorldCat; CrossRef; CrossCheck

2018, Volume 9, Issue 2, pages: 120-133 | doi: <https://doi.org/10.18662/po/23>

# Framing Human Values and Ethical Behavior in the European Union Participatory Governance (2009-2017)

Anca Parmena OLIMID<sup>1</sup>

<sup>1</sup> University of Craiova, Faculty of Social Sciences, Political Sciences Specialization, Center of Post-Communist Political Studies CESPO/ CEPOS, Romania, [parmena2002@yahoo.com](mailto:parmena2002@yahoo.com)

**Abstract:** The present paper aims at monitoring the meanings of the “human values” and the “ethical behavior” in the European Union (EU) official documentation. In a time of complex researches in the field of the participatory governance, the EU legal database of EUR-Lex provides various conceptions, meanings and uses of both terms. A reviewing of this documentation was completed framing the EU stated criteria of: (i) the domain of the document (EU Law and related documents, Official Journal, the national law, the legislative procedures); (ii) the subdomain of the act (all documents, all EU law, preparatory acts, legislation, consolidated acts, parliamentary questions, international agreements, treaties); (iii) the year of the document (from 2009 to 2017) and (iv) the institution (European Commission, Council of the European Union, European Parliament). The study scrutinizes both the social and legal arguments using the content analysis of the EU official resources published from 2009 to 2017 and identified via the EU official electronic database of EUR-Lex. The research also leads to exploring the post-modern trends of the European Union by defining and framing the target concepts and attributes of the “social values” and “ethical behavior” in the EU law and related documents such as: (a) “human dignity”; (b) “human rights”; (c) “freedom”; (d) “democracy”; (e) “equality”; (f) “rule of law”; (g) “security”; (h) “privacy”; (i) “ethical behavior” (“ethics”); (j) “social values”. The research thus postulates the framing of the “human values” and the “ethical behaviour” considering three requirements: (1) the social needs; (2) the legal demands and (3) the institutional governance.

**Keywords:** *Human values; ethical behavior; European Union; EUR-Lex; participatory governance.*

**How to cite:** Olimid, A.P. (2018). Framing Human Values and Ethical Behavior in the European Union Participatory Governance (2009-2017). *Postmodern Openings*, 9(2), 120-133. <https://doi.org/10.18662/po/23>

## 1. Introduction

Interest in framing the human values and the ethical behavior in the EU governance has been large among the researchers focusing on the European liberal democratic model (Boswell, 2000) and the EU general principles (Simmelmann, 2013). However, there is a cleavage between the ways of defining values and the monitoring indicators as some scholars frame the EU spectrum defined by: 1) the system changes (Minto, Hunt, Keating & McGowan, 2016); 2) the welfare state insights and the sources of the social law (Sciarra, 1995); 3) the media monitoring of the EU sectorial policy-making (Georgescu, 2017); 4) the Christian quests on the European identity (Menéndez, 2005); 5) the specific aggregate data (Barker, 1992; Olimid, 2017). Certainly, not all indicators are sufficient in the monitoring process of the EU participatory governance as the human values and their measurement guide the human beliefs and perceptions and map the human action. Thus, the present article enables a systematic content analysis of the EUR-Lex (official EU law portal) covering ten key European values and following both the quantitative and qualitative research of the legal documentation in the selected period (2009-2017). The research considers the frequency distribution of the values, the meta-analysis, the comparative contextual analysis of the EU settings, and the exploration of the interdisciplinary concepts by assuming the EUR-Lex standard criteria: the domain, the subdomain, the year of publication and the institution. The aim of the article is to raise awareness on how the human values and the ethical behavior impact the EU legal resources in order to enable an operational impetus for the EU further participatory governance.

The meta-analysis describes the set of the metadata entailed by the EUR-Lex to associate the EU participatory governance. The research includes the interpretation of the EUR-Lex metadata covering the ten described values set. The meta-analysis captures the EUR-Lex results by refining query using: 1) the standard criteria of the database and 2) profiling the characteristics and the frequency distribution of the values in the selected period. The results are typically stored and processed as parameters of the EU participatory governance.

Although the contextual analysis in the field argues that the human values are de facto requirements of the EU participatory governance, there are certain insights in the postmodernist framework that assume a cognizant and practical construction of the recurrent uses and meanings by enabling: 1) the modern and postmodern social approaches (Ungureanu, 2015); 2) the

linkage between the values and the postmodern trends (Winter, 1994; Alonso, Jiménez-López, García-Vargas & Roales-Nieto, 2013); 3) the moral meanings of the values and principles (Ignătescu, 2013); 4) the theoretical and applied ethics (Ciulei, 2013; Caras (Frunza) & Sandu, 2014); 5) the linkage between the personal development, the appreciative socialization group, the rules and the values (Ponea & Sandu: 2011); 6) the communicative interaction of the social reality, the social construction and the social institutions (Sandu & Unguru, 2017). Sandu and Unguru's approach to the communicative action and the social construction contributes substantially to the "normative institutional framework" (Sandu & Unguru, 2017). Thus the main objective of the research is to explore the EU legal constructs and meanings of the social reality and values from a multi-level network analysis: institutional actors, participatory governance and interactions.

In the current phase of the EU construction, the literature overview of the human values usage and monitoring enables a nexus of the EU post-modern discourse by discerning two dominant assumptions: i) the pluralism of the EU values (Gibbs, 2017); (ii) the EU liberal model and the human values determination (Boswell, 2000). The EU legislation monitoring varies in the period 2009-2017 opening up a logical trajectory of the participatory governance.

## **2. Aims and objectives**

The article researches the EUR-Lex database displays dating back to January 2009 till December 2017. The research processes the EUR-Lex database analytical metadata (keywords, year etc.) and the search tabs available for each document. The results for each keyword searched are refined using the database search filters: year of the document, domain and subdomain, institution involved in the EU participatory governance in the selected period as the EU legal requirements mapping the human values have become the nexus criteria used to appraise societies, regimes, movements, and processes (Mendes, 2017; Avbelj, 2011) or to map the trade-offs of the soft law and hard law in the European Union (Terpan, 2015).

Since the entry into force of the Lisbon Treaty in 2009, the EU participatory governance empowered the human values and the ethical behavior legal status by enabling the space of the "inalienable rights" such as: "human person, freedom, democracy, equality, rule of law" (Article 1, Treaty of Lisbon, 2009) and the subsequent legislation (directives, regulations etc.) pinpointing: the fundamental rights (2013, 2014); the data protection and processing of

personal data (General Data Protection Regulation) (2016); the gender equality (2010); the in vitro diagnostic medical devices (2017); the legal standards concerning the human tissues and cells (2016); the patients' rights (2011); the legal settings of quality of human organs for transplantation (2010); the content of the legal protection granted for refugees and the subsidiary protection (2011); the EU immigration policies (2014); the legal framework of the biotechnological inventions (2016); the respect of the private life (2011); the legal registry of combating violence against women (2014); the freedom of movement (2011); the worker mobility (2014); the multi-level management of the EU in the area of freedom, security and justice (2011); the establishment of the European Fund for Sustainable Development (EFSD) (2017); the consumer protection laws (2017); the citizens' initiatives (2014); the role of the European civil society (2014); the establishment of the European Voluntary Humanitarian Aid Corps (2014) etc.

### **3. Methods**

#### ***3.1. Research design***

The present paper endows a quantitative and qualitative content research of the specter of the EU values by monitoring the frequency distribution in the official documentation of the EUR-lex database (the legal portal of the European Union) for a period of nine years (January 2009 to December 2017). The research identifies ten distinct values: (a) "human dignity"; (b) "human rights"; (c) "freedom"; (d) "democracy"; (e) "equality"; (f) "rule of law"; (g) "security"; (h) "privacy"; (i) "ethical behavior" and "ethics" (cumulative results); (j) "social values" and monitors their yearly frequency distribution by applying the standard criteria of: the year of the adoption of the document, the domain and subdomain of the legislation and the institutional provider of acts.

#### ***3.2. Research settings***

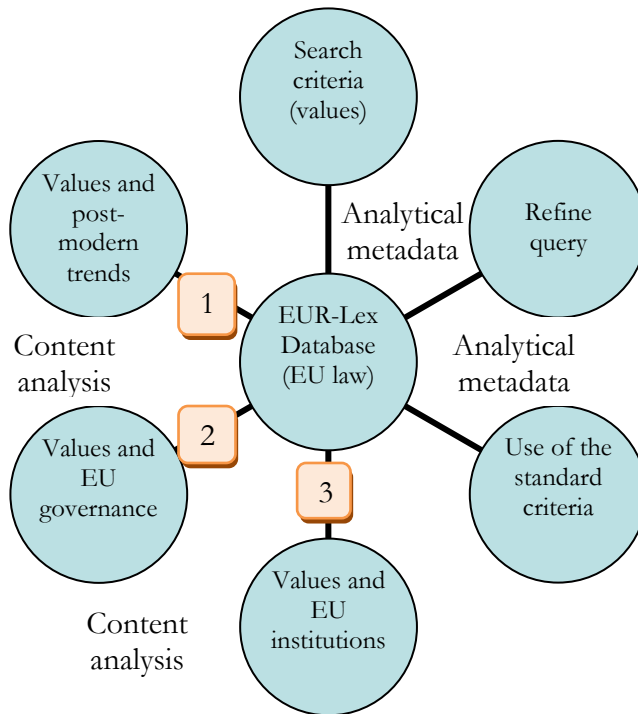
The research thus postulates the framing of the "human values" and the "ethical behaviour" that the EU law adopts and implements. The research emphasizes the dynamics of the values system in the legislation adopted in the period 2009-2017. Thus, the research aims to merge the framing of the human values and ethical behavior in the EU participatory governance gradually coding the official legislation from January 2009 to December 2017.

The research advances three thematic areas: 1) the first part builds up the linkage between the values and the EU post-modern trends

(monitoring of the yearly empirical research of the human values and ethical behavior in the selected period); 2) the second part diagnoses the relationship between the values and the EU governance (analysis of the frequency distribution of values per domain and subdomain); 3) the third part concerns the inter-institutional relationship and monitoring per institution involved in the EU participatory governance (Figure 1).

Thus, the research aims at scrutinizing the values system in the EUR-Lex official documentation during the period January 2009-December 2017. Further, using the comparative contextual analysis of the legal settings, we enable the intra-correlation of the search results for each selected value. Our purpose is to empirically highlight the sensitive nature of the human values and ethical behavior protection in the EU institutional establishment.

**Figure 1.** Research settings of values in the selected period



### ***3.3. Research concepts identification and selection***

During a six weeks period (February 15, 2018 - March 30, 2018), the research conducted an analytical examination of the EUR-Lex database monitoring ten key concepts in compliance with the database stated criteria. The key concepts focused on the prominent human values offering a

cutting-edge scrutiny of the EU participatory in the post-Lisbon Treaty period. The research overviews the classification of values according to Schwartz's Theory of Basic Human Values and values relations applied to the EU governance framework as follows (Schwartz, 2012): 1) the universal values (“human rights”, “democracy”, “ethical behaviour (ethics)”; “social values”); 2) the conformity values (“privacy”; “equality”; “human dignity”; “freedom”) 3) the legal order values (“rule of law”); 4) the power values (“security”).

#### **4. Research questions**

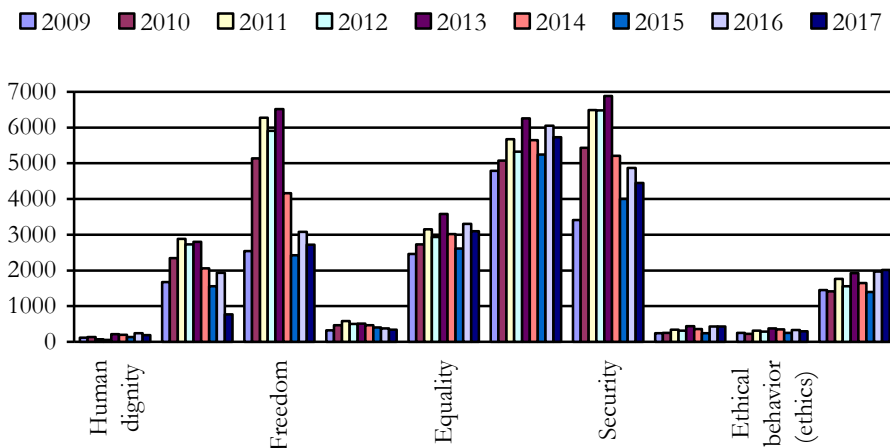
To network the concept of values with the concept of the EU participatory governance, we pose five research questions: Q<sub>i</sub>. How the EU official documentation highlights the human values and the ethical behavior? Q<sub>ii</sub>. Which are the top and bottom used meanings of the human values? Q<sub>iii</sub>. How the values associate the EU participatory governance? Q<sub>iv</sub>. Which are the EU law domains and subdomains highly framing human values and the ethical behavior? Q<sub>v</sub>. How values influence institutions?

#### **5. Findings**

##### ***5.1. Values and EU post-modern trends***

From this perspective, the linkage between the values frequency distribution per year and the EU legal displays assumes an objective monitoring. The yearly monitoring of the human values and the ethical behavior reconfigures the understanding of each individual value. This integrated structure of the correlation between the top and the bottom values enables a system that relates the values frequency distribution per year in the selected period (Figure 2). The number of search results of the top rated values: “rule of law” (n=49.783) and “security” (n=47.220) (55,44% from the total search results) arguments a deconstruction of the traditional use and meanings of the fundamental values: “human dignity” and “ethical behaviour (ethics)”. Paradoxically, the post-Lisbon EU documentation centers on the transformative legal matrix of the social freedoms, private life and security space (Figure 2): e.g. “privacy” (n=3.039), “equality” (n=26.900), “social values” (n=15.130). Thus, the correlation of the values motivates the inner trajectory of the legal usage in the field. In particular, Figure 2 diagnoses the emergence of the post-modern EU trends and impacts the newly added values by enabling a self-acceptable perception of the human privacy and its self-perceptions.

The conversion of the usage focuses from the traditional foundations of the EU values to the freedoms, security and rule of law requirements enabling a more profound explanation of the differences framing the status of the human values within the EU participatory governance in the last decade. One way to pinpoint this contemporary transformation and framing of the human values is to witness the causal report between the top and bottom values released by the usage of “freedom” (n=38.777), “human dignity” (n=1.341) and “ethical behaviour”/ “ethics” (cumulative results) (n=2.662). Second way is to set up the idea of the conditional articulation between the values account and the challenges of the EU participatory governance leading to the alternative participatory post-modern grounds in the post-Lisbon period (Figure 2). The high usage of the human values in the period 2011-2013 and 2016-2017 (Figure 2) points the broad legal underlying in five from ten years of the research monitoring. On this extent, “freedom” (18,81%), “equality” (13,05%) and “security”(22,91%) share fundamental elements of openness to traditional values and the “rule of law” (24,14% from the total search results) emphasizes law action and implementation in the selected period (Figure 2).



**Figure 2.** Values frequency distribution per year in the selected period 2009-2017

## 5.2. Values and EU governance relations

Figure 3 points the research trajectory linked with the EUR-Lex criteria of the domain of the document (e.g.: the EU law and related documents, the Official Journal, the national Law and the legislative procedures) and the subdomains of the EU law (all documents, all EU law, the preparatory acts, the legislation, the consolidated acts, the EU case law, the preliminary questions, the international agreements and treaties).

As presented in Figure 3, interest in the use of the EU law and related documents (n=199.624) (65,91%) and the Official Journal (n=101395) (33,47%) has been highly operated among the ten selected values. The research also monitors a considerably gap between the top rated five values (“human rights”, “freedom”, “equality”, “rule of law”, “security”) (88,02% from the total search results) and bottom five rated values (“democracy”, “privacy”, “ethical behavior (ethics)”, “social values”, “human dignity”) (11,98%). The bottom five rated values in the domain of the national law and legislative procedures: “human dignity”, “privacy”, “ethical behavior (ethics)”, “democracy”, “social values” assess the framing of the human values and ethical behavior from two angles:

i) the *input* angle centering on the personal added value of the first three items (e. g. the search results for “human dignity”, “privacy”, “ethical behavior (ethics)”). The input value become imperative for the individual’s experience and the legal approach of the values being characterized by subjectivity;

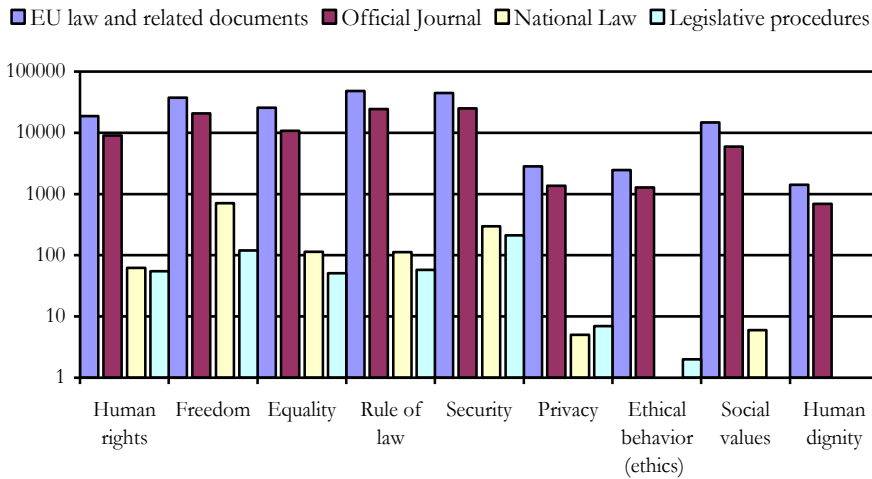
ii) the *output* angle enabling the EU societal patterns appreciating the community constructs characterized by objectivity (e.g. “democracy”, “social values”).

This distribution input/output of the values resonates with the contemporary arguments that approach the values theory and the structural patterns of the dynamic networks among them.

Given the domain monitoring of the human values and the ethical behavior in the EU official documentation in the period 2009-2017, Figure 3 also presents the widespread within the EU law and related documents and the Official Journal of the ten values relating the “human rights”, “equality”, “rule of law”, “security” and “social values”.

Upgrading the results of the domain monitoring, the framing of the human values and the ethical behaviour adapts the life assets and experiences to the legal monitoring. In other words, the research connects the results of the domain monitoring as dependent variables of two main criteria: the EU law and related documents and the Official Journal. The

national law (n=1.310) and the legislative procedures (n=524) frame the target values: “privacy”, “ethical behaviour (ethics)”, “social values”, and “human dignity” by emphasizing that the four values map a structural-direction merely depending on the influence of life and social circumstances reciprocally impacting the individual and the society.

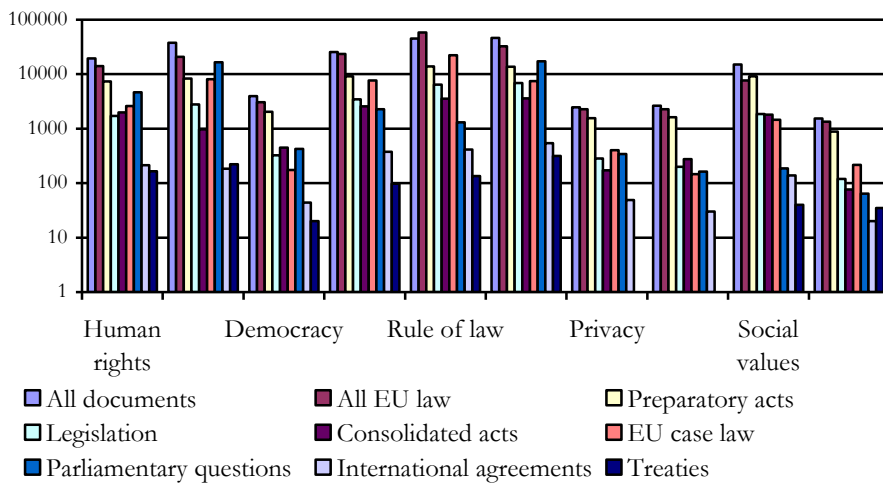


**Figure 3.** Values frequency distribution per domain in the selected period 2009-2017

In addition to exploring the ten human values and the ethical behavior in the EU participatory governance, Figure 4 emphasizes the frequency distribution per subdomain in the selected period. The results portray the patterns of the tradition values: e.g. “human rights” (n=52.280) and “democracy” (n=10.497). However, the pursuit of the tradition values is accompanied by the conformity values: “privacy” (n=7.579), “equality” (n=74503), “human dignity” (n=4.294), “freedom” (n=96070) and the social-linked values (“social values”) (n=37.352).

The structural pattern of the Figure 4 is aimed at enhancing the power values (e. g. “security”) (n=128.524, 22,56% from the total search results) and the cluster of values enabling the “rule of law” (n=151.140, 26,53%). Figure 4 represents the congruity of the search criteria of the subdomain of the documents in the selected period: 1) all documents (35,05%); 2) preparatory acts (29,11%); 3) legislation (4,22%); 4) consolidated acts (2,71%); 5) EU case law (8,87%); 6) parliamentary questions (7,59%); 7) international agreements (0,03%); 8) treaties (0,01%).

Another evidence for the Figure 4 is underlined by the pentagonal matrix emphasizing the search results of the values involving: “human rights”, “democracy”, “rule of law”, “privacy”, “social values”. This integrated matrix appreciates the universal values (“human rights”, “democracy”, “social values”), the self-direction, the independent concern (“privacy”) and the legal order values (“rule of law”). The search results individualize the openness to change of the EU official documentation in the selected period arguing a complete monitoring of the relations among the ten selected values following the traditional basis and the conformity circumstances.



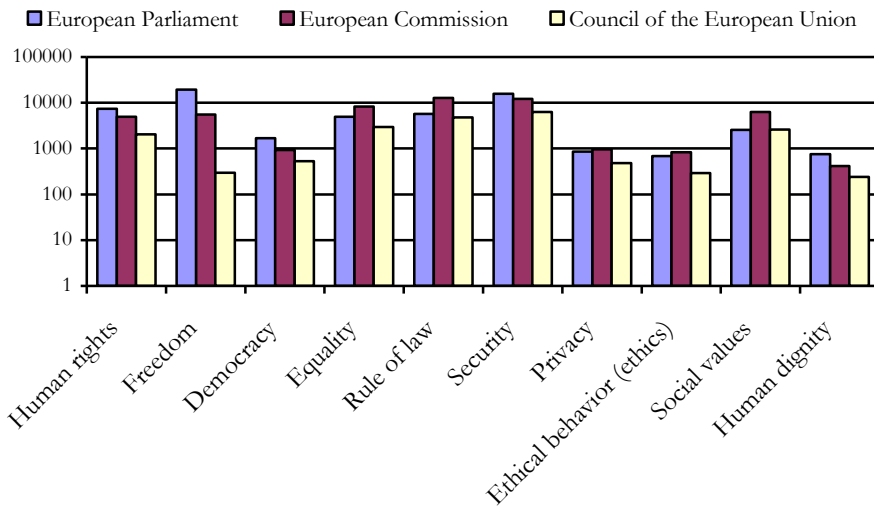
**Figure 4.** Values frequency distribution per subdomain in the selected period 2009-2017

### 5.3. Values and EU institutionalism relations

The fourth part discusses how the human values and the ethical behavior impact and influence the EU institutions and bodies. Figure 5 associates the ten values as interlinked variables relating the EU institutions (European Commission, European Parliament, Council of the European Union). The research treats values as dependent variables to the institutional framework. Figure 5 upgrades the importance of values for the EU institutionalism attributes and functioning. The scrutiny of the EU institutions draws on the compatible sets of values framing: 1) the framework of the EU target values: e.g. “human rights” (n=16.648), “democracy” (n=3.455), “human dignity” (n=1.651), “equality” (n=21.377); 2) the values associated with the self-oriented perception: e.g. “privacy

(n=2.559); 3) a cluster of values positively portraying socialization: e.g. “social values” (n=13.576). The research results enabled in Figure 5 draw the relations between the EU institutionalism priorities and particular values following observed results and a predictable scenario for the EU future participatory governance. The next step is to observe the search results with motivational impact for the EU participatory governance: “equality” (n=21.377, 12,24%) and “freedom” (n=31.714, 18,16%).

The device of the Figure 5 reveals also the positive EU institutional feedback correlating both the inter-institutional relationship and the intra-values monitoring. The monitoring illustrates the near-effects of the ten values on the EU governance turning to institutional activism depending on the frequency distribution of values in the post-Lisbon Treaty period. Moreover, whatever impacts and influences the values systems affects the EU institutional template undertaking the correlation between the conformity, the social order and the universalism of values. The institutional pattern of the Figure 5 reveals also a motivational dimension grounded on the positive expectation of the usage of the values system.



**Figure 5.** Values frequency distribution per institution in the selected period 2009-2017

## 6. Conclusions

The research discussed four main settings of the human values and the ethical behavior in the EU participatory governance. First, the research assumes the increasing highlighting of the EU official documentation illustrating the values frequency distribution in the EUR-Lex using standard criteria. Second, the values system also associates the active linkage between the human values and the EU participatory governance using a multi-dimensional setting up ground on the influence and/or equivalence of the values activation in the EU participatory governance. Third, the domain and subdomain of the EU law and the Official Journal are highly framing human values and ethical behavior emphasizing that the more is used a value, the more likely to be activated in the EU participatory governance. Fourth, the frequency distribution of the values also influences the EU institutions and bodies. The research demonstrates the multi-level establishment of the EU participatory governance as all selected values have enabled near-correspondence of results across the institutional scaling. High-frequency values are inner fundamentals to the frame of the EU participatory governance as values usage increases the linkage between participation and governance. Monitoring the EUR-Lex metadata clearly states the patterns of the EU participatory scenarios associating conformity and universalism of values.

---

## References

---

- Alonso, Y., Jiménez-López, F.R., García-Vargas, G., & Roales-Nieto, J.G. (2013). Value Change and Post-modernism: A Preliminary Study of a German Sample. *International Journal of Psychology & Psychological Therapy*, 13(2), 277-287. Retrieved from: <http://www.ijpsy.com/volumen13/num3/361/value-change-and-post-modernism-a-preliminary-EN.pdf>
- Avbelj, M. (2011). Supremacy or Primacy of EU Law-(Why) Does it Matter?. *European Law Journal*, 17(6), 744-763. <https://doi.org/10.1111/j.1468-0386.2011.00560.x>
- Caras (Frunza), A., Sandu, A. (2014). Epistemic and Pragmatic Backgrounds of Supervision of Ethics. *Procedia - Social and Behavioral Sciences*, 149, 142-151. Available online at: <http://www.sciencedirect.com/science/article/pii/S187704281404854X>
- Barker, D.G. (1992). Changing Social Values in Europe. *Business Ethics: A European Review*, 1, 91-103. <https://doi.org/10.1111/j.1467-8608.1992.tb00188.x>

- Boswell, C. (2000). European Values and the Asylum Crisis. *International Affairs*, 76(3), 537-557. <https://doi.org/10.1111/1468-2346.00150>
- Ciulei, T. (2013). Applied Ethics in Nowadays Society. *Postmodern Openings*, 4(4), 4-7. <http://dx.doi.org/10.18662/po/2013.0404.01>
- EUR-Lex (access to European Union law) <https://eur-lex.europa.eu/homepage.html> (Accessed April, 2018).
- Georgescu, C.M. (2017). Healthcare Policy-Making within EU Governance: A Content Analysis of Media Coverage. In Sandu, A., Ciulei, T., Frunzã, A. (eds.), *The European Proceedings of Social & Behavioural Sciences EpSBS*, MEPDEV 2nd edition 2016 - 2nd Central & Eastern European LUMEN International Conference - Multidimensional Education & Professional Development. Ethical Values, Volume XXVII, Future Academy, pp. 221-233. <http://dx.doi.org/10.15405/epsbs.2017.07.03.29>
- Gibbs, N. (2017). Post-Sovereignty and the European Legal Space. *The Modern Law Review*, 80(5), 812-835. <https://doi.org/10.1111/1468-2230.12289>
- Ignãtescu, C. (2013). Equity – the Essential Value of Law. *Postmodern Openings*, 4(4), 25-33. <http://dx.doi.org/10.18662/po/2013.0404.04>
- Mendes, J. (2017). Bounded Discretion in EU Law: A Limited Judicial Paradigm in a Changing EU. *The Modern Law Review*, 80(3), 443-472. <https://doi.org/10.1111/1468-2230.12265>
- Menéndez, A.J. (2005). A Christian or a *Laïc* Europe? Christian Values and European Identity. *Ratio Juris*, 18, 179-205. <https://doi.org/10.1111/j.1467-9337.2005.00294.x>
- Minto, R., Hunt, J., Keating, M., & McGowan, L. (2016). A Changing UK in a Changing Europe: The UK State between European Union and Devolution. *The Political Quarterly*, 87, 179-186. <https://doi.org/10.1111/1467-923X.12260>
- Olimid, A.P. (2017). Advancing a Health-Care Cross-Regional Model to Conform EU Policies and Migration Factors. In Sandu, A., Ciulei, T., Frunzã, A. (eds.), *The European Proceedings of Social & Behavioural Sciences EpSBS*, MEPDEV 2nd edition 2016 - 2nd Central & Eastern European LUMEN International Conference - Multidimensional Education & Professional Development. Ethical Values, Volume XXVII, Future Academy, pp. 496-510. <http://dx.doi.org/10.15405/epsbs.2017.07.03.59>
- Ponea, S., & Sandu, A. (2011). New Approaches in Personal Development Field – Appreciative Socialization Group. *Postmodern Openings*, 5(5), 147-157.
- Sandu, A., & Unguru, E. (2017). Several Conceptual Clarifications on the Distinction between Constructivism and Social Constructivism. *Postmodern Openings*, 8(2), 51-61. <http://dx.doi.org/10.18662/po/2017.0802.04>

- Schwartz, S.H. (2012). An Overview of the Schwartz Theory of Basic Values. *Online Readings in Psychology and Culture*, 2(1). <https://doi.org/10.9707/2307-0919.1116>
- Sciarra, S. (1995). Social Values and the Multiple Sources of European Social Law. *European Law Journal*, 1, 60-83. <https://doi.org/10.1111/j.1468-0386.1995.tb00004.x>
- Semmelmann, C. (2013). General Principles of EU Law. *European Law Journal*, 19, 457-487. <https://doi.org/10.1111/eulj.12044>
- Terpan, F. (2015). Soft Law in the European Union. *European Law Journal*, 21, 68-96. <https://doi.org/10.1111/eulj.12090>
- Treaty of Lisbon amending the Treaty on European Union and the Treaty Establishing the European Community (2009) (2007/C 306/01). Retrieved from: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12007L/TXT&from=EN>.
- Ungureanu, N. (2015). Modern and Postmodern Perspectives on Social Values. *Postmodern Openings*, 6(1), 87-94. <http://dx.doi.org/10.18662/po/2015.0601.05>
- Winter, S.L. (1994). Human Values in a Postmodern World. *Yale Journal of Law & the Humanities*, 6(2), Article 5, 233-248. Retrieved from: <http://digitalcommons.law.yale.edu/yjlh/vol6/iss2/5>