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## **IS MORAL AND POLITICAL RESPONSIBILITY POSSIBLE IN UKRAINE?**

The article highlights and examines the main problems of development of moral and political responsibility in Ukraine. The author draws attention to the connection between moral and political responsibility of political subjects and the process of systematization of sectoral political ethics. In the context of transitive nature of the modern political regime of Ukraine, the author identifies basic conditions for ensuring integration of civil morality with the principles of political answerability. Through analysis of legislative acts of Ukraine, the paper investigates conditions of moral and political responsibility functioning in the state mechanism system. Attention is focused on the contradictions of moral, political and legal responsibilities in the area of civil service. The author distinguishes moral and procedural sides of political responsibility of non-governmental organizations that enables to determine the main problems of development of informal corporate ethics in politics. Possible perspectives of development of moral and political responsibility in Ukraine are identified, as well as various aspects of the normative framework for this process.

**Key words:** moral and political responsibility, political ethics, civil morality, transitive society, Code of Ethics.

**Introduction.** Moral and political responsibility is a special type of responsibility of political subjects, covering not only the scope of their activities, but their behavior as well. This type of political responsibility is characterized by interdependence of the personal and collective levels. Political actors are aware of the limitations and consequences of their actions within the personal beliefs and norms of group-based ethics and principles of public morality. Therefore, the emergence of any grounds for personal moral and political responsibility is a precedent to both implementation of corporate standards or even their improvement. The system of such corporate standards includes party ethics, parliamentary ethics, system of government rules of conduct and rules of public organizations. If a political group is unable to prevent violations of formally defined corporate principles of conduct and activities by its member, it leads to the relationship of collective responsibility. Thus, personal liability of a member of the government (cabinet) affects the image of the government in general, and usually requires collective explanations either in the parliament, or before the public. Moral and political responsibility also reflects informal principles and norms prevailing in public organizations, political parties, public authorities etc. Such functional significance of moral and political responsibility entailed the need to determine an appropriate theoretical concept.

Development of moral and political responsibility reflects the willingness of all political subjects to improve cooperation between the state institutions, social groups and citizens. Ukrainian society is in a constant search for different methods of political competition and the exercise of authority. The responsibility of public figures is a painful and, above all, an unsolved problem within the political system of Ukraine. The 2010-s is the period of crisis of the state mechanism of Ukraine, caused, *inter alia*, by absence of effective institutions of political responsibility. Constant changes in the political system are not conducive to development of sustainable principles and norms of power. The moral component of this activity takes second billing too often, which adversely affects the formation of responsibility of officials and politically active citizens. Formally defined rules and mechanisms for implementing political responsibility do not actually operate in crisis situations. Violation of laws, rules of public morality, corporate and party ethics by Ukrainian politicians remain outside the scope of institutions political responsibility. One of the reasons is the distancing of political actors from the system of morality existing in the society. This is a problem of not only representatives of the state, but also civil society actors.

The democratic transformation of the political system of Ukraine in 2014-2016 is characterized by emergence of new means to implement responsibility of officials. This fact is confirmed by the adoption of new regulations in this area by the Ukrainian parliament (Verkhovna Rada of Ukraine) under public

pressure. For example, the Law of Ukraine “On Lustration of Power” was adopted on 16 September 2014<sup>1</sup>. However, the moral aspect of political responsibility remains outside the main institutional changes in the state. This trend is also observed within the development of civic responsibility, characterized by lack of a unified system of ethical and political norms. Transformations of the institutions of political responsibility declared by the State fail to solve the problem of accountability on the basis of parliamentary and government ethics. So this induces a question, whether moral and political responsibility is possible in Ukraine.

**Theoretical framework.** Moral and political responsibility is the result of historical integration of morality, law, ethics and politics. One of its main functions is to overcome the normative conflict that inevitably arises in political interaction: its subject simultaneously has to act in accordance with the norms of public morality, law, corporate ethics and personal beliefs. On the one hand, the rules of public morality may be the basis for legislation and have effective mechanisms for realization; on the other hand, they do not always correlate with purely political rules and principles. These political principles are more related to collective ethics, which is designed to monitor the activities of formal or informal groups of political actors. The rules of morality can be realized in politics only if the society strives to control political activities and there are sustainable traditions of moral and political responsibility. However, it is quite probable that the introduction of a moral factor to a political process can lead to a moral dilemma. In the event of correlation between specific political actions and moral principles, political actors can come to different conclusions, even if they belong to one group and share each other's views. The difference in the interpretation and evaluation of the same moral principles may cause conflict between members of a political group<sup>2</sup>. Thus, the involvement of morality to the sphere of political activity can be a serious obstacle to the agreed political interests.

Each type of social responsibility has its peculiar specific factors or stimuli that cause a person to act within a system of rules and principles. These may include the belonging to social groups, formal rules of a profession, own moral beliefs, corporate ethics, fear of sanctions etc. Identification of such characteristics of responsibility enables to pay attention to the moral component of various types of professional or special responsibility operating in specific areas of social interaction. One of the results of modern interpretation of responsibility is the reframing of responsibility of political subjects and going beyond “the limitation of ethico-political responsibilities”<sup>3</sup>. This is based on development of political ethics and normative effect on the construction of modern political relations. The emergence of new methods of political activities is accompanied by transformation of moral and ethical principles of their application. These processes reflect the activation of the normative, axiological and rather moral dimension of political responsibility. The normative correlation between moral and political responsibility is a response to the challenges of contemporary political processes that may pose a threat to sustainable development of the social system. The study uses the concept of moral and political responsibility, which is broader compared to “ethico-political responsibility.” This allows examining the entire normative complex of political responsibility.

The presence of a normative framework of moral and political responsibility fails to solve many problems in the context of its realization. One of such problems is determination of the onset of relationships of moral and political responsibility. The matter is that this type of responsibility is characterized by quite long period of effect. To this we must add the universality of moral and political responsibility in respect of preconditions, the period of implementation of actions or behavioral performance, as well as their prospects and consequences. Absence, at a particular time, of results of a political action does not imply that the moral and political responsibility does not work and has no basis for its realization. In this sense, moral and political responsibility reproduces temporal properties inherent of ethical responsibility. David Chandler stresses that “the unknowability of the outcomes of our action does not remove our ethical responsibility for our actions”<sup>4</sup>. Even if at present specific actions or behavior of a political actor is not a prerequisite for the emergence of moral and political relations of responsibility, this

<sup>1</sup> Закон про очищення влади 2014 (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon5.rada.gov.ua/laws/show/1682-18>> (11 June 2016).

<sup>2</sup> Thompson, Dennis F. (2005). *Restoring Responsibility: Ethics in Government, Business, and Healthcare*. Cambridge: Cambridge University Press.

<sup>3</sup> Keenan, T. (1997). *Fables of Responsibility: Aberrations and Predicaments in Ethics and Politics*. Stanford: Stanford University Press, 71.

<sup>4</sup> Chandler, D. (2013). Resilience Ethics: Responsibility and the Globally Embedded Subject. *Ethics & Global Politics, Vol. 6 (3)*, 180.

does not mean that later the same actions or acts of volition will not become a precedent for the realization of this type of responsibility. This is due to the ongoing development of the normative system within politics, its improvement and supplementation, and changes in its interpretation in the political consciousness of the society. «The time problem» of moral and political responsibility is complemented by the fact that is quite difficult to delineate the boundaries of its object through the integration of several kinds of norms. Simon Joss highlights the following fact: “this confluence of political, managerial and professional accountability norms and practices has taken place not in neatly delineated hierarchical structures, but in systems and contexts of decision-making that are themselves characterized by multi-layered and variously interconnected structures and processes”<sup>1</sup>.

Thus, there is a contradiction in choosing exactly what stage of political action or process of political decision-making is a direct precedent for the application of the principles of moral and political responsibility. Specification or extension of the object of this type of responsibility depends on conditions of implementation of moral and political responsibility, its subject, selection of a dominant normative system, etc.

An equally difficult problem of implementation of moral and political responsibility is segregation of specific sanctions in its field. Sanctions of this kind should be a logical follow-up of moral and legal norms, and to provide purely political implications for activities of the political subject. It should be mentioned that “these consequences can be highly formalised, such as fines, disciplinary measures, civil remedies or even penal sanctions, but they can also be based on unwritten rules”<sup>2</sup>. Consequences of application of moral and political responsibility is a system combination of moral condemnation from the public, disciplinary pressure from certain political groups, formal sanctions and informal influence on the future fate of a political actor. Such a system of sanctions and consequences is a necessary condition for formation of a mechanism of regulated accountability. This mechanism is designed to guarantee the validity of the principle of legitimacy and the principle of checks and balances in the relationships of public authorities<sup>3</sup>.

The problem of moral and political responsibility gradually attracts the attention of Ukrainian scientists in the field of political science. This is caused by an extremely urgent need for theoretical understanding of development of various forms of moral and political responsibility in Ukraine. For example, Ganna Malkina defines moral and political responsibility as follows: “it is a moral and psychological state of political subjects, namely, their understanding of the meaning and consequences of their political activities”<sup>4</sup>. This interpretation is characterized by an emphasis on behavioral conditioning of political activity through the use of norms of morality. Another Ukrainian researcher, Tetyana Vasylevska, demonstrates (as exemplified by parliamentary ethics) that the development of responsibility of political actors is directly associated with specific codes of conduct. She notes that within the activities of members of parliament, “codes of conduct may be the basis for the formation of social responsibility of the body of deputies and each of its representatives”<sup>5</sup>.

Thus, moral and political responsibility is both the attitude of political subjects to their actions and behavior, and the mechanism of their control, which operates on the basis of public morality and law, corporate standards and professional ethics, generally accepted rules of political activity. Subjects of moral and political responsibility are all members of political relations, from citizens to representatives of the government and parliament. The objective side of this responsibility is reproduced in the system of political activity and behavior, as well as their specific manifestations.

#### **THE ROLE OF CITIZENS AND CIVIL SOCIETY**

Rapid democratization of institutions of political interaction in Ukraine has led to estrangement of developing legislative norms from normative and axiological transformations in the minds of citizens. This has caused imbalance in the relationship between the state and civil society, and led to transformation of the

<sup>1</sup> Joss, S. (2010). *Accountable Governance, Accountable Sustainability? A Case Study of Accountability in the Governance for Sustainability*. *Journal of Environmental Policy & Governance*, 20 (2), 410.

<sup>2</sup> Bovens, M. (2010). *Two Concepts of Accountability: Accountability as a Virtue and as a Mechanism*. *West European Politics*, Vol. 33 (5), 952.

<sup>3</sup> Bovens, M. (2010). *Two Concepts of Accountability: Accountability as a Virtue and as a Mechanism*. *West European Politics*, Vol. 33 (5), 946-967.

<sup>4</sup> Малкіна, Г.М. (2010). *Політична відповідальність у демократичному суспільстві (Інституціональний аспект)*. Київ: Видавничо-поліграфічний центр “Київський університет”, 29.

<sup>5</sup> Василевська, Т.Е. (2013). *Кодекси поведінки депутатів як інструменти підтримки депутатської етики, Державне управління: теорія та практика*, 2, 8.

system of checks and balances between the branches of state power to «sustainable rule» of political conflict between the government, head of state, parliamentary majority and the opposition. The fact that the political consciousness of the public was not gradually and naturally adapted to democratic principles has affected the attitude of political parties to voters. As a result, voters adjust to a type of interaction between political parties profitable for the parties themselves. As citizens fail to realize their moral and political responsibility, this results in the lack of effective and, most importantly, initiated by the public, rational means of control over activities of state representatives, political parties and pressure groups. Political competition exists in Ukraine as a political game «without rules», where norms of ethics and morality are traditionally outside the scope of responsibility.

The constitutional normative system does not always reflect real principles of political interaction. This concerns not only the legal aspect of the constitutional order, but its ethical side as well. The operation of political ethics within a constitutional system requires a normative, conscious and rational support of moral and political responsibility of every citizen. However, the political regime may require individual rules of interaction, not typical for constitutional civil morality. James M. Buchanan states that “ethic of constitutional citizenship is not directly comparable to ethical behaviour in interaction with other persons within the constraints imposed by the rules of an existing regime”<sup>1</sup>. Political ethics and responsibility quickly adapt to informal institutions of political interaction, establishing by subjects initiating a certain regime. In this case, the constitutional basis for moral and political responsibility either undergoes modification, or remains unchanged and continues to exist as a guarantee of legitimacy of the current system. Formation of the constitutional order in Ukraine occurs without development of a corresponding connection between provisions of law and “ethics of constitutional citizenship”.

Citizens are not always aware of the existence and actual functioning of political constraints of a modern transition regime. One of such constraints is the lack of traditional and constitutional status of responsibility of all political subjects. Ethical public behavior in Ukrainian politics is characterized by the fact that each member of the society does not feel like a «political actor», a stakeholder of a single constitutional system. Moral normative framework to enhance the value of public behavior and activity cannot be developed at the time due to constant revaluation of political values, principles and rules. In this case, there are two likely perspectives for development of moral and political responsibility: 1. formation of its normative framework within the constitutional system and gradual integration into the public consciousness; 2. its operation only on an informal level of flexible rules of a political regime with its selective application as a tool of political competition. However, the future of moral and political responsibility in Ukraine depends not only on civil morality and political consciousness of citizens. This type of responsibility requires interaction at all levels of the political regime. Therefore, it is equally important to ensure the normative and procedural aspect of ethics of civil society subjects. There is a constant struggle of legal principles, informal rules of political activity, and moral experience of the whole social system. Intragroup ethics of various social groups is usually quite effective in practice, as it covers elements of actions and behavior of group members that are outside the scope of legal acts.

Today the most developed is informal corporate ethics of non-governmental organizations. Their political activity is strictly limited by internal principles of cooperation and characterized by the subordination of political interest to the core objective of the group. This influences the formation of a special connection between moral and political responsibility of non-governmental organizations and their representatives. At the same time, “contradiction between moral and procedural accountability applies primarily to non-governmental organizations, a subset of civil society”<sup>2</sup>. Ukrainian non-governmental organizations carry out their activities only on the basis of intragroup moral responsibility. Instead, their procedural or «external accountability» to the society is not standardized or not implemented. This is facilitated through close interaction of these groups of the civil society with public authorities, so it is almost impossible to bring non-governmental organizations to political accountability. In other words, moral and political responsibility of Ukrainian non-governmental organizations depends only on the will of the group itself and its representatives regarding compliance with corporate political ethics.

By creating conditions to avoid responsibility for their own political actions, non-governmental organizations actually cease to exercise the functions of elements of the civil society. Thus, “since non-governmental organizations can bypass formal state mechanisms of accountability and, at the same time,

<sup>1</sup> Buchanan, James M. (2003). The Ethics of Constitutional Order. In *The Collected Works of James M. Buchanan (Volume 1): The Logical Foundations of Constitutional Liberty*. Indianapolis: Liberty Fund, 371.

<sup>2</sup> Kaldor, M. (2003). Civil Society and Accountability. *Journal of Human Development*, 4 (1), 6.

substitute for state functions, this could potentially reduce rather than enhance the power of citizens”<sup>1</sup>. Moreover, in many situations they can control activities of citizens as an alternative to the state mechanism. The fact that these groups form their own principles of moral and political responsibility without regard to any «danger» for their activities work on the part of the society enables non-governmental organizations to directly influence the political course of the state within their niche interests. Progress in relations of moral and political responsibility in the field of non-governmental groups of Ukraine is possible only after a clear delineation of internal and purely public principles of their activity, and avoidance of controversies between them. If, at the time of pressure on a public body a certain interest group takes into account the social reaction and ethical aspect of its own activities, moral and political responsibility will have a real chance to be implemented. However, this type of responsibility can also turn into political accountability of a certain association of citizens in the normative system, without any real procedural responsibility to the Ukrainian society.

The fact that moral and political responsibility of non-governmental organizations and other non-governmental groups in Ukraine is transformed into «internal» ethical responsibility means that it loses the signs of purely political answerability. In other words, the group and its representatives are responsible only to the extent that they comply with the purposes and principles of the group. This situation is the result of legal non-determination of liability of subjects of civil society, as the state could ensure public interests during certain non-political actions of non-governmental organizations by way of legal acts. For example, the current Law of Ukraine “On Civil Associations” contains no provisions on ethical principles of compliance with public interest in activities of non-governmental organizations. Their responsibility is defined only in a narrow legal context of Article 31 of this act “Liability for violation of the law” (Section 4)<sup>2</sup>. Although aforementioned Act contains the regulations directly connected with Constitution of Ukraine articles, it does not form the basis for ethico-political standards for representatives of civil society. Of course, the moral and political responsibility of non-governmental organizations will rather be implemented using an informal system of norms, principles and rules. Therefore, this type of responsibility has an alternative condition of development in the sector of public groups in Ukraine. Such condition is creation of a unified system of moral, professional ethical and political standards for activities of all organizations of the civil society on a formal and informal basis. This refers to gradual formation of a tradition to combine the moral and procedural aspect of responsible attitude of public associations to their own political actions and behavior.

Activities of civil society subjects depend on constraints and opportunities established by the state bodies as a part of a particular political regime. The limits of explicit and implicit actions of non-governmental organizations are based on the norms inherent of a particular society. Thus, “regime development is promoted through the cultivation of certain types of individual and social virtues and modern or liberal democracy is sustained by its own set of distinctive civic virtues”<sup>3</sup>. The political regime is provided by a special selection of principles and norms of political activity that directly affects the creation of a «limited» type of moral and political responsibility in the system of culture of political engagement. The fact that Ukrainian society is in the transitive state does not mean that the responsibility of political subjects will be based exclusively on democratic ethical principles. Today there is a modification of the very essence of the normative framework of responsibility of representatives of the state, political parties, non-governmental organizations and citizens. Gradual exclusion from political reality and discourse of the main condition for the existence of moral and political responsibility is typical for Ukraine: the system of relations between the state and citizen loses the value of “an interaction in which citizens and their representatives offer moral justifications for their actions and respond to the moral criticisms of those actions”<sup>4</sup>. The solution to this problem is directly related to a combination of political responsibility of representatives of the state bodies and sectoral political ethics.

<sup>1</sup> Kaldor, M. (2003). Civil Society and Accountability. *Journal of Human Development*, 4 (1), 21.

<sup>2</sup> Закон про громадські об'єднання 2012 (редакція 2016) (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon2.rada.gov.ua/laws/show/4572-17/page>> (2016, June, 11).

<sup>3</sup> Uhr, J. (1998). Democracy and the Ethics of Representation. In Noel Preston, Charles Sampford and C-A Bois *Ethics and Political Practice: Perspectives on Legislative Ethics* (pp. 11-24). Sydney: Federation Press / Routledge, 14.

<sup>4</sup> Thompson, Dennis F. (2005). *Restoring Responsibility: Ethics in Government, Business, and Healthcare*. Cambridge: Cambridge University Press, 73.

## CHALLENGES AND PERSPECTIVES WITHIN PARLIAMENT AND EXECUTIVE AUTHORITIES

The actions and behavior of a public servant may cause relations of moral and political responsibility, but that does not mean that it must be implemented within the political system of Ukraine. This is explained by the inadequate definition of the subjective side of responsibility of a civil servant in special Act. In the expired Law of Ukraine “On State Service” (№ 3723-12, ed. 2015), the Parliament (Verkhovna Rada of Ukraine) and “the special authorized central executive body” (Section 2, Articles 6 and 7)<sup>1</sup> are distinguished as official bodies, engaged in politics in the field of civil service, without a list of *specific control* functions. This leaves outside the scope of the law those political subjects, which could initiate bringing of a public servant to moral and political responsibility and monitor the implementation of this type of responsibility. In fact, the moral and political components of responsibility of officials turn into dependent aspects of legal liability, thereby losing their function. This contradiction can only be overcome through the operation of sectoral systems of norms and values of exercising public authority and other political functions.

The current wording of the Law of Ukraine “On State Service” (№ 889-19 10 December 2015) contains the special principles of state service and defines the list of state servants that could be prosecuted according to the norms of this Law (Article 3). At the same time, this act provides crucial change in the system of state service management in favour of the Cabinet of Ministers of Ukraine. In fact, the current wording of the Law of Ukraine “On State Service” deprived parliament of practically vague control functions in the sphere of state service (Article 12)<sup>2</sup>. It should be mentioned that this norms of state service management practically exacerbate the tension between parliament and government of Ukraine. Although the Law determines the legal status of state servant, it does not establish special normative base for the concrete situations of ethico-political contradictions within the system of government support. It results in regular conflicts of interest and systematic “insufficiency” of political ethics norms as the foundations of professional behavior.

Otherwise, there is legal definition of subjective side of ethical norms within state authorities in the expired Law of Ukraine “On Rules of Ethical Conduct”. The Article 2 “Subjects Covered by this Law” extends the scope of this Act not just to civil servants, but specifically singles out heads of all branches of government, ministers, MPs, representatives of elected and appointed local executive bodies (Section 1)<sup>3</sup>. The approval of this list of state representatives in the Law of Ukraine “On Rules of Ethical Conduct” facilitates formalization of their moral and political responsibility, but its principles may not be effective without development of normative explanations for each separate state body. More significant and important provisions of the Law are the Article 3 “*Legal Regulation of Relations with Respect to Ethical Conduct*” and Article 18 “*Liability for Violation of Ethical Conduct*” (Section 1)<sup>4</sup>, which secure (on the legal basis) the normative principles for political responsibility grounded on moral and ethical rules. Ethical behavior as a sphere of moral and political responsibility thereby receives a legal status.

Specifics of activity of each of the public bodies provides for a special type of moral and political responsibility. One of the hallmarks of activities of a modern Ukrainian parliament is long and pending process of adopting a system of parliamentary ethics. Instead, the Ukrainian legislation contains the necessary norms that can be defined as a basis for development of the relevant area of political ethics. For example, the Law of Ukraine “On the Rules of Procedure of the Verkhovna Rada of Ukraine” contains a separate section on “Compliance with discipline and ethical norms at plenary sessions of the Verkhovna Rada of Ukraine” (Section 9, Art. 51-53)<sup>5</sup>. The provisions of this section contain principles of ethical compliance in statements, actions and behavior of MPs during plenary sessions of the Parliament. Attention

<sup>1</sup> Закон про державну службу 1993 (№ 3723-12, редакція 2015) (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon4.rada.gov.ua/laws/show/3723-12>> (2016, June, 11).

<sup>2</sup> Закон про державну службу 2015 (№ 889-19) (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon5.rada.gov.ua/laws/show/889-19/page>> (2016, June, 11).

<sup>3</sup> Закон про правила етичної поведінки 2012 (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon5.rada.gov.ua/laws/show/4722-17>> (2016, June, 11).

<sup>4</sup> Закон про правила етичної поведінки 2012 (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon5.rada.gov.ua/laws/show/4722-17>> (2016, June, 11).

<sup>5</sup> Закон про Регламент Верховної Ради України 2010 (редакція 2016) (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon5.rada.gov.ua/laws/show/1861-17/page2>> (2016, June, 11).

is drawn to the provisions of this Law, contained in paragraph 5 of Article 51 and determining the procedure for realization and sanctions with respect to moral and political responsibility of MPs:

*If a deputy, parliamentary faction (parliamentary group) subjected to offenses believe that the conflict is not resolved and no understanding among the deputies is reached, they should contact (in writing) the committee, whose competence includes the items of the agenda, which shall consider the issue at its meeting. In such cases, based on a conclusion of the committee, whose competence the items of the agenda, the Verkhovna Rada may decide (without debate) to deprive the deputy of the right to participate in plenary sessions (up to five plenary sessions)<sup>1</sup>.*

This provision of the Law not merely defines a conflict of moral and political situation during parliamentary sessions, but enables to bring deputies to disciplinary and especially political liability. When parliamentarians are unable to participate in sessions, they may lose the trust of voters and be deprived of the possibility to assist their own party. Thus, this rule of parliamentary ethics exists without a uniform normative system in this area. It should be emphasized that the problem for implementation of the provisions of “the Rules of Procedure of the Verkhovna Rada of Ukraine” is their breach by parliamentarians themselves. First, this is due to «dissolution» of parliamentary ethics in numerous regulations. Second, MPs neglect the principles of this act and have no will to respect them because they fail to place appropriate assessment and value on political ethics.

An important role in formation of moral and political responsibility within the Parliament belongs to party ethics. This field of political ethics reproduces the distribution of moral and political responsibility into two separate types: responsibility in the area of activity of a parliamentary faction of a political party; and responsibility in the field of actions and behavior of a party «outside» state bodies. In Ukraine, activities of parliamentary factions is regulated by “the Rules of Procedure of the Verkhovna Rada of Ukraine” and internal acts the factions themselves to ensure the interests of the entire political party. However, “availability of legal and corporate regulation of the status and activity of factions”<sup>2</sup> does not guarantee the effectiveness of the system of parliamentary ethics and implementation of responsibility for violation of its principles. Firstly, parliamentary ethics cannot exist without a high level of personal moral and political responsibility of parliamentarians. Quite useful in this regard is the addition of particular regulations and explanations (in the field of ethics) in the Law of Ukraine “On Status of People's Deputy of Ukraine”, which approves the norms of individual activity and behavior of the members of parliament<sup>3</sup>. This will facilitate the practical application of principles of all of the above-mentioned acts in the context of conflict of moral and political responsibility. The ethico-political problem of this Act is that it contains the formal principle of limited deputy ethics. The legal regulation of parliamentary ethics in this way is the actual outcome of institutional development within Ukrainian society.

Moral and political responsibility of political parties in the struggle for power differs significantly from that of factions. In this case, there are «internal» rules and norms of a party, which must be in line with the corresponding area of the law. Modern Ukrainian parties do not have their own systems of political ethics, and create specific rules for each new campaign. Of course, availability of a stable party ethics cannot be a legislative requirement. However, quite promising is the development (on the basis of the Law of Ukraine “On Political Parties in Ukraine”) of new principles of correlation of political responsibility of these groups with the norms of public morality. Such step could greatly improve the conditions for formation of party ethics in Ukraine, even if this is initiated by the state.

The practice of parliamentary activity of political parties is significantly different from the formal provisions regulating actions and behavior of deputies in the exercise of their powers. Thus, in the system of the Ukrainian Parliament there is the Committee on Rules of Parliamentary Procedure and Support to Work of the Verkhovna Rada of Ukraine, whose functions in the sphere of deputy ethics are defined in a relevant decree: Resolution of the Verkhovna Rada of Ukraine “On the List, Quantitive Composition and Jurisdiction of the Committees of Verkhovna Rada of Ukraine of Eighth Convocation” (Jurisdiction

<sup>1</sup> Закон про Регламент Верховної Ради України 2010 (редакція 2016) (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon5.rada.gov.ua/laws/show/1861-17/page2>> (2016, June, 11).

<sup>2</sup> Лінецький, С.В., Крижанівський, В.П. (2008). *Законотворчість: Коментар до Регламенту Верховної Ради України. Частина I*. Київ: “К.І.С.”, 125.

<sup>3</sup> Закон про статус народного депутата України 1992 (редакція 2016) (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon5.rada.gov.ua/laws/show/2790-12/page2>> (2016, June, 11).

Addition, par. 21)<sup>1</sup>. The Committee on Rules of Parliamentary Procedure was formed as the “new” variant of The Committee for Regulatory Issues and Deputies' Ethics. It should be mentioned that the competence of these Committee temporal variations is identical. It is becomes clear from the comparison between statements of aforesaid Act and the Resolution of the Verkhovna Rada of Ukraine “On the Committees of the Verkhovna Rada of Ukraine of the Seventh Convocation” (Jurisdiction Addition, par. 24)<sup>2</sup>. However, in many situations this specialized committee has no relevant powers to bring deputies or factions to moral and political responsibility for breaches of parliamentary ethics and public morality. The lack of precedent practise in sphere of parliamentary traditions leads to The Committee’s inability to implement the legal principle of personal responsibility of each Member of Parliament (not only the criminal liability).

The Committee for Regulatory Issues and Deputies' Ethics will function effectively only after determination of its supervisory functions and systematization of the norms and principles of parliamentarians' activities. In order to make moral and political responsibility one of the principles of the Verkhovna Rada, it is necessary to establish a special Code of Ethics for members of parliament. The Code of Ethics should reflect “development of a broad, but clear, set of guidelines for ethical behaviour, which is applicable to all parliamentarians”<sup>3</sup>. The current state of systematization of the rules of parliamentary ethics in Ukraine is characterized by the reluctance of MPs and factions to take specific steps to improve the organization of the Parliament by deepening the procedural aspects of its responsibility through public morality. As noted by Tetyana Vasylevska, “there were several attempts to codify the rules of parliamentary ethics, but these initiatives have not received adequate support in legislative bodies”<sup>4</sup>.

Moral and political responsibility of the government and its members is characterized by more formalized rules of political ethics. Ministerial responsibility reproduces both norms of the government itself, and principles of the public service. The Cabinet of Ministers of Ukraine operates within the framework of the Law of Ukraine “On the Cabinet of Ministers of Ukraine”<sup>5</sup> and the organizational aspect of activities of its representatives is provided by a special internal act: “the Rules of Procedure of the Cabinet of Ministers of Ukraine”<sup>6</sup>. Although the subject of moral and political responsibility of the government is compliance with the principles of these regulations, the realization of corporate ethics of the Cabinet of Ministers remains outside their scope. The high level of the government's dependence on mechanisms for implementation of political responsibility allows to characterize actions and behavior of ministers as political activity most dependent on public opinion. However, in the political system of Ukraine responsibility of the government in general and each minister individually remains purely technical and directly related only to the influence of political parties that have formed the government.

Lack of professional ministerial ethics and public trust to the Cabinet of Ministers of Ukraine determine a need to develop a Ministerial Code or Code of Ethics and Conduct as a system of norms, principles and rules binding on all members of the government. To do this, there is a fairly broad legislative framework represented not only in the Acts directly in the field of government activity, but also in the expired Law of Ukraine “On Rules of Ethical Conduct”, the Law of Ukraine “On Prevention of Corruption” and the Law of Ukraine “On State Service”, examined above. For instance, the Law of Ukraine “On Prevention of Corruption” (ed. 2015) contains the Section 5 “The Prevention and the Settlement of Conflict of Interests”<sup>7</sup> that could be used as legal basis for the forming of ethical regulation norms of interaction in

<sup>1</sup> *Постанова про перелік, кількісний склад і предмети відання комітетів Верховної Ради України восьмого скликання 2014* (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<http://zakon5.rada.gov.ua/laws/show/22-19>> (2016, June, 11).

<sup>2</sup> *Постанова про комітети Верховної Ради України сьомого скликання 2012* (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<http://zakon3.rada.gov.ua/laws/show/11-18/page3>> (2016, June, 11).

<sup>3</sup> Coghill, K., Donohue, R., Holland P. (2008). Parliamentary Accountability to the Public — Developing MPs’ Ethical Standards, *Australian Parliamentary Review* 23:1, 108.

<sup>4</sup> Василевська, Т.Е. (2013). Кодекси поведінки депутатів як інструменти підтримки депутатської етики. *Державне управління: теорія та практика*, 2, 8.

<sup>5</sup> *Закон про Кабінет Міністрів України 2014* (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<http://zakon4.rada.gov.ua/laws/show/794-18>> (2016, June, 11).

<sup>6</sup> *Постанова про затвердження Регламенту Кабінету Міністрів України 2007 (редакція 2016)* (Кабінет Міністрів України). *Офіційний сайт Верховної Ради України*. <<http://zakon3.rada.gov.ua/laws/show/950-2007-п>> (2016, June, 11).

<sup>7</sup> *Закон про запобігання корупції 2014* (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<http://zakon4.rada.gov.ua/laws/show/1700-18/page2>> (2016, June, 11).



the different sectors of state authorities. The fact that the parliament, its majority and the opposition act as subjects of moral and political responsibility implies a possibility to use the norms of ministerial ethics as a means of pressure on officials. Therefore, the Ministerial Code should contain provisions on the procedural aspect of the moral and political responsibility and alternative approaches for its realization.

The most likely prospects for development of moral and political responsibility of the Cabinet of Ministers of Ukraine and its representatives can be either its functioning in the context of codification of the corresponding area of political ethics, or transformation of this type of responsibility into informal corporate accountability. Similar is the situation with political answerability of local self-government bodies of Ukraine in the context of interaction of corporate ethics and civil morality. Today, activities of these civil society actors are not governed by a uniform system of moral and ethical standards on political actions and behavior. This applies to local executive bodies as well. Despite the close connection with the public, answerability of local governments is at a very low level of normative development. For example, Ukraine undergoes the process of forming principles of the electoral system for local governments, affecting the possibility to implement political responsibility of their representatives (including political parties) towards citizens<sup>1</sup>. Local elections 2015 are direct reflection of inconsistency of this process. Full-fledged relations of moral and political responsibility may arise in the field of local governments only through creation of normative complexes similar to the codes of ethics of higher authorities. These codes should combine legislative provisions and principles of corporate political ethics inherent of non-governmental organizations.

**Conclusion.** A common condition for the development of moral and political responsibility of all political subjects in Ukraine is creation of specific sectors of political ethics. This does not mean that the existing regulations in this area actually become useless. On the contrary, they can be a normative basis for standards and codes of fair conduct in the event of special official comments to the above laws for specific political subjects, from non-governmental organizations to parliamentary committees.

The main political actors and the Ukrainian society in general neglect the need to establish efficient (not just formal) systems of corporate ethics for non-governmental organizations, systems of party, parliamentary and government ethics. However, this process will become real only if Ukrainian public overcome such limitation of the transitive political regime as a deficit of ethics of constitutional citizenship. The progress of moral and political responsibility requires interaction at all levels of the political system in the context of integration of constitutional, legal and moral norms with principles and rules of political ethics. Importantly, the moral and political responsibility still isn't a full element of political consciousness and culture for the Ukrainian society. At the individual level this manifests itself through absence of rational means of moral consideration and critical attitude to political activities on the part of citizens and representatives of the state.

Thus, moral and political responsibility in Ukraine is possible in the context of the prospects for creation and public acceptance of a coherent system of individual codes of ethics for each state body, as well as legally defined and informally codified forms of political ethics of non-governmental organizations. The initiator of this process can be any subject of political interaction, unless this violates the balance in the area of ethics and constitutional order. Yet, the main guarantee for the development of moral and political responsibility is its understanding by each citizen at the time of any political activity.

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