

THE PURSUIT OF HAPPINESS – ATTAINING A HIGHER LEVEL BY MEANS OF THE CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION

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Abstract

The fact that we all are looking for happiness it is an undeniable reality. Some even say that this is the goal each of us is pursuing in everything we are undertaking.

This subject is of the same importance nowadays.

In the Dialogues on Happiness Socrates demonstrates that happiness does not depend on external things, but rather on how those things are used. So, he tends to make each of us responsible for our own happiness, which can be reached through virtue and wisdom.

Nevertheless, we have transferred the power to the state to take decisions which can have quite an impact on our lives.

In this paper we explore how the European Union, through the Charter of Fundamental Rights provides the premises of the pursuit of happiness.

Keywords: *pursuit of happiness, Charter of Fundamental Rights of the European Union, pyramid of needs.*

INTRODUCTION

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Nevertheless, we have transferred to the state the power to take decisions which can have quite an impact on our lives. Even more than this, the European Union is responsible for decisions affecting the well-being of each state.

In this paper we explore how the European Union, through the Charter of Fundamental

Rights provides the premises of the pursuit of happiness.

In several global surveys, Europe scores highly in terms of happiness of its citizens. We think that the Charter of Fundamental Rights of the European Union is an example of a very fertile soil, which can sustain the growth of happiness.

THE PHILOSOPHICAL VIEW

Achieving happiness and avoiding its antonym, unhappiness, certainly is one of the most powerful forces guiding human destiny. Next, we are going to explore several ways to approach the concept of happiness, according to some European thinkers. In the second part of the paper, we will discuss how these ideas can be found in the Charter of Fundamental Rights of the European Union, and finally, we will analyze the results that this statement contributed to, namely a general feeling of happiness for all Europeans.

1. SOCRATES

The Greeks believed that happiness was rare and reserved only to those favored by the gods. The idea that happiness can be achieved through one's own efforts was considered to be *hubris*, a pride to be punished. Here comes Socrates who believed that we must concentrate our attention on the soul. “Moral life is superior to immorality because it leads to happiness. Happiness is dependent on virtue and righteousness,

representing the ultimate goal of human existence"¹.

In the Dialogues, having Socrates as the main character, such as recorded by Plato, the concept of happiness is discussed for the first time, mainly establishing that it is the goal of all human actions and it does not depend on outer things, but rather on the manner in which they are used. Money does not bring happiness, but rather how they are used. More, the idea that happiness consists of indulgence is rejected. The whole approach of Socrates is crystallized in a moral and just life in which wisdom leads to happiness.

2. ARISTIPPUS

A student of Socrates, Aristippus was the first thinker who developed a complete philosophy of happiness. But he was at the other end of the spectrum from his master. Living in luxury, he argued that happiness means seeking pleasure in the outside world and, thus, became the founder of hedonism. Today, it is evident that that this concept dominates the economic and trade world. Consumerism can be considered to be rooted in Aristippus' ideas.

3. EPICURUS

Epicurus' moral ("Letter to Monoceus") can be summarized in the following four pieces of advice: search that pleasure which is not followed by pain, avoid the pain causing no pleasure; accept the pain that relieves you from greater suffering in the future or that will buy more pleasure, beware of the pleasure that will rob you of a greater pleasure in the future or that will eventually cause pain. Epicurus preferred the so-called "stable pleasure", quiet, durable, free from worries and emotions. Happiness is living life without worries and suffering. This ideal is easily achieved as elementary needs (hunger, thirst) are not numerous, nor pretentious. Desires that usually torment the mind of men (wealth, power, glory) are not necessary. According to Epicurus, "with bread and water, the wise disputes his happiness with the gods". But Epicureanism does not mean the exacerbation of

sensory pleasures, but the use of wisdom to achieve happiness in simple things.

4. MODERN THINKERS

Philosophers have often looked at happiness as being an important criterion to distinguish between good and evil. The most direct expression of this view is the theory of moral "utilitarianism", whose representatives are the nineteenth century British thinkers, Jeremy Bentham and John Stuart Mill.

In agreement with this perspective, the morality of an action is measured according to its capacity to promote happiness. By the notion of happiness, Mill understands the presence of pleasure and absence of pain, including the "pleasure of beauty, of the decorative and of enjoyment"². Aesthetic and spiritual pleasures are considered to be superior to those of the flesh. Mill built his own vision of utilitarianism on the distinction between personal good and public good. This is another point where Mill's utilitarianism differs from that of Bentham, this being the reason why Mill's utilitarianism is called *altruistic utilitarianism*.

Mill believes that the sacrifice of an individual can be considered to be the highest virtue, although he is aware that a complex objective such as the adjustment of personal benefit according to the public good is a difficult step that cannot be easily achieved.

The difficulty arises when we try to measure happiness. Immanuel Kant believed that it is natural for all of us to strive after happiness, but we do not know exactly what it is and how to get it. According to Kant's view, "the personal happiness principle" is in opposition to the principle of morality. Kant said that "Morality is not the very doctrine that can make us happy, but the element that can make us worthy of happiness". Also, "Happiness is a state of the rational being in the world, which throughout his existence, experiences everything according to his desire and will, based on the agreement of the entire nature with his purpose and with the essential principle of determination of his will."³ (Bortoloti, L., p. 334)

THE CONTEMPORARY PERSPECTIVE

Man can not define his happiness by reference to himself, but by comparing himself with the other members of society.

This approach is well confirmed by various contemporary sociological researches. Let us analyze the well known Easterlin paradox: while the rich are usually happier than the poor, the supplementary happiness generated by the additional income is not so outstanding, if the person in question has already passed the poverty line. The reason, says Richard Easterlin (USC) is the "hedonistic cycle": we get used very quickly to being rich - in addition, we compare what we have with what others have, not with what we had before being wealthy. "Our need not to allow ourselves be inferior to others is deeply embedded in our brains, due to the fact that, originally, we are beings who live in packs"⁴, Easterlin says.

THE PYRAMID OF NEEDS

It is useful to present the classical approach of the pyramid of needs made by Abraham Maslow. Abraham Maslow elaborated a theory on human motivation that was explained through a hierarchy of needs and motivations, that have an impact upon all individuals and being structurally organized in the shape of a pyramid. The most important contribution was psychologist Maslow's classification and his ranking of these necessities. Although all needs are instinctive, not all are equally strong. Thus, the strongest needs were placed at the bottom of the pyramid. The higher the need, the weaker and less specific it is to the individual. The classification proposed by Maslow has a great practical application, especially in the Western society. The five levels of needs that Maslow identified are:

1. Basic biological (physiological) needs: the need to sleep, to breathe, the need of water, food, warmth, shelter, exercise and sex. They are the most powerful, and, if threatened, they will be the first man tries to achieve. These needs are related to our very survival.
2. Safety needs: protection (house, clothes, tools, safety in case of danger). Frequently, we, as

adults, are not very much aware of these needs (only when our life is threatened or in times of life disruption). But children often tend to give signs of insecurity when these needs are not fulfilled; they need to feel safe.

3. Social needs: the need of belonging to a group: social communion, communication, involvement in social problems, participation in the life of the community we belong to, attending social events, the need for love and affection from family and from our loved ones.
4. Individualization needs of esteem and recognition: self-esteem, esteem we receive from others, the need to be heard and understood, approval and recognition of qualifications, merit and value from the others, sometimes even the need to be important, the need of power, control, prestige, fame. When these needs are satisfied, the person feels self-confident and valuable. When they are not fulfilled, the person feels inferior, weak, helpless and worthless.
5. The need for self-fulfillment: fulfilling one's dreams and goals, success in life, hobbies, creative activities, awareness of our role and purpose in the world, relaxation, meditation, achieving our maximum potential, fulfilling one's higher destiny.

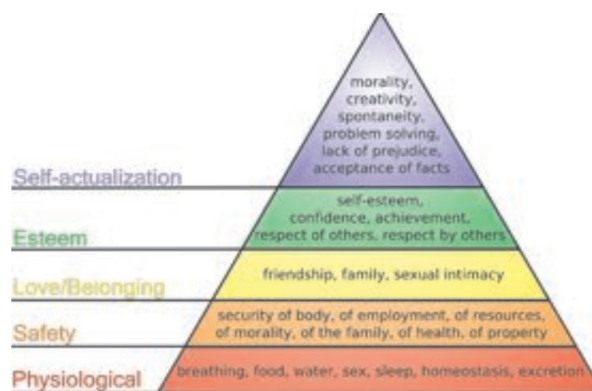


Image 1. Graphical illustration of the Abraham Maslow's pyramid of needs

There is a dependency relationship between these 5 steps. As long as the lower needs have not been met, namely steps one and two, we cannot access the motivational system associated to the higher stages: three, four and five. The perception and satisfaction of our social needs of individuation and self-realization are conditioned by satisfying our basic needs: our biological and

safety needs. The satisfaction of steps 3, 4 and 5 moves into the background, waiting until the needs of the lower levels are met and even more, these higher order needs are not even perceived or acknowledged enough by the human being.

THE ROLE OF THE STATE AND SOCIAL ORGANIZATION

It is obvious that in order to meet the basic needs as well as the social and safety needs, the state has a great contribution. As the individual delegates a part of his authority to the rightful state organization, we also invest it with the responsibility of providing the necessary framework to satisfy these necessities. Since the state is part of communitarian organization, we can infer that the European Union plays an important role in ensuring the premises of the legendary *pursuit of happiness*.

One of the most important tools securing the necessary requirement for reaching happiness is the Charter of Fundamental Rights of the European Union.

The Charter recognizes a series of personal, civil, political, economic and social rights of EU citizens and residents of the Union, including them into European law.

In June 1999, the Köln European Council considered that the fundamental rights applicable in the European Union (EU) should be consolidated into a charter to give them greater visibility. Heads of State / Government wanted to include in the charter general principles laid down in the European Convention on Human Rights from 1950 and those deriving from the constitutional traditions common to the Member States. In addition, the chart was meant to include the fundamental rights applying to EU citizens, as well as the economic and social rights contained in the Council of Europe Social Charter and in the Community Charter of Fundamental Social Rights of Workers. It had also to reflect the principles from the Court of Justice and the European Court of Human Rights.

The Charter was drawn up by a convention consisting of one representative of each member state and of the European Commission, as well as of several members of the European Parliament

and of national parliaments. The document was officially proclaimed at Nice, in December 2000 by the European Parliament, Council and Commission.

In December 2009, together with the entry into force of Lisbon Treaty, the Charter of Fundamental Rights was granted the same legally binding force as the treaties.

THE EU CHARTER OF FUNDAMENTAL RIGHTS

Next we will go through the articles of the charter, analyzing them from the perspective of Maslow's pyramid of needs.

„Human dignity is inviolable. It must be respected and protected.”⁶

Article 1 states that “Human dignity is inviolable. It must be respected and protected”. The whole edifice of the Fundamental Rights of the European Union is founded on the fundamental right of dignity, which is the basis of all the other rights. This is the framework necessary for the circumscription and interpretation of all the other rights set out below. Obviously dignity is an important condition for human happiness. But even in cases of extreme oppression, detention, torture and severe violation of human dignity, some people have achieved exceptional happiness. There are numerous examples of martyrs for whom harsh outdoor conditions were a catalyst for achieving happiness, although the right to dignity has been violated to an utmost degree. But the Charter of Fundamental Rights provides an essential prerequisite *sine qua non* for achieving happiness for the overwhelming majority of European citizens, namely the right to dignity. In Article 1, dignity is not adjacent to any other right, just to emphasize its capital importance.

The wording “shall be inviolable” emphasizes the unconditional recognition of this right. The right to dignity cannot be denied to any human being. Further on, an active role of the European institutions is mentioned: they must respect and protect this right. “It must be respected and protected.”⁶

Is dignity a prerequisite for achieving happiness? In the light of the philosophical

theories presented in the first part of the paper, we can safely say that it is. The European Union has the obligation to provide its citizens with this pillar of happiness, namely dignity.

Article 2 stipulates the right to life: *“Everyone has the right to life. No one shall be condemned to the death penalty or executed.”*⁶

The right to life is the supreme right, without which all other rights would make no sense. Also, in times of peace or war, no EU citizen can be sentenced to death or executed. This article does not have an immediate impact on the state of happiness of Europeans, but it is a fundamental provision which supports a safe climate and addresses the second level of Maslow’s pyramid of needs.

In the second part of this article, there is the other side of the coin regarding the prohibition of the death penalty: the community undertakes to do everything in its power in order not to allow such extreme punishment to be applied (to ensure and contribute to the creation and preservation of a beneficial social climate, where antisocial acts to on a downward trend).

The person’s right to integrity is stipulated in Article 3. Also eugenics, cloning, making a profit from the sale of human body and its parts are prohibited and the article stipulates that the informed consent is required in medical practice. This further strengthens the second floor of the pyramid of needs, the need for safety.

The following provisions follow the same line: the prohibition of torture, of inhuman or degrading behaviors, punishments or treatments.

The prohibition of slavery and of forced labor provides conditions for an accurate and functional labor market. Through paid work and professional achievement, man can fulfill the needs corresponding to the third level of Maslow’s pyramid, namely self-esteem, respect from the others and the need for competence. Article 15 also sustains this, mentioning the right to work and the choice of occupation. The right to work is very important because the fruits of paid work insure the necessities of life, in direct correlation with the basic necessities from the first level of the pyramid of needs.

*“Everyone has the right to private and family life, home and communications”*⁶. This article addresses the need for safety and security.

The right to marry and to set up a family is provided for in Article 9. The family is ideal for reaching the third level of needs, that of love and belonging.

By guaranteeing the right to education, freedom of the arts and sciences, cultural and religious diversity, the EU Charter of Fundamental Rights protects the right to personal development.

Protecting health, the environment, respecting property are within a framework of well-being and safety.

FINAL THOUGHTS

In conclusion, we would like to assert how desirable and useful the incorporation of these rights in the Charter of Fundamental Rights of the European Union is. The values on which the European Union is founded could not be other than those that ensure the harmonious development of the individual, a prerequisite for achieving happiness. Obviously, happiness ultimately requires individual effort, but the unconditional assurance of favorable conditions for the safety of individuals, of families and the blossoming of personality, with an inalienable status, is absolutely necessary in a democratic society.

So we have established the existence of the foundation that makes the attainment of happiness possible. The next logical step is to see to what extent the application of these articles of the Charter of Fundamental Rights is successful by means of the national laws that have to comply with those rights, and how each government and the European Union as a group of nations manages to implement them. The end result is reflected in the degree of happiness of the citizens. Next we will do an overview of the research conducted to quantify happiness.

In a survey conducted by the giant WIN-Gallup International, the data obtained show that the happy people are 40% more than the unhappy. (50% happy and 13% unhappy, 31% neither happy nor unhappy and 3% non-respondents). This was a global survey, conducted at the turn of the past decade, years 2011-2012. One of the surprising results of this survey is that despite the economic crisis, global happiness is on the

rise. 40% of the respondents who do not see a pink economic future have nevertheless said they are happy. European nations belong to the happiest nation class, unlike other nations who are currently trying to climb the ladder of wealth and whose citizens are rather unhappy.

The geographical situation is as follows (happy - unhappy): North America 31%, Latin America 63%, Western Europe 50% Eastern Europe 25%, Africa 66%, 20% the Arab world, Western Asia 31%, 45% South Asia, East Asia 37%, 30% North Asia. The difference between Eastern and Western Europe is noteworthy. We can only hope that the European cohesion policy will continue and that together with the national effort, it will result in making East Europeans forget about their worries.

Dr. Luisa Corrado undertook an award winning study at the European Science Award. This study seems to contradict the traditional image of the Mediterranean countries as happier than the northern ones. Italy, Greece, Portugal and France recorded the lowest scores, as compared to the Nordic countries and the Netherlands. Danes are the happiest ones with 89%, the English are in 9th place with 74% and at the end of the line, Italians with only 24%. One of the interesting results of this study is that individual variables such as trust in the governing institutions of the state, in society and in the legal system have an important influence relative to the happiness of the individuals.

CONCLUSION

We could not agree more with Dr. Julian Oldmeadow, from the Department of Social and Developmental Psychology of the York University: "Philosophers, sociologists and social psychologists have long known that societies do not run on rewards and punishments alone. Societies function best when citizens feel included, valued and respected by their families, groups and authorities. In the long term, these factors are at least as important as money. No doubt we are social creatures, and policy-makers and economists would do well to acknowledge our social motives as much, or more than, our financial ones."⁷

References

1. Andrei, Petre (1921) *Problema fericirii: fundamentul său etico-sociologic*, Editura Viața Românească.
2. Bortoloti, Lisa - *Philosophy and happiness*, Palgrave Macmillan, 2009.
3. Cahn, Steven M., Vitrano, Christine (2007) *Happiness: Classic and Contemporary Readings in Philosophy*, Oxford University Press.
4. Corrado, Luisa (2007) *In Pursuit of Happiness*, Issue 3, University of Cambridge Research Horizons.
5. Ege, Ragip, Igersheim, Herrade (2012) *Freedom and Happiness in Economic Thought and Philosophy*, Routledge.
6. Goble, G. Frank (2004) *The Third Force: The Psychology of Abraham Maslow*, Maurice Bassett.
7. Parlamentul European (2000) *Carta Drepturilor Fundamentale ale Uniunii Europene*.
8. Platon (2010) *Dialoguri*, Editura Antet, Bucuresti, 2010.
9. <http://www.earth.columbia.edu/sitefiles/file/Sachs%20Writing/2012/World%20Happiness%20Reportpdf>.
10. <http://www.economics.harvard.edu/faculty/alesina/files/Inequality%20and%20Happiness.pdf>.
11. <http://eur-lex.europa.eu/ro/treaties/dat/32007X1214/htm/C2007303RO.01000101.html>.
12. <http://helioslife.org/wp-content/uploads/2012/11/Happiness-as-a-human-right1.pdf>.
13. http://www.legermarketing.com/admin/uplod/public_pdf/Press_Release_Global_Barometer_on_Happiness_for_2011-ENG.pdf.
14. http://en.wikipedia.org/wiki/Life,_liberty_and_the_pursuit_of_happiness.

Endnotes

1. Platon - *Dialoguri*, Editura Antet, Bucuresti, 2010, p. 45-47.
2. Petre, Andrei - *Problema fericirii: fundamentul său etico-sociologic*, Editura Viața Românească, 1921, p. 32.
3. Bortoloti, Lisa - *Philosophy and happiness*, Palgrave Macmillan, 2009, p. 334
4. Ege, Ragip and Igersheim, Herrade - *Freedom and Happiness in Economic Thought and Philosophy*, Routledge, 2012, p. 17-18.
5. Goble, G. Frank - *The Third Force: The Psychology of Abraham Maslow*, Maurice Bassett, 2004, p. 23-64.
6. *Carta Drepturilor Fundamentale ale Uniunii Europene*, Parlamentul European, 2000, p. 5.
7. Corrado, Luisa - *In Pursuit of Happiness*, Issue 3, University of Cambridge Research Horizons, 2007, p. 57.