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Eudemonism of Private Detective Activity

The article is devoted to the study of eudemonism as a special element of ethics and morality of the private detective.

Keywords: Private detective activity, private detective, evdemonism, ethics, morality.

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Евдемонізм приватної детективної діяльності

Стаття присвячена дослідженню евдемонізму як особливого елементу етики та моралі приватного детектива.

Ключові слова: приватна детективна діяльність, приватний детектив, евдемонізм, етика, мораль.

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Эвдемонизм частной детективной деятельности

Статья посвящена исследованию эвдемонизма как особого элемента этики и морали частного детектива.

Ключевые слова: частная детективная деятельность, частный детектив, эвдемонизм, этика, мораль.

Challenge problem

The specifics of the professional activity of a private detective are such, that he constantly finds himself in a situation when it is necessary to make a weighted decision, which at the same time should be fast and necessarily legal. In addition, a private detective needs to understand, that by any action or decision one way or another is the destiny of man. Such features of this profession impose a serious imprint on its moral content.

It is clear that there can not be all moral orders as orders "how to act as a private detective" in each particular situation when making decisions, however, morality itself appeals to general moral principles, as well as the norms governing the activities and behavior of a private detective. However, the person of a private detective is able to combine all the notions of high professional skills and moral qualities only as a result of individual self-realization as the highest value.

A review of recent studies and papers

The question of Eudemonism in ethics is devoted to many scientific works, the birth of which dates back to the time of antiquity in the works of Protagor, Aristotle, Antiphonth, Antisphen, Prodic, and others. Issues of Eudemonism are also of interest to modern specialists in the field of philosophy, psychology, and pedagogy: A. Maslow, L.Z. Levit, GI Urbanovich, C.D. Ryff, VN Singer and others.

Remaining challenges

Modern scholars investigate essentially the eudemonic activity of the subject and reveal the main "factors of happiness". The very phrase "eudemonism of private detective activity" is not found and has not yet been used in scientific circles. In the author's view, the study of eudemonism is an integral category of moral imperatives of private detective activity, which the author tries to prove in this article.

Draw the objectives of research

The main purpose of the article is to carry out an analysis of the design of "eudemonism

of private detective activity" in order to prove the expediency of its application in the general problem of moral and ethical foundations of private detective activity.

Discussion

It is impossible to understand any question without defining the basic concepts.

Thus, Eudemonism in the philosophical dictionary of Belarus is interpreted as part of ethics, considering bliss and happiness as the motive and purpose of all aspirations. In this case, a happy person can only be self-development in the physical body of the spiritual, which needs constant improvement, in order to bring pleasure to oneself and others, and to receive for this respect from their contemporaries and to deserve good memories the descendants. It is also believed that all the virtues of an individual have meaning only then, if they serve the stated endeavor and the state and its organs, in turn, must apply the measures necessary for this purpose and adopt the relevant laws [1].

Quite similar is the interpretation in the Soviet philosophical dictionary, where eudemonism (from the Greek ευδαιμονία – happiness) is the principle of constructing an ethical theory, in which it is argued that the basic aspiration of man is his desire for happiness. Accordingly, the moral imperatives, subordinated to this principle, are formulated in order to show, what to do to achieve maximum happiness [2]. Eudemonism in the Ukrainian ethical philosophical dictionary is an ethical principle, according to which happiness is the main and final goal of human, criterion of moral activity. Eudemonism considers happiness not only as an individual pleasure, but also as the ability to receive it on the basis of the perfect arrangement of the inner world of man and his relationship with others. At the same time, there is such a happy and virtuous person, which is able to develop harmoniously and thus bring pleasure not only to itself, but also to other people. It is also noted about the existence of social eudemonism. according to which the purpose of human aspirations is to achieve the greatest happiness for the largest number of people [3, p.182]. From the moment of the emergence in an-



cient Greek philosophy, Eudemonism takes various forms in different historical periods. and finally becomes one of the main ethical directions, because the theme of happiness is eternal, and in what century people would not live, whatever they would do, they would always be concerned about happiness and the meaning of life. Yes, even Aristotle pointed out that eudemonism (thirst for happiness) is related precisely to the realization of man's own unique virtues and virtues ("deimon") in social activities [4, p.118]. The professional sphere for most of humanity today occupies more than 70% of living space and time and often becomes a life sense. Uniqueness of a person predetermines the existence of his own "unwritten morality", which sometimes does not fit into a social moral code or a separate code of professional activity. Professional morality (as a moral of an individual group of people) is an integral part of social morality, but morality itself is one of the oldest regulators of behavior and interaction of people, and is a necessary regulator in the professional activity of a private detective in a field where the probability of violation of moral and ethical principles is high due to impunity for their implementation. To be a high moral person for a private detective means to be a conscientious person, since "conscience is the right judgment of a good man," and full of conscience of virtues equates philosophers to knowledge [4, p.297].

Thus, a conscientious person is a person of a word, a person who does not commit immorality and carries a great moral responsibility to society for his own actions. A private detective fights for justice in the interests of others and society and assumes a moral obligation to find this justice without violating the freedom and the rights of others – in fact, the meaning of the work of a private detective lies in it

Those practicing private detectives, who have already passed a considerable positive life experience in the field of private detective activity, argue that in fact the diversity of life situations and the characters of individuals requires in their professional activities firm moral standards and unshakable moral prin-

ciples, since only then in work there is clarity, perseverance, endurance. The need to adhere to moral principles comes in the process of comprehension of one's own life experience. Professional detective activity is always comprehended, since from the very beginning the detective through his feelings and desires analyzes the possibility and expediency to take on the cause; due to opportunities and abilities, becomes involved in a real life situation, creatively refers to it, enriching itself with new knowledge, taking a new experience, giving the "profiled" information through the moral and legal prism of the detective intelligence. Thus all the time for a private detective there is a kind of contract with the life of other people, soul and body, fully devoting himself to what is seen as important. At the same time, the detective is constantly forced to adjust his private life to the whims of the public, to take certain decisions regarding his own private life, which are not always desirable for him, but are going in favor of the cause. All this fully coincides with the existing notion of meaning of life, according to which meaning – is a kind of contract with life, according to which a person devotes himself to the soul and body for because he is important [5, p. 23].

Today, unfortunately, in society there is a belief that the meaning of life, first of all, is to meet material needs. In the world of private detective activity, such a statement is not entirely true. Of course, material wealth is important for every person, and private detective activity is in addition to commercial activity (profit-oriented activity), but the self-respecting detective will never take up the proposed work, which is contrary to law or immoral. In addition, in some cases, a private detective is taken for free assistance in cases of "goodwill" or as an advertisement. For a private detective, it is important to have personal responsibility for your own actions and personal growth and the pursuit of excellence. Disappointment of people in good and justice, and as a result, negative, distorted ideas about morality, becoming stereotypes, followed by some senseless, have nothing to do with true knowledge of good, and such

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negative tendencies can not affect the behavior of a private detective and weaken its own moral standards, or eliminate the desire to reflect on every personal act.

According to fair arguments of thinkers, "moral behavior of a person is an indicator of true happiness" [6, p. 471]. Indeed, a happy person appreciates positively the reality of himself and others. Evdemonism of private detective activity is externally manifested in satisfaction from one's own work, emotional uplift, confidence in oneself and in its possibilities. By the way, if you turn to the concept of happiness A. Maslow, then in his view on the path to happiness, a person must satisfy five levels of needs, where, in his opinion, "self-realization needs" are in the fifth (highest) level. According to this concept, the happiest people are self-realization people [7, p. 120]. For a private detective, a truly important segment of happiness is professional self-realization: this is a professional improvement, gaining authority and respect among colleagues and service providers, and of course, material well-being. And although in recent years it is believed that material wellbeing takes first place in the system of human happiness, a thorough study by American sociologists Daniel Kaneman and Angus Diton on the relationship between material wellbeing and her happiness says something else: more money people need to eliminate loneliness and respect for themselves. Analyzed the many criteria, the researchers concluded that the increase in income though increases the positive emotions of a person, but this does not always make a person happy. As it turned out, understanding in the environment, independence and the presence of favorite work - more significant for human elements of life satisfaction. [8]

The arguments about the fact that human happiness in our favorite work is found in the writings of the domestic travel philosopher Gregory Savoyach Skovoroda. Thus, "similar work" (that is, one that man is called to do) will bring material and spiritual wealth to society, but for people it is happiness and pleasure, but if a person does not work in his vocation, it can turn into a tragedy for her. To

live by vocation is happiness for a person and for his environment [9] Evdemonism of private detective activity is in the context of "affiliated labor", because in order to engage in this professional activity, not only knowledge and special training, but also relevant experience are needed. Thus, in accordance with Article 5 of the Draft Law of Ukraine "On Private Detective Activity", a private detective may be a citizen of Ukraine who has a state language, has a higher legal education, has undergone special training for the purpose of doing a private detective (search) activity or has a work experience in operational units or bodies of pre-trial investigation at least three years and received in accordance with the established procedure a certificate of the right to engage in private detective (search) activity [10] Such an order suggests that it should be an adult, experienced, highly moral person who sees for himself the happiness of doing just private detective activity, and that this should be a step taken into consideration for her.

Of particular importance to a private detective are such moral values as a sense of honor and dignity, own rightness, respect for duty and "calm" conscience. Problem issues here will always remain the very nature of man, which is prone to influence on it external circumstances. Consequently, an important task for a private detective is the ability not to dip too much into the turbulent flows of the changing and capricious currents of the world, but to remain above all, to realize their own happiness as an opportunity, even in the most horrible situation, to remain calm and prudent, and therefore free. The will for a private detective must be connected with reason. Honest and fair performance of the duties taken is the ultimate goal, a means of achieving and gaining one's own freedom. The problem of morality and freedom often lies in the fact that the detective raises the question of how to best accomplish the task and realize its capabilities, taking into account the various types of "working" circumstances that have developed. This efficiency is directly proportional to the amount of knowledge of the private detective, his desire to act within



the bounds of the law, and as a consequence – the ability to understand how to maximize the benefits of the opportunities that he has.

V L Naguiviciene and D.V. Brewers point out that eudeminism is the provision of human preference to earthly values beyond the spiritual one [11, p.153], when, in their words, true happiness for man is life in spirit [11, p.92]. According to scientists, human honor and happiness are based on selfrespect, which is attained by the pursuit of high ideals of culture, high goals and morals, but not the desire of wealth and power solely for the sake of selfish benefits [11, p.100]. In support of the latter, however, I would like to point out that "grounding happiness on selfesteem" is a principle laid down in the nature of man, and human nature is too prone to the influence of external circumstances. Thus, an important role is played by the proper education of a private detective who provides the necessary tools for an adequate comprehension of social reality and moral education, which helps to realize that one's own benefit is born through the improvement of social status, since only in the best, reasonably organized society from a private detective there will be more opportunities for success and professionalism, and therefore happiness.

Thus, W. James rightly points to the dependence of human happiness on the satisfaction of its needs and on the interaction between human beings.

According to him, any desire, the need for something acts as a requirement, which in turn generates an answer or responsibility from another person or people [12, p.57]. Within the framework of private detective activity, this statement will be very useful, since these relationships imply the emergence of a particular connection between people, and the quality of this connection for both parties will depend on the level and integrity of the moral principles.

The existing approach of subjectivism in relation to morality denied the existence of general principles of morality, which guides people in their activities. Proponents of this approach argue that morality is formed only when there is a need to solve a particular

situation. Understanding the fact that every moral situation in which a person turns out is unique, then the act that it will eventually result from is a thorough study of all aspects of this situation. At the same time, the act that leads to the greatest benefit to other people and to him who does [13, p. 209], but the very moral value of the act always strives for logical accuracy [13, p. 7].

Denying the existence of general moral principles, other philosophers argue that there are some generalized notions of goals and values in society that can be traced in actions of the greatest number of people.

In their view, the discovery of this general principle, according to which everyone strives to meet their needs and is guided by personal gain, helps to organize the interaction between people, agreeing their demands and expected results [14, p. 98, 213].

It should be noted that the existing ideas of ethics and morals in the philosophy of pragmatism, according to which ethically and morally recognizes everything that seems useful, and the goal justifies the means, cant and should not relate to the moral principles of private detective activity, because this attitude often carries a misfortune to customers. And yet, at the stage of preparing for the future of a private detective, the educational institution should not prepare a narrowly oriented specialist pragmaticly established for the world that measures happiness at a bargain price, but a specialist capable of giving others satisfaction from their own bona fide and legitimate work. Hence, the evdemonism of private detective activity must be expressed through the pursuit of a detective to perfection, based on knowledge of his unique potential.

Thus, it is considered unacceptable for private detective activity to apply morality and adhere to ethical principles only in those cases when there is a need to resolve a particular situation, that is, in other words, concealing its true nature, and thus finding a detective in constant tension and conflict with oneself, which can not bring happiness to anyone. After all, according to the correct statement of E. Desi and R. Ryan, eudemonism is the pro-

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cess of realizing a man of his "daimon" of his true nature. It is also a way of life in which the subject concentrates on what represents the highest intrinsic value for him [15, p.38]. In this case, the necessary condition for moral and ethical lifestyles is also the control of the intelligence of a private detective over his desires, and therefore happiness can bring only controlled desires.

It is impossible to achieve happiness, success, respect and satisfaction from life by unlawful actions (because of this inevitable punishment) and immorality such as alcohol abuse, drug use, lies, unfounded significant overestimation of the price of work, misleading as to the significance of individual factors of the order for the client, silence about some known facts for the purpose of their subsequent or dual sale, etc. After that, there will surely be disappointment and insight, an understanding that the illusion of happiness in the monetary equivalent will not last long and significantly different from true happiness. A private detective should take into account the emotional aspect of interaction with people. He must work on his own charisma - an integral part of his image and direct his efforts to achieve successful results in his work, since in our time the detective is not enough to have only a high level of intellectual intelligence and the ability to establish connections. Need to be able to control your emotions and recognize their causes, in other words - to form their moral (emotional) intelligence. After all, "debugging" the internal state of man forms and its outer shell. Evdemonism of private detective activity considers this state in accordance with the traditional presentation of scientists as "continuing joy and satisfaction with life," or as one of the results (or the concomitant result) of the individual's implementation of his individual potential.

This is the "special happiness" that arises when successful self-realization and interpreted by scientists as a higher value [16, p.15]. Indeed, an educated private detective is a person who not only rationally understands the ideas and norms of professional ethics. but also surely trusts them, loves them, sees them meaning and beauty. The behavior of a private detective is cultural and ethical, when his intellectual desire for knowledge inherent in him is multiplied in him by faith in moral ideals and in the love of their beauty. therwise, the detective's behavior will not be able to adequately meet moral standards, and therefore will not be a way of life, will not bring happiness.

Conclusions

The conduct of a detective investigation in a democratic society requires a private detective to comply with moral and ethical standards and a high degree of awareness of public accountability for the authenticity, legality of the receipt and quality of the information collected. Thus, it can once again be emphasized that the eudemonic basis of the professional activity of a private detective brings more benefits to society, since the person of a private detective is endowed in this case by an internal motivation - "it is interesting to deal with the way in which I feel my purpose." And such interest in society necessarily requires the adoption and observance of the principles of maral and ethics, because it is known that in order to actively and qualitatively engage in what pleases, it is impossible for the society to be "evil genius", immoral, wicked, unethical.

The design of "eudemonism of private detective activity" can be understood as a combination of professional abilities and comprehension of the meaning of their own destiny, purpose and their own place and purpose.

References

- 1. Новейший философский словарь / Под ред. А. А. Грицанова. Минск, 1999.
- 2. Философский словарь / Под ред. М. М. Розенталя и П. Ф. Юдина. М.: Издательство политической литературы, 1963.
- 3. Філософський енциклопедичний словник / За ред. Л. В. Озадовської, Н. П. Поліщук. К.: Абрис, 2002. 744 с.
 - 4. Аристотель. Большая этика // Аристотель. Сочинения. В 4. Т. Т.4. М., 1983.
 - 5. Лэнгле А. Жизнь, наполненная смыслом. Прикладная логотерапия. М., 2003.



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- 6. Фейербах Л. А. Сочинения: В 2 томах / Людвиг Андреас Фейербах. М.: Наука, 1995. Т. 1. 502 с.
- 7. Маслоу А. Мотивация и личность / Абрахам Маслоу / Пер. А. М. Татлыбаевой. СПб.: Евразия, 2013.-352 с.
- 8. High income improves evaluation of life but not emotional well-being Daniel Kahneman and Angus Deaton. [Електронний ресурс]. Режим доступу: http://www.pnas.org/content/107/38/16489
- 9. Сковорода Г. Начальная дверь ко христианскому добронравію // Григорій Сковорода: Повн. зібр. тв.: У 2 т. Т. 1. К., 1973.
- 10. Проект Закону України Про приватну детективну діяльність 3726 від 28.12.2015. [Електронний ресурс]. Режим доступу: http://w1.c1.rada.gov.ua/pls/zweb2/webproc 4 1?pf3511=57580
- 11. Нагевичене В. Л., Пивоваров Д.В. Целостный человек (христианская традиция). Монография. Екатеринбург: Изд-во Урал. ун-та, 2005. 158 с.
 - 12. Джемс У. Психология / Под ред. Л. А. Петровской. М.: Педагогика, 1991. 368 с.
- 13. Пирс Ч. С. Начала прагматизма / Перевод с английского В. В. Кирющенко, М. В. Колопотина, послесловие Сухачева В. Ю. СПб.: Лаборатория метафизических исследований философского факультета СПбГУ; Алетейя, 2000. Т.1. 318 с.
- 14. Дьюи Джон. Реконструкция в философии. Проблемы человека / Пер. с англ., послесл. и примеч. Л. Е. Павловой. М.: Республика, 2003. 494 с.
- 15. Ryff C.D., Singer B.H. Know thyself and become what you are: A eudaimonic approach to psychological well being // Journal of Happiness Studies. 2006. V. 9, pp. 13-39.
- 16. Левит Л. 3. Индивидуальный потенциал и его реализация: двусистемная концепция: в 2-х частях. Минск: РИВШ, 2014. Ч. 1. 420 с.
- 17. Фейербах А. Эвдемонизм // Фейербах Л. Избранные философские произведения. М., 1955.-T.1.