

# The normative ethics of the European Union

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## Creative efforts: the normative power of the European Union

World peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it.

Robert Schuman, declaration of 9 May 1950, Paris

The creative efforts of the European integration process have changed what passes for ‘normal’ in world politics. Simply by existing as different in a world of states and the relations between them, the European Union changes the normality of ‘international relations’. In this respect the EU is a normative power: it changes the norms, standards and prescriptions of world politics away from the bounded expectations of state-centricity. However, it is one thing to say that the EU is a normative power by virtue of its hybrid polity consisting of supranational and international forms of governance; it is another to argue that the EU *acts* in a normative (i.e. ethically good) way. The focus of this article will be on the ways in which we might judge the normative ethics of the EU in world politics by critically discussing the principles that it seeks to promote, the practices through which it promotes them, and the impact they have.<sup>1</sup>

The EU has been, is and always will be a normative power in world politics. This is a strong claim with a critical aim: to promote normative approaches to the study of the EU in world politics. This aim is built on the acknowledgement in critical theory that ‘theory is always for someone and for some purpose’, since ‘theory constitutes as well as explains the questions it asks (and those it does not ask)’.<sup>2</sup> There is a simple temptation to attempt to analyse EU policy and influence in world politics empirically without ever asking why the EU is or is not acting, or how we might best judge what the EU should be doing in world politics. A

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<sup>1</sup> My focus of analysis is a holistic approach to the EU in world politics, including the international dimensions of internal policies, enlargement and external actions, rather than an exclusive focus on the EU’s ‘weakest link’, the CFSP/CSDP.

<sup>2</sup> Robert Cox, ‘Social forces, states and world order: beyond international relations theory’, *Millennium* 10: 2, 1981, p. 128; Catharine Hoskyns, ‘Gender perspectives’, in Antje Wiener and Thomas Diez, eds, *European integration theory* (Oxford: Oxford University Press, 2004), p. 224; Ian Manners, ‘Critical perspectives on European Union politics’, in Knud Erik Jørgensen, Mark Pollack and Ben Rosamond, eds, *Handbook of European Union politics* (London: Sage, 2007), p. 78.

normative power approach rejects such temptations to unreflective and uncritical analysis. Instead it aims to contribute to a better understanding of what principles the EU promotes, how the EU acts, and what impact the EU has by attempting both to analyse and to judge the EU's normative power in world politics.

The idea that a political union could be both normative and powerful at the same time may strike many as a contradiction in terms, if one reads normative power as a primarily self-empowering exercise. Over the past eight years I have attempted to develop an argument that normative power in general, and the EU's normative power in particular, is sustainable only if it is felt to be legitimate by those who practise and experience it.<sup>3</sup> At the same time, a number of scholars have explored the EU's ethical dimension in foreign policy; but I consider it important to use the term 'normative power' to describe the EU's principles, actions and impact in world politics, rather than to conflate this with the idea of an ethical foreign policy.<sup>4</sup>

In arguing that the EU is a normative power in world politics, I mean that the EU promotes a series of normative principles that are generally acknowledged, within the United Nations system, to be universally applicable. As discussed in the next section, the nine substantive normative principles which both constitute, and are promoted by, the EU are sustainable peace, freedom, democracy, human rights, rule of law, equality, social solidarity, sustainable development and good governance.<sup>5</sup> But in propounding the normative power of the EU in this article, I shall also focus on the *way* in which the EU promotes such substantive principles by virtue of the principles of 'living by example'; by duty of its actions in 'being reasonable'; and by consequence of its impact in 'doing least harm'. As discussed in the third section, these three procedural normative ethics help us make sense of, and judge, the way in which normative power is exercised.<sup>6</sup>

<sup>3</sup> Ian Manners, 'Normative power Europe: a contradiction in terms?', Copenhagen Peace Research Institute, working paper 38, 2000; Ian Manners, 'Normative power Europe: a contradiction in terms?', *Journal of Common Market Studies* 40: 2, 2002, pp. 235–58; Ian Manners, 'The constitutive nature of values, images and principles in the European Union', in Sonia Lucarelli and Ian Manners, eds, *Values and principles in European Union foreign policy* (London: Routledge, 2006), pp. 19–41; Ian Manners, 'Normative power Europe reconsidered: beyond the crossroads', *Journal of European Public Policy* 13: 2, 2006, pp. 182–99; Ian Manners, 'The European Union as a normative power: a response to Thomas Diez', *Millennium* 35: 1, 2006, pp. 167–80; Ian Manners, 'The symbolic manifestation of the European Union's normative role in world politics', in Ole Elgström and Michael Smith, eds, *New roles for the European Union in international politics* (London: Routledge, 2006), pp. 66–84; Ian Manners, 'European Union "normative power" and the security challenge', *European Security* 15: 4, 2006, pp. 405–21; Ian Manners, 'European Union, normative power and ethical foreign policy', in David Chandler and Volker Heins, eds, *Rethinking ethical foreign policy: pitfalls, possibilities and paradoxes* (London: Routledge, 2006), pp. 116–36; Ian Manners, 'L'identité internationale de l'Union européenne: un pouvoir normatif dans le jeu politique mondial', in Bernard Adam, ed., *Europe, puissance tranquille? Rôle et identité sur la scène mondiale* (Brussels: Editions Complexe, 2007), pp. 33–49; Ian Manners and Richard Whitman, 'The "difference engine": constructing and representing the international identity of the European Union', *Journal of European Public Policy* 10: 3, 2003, pp. 380–404; Ian Manners and Sonia Lucarelli, 'Conclusion: valuing principles in European Union foreign policy', in Lucarelli and Manners, *Values and principles*, pp. 201–15; Ian Manners and Thomas Diez, 'Reflecting on normative power Europe', in Felix Berenskoetter and Michael J. Williams, eds, *Power in world politics* (London: Routledge, 2007), pp. 173–88.

<sup>4</sup> See discussion in Manners, 'Normative power and ethical foreign policy', pp. 116–17.

<sup>5</sup> Manners, 'Normative power Europe' (COPRI); Manners, 'Normative power Europe' (JCMS); Manners, 'The constitutive nature'.

<sup>6</sup> Ian Manners, 'Normative power Europe: a transdisciplinary approach to European studies', in Chris Rumford, ed., *Handbook of European studies* (London: Sage, 2008).

The ethics of the EU's normative power are located in the ability to normalize a more just, cosmopolitical world. Catarina Kinnvall and Paul Nesbitt-Larking argue, drawing on Cheah and Robbins, Archibugi and Calhoun, that 'cosmopolitics is about empowering people in the actual conditions of their lives'.<sup>7</sup> Attempting to normalize a more just, cosmopolitical world 'can thus be seen as an approach trying to combine communitarianism with cosmopolitanism ... Traditional cosmopolitanism ... relies on a discourse of individual rights; while communitarianism is based on a discourse of social rights which is often expressed in exclusive localism. Both run the risk of substituting ethics for politics.'<sup>8</sup> As Pascal Lamy has put it, 'the notion of cosmopolitics describes a new world that is coming into being ... More generally, cosmopolitics may simply be about thinking globally and acting locally.'<sup>9</sup> Thus a more just, cosmopolitical world would be one in which communitarian, social rights of the self accommodate cosmopolitan, individual rights of others; where local politics and global politics commune.

The rest of this article will explore both the EU's substantive normative principles and its procedural normative ethics. The article will first look at the nine substantive normative principles promoted by the EU. It will then use an original tripartite analytical method in order to suggest how to judge the EU's principles, actions and impact by using three major approaches to procedural normative ethics: virtue ethics, deontological ethics and consequentialist ethics.<sup>10</sup> Finally, it will conclude by arguing that we must judge the EU's creative efforts to promote a more just, cosmopolitical world in terms of its principles, actions and impact. These three approaches provide the EU with maxims which should shape the EU's normative power in world politics: live by example; be reasonable; and do least harm.

## Substantive normative principles

### *The Union's objectives*

In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.<sup>11</sup>

<sup>7</sup> Catarina Kinnvall and Paul Nesbitt-Larking, *The political psychology of globalisation: Muslims in the West* (forthcoming). See also Pheng Cheah and Bruce Robbins, eds, *Cosmopolitics: thinking and feeling beyond the nation* (Minneapolis, MN: University of Minnesota Press, 1998); Craig Calhoun, 'The class consciousness of frequent travellers: towards a critique of actually existing cosmopolitanism', in Daniele Archibugi, ed., *Debating cosmopolitics* (London: Verso, 2003), pp. 86–116.

<sup>8</sup> Kinnvall and Nesbitt-Larking, *Political psychology of globalisation*.

<sup>9</sup> Pascal Lamy, 'Europe and the future of economic governance', *Journal of Common Market Studies* 42: 1, 2004, pp. 13 and 20; Manners, 'The constitutive nature', p. 28.

<sup>10</sup> See Manners, 'Normative power Europe' (*JCMS*), p. 252 for the origins of this tripartite analytical method based on comparing and contrasting what the EU 'is' (its aims and principles); what the EU 'says' (its policies and actions); and what the EU 'does' (its outcomes and impact). See also the discussion of the constitution/institutionalization, performance and impact of the EU's normative role in world politics in Manners, 'The symbolic manifestation', pp. 69–81.

<sup>11</sup> Article 3–5, Reform Treaty 2007.

### *General provisions on the Union's external action*

The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.<sup>12</sup>

Articles 3-5 and 10-1 of the Reform Treaty (amending the Treaty on European Union and the Treaty Establishing the European Community) illustrate the values and principles the EU seeks to promote in the wider world.<sup>13</sup> In addition to these two articles the preamble and the statement of the Union's values (article 2), alongside the recognition of the Charter of Fundamental Rights (article 6-1), suggest that a series of principles can be identified which shape what the EU is and should be promoting in world politics. From a cynical viewpoint it might be suggested that such treaty articles and the policies they drive are at best unimportant, or at worst provide cover for more covert commercial interests. In contrast I argue that the constitutionalization of these normative principles in the highly contested Lisbon Reform Treaty marks the crystallization and culmination of norms and practices which have been evolving over the past 15 years.

In the rest of this section I shall discuss the nine normative principles which are substantiated in EU law and policies, and which it seeks to promote in world politics. I shall discuss all nine principles with brief references to the Reform Treaty as a means of marking the extent to which such norms have been given concrete form in the face of Eurosceptical opposition. In this respect the nine normative principles are those which EU member states, institutions and citizens are willing to stand up for, or at least not knock down. Thus, the Reform Treaty marks the most recent stage in a process that is constitutive of the EU's normative power in world politics, regardless of its ratification.

### *Sustainable peace*

The Union's aim is to promote peace, its values and the well-being of its peoples.<sup>14</sup>

The prime EU normative principle of sustainable peace addresses the roots or causes of conflict, mirroring the European experience of ensuring that war 'becomes not merely unthinkable, but materially impossible'. The EU policy emphasis is placed on development aid, trade, interregional cooperation, political dialogue and enlargement as elements of a more holistic approach to conflict prevention.

<sup>12</sup> Article 10-1, Reform Treaty 2007.

<sup>13</sup> I use the term 'Reform Treaty' to refer to the Lisbon Treaty Amending the Treaty on European Union and the Treaty Establishing the European Community, even when no amendment takes place. I use the term 'Functioning Treaty' to refer to the Treaty on the Functioning of the European Union which replaces the Treaty Establishing the European Community. All treaty articles refer to the Reform Treaty unless stated otherwise.

<sup>14</sup> Article 3-1, Reform Treaty 2007.

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However, the EU's growing civilian and military operational capacities also have a sustainable peace mission with a focus on 'peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter'.<sup>15</sup>

As the extract from the Reform Treaty illustrates, the first objective of the Union is to promote peace (article 3-1). But the rest of the treaty suggests that such an objective is to be achieved in at least three different ways. First, peace between European states is achieved through membership of the EU itself, intended to ensure that the peace in Europe of the last 50 years is sustained into the foreseeable future. Second, close and peaceful relations based on cooperation with neighbouring countries are promoted through special relations with the Union's neighbours (article 7a-1). Third, peace and international security are generally promoted through the EU's external actions, including the provisions on the Common Security and Defence Policy (CSDP) such as 'joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation' (articles 27-1 and 28-1).

### *Social freedom*

The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.<sup>16</sup>

The second EU normative principle is social freedom. Freedom in the EU operates within a distinctive socio-legal context. Thus, freedom is always just one of several rights, held alongside other equally important principles such as democracy, human rights and the rule of law. Within the EU social freedom is circumscribed by the need to ensure that other normative principles are not compromised by unwarranted freedoms, such as anti-social behaviour, hate crimes, inflammatory speech or pornography. The wider implications of EU social freedom are significant, not least in references to 'protection of children's rights' as a foreign policy objective, as EU extraterritorial legislation on 'sex tourism' illustrates.

As the extract from the Reform Treaty illustrates, the second objective of the Union is to offer its citizens freedom (article 3-2). However, the rest of the treaty sets out the extent to which the promotion of freedom goes beyond the bounds of the area of freedom, security and justice. First, the five freedoms of persons, goods, services, capital and establishment are promoted within the EU (articles 39-60, Functioning Treaty). Second, freer trade and market access are promoted through trade liberalization agreements with partner countries in the form of the European Economic Area, customs unions, association agreements,

<sup>15</sup> Sonia Lucarelli and Roberto Menotti, 'The use of force as coercive intervention: the conflicting values of the European Union's external action', in Lucarelli and Manners, *Values and principles*, pp. 147-63; Michael Merlingen and Rasa Ostrauskaitė, *European Union peacebuilding and policing* (London: Routledge, 2006).

<sup>16</sup> Article 3-2, Reform Treaty 2007.

stabilization and association agreements, partnership and cooperation agreements, and economic partnership agreements. Third, fundamental freedoms such as freedom of thought, expression, assembly and association are promoted through the 14 articles of the freedom title of the Charter of Fundamental Rights and EU accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (article 6, Reform Treaty 2007).

### *Consensual democracy*

The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to ... consolidate and support democracy, the rule of law, human rights and the principles of international law.<sup>17</sup>

The third EU normative principle is consensual democracy. Consensual democracy is the operating principle within the majority of EU member states and includes proportional representation (PR) electoral systems, coalition governments and power-sharing among parties. Similarly, the EU itself is a consensual form of polity, with PR and power-sharing in the European Parliament, non-majoritarian voting (either qualified majority voting or unanimity) in the Council, and power-sharing among all the member states. The EU has helped to spread consensual democracy into Central and Eastern Europe as part of the transition and accession processes.<sup>18</sup>

The trinity of democracy, human rights and rule of law, as article 10a of the Reform Treaty suggests, is to be consolidated and supported in the EU's external action. The treaty indicates at least three ways in which democracy is to be promoted: first, internally, through the provisions on democratic principles set out in article 8, including democratic equality, representative and participatory democracy, and the role of national parliaments; second, through the solidarity clause, which the EU and its member states can invoke to protect democratic institutions from any terrorist attack (article 188r-a); and third, through enlargement and accession, as well as neighbourhood and development policies.

### *Associative human rights*

The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Such accession shall not affect the Union's competences as defined in the Treaties.<sup>19</sup>

Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.<sup>20</sup>

<sup>17</sup> Article 10a-2(b), Reform Treaty 2007.

<sup>18</sup> Rosa Balfour, 'Principles of democracy and human rights: a review of the European Union's strategies towards its neighbours', in Lucarelli and Manners, *Values and principle*, pp. 114–29.

<sup>19</sup> Article 6–2, Reform Treaty 2007.

<sup>20</sup> Article 6–3, Reform Treaty 2007.

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The fourth EU normative principle is associative human rights. Associative human rights include both individual human rights and collective human rights. These are associative because they emphasize the interdependence between individual rights, such as freedom of expression, and group rights, such as religion or belief. The associative nature of EU human rights has developed since the 1973 Declaration on European Identity through the 1986 Declaration of Foreign Ministers of the Community on Human Rights and the 1991 Resolution of the Council on Human Rights, Democracy and Development.<sup>21</sup> All of these documents emphasize the universality and indivisibility of these associative human rights with consensual democracy, the supranational rule of law and social solidarity.

The article of the Reform Treaty dealing with fundamental rights, article 6, illustrates the way in which human rights developments within the Union contribute to its external actions. The first aspect of this is the inclusion of human rights as general principles of the Union's law, emphasized by the Charter and the planned accession to the ECHR. The second aspect is the extent to which the five articles in the dignity title of the Charter both reflect and are reflected in the promotion of human rights. The third aspect is the extent to which human rights provisions are promoted through the interdependent external actions of trade and aid, humanitarian and migration issues.

### *Supranational rule of law*

The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.<sup>22</sup>

The fifth EU normative principle is the supranational rule of law.<sup>23</sup> The EU principle of the rule of law is supranational in three senses—communitarian, international and cosmopolitan. First, the EU principle of communitarian law promotes the pooling of sovereignty through the *acquis communautaire*—the supranational rule of law within the EU. Second, the EU principle of international law encourages participation by the EU and its member states in supranational law above and beyond the EU.<sup>24</sup> Third, the EU principle of cosmopolitan law advances the development and participation of the EU and its member states in humanitarian law and rights applicable to individuals.<sup>25</sup>

As the extract from the Reform Treaty illustrates, one element of the general provisions of the Union's external action is to promote multilateral solutions to

<sup>21</sup> Elena Jurada, 'Assigning duties in the global system of human rights: the role of the European Union', in Hartmut Meyer and Henri Vogt, eds, *A responsible Europe? The ethical foundation of EU external affairs* (Basingstoke: Palgrave Macmillan, 2006).

<sup>22</sup> Article 10a-1, Reform Treaty 2007.

<sup>23</sup> From the perspective of member states, the promotion of the rule of law has come to be viewed as the 'first among equals' in the post-2003 era of 'effective multilateralism'. My thanks to Elizabeth Burdett for this point.

<sup>24</sup> Manners and Whitman, 'The "difference engine"', p. 399.

<sup>25</sup> Manners, 'Normative power Europe' (*JCMS*), p. 241.

common problems, in particular through the development of the supranational rule of law (article 10a-1). As the third part of the trinity the EU seeks to promote, the rule of law joins democracy and human rights as an essential element in EU agreements with third countries (article 10a-2b). Alongside freedoms, dignity and citizens' rights, the four articles in the justice title of the Charter both reflect and are reflected in the promotion of the rule of law. The promotion of the rule of law both within and between states is part of the EU's declared commitment to 'effective multilateralism' involving 'well functioning international institutions and a rule-based international order':<sup>26</sup>

Sometimes voluntarily, sometimes through gritted teeth and sometimes without even knowing, countries around the world are importing the EU's rules ... They all know that Brussels is slowly but steadily emerging as the regulatory capital of the world. As much as some loathe it, it is a trend that business leaders and policymakers from Tokyo to Washington feel they cannot afford to ignore.<sup>27</sup>

### *Inclusive equality*

It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.<sup>28</sup>

The sixth EU normative principle is inclusive equality, involving a more open-ended and uninhibited understanding of which groups are particularly subject to discrimination than article 3-3 suggests.<sup>29</sup> Hence, the 2000 Charter of Fundamental Rights of the Union included references to the prohibition of 'any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation' (article 21, emphasis added). One weakness with the implementation of this principle is the extent to which discrimination based on nationality is still widespread in a majority of member states. This is particularly true of employment practices in consensual societies that promote homosociality.<sup>30</sup>

The third objective of the Union involves combating discrimination and promoting equality, as illustrated by article 3-2 of the Reform Treaty. The promotion of equality in Europe and the world has at least three dimensions emphasizing the equality of citizens and member states, as well as identifying the types of discrimination to be targeted by its policies. First, the treaty identifies the principle

<sup>26</sup> Commission of the European Communities, 'The European Union and the United Nations: the choice of multilateralism', Communication from the Commission to the Council and the European Parliament, COM(2003) 526 final (Brussels, 10 Sept. 2003), p. 3; Javier Solana, 'A secure Europe in a better world: the European Security Strategy', approved by the European Council 12 Dec. 2003, p. 9.

<sup>27</sup> Tobias Buck, 'Standard bearer: how the European Union exports its laws', *Financial Times*, 10 July 2007, p. 9.

<sup>28</sup> Article 3-3, Reform Treaty 2007.

<sup>29</sup> Andrea Pető and Ian Manners, 'The European Union and the value of gender equality', in Lucarelli and Manners, *Values and principles*, pp. 97-113.

<sup>30</sup> Michael Roper, 'Seduction and succession: circuits of homosocial desire in management', in David Collinson and Jeff Hearn, eds, *Men as managers, managers as men* (London: Sage, 1996), pp. 210-26.

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of equality of its citizens as being a fundamental democratic principle (article 8) and recognizes the equality of its member states as being a fundamental principle of union (article 4). Second, as discussed above, the treaty and Charter identify particularly common forms of discrimination to be combated, with a particular emphasis on gender equality across EU policies. Third, the seven articles in the equality title of the Charter emphasize the promotion of equality with attention to cultural diversity, gender, the rights of the child and the elderly, and the integration of persons with disabilities.

### *Social solidarity*

The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment.<sup>31</sup>

The seventh EU normative principle is social solidarity. The extensive understanding of social solidarity becomes clear in references in the objectives of the draft Reform Treaty to ‘balanced economic growth’, ‘social market economy’, ‘full employment’ and combating ‘social exclusion’, as well as promoting ‘social justice and protection’, intergenerational solidarity, and social solidarity among (and between) member states. The principle of social solidarity goes beyond intra-EU relations to inform and shape EU development and trade policies, as the draft treaty suggests with its references to the Union’s contribution to ‘solidarity and mutual respect among peoples, free and fair trade, eradication of poverty’.<sup>32</sup>

In addition to promoting equality, the third objective of the Reform Treaty is to promote social solidarity through a variety of treaty areas, including intergenerational solidarity, interstate solidarity and labour solidarity. Intergenerational solidarity emphasizes the role of families and the state in providing practical, financial and social support across the generations. Interstate solidarity involves a spirit of mutual solidarity between member states in order to promote economic, social and territorial cohesion, as well as in response to terrorist attack or natural or human-induced disaster (articles 3-3 and 188r-1 in particular). Labour solidarity is concerned with the promotion of labour rights and protection, including core labour standards and fair trade, and can be found entrenched in the twelve articles in the solidarity title of the Charter, as well as in the reference to ‘free and fair trade’ in article 3-5 of the Reform Treaty.

### *Sustainable development*

The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to ... help develop international measures to preserve and improve the quality of the environment and the

<sup>31</sup> Article 3-3, Reform Treaty 2007.

<sup>32</sup> See Federico Bonaglia, Andrea Goldstein and Fabio Petito, ‘Values in European Union development cooperation policy’, in Lucarelli and Manners, *Values and principles*, pp. 164–84.

sustainable management of global natural resources, in order to ensure sustainable development.<sup>33</sup>

The eighth EU normative principle is sustainable development, which places an emphasis on the dual problems of balance and integration. The EU principle of sustainable development is intended to provide a balance between uninhibited economic growth and biocentric ecological crisis: the Union 'seeks to promote balanced and sustainable development' (preamble to the Charter) and 'shall work for the sustainable development of Europe based on balanced economic growth' (article 3-3). In parallel, the principle also involves the integration, or mainstreaming, of sustainable development into the policies and activities of the Union.<sup>34</sup> The EU seeks to promote these principles of sustainable development beyond Europe through its enlargement, development, trade, environmental and foreign policies.

As article 10a-2f of the Reform Treaty illustrates, the Union promotes sustainable development through encouraging international environmental protection and the sustainable management of global natural resources. As discussed, this first involves balancing internal economic growth with protecting and improving the quality of the environment (article 3-3). Second, such promotion involves the relatively unusual Charter article integrating environmental protection into the policies of the Union in accordance with the principle of sustainable development. Third, the Union's promotion of sustainable development extends to fostering 'the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty' (article 10a-2d).

### *Good governance*

The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to ... promote an international system based on stronger multilateral cooperation and good global governance.<sup>35</sup>

The ninth EU normative principle is good governance, emphasizing quality, representation, participation, social partnership, transparency and accountability in 'the democratic life of the Union' (Reform Treaty). The EU principle of good governance has two distinctive elements, both of which have significant internal and external consequences: namely, the participation of civil society and the strengthening of multilateral cooperation. Since the Commission presidency of Romano Prodi (1999–2004) significant emphasis has been placed on the promotion of good governance through the participation of civil society in order to encourage openness and transparency, as well as to facilitate democratic participation (articles 21a and 8b). In parallel, the unilaterally led invasion of Iraq has ensured that member

<sup>33</sup> Article 10a-2f, Reform Treaty 2007.

<sup>34</sup> Susan Baker, 'Environmental values and climate change policy: contrasting the European Union and the United States', in Lucarelli and Manners, *Values and principles*, pp. 77–96.

<sup>35</sup> Article 10a-2h, Reform Treaty 2007.

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states have strengthened their commitments to the promotion of ‘an international system based on stronger multilateral cooperation and good global governance’, as the extract from the Reform Treaty illustrates.<sup>36</sup> The treaty also suggests that the promotion of good governance is to be achieved through as least three different practices involving participatory democracy, openness and transparency; multilateralism; and good global governance (see articles 8b, 10a, 21a, and the right to good administration in the citizen’s rights title of the Charter).

### **Procedural normative ethics**

Over the years we have accomplished a great deal together. The single market, the euro and enlargement, which has been a tremendous success in spreading democracy and prosperity across our continent. We do system change, not regime change. We do it slowly and on a basis of partnership.<sup>37</sup>

As a second step towards assessing whether the EU engages in normative practices, I will look at the way different approaches to normative ethics help us make sense of normative power. As the extract from Javier Solana’s speech suggests, it is not just substantive normative principles such as democracy that are important, but the *way* in which the EU promotes such principles—here described as ‘slowly and on a basis of partnership’.

The study of normative ethics involves asking what principles and practices are considered important, by whom and why. Normative ethics focuses on the impact these beliefs have on actions taken by groups and societies in order to understand which actions are considered right or wrong. In this respect it is usual to distinguish three approaches to normative ethics—virtue ethics, deontological ethics and consequentialist ethics—each of which I shall briefly consider within the context of my discussion of EU normative ethics. Here I use an original tripartite analytical method based on bringing the EU’s principles, actions and impact together with three approaches to normative ethics in order to help us make sense of, and judge, the EU’s normative power in world politics.

### *EU principles and virtue ethics*

The first part of the tripartite analysis is to examine the constitutive principles of the EU and how these become promoted as aims and objectives of the EU in world politics. As discussed in the previous section, the EU’s nine substantive principles are being constitutionalized as principles and objectives of external action, regardless of the ratification of the Reform Treaty. One path to judging the EU’s principles is through reference to wider discussions of neo-Aristotelian virtue ethics in philosophy: ‘Virtue ethics is currently one of the three major approaches in normative ethics. It may, initially, be identified as the one that emphasizes the

<sup>36</sup> See Adrian van den Hoven, ‘European Union regulatory capitalism and multilateral trade negotiations’, in Lucarelli and Manners, *Values and principles*, pp. 185–200.

<sup>37</sup> Javier Solana, ‘Europe’s answers to the global challenges’, speech to the University of Copenhagen, 8 Sept. 2006.

virtues, or moral character, in contrast to the approach which emphasizes duties or rules (deontology) or that which emphasizes the consequences of actions.<sup>38</sup> Virtue ethicists such as Philippa Foot and Rosalind Hursthouse draw on Aristotle's notion of virtue in terms of character traits or dispositions.<sup>39</sup> This tends to put the emphasis on teaching and education as part of the social and personal development of moral virtue. In terms of thinking about normative power, virtue ethics encourages us to look at the character or traits which guide the EU and its member states in their pursuit of external actions.

Virtue ethics and its emphasis on the moral character of social groups encourage a focus on the interpretation of virtues such as 'benevolence', 'generosity' or 'justice'. Such an interrogation inevitably involves examining the means through which such virtues become established and the extent to which a group shares them. The establishment of virtues through education, religion or other social practices clearly forms an important part of understanding the shared basis of the common good. General examples of such virtues might include classical merits such as temperance, prudence, fortitude or justice. More religious virtues such as faith and charity entered the catalogue of valued qualities at a later stage. It is also worth considering the way in which derivations of such virtues entered the discourses of European Enlightenment in modern times. Hence the French Revolution championed the virtues of liberty, equality and 'fraternity' (solidarity), while the EU seeks the virtues of unity and diversity.

Drawing on the discussion of virtue ethics, it might be suggested that any EU normative ethic should be based on 'living by virtuous example'.<sup>40</sup> 'Living by example' involves ensuring that the EU is both normatively coherent and consistent in its policies. Coherence entails ensuring that the EU is not simply promoting its own norms, but that the normative principles that constitute it and its external actions are part of a more universalizable and holistic strategy for world peace. Here references to the UN's Charter, Bill of Rights and additional protocols become important as all nine substantive normative principles can be found in these instruments of the UN system (including the International Labour Office and the Framework Convention on Climate Change).<sup>41</sup> Consistency means ensuring that the EU is not hypocritical in promoting norms which it does itself not comply with; as Kalypso Nicolaïdis and Dimitri Nicolaïdis have put it, 'Fundamentally, normative power can only be applied credibly under a key condition: consistency between internal policies and external prescriptions and actions.'<sup>42</sup>

<sup>38</sup> Rosalind Hursthouse, 'Virtue ethics', *Stanford encyclopaedia of philosophy*, 18 July 2003, p. 3, <http://plato.stanford.edu/entries/ethics-virtue/>, accessed 13 August 2007.

<sup>39</sup> Philippa Foot, *Virtues and vices and other essays in moral philosophy* (Oxford: Blackwell, 1978); Rosalind Hursthouse, *On virtue ethics* (Oxford: Oxford University Press, 1999).

<sup>40</sup> See David Coombes, 'Leading by virtuous example: European policy for overseas development', in Bill McSweeney, ed., *Moral issues in international affairs: problems of European integration* (Basingstoke: Macmillan, 1998), pp. 221–45.

<sup>41</sup> See discussions in Manners, 'Normative power Europe' (*JCMS*), p. 241; Manners, 'A response to Thomas Diez', pp. 170–3.

<sup>42</sup> Kalypso Nicolaïdis and Dimitri Nicolaïdis, 'The EuroMed beyond civilisational paradigms', in Emanuel Adler, Federica Bicchì, Beverly Crawford and Raffaella Del Sarto, eds, *The convergence of civilisations: constructing a Mediterranean region* (Toronto: University of Toronto Press, 2006), pp. 348–9.

### *EU actions and deontological ethics*

[W]e rely on moral persuasion, the power of argument, and the power of shaming ... Other factors in these circumstances of voluntary compliance are also important, such as the domestic salience of the norm, its legitimacy and coherence, and the extent to which it fits with other prevailing and well-established standards; but norms are expressed through language and the process of argumentation and debate can shape what is said subsequently in both domestic and international venues.<sup>43</sup>

The second part of the tripartite analysis is to look at how the EU promotes its constitutive principles as actions and policies in world politics. As Rosemary Foot suggests, in its most general form normative power relies more on persuasion, argument and shaming than on illegitimate force to shape world politics. Building on the virtue ethics of coherence and consistency, such normative actions rely on engagement and dialogue as the means of external action. A path to judging the EU's actions is through reference to wider discussions of neo-Kantian deontological ethics in philosophy:

The central thought of Kant's account of public reason is that the standards of reason cannot be derivative. Any appeal to other, external authorities to buttress our reasoning must fail. Just as a learner cyclist who clutches at passing objects and leans on them for balance thereby fails to balance at all, so a would-be reasoner who leans on some socially or civilly constituted power or authority which lacks reasoned vindication fails to reason.<sup>44</sup>

Deontological ethicists such as Onora O'Neill draw on Immanuel Kant's notion of public reason in terms of duties and rules governing action.<sup>45</sup> As the passage quoted above illustrates, a deontological approach involves reasoning the merits of action without reference to, or derivation from, an external authority. In contrast to virtue ethics, a deontological approach to normative power emphasizes the rationalization of duties and rules which guide the EU in its external actions.

Deontological ethics moves the focus beyond the character of social groups towards an understanding of group actions and inactions. O'Neill and other neo-Kantians seek to emphasize the progressive and expansive role of public debate and reasoning in creating the rights and duties held to be important within a group. An awareness of the promotion of such rule-governed behaviour through domestic and international law is central to making sense of this shared idea of the common good. Unlike virtue ethics, deontological ethics provides few absolute merits which might be pursued; rather, the approach emphasizes the means through which actions are motivated and practised. In this respect, much weight is placed on the establishment of law, including both rights and duties, in the pursuit of the common good. Both supporters and detractors of the EU have argued that it has become a 'Kantian paradise' governed by domestic and international law such as the *acquis communautaire*.<sup>46</sup>

<sup>43</sup> Rosemary Foot, *Rights beyond borders: the global community and the struggle over human rights in China* (Oxford: Oxford University Press, 2000), p. 9.

<sup>44</sup> Onora O'Neill, 'Bounded and cosmopolitan justice', *Review of International Studies* 26, 2000, p. 52.

<sup>45</sup> Onora O'Neill, *Bounds of justice* (Cambridge: Cambridge University Press, 2000); Hans Reiss, *Kant: political writings* (Cambridge: Cambridge University Press, 1991).

<sup>46</sup> Anja Dalgaard-Nielsen, 'Looking to Europe: American perceptions of the Old World', *Cooperation and Conflict*

Going beyond virtue ethics and drawing instead on the discussion of deontological ethics, it could be argued that any EU normative ethics should be based on 'being reasonable' in world politics. 'Being reasonable' involves ensuring that the EU reasons and rationalizes its external actions through processes of engagement and dialogue. Engagement entails initiating and institutionalizing regular and transparent patterns of communication or partnership, for example through accession procedures, stabilization and/or association agreements, the European Neighbourhood Policy, African, Caribbean and Pacific relations, and Generalized System of Preferences 'Plus' arrangements. Dialogue means engaging in two-way deliberation and discussion as part of reasoning the merits of external actions, for example through association councils and the negotiation of action plans. Both engagement and dialogue provide a means for reasoning with others implicated in EU external actions, whether members, partners or targets through persuasion, argument or shaming.

### *EU impact and consequentialist ethics*

The third part of the tripartite analysis is to consider the impact and outcomes of EU actions taken to promote its constitutive principles in world politics. Whereas analysis of principles and actions focuses on the origins and practices of EU external actions, an emphasis on impact requires wider reading of the way in which policies change and shape the partners and targets of such actions. A final path to judging the EU's impact is through reference to wider discussions of neo-utilitarian consequentialist ethics in philosophy:

It is a necessary feature of consequentialism that it is a shallow philosophy. For there are always borderline cases in ethics. Now if you are an Aristotelian ... you will deal with a borderline case by considering whether doing such-and-such in such-and-such circumstances is, say, murder, or an act of injustice; and accordingly you decide it is or isn't, you judge it to be a thing to do or not ... The consequentialist has no footing on which to say 'this would be permissible, this not'; because by [their] own hypothesis, it is the consequences that are to decide.<sup>47</sup>

Consequentialist ethicists such as Elizabeth Anscombe draw on and develop the utilitarianism of Jeremy Bentham and John Stuart Mill in order to argue for normative ethics based on the outcomes of actions.<sup>48</sup> In contrast to the neo-Aristotelian or neo-Kantian approaches, Anscombe argued that a consequentialist approach did not judge ethical cases on their own merit, but looked towards the consequences of action or inaction for guidance. Unlike virtue and deontological ethics, which focus on motivations, theorizing normative power using a consequentialist approach involves analysing the impacts of EU actions and their implications for others.

39: 1, 2004, pp. 71–3; Anand Menon, Kalypso Nicolaïdis and Jennifer Walsh, 'In defence of Europe: a response to Kagan', *Journal of European Affairs* 2: 3, 2004, p. 9.

<sup>47</sup> Elizabeth Anscombe, 'Modern moral philosophy', *Philosophy: the Journal of the Royal Institute of Philosophy* 33: 124, 1958.

<sup>48</sup> Mary Geach and Luke Gormally, eds, *Human life, action and ethics: essays by G. E. M. Anscombe* (Exeter: Imprint Academic, 2006); Stephen Darwall, ed., *Consequentialism* (Oxford: Blackwell, 2002).

Although consequentialist ethics shares an emphasis with deontological ethics on the rights and wrongs of group actions, the focus of this approach is on the interplay between actors and consequences. The implications of this approach are significant for debates regarding the relationships between the EU and the rest of the world, for example raising questions about the merits of EU aid and trade. This also introduces the problem of value pluralism and the extent to which the merits of differing consequences may themselves be moral choices.<sup>49</sup> This problem has become widespread in debates regarding the relative merits of pursuing simultaneously the sustainable development agenda propounded in 1992 at Rio and in 2002 at Johannesburg, the 2000 UN Millennium Development Goals, the 2001 Doha Declaration and the 2002 Monterrey Consensus, with their very different consequences.<sup>50</sup>

Consequentialist ethics leads to the suggestion that the EU should ‘do least harm’ in world politics. ‘Doing least harm’ involves ensuring that the EU thinks reflexively about the impact of its policies on partner countries and regions, in particular through encouraging local ownership and practising positive conditionality. Local ownership is crucial in ensuring that relationships are ‘other empowering’, in contrast to the self-empowering actions of much foreign, development and humanitarian policy. Positive conditionality is also a factor in assessing whether the EU is ‘doing least harm’ in the places it is trying to act by ensuring that ‘progress is rewarded with greater incentives and benefits [and] an even deeper relationship’.<sup>51</sup>

## **Conclusion: a more just, cosmopolitical world**

In terms of normative power, I broadly agree: we are one of the most important, if not the most important, normative powers in the world. Look, for instance, even beyond this case that he talks about: the death penalty ... Even foreign policy. Yes, it gets the media’s attention when we are divided. But most member states of the EU vote the same way in the United Nations. The pattern is impressive. There is not any group of countries in the world that have the same degree of homogeneity ... Why is that? It is because we have been successful in establishing norms, and applying them to different realities ... It is in fact the EU that sets the standards for others much of the time.<sup>52</sup>

I have attempted to suggest that normative ethics provides us with a means of assessing whether the EU is acting as a normative power in world politics. I have further suggested that we can ask some pretty difficult questions about EU relations with the world by deploying a tripartite analytical method based on judging its principles, actions and impact. The final step is to apply this framework to a series of

<sup>49</sup> Soran Reader, ‘New directions in ethics: naturalisms, reasons and virtue’, *Ethical Theory and Moral Practice* 3, 2000, p. 356.

<sup>50</sup> Manners, ‘European Union “normative power” and the security challenge’, pp. 412–16.

<sup>51</sup> Benita Ferrero-Waldner, ‘The European Neighbourhood Policy: the EU’s newest foreign policy instrument’, *European Foreign Affairs Review* 11, 2006, p. 140.

<sup>52</sup> John Peterson, ‘José Manuel Barroso = political scientist: John Peterson interviews the European Commission President’, 17 July 2007, pp. 4–5, complete transcript, EU-Consent: Constructing Europe Network, <http://www.eu-consent.net/library/BARROSO-transcript.pdf>, accessed 13 Aug. 2007.

case-studies representing a broad cross-section of EU external actions by comparing and contrasting these three analytical parts. Such a comparative analysis is likely to raise questions about the relative importance of principles, actions and impact in some of the EU's most difficult policies with the rest of the world, including those with the 'axis of ego' (United States, China, Russia); with difficult regimes (e.g. Belarus, Burma, Iran, Zimbabwe); with transnational actors (e.g. transnational capital/companies, Wahhabi jihadists); and in conflict regions (e.g. Somalia, Congo, Sudan, Afghanistan, Iraq).

As José Manuel Barroso argued when asked to comment on my normative power approach, the EU might be one of the most important normative powers in the world because of its ability to establish normative principles and apply them to different realities. It is this application of normative principles to different realities that is central to the EU's normative ethics—it should 'live by example', 'be reasonable' and 'do least harm' whether it is acting alone or in partnership, whether its partners are in Europe or the Pacific, and whether it is dealing with global warming or counterterrorism. Ultimately, as Javier Solana's comments quoted above suggest, it may be simply too early even to contemplate the extremely long-term vision of an EU that is a normative power: system change from Westphalian self-regarding to post-Westphalian other-regarding is slow and needs partners. In this respect the long-term diffusion of ideas in a normatively sustainable way works like water on stone, not like napalm in the morning.

I am becoming more and more convinced that a foreign policy which is based solely on interests, whether on a national or a regional perception thereof, is no longer sustainable. In my view Europe needs a foreign policy firmly anchored in ethics, and based on universally accepted values and principles. What we need are transparent political choices that can be explained to our national parliaments, public and media.<sup>53</sup>

The creative efforts and longer-term vision of EU normative power towards the achievement of a more just, cosmopolitical world which empowers people in the actual conditions of their lives should and must be based on more universally accepted values and principles that can be explained to both Europeans and non-European alike. In this respect I share the commitment of former Commissioner Emma Bonino to ensuring that the EU's relations with the rest of the world are based on more transparent normative ethics that accommodate the social rights and perceptions of the member states with those of the EU and its citizens, together with the universal individual rights of non-Europeans, no matter where one might live.

<sup>53</sup> Emma Bonino, 'Principled aid in an unprincipled world', speech delivered to ECHO/Overseas Development Institute (ODI) Conference by European Commissioner for Humanitarian Affairs, speech/98/69, 7 April 1998.