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## Morally good EU?! – an analysis of morality in the European Union's development cooperation

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## Abstract

How morally acceptable does the European Union act in its development cooperation efforts? This paper analyzes the instrument of conditionality by reference to Aristotle and Immanuel Kant. Both entities' thoughts on ethics and politics are outlined in the light of the assessment of conditionality. Aristotle's *anarchy* in international relations and I. Kant's *reason-guided* theory of action are the foundation of the interpretation.

On the basis of those theoretical thoughts it is inferred a particular moral legitimation for the instrument of conditionality in the EU's development cooperation. Crucial for this assessment is the underlying intention of the EU. As the Union externalizes its fundamental and constituting values by development cooperation, values like freedom, dignity and justice are the factors that define the concept of conditionality. Those facets are in line with postulated values of Aristotle's and Immanuel Kant's ethics.

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## 1. Introduction

‘The European Union [...] can be a formidable force for good in the world.’<sup>1</sup>

This statement was made by the at that time High Representative of the Union for Foreign Affairs and Security Policy Javier Solana.

He argues for a stronger engagement of the European Union (EU) around the world, cooperating with other states to foster certain goals.

Using the term *good* is an obvious, but still vague attempt in conceptualizing the EU’s role in the world. What does *good* mean in this regard? Does it relate to something as right or as morally right? How does the European Union conceptualize its good? It might be a highly eurocentric view. And to what extent is it legitimate to enforce the good? What structures support their assumption of doing the good thing and forcing others to the good (or what they assume to be good) as well? What if one steps out of this paradigm and beholds the world with the ideas of two philosophers; one ancient and the other contemporary? What structures with regard to the EU’s performance become apparent?

‘The depravity of human nature shows itself without disguise in the unrestrained relations of nations to each other, [...]’<sup>2</sup>

That is what Immanuel Kant wrote in his work *Perpetual Peace* in 1795.

My opening hints at what I intend to do in this paper. To connect the notion of the EU’s external action with thoughts of two outstanding theorists in politics. Of course, in (political) philosophy there is no universal right and wrong and hence no absolute answer to (research) questions. However, I intend to demonstrate how one can morally justify and interpret the EU’s external actions. This will be done by a contrasting juxtaposition of two well-known figures in the sphere of political philosophy; Aristotle and I. Kant. In the end this shall lead to policy advise and a starting point for further thoughts and research on morality in international relations and specifically the EU’s role in that arena.

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<sup>1</sup> J. Solana, J. (2003). *A secure Europe in a better world - The European Security Strategy*. In: *Civilian Perspective or Security Strategy? European Development Policy Confronting New Challenges in Foreign and Security Policy* (Berlin, 2004) p.57.

<sup>2</sup> I. Kant, *Zum ewigen Frieden, Ein philosophischer Entwurf* (Königsberg: 1795). For a translation see: M. Campbell Smith, *Perpetual Peace, A philosophical essay* (London: George Allen & Unwin Ltd., 3<sup>rd</sup> Edition 1917).

## 1.1 Academic state of the art

Many scholars have written about the EU's external relations.<sup>3</sup> And many also touched the instruments of development cooperation. My analyzed concept, that of conditionality, was broadly covered by past research, too. The effectiveness of conditionality with regard to third countries was studied by Smith even though only published as draft.<sup>4</sup> Other authors conducted empirical research by for example asking 'How effective and relevant is European Union political conditionality for the promotion of democracy in third countries?'<sup>5</sup> Another author studied the impact of the EU's political conditionality with regard to a specific country; here Slovakia.<sup>6</sup>

Also my second aspect of analysis was given much attention. The notion of morality in politics in general and what she calls applied ethics is examined by Kaminsky.<sup>7</sup> Further authors have given some thought on morality in development cooperation and to what extent interests are essential when discussing those terms.<sup>8</sup> For example do findings of K. Del Biondo show that there seems to be a link between donor interests and sanctions, as she examined the impact of interests on the EU's pattern of applied sanctions.<sup>9</sup>

So in general there is research on both conditionality of the EU on the one hand and morality in politics on the other. It seems, as if everything is covered already. With my research I intend to combine discussions and examine the interface between political instrument and ethical standard. Because not only does the former research area limit itself to empirical research, which mostly tries to assess the impact of conditionality on the very applied entity. But there seems to be a lack of research on the question whether conditionality is a good thing to do. Even though this question seems odd, as the definition of right and wrong is subject to interpretation, I find it allowable to scrutinize conditionality per se especially in combination with morality. As I will state later on as well, I do intend to answer my research question in a

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<sup>3</sup> B. Van Vooren & R.A. Wessel, *EU external relations law: text, cases and materials* (Cambridge: Cambridge University Press 2014).

<sup>4</sup> K.E. Smith, *The use of political conditionality in the EU's relations with third countries: How effective?* *European foreign affairs review*, 3(2) (1998), 253-274.

<sup>5</sup> F. Schimmelfennig, & H. Scholtz, *EU Democracy promotion in the European neighbourhood political conditionality, economic development and transnational exchange* (*European Union Politics*, 9(2) 2008), 187-215.

<sup>6</sup> L. Fedorová, *The Effectiveness and Limits of EU Conditionality: Changing Domestic Policies in Slovakia (1989-2004)* (Münster: LIT Verlag Vol. 8 2011).

<sup>7</sup> C. Kaminsky, *Moral für die Politik: eine konzeptionelle Grundlegung der angewandten Ethik* (Paderborn: Mentis Verlag GmbH 2005).

<sup>8</sup> U. Willems, *Entwicklung, Interesse und Moral. Die Entwicklungspolitik der Evangelischen Kirche in Deutschland* (Opladen: Leske + Budrich 1998).

<sup>9</sup> K. Del Biondo, *Donor Interests or Developmental Performance? Explaining Sanctions in EU Democracy Promotion in sub-Saharan Africa*, (*World Development*, 75, 2015) 74-84.

definitive, but not absolute manner to open the discussion on so far uncharted grounds.

In general, it might be presumptuous to write a short essay or in this case bachelor thesis on a topic, that compiles terms like political conditionality, morality and interests. People have not just written books of length that exceeds hundreds and hundreds of pages, but also their PhD thesis on topics like political conditionality.<sup>10</sup> I know that it is a sensitive relation between ethics and politics. People and scholars do not have the same notion of terms, but even though if there is an agreement on a certain definition it is highly controversial to what extent for example an ethical standard shall be applied - the degree differs.

## 1.2 Outlook on the theoretical foundation

At the core of this research is, as stated earlier, the elaboration on morality and ethics in politics, especially international relations. Here, I chose theories of Aristotle and I. Kant to amplify the concept of ethics. Both authors are on the quest for the morally good, they however differ in regard to their theory of action, which leads to contrasting moral principles. Whereas Aristotle stresses *eudaimonia* (happiness) as the aim of all human action, I. Kant focuses on liberty and justice. The terms *striving* or *pursuit* for Aristotle and *duty* and *reason* for I. Kant reflect those ultimate guidelines. Aristotle emphasizes on constituting the good life by the quest of happiness, whereas Kant concentrates on a theory of reason and its guidance to a better life.

The literary work *Nicomachean Ethics*<sup>11</sup> will be my main source to define how Aristotle conceptualizes ethics as it is appraised as the most detailed one, even though the impact and importance of *Magna Moralia* and the *Eudemian Ethics* cannot be denied.<sup>12</sup> In general, there is no hierarchical order between politics and ethics according to Aristotle, but those concepts are deeply intertwined. It can be called the philosophy of human affairs (*Philosophie der menschlichen Angelegenheiten*).<sup>13</sup>

Aristotle conceptualized the term *êthos* threefold saying that not just social and political institutions, but habituality (deontology) and normative ethics (the basis of human action)

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<sup>10</sup> A. Fonari, *Politische Konditionalität im Rahmen der deutschen Entwicklungszusammenarbeit als Instrumentarium deutscher Aussen-und Aussenwirtschaftspolitik?* (Münster: Universität zu Münster 1999).

S. Giesendorf, *Politische Konditionalität der EU—eine erfolgreiche Demokratieförderungsstrategie. Eine Analyse am Beispiel der Türkei.* (Baden-Baden: Nomos 2009).

C. Kaminsky, *Moral für die Politik: eine konzeptionelle Grundlegung der angewandten Ethik* (Paderborn: Mentis Verlag GmbH 2005).

U. Willems, *Entwicklung, Interesse und Moral. Die Entwicklungspolitik der Evangelischen Kirche in Deutschland* (Opladen: Leske + Budrich 1998).

K.E. Smith, *The use of political conditionality in the EU's relations with third countries: How effective?* (European foreign affairs review, 3(2) 1998), 253-274.

<sup>11</sup> Aristoteles, *Nikomachische Ethik* (Darmstadt: Wissenschaftliche Buchgesellschaft 1956).

<sup>12</sup> See O. Höffe, *Aristoteles* (München: Verlag CH Beck 3<sup>rd</sup> Edition 2006).

<sup>13</sup> Ibid.

constitute it.<sup>14</sup> As ethics and political philosophy touch on practice it is for Aristotle not so much about the generation of knowledge in itself, but the promotion of actions. He coined the term *practical philosophy*.

Aristotle recognizes the instability and inconsistency of his objective as it is subject to interpretation throughout time and space, which leads to practical difficulties in mastering a fulfilled life. Aristotle wants to establish ethics with the end to enlighten. One should rather act upon understanding and conviction than habit, because there are only two ways to guide people to moral actions - via realization or interest. His quest for happiness is a process divided into three steps: (1) an environment and strategy of life, where fulfillment is possible (*glückstaugliche Lebensstrategie*), (2) virtues or rules of action and (3) the concrete action itself. A link to my object of investigation can be established as I take the concrete action (here: conditionality) and relate it to the former stage of virtues. Aristotle's understanding of virtues and their establishment will be key in this part of my research. As Aristotle's thoughts and findings in *Nicomachean Ethics* rather apply to the individual human being and people/citizens of the polis, a modification into the international political sphere has to be carried out. Here I chose Aristotle's work *Politics*<sup>15</sup> as point of reference, because sections therein also apply to foreign relations and obviously to politics in general. Nevertheless, the translation of an ethical theory for individuals to an ethical theory for international relations is one of the enhancements to be achieved in this paper.

Aristotle's antagonist so to speak is the German philosopher Immanuel Kant. I. Kant, who shall represent more of a recent mindset, will be set against Aristotle. Even though I. Kant's works were published a few hundred years ago they can still be regarded as up-to-date as they comprise topics like globalization and the relationship of different frameworks (*Rahmenordnungen*), the latter referring to the interaction of states. This links to my goal of abstracting the moral compound of those concepts into an international sphere. I. Kant's moral philosophy integrates the virtue theory (not to be misunderstood with virtue ethics) and doctrine of right. Here, it is already obvious that there are hardly fixed English terms for German words like *Tugendlehre*, *Rechtslehre* and *Rahmenordnung*. Others use *doctrine of virtue* interchangeably with *virtue theory*. His virtue theory rather relates to the individual and takes the perspective of the agent. Every action relates to third parties and hence bridging it to the level of a state's external actions might be regarded useful. However, I do not think this holds true as his findings related to virtues

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<sup>14</sup> O. Höffe, *Aristoteles: Die Nikomachische Ethik* (Berlin: Akademie Verlag 1995).

<sup>15</sup> Aristoteles, *Politik* (Leipzig: Verlag von Felix Meiner 1912).

always link to the individual. In line with R. Opgen-Rhein I will rather opt for the analysis of his *Rechtslehre* as a discussion of the relations between states or state-like entities like the EU, bases on the sum of interactions within, rather than highlighting the individual.<sup>16</sup> For the start one also has to understand the underlying anthropology. I. Kant's defined natural state is that human beings have normative rights deducted from his categorical imperative, but apart from that there is a factual lack of rights. Consequently, there is a state of mutual threat. This state ought to be overcome by the application of his *Tugendethik* and *Rechtslehre*. The latter is then divided into public law, constitutional law and international law (*Völkerstaatsrecht*). Those terms base on each other and this inductive approach leads to the aspect, which will be under scrutiny; that of international law and its compatibility with concepts of morality.

Here, his work *Perpetual Peace: A Philosophical Essay*<sup>17</sup> is taken to develop his concept of international relations. His so called *Preliminary Articles* are requests for states, which in fact are taken to be implemented immediately due to the nature that they solely rely upon one state. This unilateral application shall lead to setting a good example. In contrast his so called *Definitive Articles* depend on the cooperation between different states. A link to the EU can be established as the regional integration is an example for such an implementation. Hence, this supports me in my procedure to focus on the EU as actor and neglect the member states. Furthermore, as stated by I. Kant, one does not have to act upon, but according to the categorical imperative. This is an important distinguishing factor, which will be picked up at a later stage.

But before elaborating on the ideas of Kant and Aristotle I will outline the European Union's objectives in its development cooperation. It will become apparent that freedom and human rights are essential features of its policies, which are driven to eradicate poverty. If this implies a hierarchy and a paternalistically conduct, is to be examined as well. Moreover, the specific instrument of conditionality shall be analyzed. Various aspects of conditionality are highlighted to understand the underlying notion.

As stated earlier much attention was given to the effectiveness of the EU's instrument in external relations. But this thesis is not about efficiency or effectiveness of conditionality; it is about conditionality in regard of a practical moral instrument. What sense of morality

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<sup>16</sup> R. Opgen-Rhein, *Philosophische Theorien globaler Ordnung: realistische Entwürfe oder nur Utopien?* (Marburg: Metropolis-Verlag 2009).

<sup>17</sup> I. Kant, *Zum ewigen Frieden, Ein philosophischer Entwurf* (Königsberg: 1795). For a translation see: M. Campbell Smith, *Perpetual Peace, A philosophical essay* (London: George Allen & Unwin Ltd., 3<sup>rd</sup> Edition 1917).



underlines the conditionality? My research question therefore reads as follows “TO WHAT EXTENT CAN THE USE OF CONDITIONALITY IN EU DEVELOPMENT COOPERATION BE CONSIDERED AS A MORALLY ACCEPTABLE INSTRUMENT OF FOREIGN POLICY?” This overall research question follows an evaluative, hermeneutic and explanatory typology and will be answered following the answers to subsequent sub-questions, which are posed in each chapter:

- (1) “WHAT ARE THE EU’S EXTERNAL OBJECTIVES IN DEVELOPMENT COOPERATION?”
- (2) “HOW DOES THE EUROPEAN UNION CONSTRUE THE CONCEPT OF CONDITIONALITY?”
- (3) „HOW DOES ARISTOTLE CONCEPTUALIZE A MORALLY GOOD ACTION AND IS CONDITIONALITY SUCH AN ACTION?“
- (4) “HOW DOES I. KANT CONCEPTUALIZE A MORALLY GOOD ACTION AND IS CONDITIONALITY SUCH AN ACTION?”.

My theoretical and philosophical approach shall stimulate fellow researcher and others interested in the EU’s external relations to reflect on the underlying structure of such an instrument. Questions of *how* and *to what extent* have been covered empirically in the past. This essay ought to highlight the questions of *how* and *why* conceptually. How and why shall one establish such a relation as the one existing and what does it imply about the general structure of entities? This - as mentioned earlier - then again has implications on theories on the power structure and international relations. A sound policy advise is pursued.

I will start off by summarizing the EU’s external objectives in its development cooperation policy.

## 2. The EU’s objectives in its Development Cooperation

The subsequent chapter shall highlight the objectives of the European Unions’ development cooperation policy and lead to the answering of my sub-question (1) “WHAT ARE THE EU’S EXTERNAL OBJECTIVES IN DEVELOPMENT COOPERATION?”. To answer that, one has to have a look at the Treaties. But before doing that I will quickly summarize the history of European development cooperation.

The end of the cold war was a turning point for the European development cooperation policy. The EU had to react to the collapse of the Soviet Union as the geopolitical circumstances changed. The role of Europe became much more significant according to M. Polak, also because its development into one of the world’s largest industrial areas.<sup>18</sup> There occurred a focus shift

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<sup>18</sup> M. Polak, *Die Reform der Entwicklungspolitik der Europäischen Union*. (Saarbrücken: VDM Verlag Dr. Müller 2008) p. 22.

as the European Union did not merely concentrate on its cooperation with the so-called South and former colonies, but included its newly found neighbors in Eastern and Central Europe.<sup>19</sup> This is in line with D. Dialer's finding, that the developmental ambitions of the EU always adjusted to historical, political and economic circumstances for the last decades.<sup>20</sup> As M. Polak noted did the European development policy change in the 1990s its character from an altruistic one to one driven by self-interest.<sup>21</sup> At the same time does D. Dialer determine that the transfer of (financial) aid is more and more linked to conditions since the mid-1990s. She labels this as European governance, which shall lead to behavioral compliance by executing positive and/or negative incentives.<sup>22</sup>

It was the aspect of poverty eradication which was pivotal point for the acclaimed development policy, also due to its nature of being good publicity and legitimization of development cooperation.<sup>23</sup> This concept however was only vaguely defined and became more of a symbolic creed. This argument will be picked up in the concluding chapter at the end of this thesis. As observed did the EU become more active and also more competent in the field of development cooperation. The contractual record verifies this evolution towards more competences for the EU. The Union realized over time that the Memberstates' national policies aiming at domestic interests were hindering a common development cooperation policy above state-level. The Maastricht-Treaty was the first treaty to establish a compulsory legal foundation for a common European policy complementing the domestic policies.<sup>24</sup> The Lisbon-Treaties reinforced the Union's role once more, which is why one has to look at the Treaties to identify the objectives of the European development cooperation policy.

The fundamental values of the European Union are to be found in Article 2 (Treaty on European Union) TEU:

‘The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in

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<sup>19</sup> W. Hein & S. Tunn, *Entwicklungsgovernance*; In: G. Simonis & H. Elbers (ed.), *Externe EU-Governance*. (Wiesbaden: VS Verlag für Sozialwissenschaften 2011) p.272.

<sup>20</sup> D. Dialer, *Die EU-Entwicklungspolitik im Brennpunkt*. (Frankfurt am Main: Brandes & Apsel Verlag 2007) p.34.

<sup>21</sup> M. Polak, *supra* note 18, p. 32.

<sup>22</sup> D. Dialer, *supra* note 20, p.39.

<sup>23</sup> See M. Polak, *supra* note 18, 34-35.

<sup>24</sup> W. Hein & S. Tunn, *supra* note 19, p.275.

which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.’<sup>25</sup>.

Those values determine external actions as all foreign policy is based on internal politics. The European Union’s development policy goes by the values of its own creation.

M. Cini argues that there is an incumbent special role to the EU as system sui generis, because ‘the EU has to balance its external obligations against the internal needs of member states and of the European producers and consumers’<sup>26</sup>. Hence the European Union has to ponder ‘between the broader international aims, those of the EU as collective, and those of individual member states’<sup>27</sup>. This is in line with what is written in Article 21(1) TEU, that

‘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>28</sup>.

This Article continues by legitimizing the external actions stating that ‘the Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organizations which share the principles referred to in the first subparagraph’<sup>29</sup>. Thus partnerships shall rest upon shared principles. If this becomes relevant, whether those principles are set a priori or possibly externally imposed, has yet to be determined.

As I aim to focus on the EU’s development cooperation policy rather than only foreign relations policy one has to add certain articles to the aforementioned. Article 208 (1) of the TFEU complements by shifting the focus, stating that the

‘Union policy in the field of development cooperation shall be conducted within the framework of the principles and objectives of the Union’s external actions. The Union’s development cooperation policy and that of the Member States complement and reinforce each other. Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall

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<sup>25</sup> Article 2, *OJ* [2012] C326/17, 26.10.2012

<sup>26</sup> M. Cini & N. Pérez-Solórzano Borragán, *European Union Politics* (Oxford: Oxford University Press 4<sup>th</sup> Edition 2013), 220-221.

<sup>27</sup> *Ibid.*

<sup>28</sup> Article 21(1), *OJ* [2012] C326/28, 26.10.2012

<sup>29</sup> *Ibid.*

take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries.’<sup>30</sup>.

The main goal seems to be the eradication of poverty. This is guided by constitutional principles such as the respect for human rights, freedom and democracy. One has to note, that those principles do not seem to be even with regard to their universality. Even though few would argue against the universal application of human rights, the concept of democracy seems much more controversial. It will be discussed at a later stage, if this has implications for the assessment of conditionality.

Having summarized normative political aspects of the EU’s external actions, it is worth mentioning that it is also about economic factors. Article 21(2e) TEU stresses this by expressing that the EU shall ‘encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade’<sup>31</sup>. In general, M. Cini and N. Pérez-Solórzano Borragán critically realize that the European Union’s ‘development assistance policies have become increasingly politicized in the contemporary global arena’<sup>32</sup>. It is the EU, that has a crucial role, as M. Cini assigns global leadership to the Union.<sup>33</sup>

The outcome of this and at the same time answer to the proposed sub-question (1) “WHAT ARE THE EU’S EXTERNAL OBJECTIVES IN DEVELOPMENT COOPERATION?” is, that the European Union aligns its development cooperation policy with its fundamental and founding values. Human rights, dignity of man and freedom shall be promoted. It seems as if democracy is the mean for their implementation. The general objective of European development cooperation is the eradication of poverty.<sup>34</sup> European values are therefore guiding values and criteria at the same time. Consequentially it is the own level of development which serves as benchmark.

This chapter compiled the internal values of the European Union, which serve as reference to the Union’s objectives in its development cooperation policy. Highlighting those is inevitable when judging the instrument of conditionality, because as we will see later on it is the intention of an action, which is crucial for its assessment. Coming next is the chapter on conditionality. Here I will go into detail about the diversity of the specific instrument used in the EU’s development cooperation.

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<sup>30</sup> Article 208(1), *OJ* [2012] C326/141, 26.10.2012

<sup>31</sup> Article 21(2)(e), *OJ* [2012] C326/29, 26.10.2012

<sup>32</sup> M. Cini & N. Pérez-Solórzano Borragán, *supra* note 26, p.218.

<sup>33</sup> See also M. Cini & N. Pérez-Solórzano Borragán, *supra* note 26, 218-221.

<sup>34</sup> See Article 208, *OJ* [2012] C326/141, 26.10.2012

### 3. Conditionality

According to D. Setton, conditionality is one of the most powerful instruments to enforce political and economic reforms in recipient countries.<sup>35</sup> But what exactly does *conditionality* mean? In order to be able to properly evaluate the very, one has to elaborate on all its facets. This shall be done in the following chapter.

The instrument of conditionality seems simple, but it has many facets. Those shall be subsequently presented in order to answer the sub-question (2) “HOW DOES THE EUROPEAN UNION CONSTRUE THE CONCEPT OF CONDITIONALITY?”.

In general, the concept of conditionality tries to assimilate political, economic and legal standards.<sup>36</sup> In development cooperation politics it is about the attachment of development aid (mostly financial) to certain conditions. It is this structure that introduces and by applying establishes a hierarchy up front. On the one hand there is the donor, on the other the recipient. According to E. Fierro the latter is mostly dependent on (financial) resources of the supporting donor.<sup>37</sup> By using development cooperation, it is the backer’s motivation to influence structures in the recipient state, which transcend only financial or technical cooperation objectives.<sup>38</sup> Precise conditions are formulated, which have to be met by the recipient, if he wants to continue receiving (financial) aid. In the end internal policies of the recipient states are affected, because it is the goal of applying conditionality to modify behavior - as S. Giesendorf states.<sup>39</sup> Constituting aspect of the concept of conditionality is the leverage function, which O. Stokke describes as follows: ‘the use of pressure, by the donor, in terms of threatening to terminate aid, or actually terminating or reducing it, if conditions are not met by the recipient’<sup>40</sup>.

If one goes back one step and looks at the history of conditionality, one finds that it grew in the sphere of economics. The Bretton Woods agreement and the following establishment of institutions such as the World Bank and the International Monetary Fund (IMF) were crucial as those institutions attached high value to the conditionality principle. Again structural alignment in the recipient countries was the underlying goal, but at that time only regarding economic factors. Only by the late 1980s political conditions were integrated, like for example human

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<sup>35</sup> VENRO (Verband Entwicklungspolitik deutscher Nichtregierungsorganisationen e.V.) (ed.) *Welche Konditionalitäten braucht die Entwicklungszusammenarbeit?* (Bonn/Berlin: 2006) p.6.

<sup>36</sup> See also S. Giesendorf, *Politische Konditionalität der EU—eine erfolgreiche Demokratieförderungsstrategie. Eine Analyse am Beispiel der Türkei.* (Baden-Baden: Nomos 2009).

<sup>37</sup> See E. Fierro, *The EU’s Approach to Human Rights Conditionality in Practice.* (The Hague: 2003).

<sup>38</sup> See D. Halm, *Konditionalität. Entwicklung, Ergebnisse und Probleme eines Konzepts der entwicklungspolitischen Zusammenarbeit.* (Münster: Agenda Verlag 1997).

<sup>39</sup> See S. Giesendorf, *supra* note 36.

<sup>40</sup> O. Stokke, *Aid and Political Conditionality: Core Issues and the State of the Art*; In: O. Stokke (ed.), *Aid and Political Conditionality* (London: Frank Cass 1995) p.12.

rights and governmental forms as democracy.<sup>41</sup> A. Fonari argues, that this drift evolved mainly in development cooperation.<sup>42</sup> The shift from focusing on development objectives to conditions for development led to the establishment of political conditionality.<sup>43</sup> The underlying idea behind this shift towards a focus on internal frameworks was to enhance efficiency in development cooperation efforts. C. Clapham describes this trend as ‘the imposition by aid-giving states on recipient states of requirements relating to the domestic political structures of the recipient state as a condition for the allocation of aid’<sup>44</sup>. As we will see, the examples of the EU main objectives are most of the time human rights, democracy and good governance. To what extent a lack in concretion of those concepts leads to shortcomings in conditionality is yet to determine. P. Uvin however points out, that there is a high scope of interpretation leading to a threat of exploitation.<sup>45</sup>

S. Giesendorf summarizes that the new approach of conditionality by integrating political elements posits a relationship between form of government and economic development aiming at establishing an institutional framework for free market economy, which in turn is understood as precondition for development.<sup>46</sup> This already hints at critique and will be picked up subsequently.

After having briefly outlined the history of conditionality and its general character, the following subchapters aim at conveying certain facets and differentiations.

### 3.1 Carrot and Stick

The first differentiation is oftentimes paraphrased by the term *Carrot and Stick*. This distinction relates to the nature of conditionality, whether positive or negative. Negative conditionality aims at sanctioning non-compliance of the recipient. If conditions are not met there will be for example budgets cut and embargoes imposed. So in general it is a temporary suspension of aid, intending to put pressure on the recipient. Of course the extent of those applications of pressure vary. This power game can be very effective, if the relationship between donor and recipient is uneven and the latter being highly dependent on support. However, this mean of applying pressure can be regarded as last resort due to the tendency that the donor is not very keen on straining his relationships. But this again varies as there seems to

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<sup>41</sup> See E. Fierro, *supra* note 37.

<sup>42</sup> See A. Fonari, *Politische Konditionalität im Rahmen der deutschen Entwicklungszusammenarbeit als Instrumentarium deutscher Aussen- und Aussenwirtschaftspolitik?* (Münster: Universität zu Münster 1999).

<sup>43</sup> Ibid.

<sup>44</sup> C. Clapham, *Political Conditionality and Structures of the African State*. In: Africa Insight Vol.25, No.2/1995, p. 95.

<sup>45</sup> See P. Uvin “*Do as I Say, Not as I Do*”: *The Limits of Political Conditionality*; In: G. Sorensen, (ed.) *Political Conditionality* (London: Frank Cass 1993) 63-84.

<sup>46</sup> See S. Giesendorf, *supra* note 36.

be inconsistency in the execution. As K. Del Biondo showed in her study, donors imposed less harsh sanctions, if own interests were at stake.<sup>47</sup>

In contrast, positive conditionality (the *carrot*) aims at setting impulse to inspire the recipient for the better, meaning the implementation of conditions. It is a reward system that is established, which compensates the recipient for its effort to align its own framework with the externally proposed. This reward comes in diverse facets as almost everything is possible from financial, to material or political help.

### 3.2 Economic vs. Political conditionality

As stated initially, the instrument of conditionality was created in the economy as financial structures of the donor were to be spread. One realized over time that politics and economics go hand in hand and accounts for one another, which led to the integration of political conditions. Today there is merely only economic or political conditionality, but a diffused form. If states use conditionality as fiscal instrument, there are always political conditions to be met, too. The concept of economic conditionality will not be at the center of this paper, but rather political conditionality. As shown earlier, values like human rights and dignity as well as democratic beliefs are anchors of conditionality, also for the European Union. The following paragraph ought to abstract the use and interpretation of conditionality by the EU in its development cooperation, establishing a basis for the judgment of its moral quality.

### 3.3 The EU and conditionality

I will not focus on the explicit empirical foundation of conditionality, but rather concentrate on its conceptualization and theoretical background. Therefore, the use of conditionality by the European Union in its development cooperation is a given. This supposition is in line with scientists and academics, because conditionality is never doubted. But I will however present how the EU conceptualizes its instrument of conditionality in development cooperation policies and what conditions it attaches. As stated earlier, the European external actions and its values are to be found in constituting, intrinsic norms. Consequently, the EU postulated and determined that ‘principles of democracy, the rule of law and respect for human rights (...) [are] general objectives of development cooperation policy’<sup>48</sup>. It follows, that the ‘effective observance of human rights and real progress towards democracy are preconditions for commitments contained in that EU trade or

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<sup>47</sup> See K. Del Biondo, *Donor Interests or Developmental Performance? Explaining Sanctions in EU Democracy Promotion in sub-Saharan Africa*, (World Development, 75, 2015) 74-84.

<sup>48</sup> B. Van Vooren & R.A. Wessel, *EU external relations law: text, cases and materials*. (Cambridge: Cambridge University Press 2014) p. 327.

association treaty with the third country’<sup>49</sup>, which in turn can be called conditionality. In the past, this concept was limited to trade and association relations as well as to negotiations with membership prospects. R. Wessel and B. Van Vooren state, that conditionality is ‘more generally applicable in EU external relations, extending also beyond fundamental rights’<sup>50</sup>. It is not just the criteria and conditions which are broadened, but also its scope and application. Today, conditionality is on the agenda of European development cooperation policy. Partnership agreements are signed, which list conditions that are to be met in order to become or stay partners. The interpretation of the term *partnership* shall not misguide the reader to think, that the contracting parties are equal with regard to their power. Conditionality in development cooperation relies and is based on hierarchies. The roots of those hierarchies are not to be determined in this paper, but it seems obvious that those disparities influence and shape the relationship between donor and recipient. The instrument of conditionality works the way it does in the sphere of development cooperation due to the high disproportionateness of power between states, which provides the donor with a potent leverage. Not taking advantage of this position seems obvious, but the moral quality will only be assessed in the final chapter. This chapter aimed at answering the sub-question (2) “HOW DOES THE EUROPEAN UNION CONSTRUCT THE CONCEPT OF CONDITIONALITY?”. The European Union attaches the values of human rights as well as ideas of democracy and good governance to its development aid. This is mostly done via positive conditionality measures, which intend to change domestic frameworks of the recipient. The underlying concept is that of poverty eradication which is in line with the Unions’ idea of global responsibility. Those findings will be tested on the basis of my interpretation of Aristotles’ and Kants’ ethics. The next chapter will focus on Aristotle and his ethics based on virtues as well as his thoughts on the international order.

#### 4. Aristotle and his idea of virtue ethics

How can an ancient Greek philosopher be of any relevance still today? This will be shown in this chapter. His works and thoughts did pioneering work leading to an undisputable role in science and literature - his name is Aristotle. He gave thought to a diverse range of fields such as biology and psychology, but also physics and politics. The latter shall be picked up in this paper. He became scientifically immortal with his ideas regarding governance, the polis and ethics. Dealing with Aristotle as a student majoring in politics is regarded as part of basic

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<sup>49</sup> Ibid.

<sup>50</sup> Ibid.



education. This chapter shall aim at combining his ideas of international politics with the underlying notion of ethics both individually and collectively. The main work for this analysis is the Nicomachean Ethics and Politics. The former deals with his so called *Tugendethik*, while the latter integrates the political aspect.

This chapter starts with an overview on *Tugendethik*. Consequentially I will implement his ideas on morality into international relations. The applicableness of Aristotles' thoughts on individuals and *polis* to relations between states in the international political sphere, shall be tested. Hence an answer to the sub-question (3) „HOW DOES ARISTOTLE CONCEPTUALIZE A MORALLY GOOD ACTION AND IS CONDITIONALITY SUCH AN ACTION?“ ought to be found - because in the end it is the instrument of conditionality that is at stake in this paper.

#### 4.1 The concept of Eudaimonia

Where does one start when writing on moral principles of Aristotle? I will start at the end, which is in this case the so called *Leitziel*. It is the goal which shall be of utmost importance for each individual and stands above all other goals in life. Hence a hierarchy of goals is set, which we will pick up later. For Aristotle it is *Eudaimonia* (happiness). The human being strives to live a happy life. The state of happiness is one state of mind, where one does not need to add any other accomplishments as happiness defines itself as perfection. The interpretation of happiness can be twofold. First as something monolithic: happiness as goal, which surmounts all other goals. Second as something manifold as it includes (the accomplishment of) all other goals.<sup>51</sup> Aristotle has its very own interpretation of happiness as he defines *Strebensglück* as the true happiness, which is clearly separated from just being lucky or fortunate and bliss (*Glückseligkeit*), which is reserved for gods.<sup>52</sup>

How does one accomplish the state of happiness? Aristotle defined steps to achieve happiness, which back the different quality of goals. There are the so called intermediate goals as for example material wealth for the sake of other goals. Then there are *zielhafte Ziele* (*telé teleia*), for example lust and glory, which in themselves are an end in themselves. And then there is the *zielhafteste Ziel*, which ought to be pursued only for achieving this goal, but not as mean for other goals. As mentioned earlier, happiness is exactly that type of goal. Here the goal of happiness is defined almost ontologically and reminds one of the concept of god. This transcendental character is omnipresent in Aristotle's work. But again happiness may be of the utmost importance to achieve but, looking back at the twofold interpretation, can only be

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<sup>51</sup> See O. Höffe, *Aristoteles* (München: Verlag CH Beck 3<sup>rd</sup> Edition 2006), p.221.

<sup>52</sup> Here it is already obvious, what will be formulated subsequently: Aristotle's idea of the golden mean (*Prinzip der Mitte*).

achieved via respectively within the other goals. The concept of happiness is therefore of significance when analyzing conditionality later in this paper. Because happiness is the condition which judges the goal oriented capability of goals.<sup>53</sup>

#### 4.2 Action theory

As we realized, it is happiness that one shall strive for. This shows another aspect of importance: *striving*. This relates to Aristotle's theory of action. He asserts that people connote the normative *good* to the action-theoretical and goal-oriented term *striving*. According to Aristotle, it is the human being as entity in the natural continuum, that is assigned an exceptional position due to its ability for a reasoned thought.<sup>54</sup> It can be reason as trigger to strive. But there is also another catalyst, which Aristotle described as passion due to perception (*kata pathos*). This passion is not to be understood as per se evil, but Aristotle connotes it negatively as it hinders the human being to achieve happiness. If man acts out of passion, he only strives for the apparent good and becomes his own slave. He submits himself to lust and affect, which are no factors of reason. But if he obeys his reason (*kata logon*) he will strive for the good without constraint. The simplicity and true good come to the fore as the driving forces provoked by lust and passion can be steered. This leads to reasonable *striving*.<sup>55</sup>

But again there are precise differentiations regarding the action-theoretical term *striving*. According to Aristotle, when talking about *striving* in a technical sense, it is not so much about carrying out the action, but in the end only about the outcome. He coins it *actio transcendens* as it is an action which goes beyond the action but aims at a certain independent goal. But this technicality is not what he is looking for in his definition. He defines action in his action theory much more narrow. With the *praxis* or *actio immanens* there is no goal, which is not already integrated in the process of carrying out. Examples are intrinsic acts such as: who thinks, already thinks and who sees, already sees. Here the goal of action equals already the execution. Hence for Aristotle it is not the quality of the outcome, but rather the action itself and its quality that is key. The reasonable action is called *eupraxia*. This can be linked to actions in international relations. The quality of the action is not determined by the outcome, but the action. Another factor kept in mind is the differentiation between act and strive. It is a fundamental difference to ask "What does the EU strive for?" or "How does the EU act?".

As well as I. Kant Aristotle wrote on decisions. He defines decision as *on consideration based pursuit*. It is triggered by reason and disparate from desire as the latter is beyond one's

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<sup>53</sup> See O. Höffe, *Aristoteles* (München: Verlag CH Beck 3<sup>rd</sup> Edition 2006).

<sup>54</sup> See also O. Höffe, *supra* note 53, 196-214.

<sup>55</sup> *Ibid.*

power.<sup>56</sup> A decision is specified by two aspects; one voluntary and one cognitive. Voluntary as it is not enforced and out of ignorance, but by one's own will and knowledge. Cognitive as it involves balancing and planning of actions. Aristotle argues that one does not ponder the goals, but rather the means and ways to get to the goal. Conditionality can be considered as mean to an end.

Furthermore, the aspect of Justice (*dikaïosynê*) is of great importance. One can determine a clear connection between the concept of Justice and development cooperation policy, as the latter aims to establish universal justice – for example concerning human rights. Although the majority of Aristotle's theses of Justice deals with financial issues, an application nevertheless seems reasonable to pursue, if the underlying principle of Justice is revealed. Aristotle's Justice is twofold. On the one hand it is something subjective, relating to a person's individual point of view – on the other hand Justice is conceptualized as something objective, depending on institutional laws and the basic fundamental order. Justice cannot only be self-referential, but also involves third parties as a point of reference, states Aristotle. Thus relations and disparities are involved, which allows us to ask the question whether conditionality becomes immoral by stating to overcome discrepancies when only demonstrating those.

Going back to another central theme for Aristotle; *Virtues*. They are mean and end at the same time to live a good meaning happy life. Virtues are structured into moral virtues and intellectual virtues. The latter relate to wisdom (*phronêsis*), which distinguishes itself from sharpness of mind as well as wiliness. Sharpness is viewed as morally indifferent and goal-oriented, whereas wiliness tends to be amoral. Both facets are doomed as 'Klugheit der Schlange'<sup>57</sup> (wisdom of the snake) and are not to be strived for. *Phronêsis* however aims at the good and beneficial of the person concerned while linking it to moral parameter. O. Höffe sums *phronêsis* up as a moral-practical power of judgment, which serves as entity that dictates action.<sup>58</sup> Wisdom is therefore based on reason and experience leading to a continuous learning process.

Moral virtues are also based on experience and education. Essential for the virtuousness is the proportion and medium as well as the intrinsic motivation. Someone who only acts according to virtues compulsorily, will never be as truly happy as someone who feels joy over an action.<sup>59</sup> Concrete moral virtues are for example prudence and bravery.

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<sup>56</sup> See also O. Höffe, *Aristoteles* (München: Verlag CH Beck 3<sup>rd</sup> Edition 2006), 199-205.

<sup>57</sup> O. Höffe, *supra* note 56, p.204.

<sup>58</sup> See O. Höffe, *supra* note 58, 205-206.

<sup>59</sup> This can be linked to Kant as well as similarities occur regarding Kant's statement of acting upon or according to the categorical imperative.

Due to the fact that both Aristotle and I. Kant do not give precise guidelines for a morally good act, but formulate it on a meta-level, it will be a task to apply this abstraction on the instrument of conditionality.

### 4.3 View on politics

Before we go into applying what is theoretically elaborated on so far, the underlying system in which conditionality occurs has to be understood from Aristotle's point of view. Without explaining the international relations immediately, I will first stick to his thoughts on the polis. Resultant I will deduct his ideas on foreign relations, because other than I. Kant did Aristotle never explicitly write on foreign relations or international politics. Hence - in line with J. Beller's detection - one has to interpretively deduct from Aristotle's general political-philosophical work.<sup>60</sup>

Aristotle's ideal *polis* is essentially based on norms, so it may contribute to the physical maintenance and mental-ethical perfection of men. To establish harmony amongst them is this perfection's concern: Interpersonal relations have to strive for actions beyond affects. As it comes to these actions, the *golden mean* becomes important.<sup>61</sup> Friendship and harmony stand in the middle of craving for admiration on the one side and contentiousness on the other side. However, there is still doubt about if this individual approach can be extended to international relations. For even though Aristotle states, that a good man's actions would be moral, of great use for himself and others and that he would further support his friends and home country – according to O. Höffe – this is not to be understood as a universal bid; for this moral concept would not implicate philanthropy.<sup>62</sup> The emphasis of Aristotle's political ideas is put on the polis and its citizens. Precisely because moral virtue is required for the maintenance and wellbeing of the polis. The virtuous citizen accepts the laws because of his intrinsic understanding of their moral necessity and correctness. It is worth noting that in some extent, the virtue of men as citizens and the virtue of men per se correspond with each other.<sup>63</sup>

In general, one has to note that the polis is construed and relies on autarchy which is strictly speaking a reflection of his idea of individuals, who aim at achieving their goals quasi autarkic as well. This construction has its implications for foreign relations as well. This isolation entails that, according to Aristotle, foreign affairs are regarded as disruptive to the

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<sup>60</sup> J. Bellers & M. Porsche-Ludwig, *Geistesgeschichte der Internationalen Politik* (Berlin: LIT Verlag 2011) p.7.

<sup>61</sup> A concept that runs like a golden thread through Aristotle's entire oeuvre.

<sup>62</sup> See O. Höffe, *Aristoteles* (München: Verlag CH Beck 3<sup>rd</sup> Edition 2006), p.251.

<sup>63</sup> Hence my interpretation of the polis as a sum of individuals, so that an abstraction, beginning with the individual through to international relations (while not neglecting peculiarities of the international system), is legitimate.

internal affairs and well-being of the polis as it sucks it into the clash of interests of very heterogeneous peoples.<sup>64</sup> Consequentially Aristotle states that also due to their heterogeneity states cannot exist fully autarkic next to each other.<sup>65</sup> Hence every state has to expect and deal with the other's aggressiveness. The international political system is anarchic.<sup>66</sup> Aristotle defines this system as not being *sui generis*, but rather as marginal condition for the perfect inner construction of the polis. As little external penetration as possible seems to be crucial for Aristotle's design of an ideal polis. Anarchy and the state of constant threat leads him to the conclusion, that a polis has to be protective and ready to defend itself. One shall note that this does not go in hand with the legitimization for active, imperial efforts for extension of the polis. Aristotle's request was the creation of peace. This concept and idea of peace is in accordance with I. Kant's thoughts, even though their motivations differ. For Aristotle, cross-national peace is a mean to maintain the polis and in the end also the individual in his pursuit for a virtuous life. Compared to I. Kant, Aristotle stresses international relations more as a marginal condition for the perfection of man, while I. Kant proclaims a certain duality in which the duty to act right and moral is both mean and outcome for the international system. Hence Aristotle does not deduct the normative foreign relations act from ethics in the international sphere, but from ethics regarding his autarkic polis.<sup>67</sup> O. Höffe calls this moral sectionalism (*moralischer Partikularismus*) as morality relates to societies only in themselves as the focus lies upon the single polis.<sup>68</sup>

This adds up to various possible concepts in foreign relations. First there is the option to cut back on its willingness for aggression leading to an education on virtuousness and in the final stage the creation of a communal life.<sup>69</sup> But one could also argue the other way by supporting the idea of hegemony of one polis over the other. This should not be foreclosed as Aristotle lived in ancient Athens, which aimed at doing so. Further Aristotle regarded men not equal as he wrote (and legitimized) on relations to slaves and barbarians.<sup>70</sup> Something that was obvious to Aristotle is the impracticable construct of a confederation such as the European Union, as he believed it to be too incalculable and not as operational as a polis.

Pertaining to ethics in international politics, Aristotle wrote that there can only be an *ethos* relating to a *nomos*. As he regarded the international system as anarchic, this could only

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<sup>64</sup> See J. Bellers & M. Porsche-Ludwig, *supra* note 60, p.10.

<sup>65</sup> Today's process of globalization is another defining factor.

<sup>66</sup> Which is also underlying assumption of realists in international relations politics.

<sup>67</sup> See J. Bellers & M. Porsche-Ludwig, *supra* note 60, p.12.

<sup>68</sup> See O. Höffe, *Aristoteles* (München, Verlag CH Beck 3<sup>rd</sup> Edition 2006) p.254.

<sup>69</sup> Of course not as advanced as I. Kant's posited *Völkerbund*.

<sup>70</sup> Also women were far from treated equal to men.

be the case in a polis. Surely this argument can be explained as culture- respectively epoch-specific, because the ancient Greece did not know institutions like civil and human rights even though O. Höffe assumes Aristotle's ideas as universalistic ethics.<sup>71</sup> Aristotle missed the awareness for human rights, which only emerged in the late 18<sup>th</sup> century. It is a contemporary development that human rights are regarded as *nomos* of the international system due to their validity for all human kind. An indication for Aristotle's lack of awareness regarding human rights is his declaration of slaves and barbarians. The legitimization of aggressiveness to those parts of the population neglects the concept of the golden mean, which was developed in Nicomachean Ethics. For Aristotle not all men are normatively equal.

#### 4.4 Assessment

After having outlined the international system and earlier Aristotle's ethics, it is now time to apply this theoretical foundation. Hereto we recall the initially posed sub-question (3) „HOW DOES ARISTOTLE CONCEPTUALIZE A MORALLY GOOD ACTION AND IS CONDITIONALITY SUCH AN ACTION?“.

Aristotle regards reason as main criterion for moral actions. As we will see later on with I. Kant as well, it is not the outcome which determines the quality of an action, but for Aristotle it is the process. Virtues are the basis for a qualitative moral action, which - with the help of reason - bypass passion and lust by steering those emotions. Aristotle demands wise actions, however this concept stays vague and is only comprehensibly defined by the idea of *golden mean*. Thus an action should not be too excessive in its pursuit of happiness. As Aristotle takes the position of the individual it does not come as surprise that he asks man to be their own architect of happiness and destiny. To do this in the right extent is one of the virtues. Hence it is also for the European Union's external actions, that it should be applied to the right extent; not too little, but not too excessive either. Furthermore, Aristotle designs a framework for actions, which are for example factors like justice. The concept of *Gerechtigkeit* is picked up by the EU as the development cooperation objectives aim at balancing disparities via - for example - the universalization of human rights. This crucial aspect of human rights however can only be taken into account to a limited extent for the analysis as they are an invention of the modern age. It is only to presume whether or not Aristotle would have agreed to this concept. In general, man is his own architect regarding the pursuit of happiness. Therefore, it does not seem dire that the EU integrates interests of its own into development cooperation policy and actions like the use of conditionality. However, to be able to pursue one's own happiness, a

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<sup>71</sup> See O. Höffe, *Aristoteles* (München: Verlag CH Beck 3<sup>rd</sup> Edition 2006).

certain liberty and autonomy has to be granted. The attempted creation of liberty by conditionality (precisely its conditions) can be regarded as first step towards true autonomy and hence is corresponding with Aristotle.

Ultimately the European Union strives for the creation of relative peace in its development cooperation efforts, which ought to be achieved by the implementation of human rights. The pacification of the international sphere is in line with Aristotle even though the underlying objectives of the EU and Aristotle differ. The mean of conditionality can be regarded as creating a foundation for happiness, which the EU proclaims by the yearning for others' development. The selfish altruism corresponds to Aristotle's concept of happiness and is therefore justified.

Yet I also have to note that Aristotles' theories may not be the best fit to analyze the moral quality of the instrument of conditionality. His ethics seems too narrow and the defined virtues are not designed to hold in politics. In general, due to his focus on the polis - rather than international relations - emerges a rather martial image of international relations, as well as a normative vacuum in world politics. Additionally, Aristotle probably would not be an advocate of today's European Union and hence would judge its external actions rather critically as limiting other states' sovereignty. This aspect leads me to the assumption that he would not morally justify the use of conditionality due to its perverting and compulsory character. However, factors like happiness, justice and creation of freedom seem to be of higher importance to Aristotle, plus the possible interpretation that the anarchical international order can be used as wished for, lead to the final conclusion and answering of the sub-question, that the mean of conditionality as conceptualized by the EU in its development cooperation is morally right.

Those findings will be picked up in the final concluding chapter to answer my overall research question, because after all does Aristotle account for half of my ethical foundation to judge the European Union's action. To complete the ethical framework, I will now resume by summarizing Kant's ethics and his idea of the international order.

## 5. Kant and his idea of ethics

As R. Opgen-Rhein states, it was already I. Kant, who discussed aspects like globalization and the relationship of different frameworks (states).<sup>72</sup> It is not just for this, but for various reasons, that I integrate one of the leading philosophers of our time and cofounder of the enlightenment.

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<sup>72</sup> See R. Opgen-Rhein, *Philosophische Theorien globaler Ordnung: realistische Entwürfe oder nur Utopien?* (Marburg: Metropolis Verlag 2009) p.35.

He published many works and a great deal of them handle ethics. In addition, he also extended his scope by thinking (and writing) on international relations in his work *Perpetual Peace*. This combination led to my motivation to integrate Immanuel Kant as second point of reference in regard to morality.

This chapter will start by outlining I. Kant's ethics by looking at moral actions. Deriving from that I will continue highlighting I. Kant's view on the international order. The combination of those two fields shall lead to an answer to sub-question (4) "HOW DOES I. KANT CONCEPTUALIZE A MORALLY GOOD ACTION AND IS CONDITIONALITY SUCH AN ACTION?".

Behind every action of a state is a human being or an accumulation of the very. Hence I will use an inductive approach for this chapter starting with his anthropology. I. Kant assumes that human beings are *Verstandswesen*. They are capable of taking actions and deliberate on outcomes due to their intellect. The human being is therefore skilled to regulate its natural drive.

As this paper focuses on the interpretation of an external action it is also I. Kant's theory of actions that shall be started with. Since utilizing conditionality is a man-made action, it has to withstand the criteria that define a moral action according to I. Kant. Thus, an action is performed due to certain superordinate interests. One must consider this when analyzing the actions performed by the EU. Referring to what I illustrated with Aristotle, in foreign affairs, actions are always performed from within – hence can be derived from internal affairs. The direct link of European key objectives found in the Treaties which I elaborated on in the first chapter to conditionality seems reasonable. Hence my remarks to I. Kant shall start with the action.

## 5.1 Action theory

Actions rest on a crucial factor: *Pflicht* (duty). The arrangement of a moral law <sup>73</sup> is linked to the idea that this law shall not be adhered to due to other incentives, but solely based on duty. As a consequence, I. Kant's theory is called *Pflichtethik* (deontology). <sup>74</sup> The perspective I. Kant takes is that of the one acting, who influences third parties with his action. <sup>75</sup> Something essential for I. Kant is the idea that man - to act morally right - has to act according to and not upon duty, even though the latter might seem preferable. An action does not have to be based upon the moral nature of an individual, but merely comply with the moral principle. The

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<sup>73</sup> Designed around the categorical imperative.

<sup>74</sup> An important remark to be made is the fact that I. Kant assumes the determination of ethical principles as a priori and hence not connected to empirical evidence and past experience. Even though you might not be able to completely separate those two fields, but this ought to be center for another debate not conducted now. His interpretation alters also the assessment of actions regarding to their moral quality, which we will see later on.

<sup>75</sup> Quite lapidary one can allude to the EU's external relations.



universality of duty is assumed. There are no exceptions made, because if to make an exception it overrides the consistency of that very idea, leading to its redundancy. Under the assumption that man is imperfect and ill-disciplined <sup>76</sup> I. Kant has to differentiate between intrinsically moral and in line with moral. The concept of duty is taken as frame, but although normative rights are inherent to man <sup>77</sup> it is factual a state of lawlessness in nature, which evokes the state of mutual threat. <sup>78</sup> It is already obvious that I. Kant aims to overcome the state of nature which, as we will see later, shall be achieved by the establishment of a *Weltbürgertum* (cosmopolitanism).

But returning to actions as I intend to analyze conditionality on its moral quality I have to base it on the idea of not only the mere action, but the moral action. One can observe that I. Kant defines ethical situations as situations where one decides between *Verlangen* (desire), *Bedürfnis* (needs), *Neigung* (inclination) on the one hand and *Pflicht* (duty), *Regeln* (rules) and *Sittengesetz* (moral law) on the other. <sup>79</sup> Therefore, interests of inclination are confronted with compliance with duty. I. Kant's conclusion is that pleasant emotions are no good criteria for decisions in ethical situations. Hence, man has to overcome his inclination by intellect and reason. Emotions are not ruled out per se – on the contrary. I. Kant argues that emotions like pain serve as indicators for a decision that is detached from inclinations. Duty is the guideline for the selection of different action alternatives. Here it is that I. Kant is accused of being too vague as duty is not further justified or legitimized. <sup>80</sup> It seems too obvious for I. Kant that man has to obey the moral law by duty. The accomplishment of a good life is the postulated objective, which however has its limits. As Y. Sagou argues, there are boundaries of the pursuit of happiness. <sup>81</sup> Man is not able to define complete certainty regarding what makes him happy as he is not omniscient. It must be an ongoing process to determine man's happiness and aspirations. This is in line with what I. Kant states as he coined the term being one's own author for happiness (*Schöpfer seines eigenen Glücks* <sup>82</sup>). Consequentially it applies the right of self-determination not only for the execution, but also the definition of happiness. It is already the demand for happiness and good life that contains the concept of self-determination. One has to note that man pursues his own constitution of destiny independent of any authority. But be

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<sup>76</sup> And under the presumption that the morally good equals perfection.

<sup>77</sup> Via the categorical imperative und the right hereon, that third parties obey obligations towards others.

<sup>78</sup> See also R. Opgen-Rhein, *Philosophische Theorien globaler Ordnung: realistische Entwürfe oder nur Utopien?* (Marburg: Metropolis Verlag 2009) 41-47.

<sup>79</sup> See Y. Sagou, *Die Erziehung zum Bürger bei Aristoteles und Kant* (Würzburg: Verlag Königshausen & Neumann GmbH 2009) p.68.

<sup>80</sup> See Y. Sagou, *supra* note 79, p.69.

<sup>81</sup> See also Y. Sagou, *supra* note 79, 63-65.

<sup>82</sup> Y. Sagou, *supra* note 79, p.65.

aware, because I. Kant disagrees with the motif of happiness as final link to ethics and hence partially also the concept of complete self-determination. Other than Aristotle, I. Kant does not constitute happiness as moral actions' final end. Even though man might yearn after happiness, it cannot legitimize ethics. One can take the example of the murderer, who assassinates and justifies it by referring to his pursuit of happiness. In this way I. Kant demonstrates the limits of the concept of happiness.

It is also this that distinguishes his view from Aristotle's. The latter assumes moral action as realization and execution of virtues as means for the final end to achieve happiness. I. Kant however attaches a subordinate role to happiness as it only marginally influences moral actions as epiphenomenon, but not as its actual justification.<sup>83</sup> A promising foundation of ethics can be found in the concept of *freedom/liberty*.<sup>84</sup> Liberty as central theme as well as normative equality between man shall be kept in mind for the subsequent debate on morality in international politics.

## 5.2 View on politics

After having outlined Kant's idea for individuals, it is now to assume the perspective of international politics as made earlier in the chapter on Aristotle. The abstraction from individual to interaction between states bases especially on I. Kant's work *Perpetual Peace*. Different from Aristotle, I. Kant explicitly wrote on foreign affairs. The very work is structured into *preliminary articles* and *definitive articles*. The former are considered to be immediately implemented, unilateral and with the goal to establish role models. They can be regarded as prohibitions. *Definitive articles* are classified as commandments. As his work was frequently interpreted, it is for the following paragraph to demonstrate the structure of international politics according to I. Kant and consequentially a pattern of behavior.<sup>85</sup>

In general, I. Kant realizes that world politics is dominated by unenlightened and morally contradictory conditions. He constitutes this by pointing at the fragmentation of the global society into individual states. He posits from the outset that a *Weltbürgertum* is necessary and shall be the objective of international politics. It is already in the title of his work *Perpetual Peace*, that quite frankly points at the means to achieve this objective. Later on he specifies that it shall be positive peace to be established. This concept has the distinction of not only non-existence of military power, but the abolishment of military and any instrument of deterrence.

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<sup>83</sup> See Y. Sagou, *supra* note 79, 67-68.

<sup>84</sup> It is for a reason that I. Kant is linked to the movement of liberalism.

<sup>85</sup> I will not elaborate on all articles mentioned in *Perpetual Peace*, but solely relate to sections to highlight I. Kant's key objectives relevant for this paper.

His articles are premises for the obtainment of peace and the theoretical objective - a *Völkerstaat*. This is defined by overcoming sovereignty and declaring a *Weltrepublik* (world republic), which is only insofar hierarchical as the administration is built on a hierarchy as I. Kant believes it as the only way to guarantee the proper functioning. In all other aspects hierarchy shall be dissolved. However, Kant looked at what was then the international sphere and alleviated his demands for a more realistic objective – a *Völkerbund* (league of nations) which ensured each states sovereignty. <sup>86</sup>

But how is this to achieve? Again it is the *Sitte* (morality), which shall guide for the better. It is not only end, but also mean to attain cosmopolitanism. Truly moral actions are only moral, if generalizable for all man. Individual actions which, if dutiful, are morally and shall be the maxim for universal legislation. <sup>87</sup> This generalizability seems to be only retained in cosmopolitanism and the *Völkerbund*. Morality functions as mean to achieve the very conditions, but also as end in itself.

I. Kant calls for an intrinsic insight for reason and analogous action. This is constituting regarding why one should act morally acceptable. I. Kant detects that the status quo in international politics is shaped by imperiousness and greediness. Even though he attests them partially responsible for the process of advancement in history, this state called the *Sein* (status quo) of contrariety to norms, malice and aggression shall be overcome. The state of *Sollen* (ought) with all its facets like the *Weltbürgertum* is the state to be achieved. Here the individual shall not act selfish, but in foresight. <sup>88</sup> J. Bellers gently criticizes that moral actions are not to be assumed and psychologically improbable, if there are not achievements in the *Sein* in the long run. <sup>89</sup> I. Kant replies that only belief in god could guarantee moral actions in the long term. This statement is odd as it is contrary to enlightenment thought and the postulate of secularization. Even if one substitutes god and religion with science there seems to be no entity which could guarantee moral actions. As stated earlier, it is solely upon the individual and his realization for reason as key and rationale at once. J. Bellers sums up that I. Kant represents and argues for a liberal, anarchic (in terms of anti-state) position, which aims at an anarchic state of self-regulation of all social relations. <sup>90</sup>

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<sup>86</sup> See also O. Hidalgo, *Kants Friedensschrift und der Theorienstreit in den internationalen Beziehungen* (Wiesbaden: VS Verlag für Sozialwissenschaften 2012) 49-51.

<sup>87</sup> This also constitutes the abstraction from individual action to collective actions and in this paper the application or execution of conditionality as instrument of the EU.

<sup>88</sup> ‚Die Elterngenerationen nur scheinen um der Späteren willen ihr mühseliges Geschäft (...), treiben‘. J. Bellers & M. Porsche-Ludwig, *Geistesgeschichte der Internationalen Politik* (Berlin: LIT Verlag 2011) p.43.

<sup>89</sup> See J. Bellers & M. Porsche-Ludwig, *infra* note 90, p.44.

<sup>90</sup> See J. Bellers & M. Porsche-Ludwig, *Geistesgeschichte der Internationalen Politik* (Berlin: LIT Verlag 2011) p.45.

Principally this is titled liberalism, which has its roots in the economy. This paradigm advocates the hypothesis, that individual interests guided by reason lead to maximum welfare for all (or at least most).<sup>91</sup> As I do not intend to integrate economic aspects of I. Kant's ideas, one can establish that the international order is defined by being mostly clear of government rule. J. Bellers concludes that tolerance and polycentric plurality are features of the order in international relations due to the prevailing actions of self-interest.<sup>92</sup> One can interpret it that way, I however do not support this notion. The risk of strengthening the further imbalances (regarding for example power) between actors in this international order seems too large. One can assume the tendency towards structural and systematic disparities, which is contrary to I. Kant's idea of equality.

This paragraph outlined I. Kant's view on international politics, its order and his formulated demands to reasonably overcome this state of nature and *Sein*. As done earlier in the chapter on Aristotle, the theoretical thoughts of I. Kant shall be applied to the instrument of conditionality and its moral quality. The sub-question to be answered is "HOW DOES I. KANT CONCEPTUALIZE A MORALLY GOOD ACTION AND IS CONDITIONALITY SUCH AN ACTION?".

### 5.3 Assessment

In general, it is not the outcome of an action that determines its moral quality, but the underlying principles as well as intrinsic motivations. Thus it is not to analyze whether the application of conditionality has bad consequences, but whether the application with its underlying motives holds as generalizable rule. Because if one wants to determine, if an action (be it intended, to be executed or already conducted) is morally right, one has to perform an abstraction. It is to transform the action into a universal rule and judge if it can hold as universally applicable law without any dissent and in itself consistent.

Concerning the discussion on conditionality, one also has to analyze its compulsory character. As I have shown earlier in the chapter on conditionality, this instrument is described with terms like *enforcing*, *influencing* and *pressuring*; hence the link to compulsion. The subsequent paragraph shall clarify if there can be something like an authorization or legitimization for compulsion according to I. Kant.

To answer this, one has to make an important differentiation between *right* and *morally*. As highlighted earlier, I. Kant stresses the concept of reason which, as he posits, shall be the basis for law as well. The underlying ethical principles are determined a priori, in order to rule

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<sup>91</sup> In the sphere of economics this means that selfish interest after maximizing individual profit will lead to an overall economic growth.

<sup>92</sup> See also J. Bellers & M. Porsche-Ludwig, *supra* note 90, p.47.

out the integration of inclination when deciding for an action. This shall support the individual in its ongoing effort for moral perfection via civilizing, cultivation and moralization.<sup>93</sup> Regarding the rightfulness of an action, I. Kant states that an action is right, if the freedom of an individual to decide what he or she wants without limiting some other person's freedom is translated into a maxim meaning that it can subsist as universal law.<sup>94</sup> The categorical imperative of right relates to the external action respectively its usage. The categorical imperative of morals however points at what is in itself morally good or evil. This leads, as mentioned earlier, to the fundamental differentiation as to whether one acts according to or upon the categorical imperative. The latter hints at the moral component and the former at the right. The assessment of right relates to *Rechtspflichten*. Those are grounded in the categorical imperative of morals, but only judge the legality of an action.<sup>95</sup> The compliance of an action with the moral law is classified as right or wrong. The subjective perspective of disposition and determinant are neglected with the focus only on the congruency of action and rule. The moral action however bases on *Tugendpflicht*. Here the intrinsic motivation of an individual is taken into account. Nevertheless, I. Kant posits that there can never be an external legislation modify the internal process. *Tugendpflichten* aim at altering the internal disposition. They relate to the intrinsic morally sought after position and so to speak internal legislation. It is to conclude that they can only be realized by moral self-constraint that is reason. As I intend to analyze the moral quality of conditionality, it is the latter line of argument to be applied rather than the concept of rightfulness. Further one has to take I. Kant's argument into account that there can be no external legislation to modify the internal morally sought after legislation when assessing conditionality.

After having distinguished between right and moral I will resume with the aspect of compulsion.

According to I. Kant, the application of compulsion has to be justified by reason to approve as morally right. I. Kant states that ‚der Widerstand, der dem Hindernisse einer Wirkung entgegengesetzt wird, ist eine Beförderung dieser Wirkung und stimmt mit ihr zusammen‘<sup>96</sup>, which is essentially that the compulsion is legitimate, if it is to promote the

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<sup>93</sup> Odd situations may occur at first, for example the scenario where one shall not lie to the murderer, who wants to kill one's friend, who hides in our house. See also S. Klar, *Moral und Politik bei Kant* (Würzburg: Verlag Königshausen & Neumann GmbH 2007) p.140.

<sup>94</sup> See S. Klar, *Moral und Politik bei Kant* (Würzburg: Verlag Königshausen & Neumann GmbH 2007) p.133.

<sup>95</sup> See also S. Klar, *Moral und Politik bei Kant* (Würzburg: Verlag Königshausen & Neumann GmbH 2007) p.134.

<sup>96</sup> S. Klar, *supra* note 94, p.137.

intentional influence. However, this phrase is coined to the term *liberty*<sup>97</sup> altering its interpretation to: the compulsion is legitimate, if it is to promote (the intentional) liberty. With that said, liberty and its generation are crucial factors for the analysis of conditionality and the assessment of the EU's action to use such instrument.

As the European Union applies the instrument of conditionality in the context of an international order, I want to refer to the very, which I. Kant described as full of imperiousness, violence and unenlightened relationships. It is to declare that this lawlessness does not hold as moral legitimization for conditionality in external relations. Some however might find herein the explanation and justification as states are only limitedly bound by law and might do what they wish,<sup>98</sup> but it does not become moral that way. It is obvious to I. Kant that the world and its history evolve perpetually, which is why he coins certain moments in time as *Geschichtszeichen*.<sup>99</sup> The French Revolution in 1789 is declared as such *Geschichtszeichen* because it was a happening bound to reason by experience and regarded as enlightened advancement. It is this, that leads me to my interpretation that the creation of the European Union can be considered as *Geschichtszeichen* as well. Its establishment was to overcome the state of war and mutual threat in Europe by merging individual states into a union. This can be considered as step towards I. Kant's proclaimed idea of *Weltbürgertum*, which is why I think I. Kant would have reviewed this as reasonable and enlightened.<sup>100</sup> Hence there seems to have been progress towards enlightenment in the international relations, but violence, aggression and imperiousness are still ever-present, which validates the legitimization for the linkage to I. Kant's perception of the international order. Consequentially one has to evaluate whether the concrete action of the European Union aims at overcoming the natural state in world politics.

The European Union tries to integrate and enforce its general values in its development cooperation policy, as I have outlined in the chapter on the objectives of the EU. Values like respect for human dignity, freedom and democracy seem to be of utmost importance to the Union. Factors like the pursuit of freedom and human dignity and human rights are in line with I. Kant, who demanded that men treat men not just as mean, but as end in itself. The EU's motivation is to generate freedom.<sup>101</sup> Yet it seems enforced, pointing to the interpretation of conditionality. Based on the previous argument relating to the justification of compulsion it is

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<sup>97</sup> As seen earlier an important concept for Kant.

<sup>98</sup> As shown in the previous chapter on Aristotle.

<sup>99</sup> See also J. Bellers & M. Porsche-Ludwig, *Geistesgeschichte der Internationalen Politik* (Berlin: LIT Verlag 2011) p.42.

<sup>100</sup> Which should not be regarded as general legitimization for any action of the European Union.

<sup>101</sup> One can take for example the human rights, which are mostly rights of freedom.

the very that is legit, as conditionality <sup>102</sup> targets a higher goal (which corresponds to I. Kant's line of thought). It is to state that the motives of the EU match I. Kant's ideas to a great extent.<sup>103</sup>

The preceding discussion showed that conditionality admittedly creates authority, but its objectives do not dissent those demanded by I. Kant in his ethics, namely the right of freedom and autonomy as well as pursuit of happiness by reason. Finally, I can answer the sub-question (4) saying that Kant would assess the instrument of conditionality, as conceptualized by the EU in its development cooperation, as morally good.

This now completes my picture of ethics and I can come to my final conclusion and judgement of the moral quality of conditionality. The last chapter will wrap up all my findings and ultimately answer my overall research question. I will even go further and highlight some advice for possible future research as well as integrate critical comments regarding the underlying concept of universalism.

## 6. Conclusion

This paper examined the moral quality of the instrument of conditionality as applied by the EU in its development cooperation. I provided insight into the fundamental values of the European Union and its framing values for the development cooperation. Further, facets of conditionality, its nature and history were described.

To arrive at a conclusion, theories of two figures with outstanding importance in philosophy and politics were integrated; on the one hand Aristotle and the other hand Immanuel Kant. In both instances an outline of general theoretical thoughts on ethics (mostly related to the individual) and especially ethical actions was given. Later on, those were translated into a political context by summarizing their perspectives on world politics and the integration of the very ethical foundation into it. Both chapters ended with an interpretation relating to the sub-questions how moral actions are conceptualized and whether conditionality fits those criteria.

It was revealed that Aristotle's focus was mainly on the well-being of the polis, which exists quasi autarkic. He describes international relations as dire order where one has to take the aggression of others into account. Autarchy and self-determination are defining aspects, but nevertheless - or maybe due to it - does he demand peace in the international order. Aristotle's objective is to protect the prosperity of the polis. His ethics only applies to the polis and within a society, while anarchy dominates world politics. However, his demands for justice and peace do constitute crucial factors for the interpretation. Relating to moral actions it is reason that

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<sup>102</sup> Under the condition that it is conceptualized as by the European Union in its development cooperation.

<sup>103</sup> Considering for example the equality of man, right of autonomy and self-determination.

should guide man to act, also according to the golden mean. A morally good action shall follow this framework to become virtuous.

For I. Kant, aggression and lawlessness are the dominating factors of the international order as well. He however argues much stronger for the convergence of societies leading to a *Weltbürgertum*. His aim is to overcome the state of nature which lacks norms, for the creation of peace and reason-guided actions. This is in line with his ethics, which demands that the individual intrinsic realization leads to the mastery of reason over inclination. Man is bound by duty to act reason-based to create and achieve its own happiness and perfection. This however can only be done in a moderate way as it is framed by factors like freedom and equality. Man has to be free in order to achieve his perfection, but this freedom is not to be realized at someone else's expense. That the EU strives to promote and create freedom in its development cooperation and by the mean of conditionality, is taken as demonstrated. Even the exercise of compulsion is right according to I. Kant.

I end both chapters by concluding that the respective philosopher would attest moral quality to the instrument of conditionality: Aristotle due to his perspective on the international order, which enables states to act sovereign, but always oriented at the aspects based on virtues. I. Kant's main objectives correspond most of the time with those of the EU, leading to few contentious points concerning the expressed conditions. With this it is to infer a particular moral legitimation for the instrument of conditionality in the EU's development cooperation.

In conclusion there is a clear answer to my overall research question: „TO WHAT EXTENT CAN THE USE OF CONDITIONALITY IN EU DEVELOPMENT COOPERATION BE CONSIDERED AS A MORALLY ACCEPTABLE INSTRUMENT OF FOREIGN POLICY?“. Conditionality as conceptualized by the European Union in its development cooperation is a morally acceptable instrument. Crucial for this assessment is the underlying intention of the EU. As the Union externalizes its fundamental and constituting values by development cooperation, values like freedom, dignity and justice are the factors that define the concept of conditionality. Those facets are in line with postulated values of Aristotle and Immanuel Kant. As long as the EU lives up to the concepts of Aristotles' golden mean and I. Kants' general applicability, the instrument of conditionality is morally justified.

## 6.1 Critique and future research

With this paper coming to an end, I want to make a few critical remarks, which shall be starting point for future research and a persistent process of evaluation. As I have noted, the EU advocates its self-image and ideology also by the mean of conditionality. This ideology and the Union itself are regarded as manifestation of a Christian-



western culture (defined by aspects like democracy, market economy, social and constitutional state and individualization), which results from Christianity.<sup>104</sup> One has to reflect on whether it passes over other cultures, which is generally coined as cultural imperialism. Without accusing the European Union in this paper, the very has to scrutinize the universal applicability of the postulated conditions. I regard the broadening of conditions as questionable and opinions differ on the aspects of democracy and good governance (which are both objectives in the EU's development cooperation). Both objectives do not seem to have the universal character of for example human rights. It is to urge future research to study not just the broadening of conditions, but the implications and consequences. On top of that one also has to scrutinize the motifs. As M. Polak ascertained one can take the EU's development cooperation objective of poverty eradication as rhetorical appendix of egoistic policy to promote the liberalization of markets.<sup>105</sup> To oppose this argument one has to stimulate a debate on the general applicability and universality of (European) norms.

Earlier in this paper I already pointed out that the EU takes its own level of development as benchmark for judgments and actions; consequentially also reflecting in its development cooperation policy. Key norms of that policy are linked to human rights, hence their aspiration of universality is under scrutiny. In general, human rights are the reaction to specific experiences of unjustness.<sup>106</sup> It is apparent that the European Union holds a very special role in that regard, especially in its development cooperation. W. Hein and S. Tunn wrote that huge historic responsibility rests upon the Union and that one always has to behold development cooperation efforts in the context of the colonial past.<sup>107</sup> The EU and its predecessors always dealt with development aid and cooperation as I have shown in chapter 2. From the start on were the efforts of development linked to the idea of universal human rights. The latter became an authority in 1948 and with them the aspiration of universality. But how does one combine the call for universal applicability of human rights with the plurality of cultures? It seems valid to pose such question as it is H. Bielefeldt who argues that the idea of human rights was surely not construed in a cultural, philosophical and religious vacuum, but is intertwined with the intellectual movement of Christianity, the Hellenistic philosophy and the enlightenment

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<sup>104</sup> Which declares the individual human being as made in the image of God leading to the individualistic character of the very culture. / See J. Bellers & M. Porsche-Ludwig, *Geistesgeschichte der Internationalen Politik* (Berlin: LIT Verlag 2011) p.192.

<sup>105</sup> M. Polak, *Die Reform der Entwicklungspolitik der Europäischen Union*. (Saarbrücken: VDM Verlag Dr. Müller 2008) p. 76.

<sup>106</sup> See also H. Bielefeldt, *Universale Menschenrechte angesichts der Pluralität der Kulturen*; In: H.-R. Reuter (ed.), *Ethik der Menschenrechte*. (Tübingen: Mohr Siebeck 1999) p.47.

<sup>107</sup> W. Hein & S. Tunn, *Entwicklungsgovernance*; In: G. Simonis & H. Elbers (ed.), *Externe EU-Governance*. (Wiesbaden: VS Verlag für Sozialwissenschaften 2011) p.270.

movement.<sup>108</sup> S. Tönnies argues in line saying that the statement of eternal and infrangible human rights leads to a deadlock, due to its judging, which cannot be based on philosophical thought.<sup>109</sup> Who determines good and evil and who determines good being preferable over evil? As mentioned earlier it is the European Union that tries to be a force for good. But it is already this self-image that is starting point for all critique. D. Dialer argues that the EU possesses a tremendous power due to its export of ideals and general principles, hence the Union advocates a universalistic position.<sup>110</sup> Consequentially does the Union also advocate and export human rights. As this is a manifestation of an abstract link with a universal ‘cosmopolis’<sup>111</sup>, one can also see the connection to my case selection. Both I. Kant and Aristotle even though compared antergic are pivotal figures for the evolution of the European Union and its ideas. The Hellenistic roots and the fact, that I. Kant is the normative foundation for the European governance-structure are clear links. I find it applicable to use their ideas as judging entities for the moral quality of the EU’s action. It is somewhat an examination of conformity with the pure and constituting ideals. At the same time, it goes along with an aspect which is widely spread in (postcolonial) critique: self-reflection. It is not just the status quo which is being criticized for example by I. Shivji who regards development cooperation as paternalism out of egoistic economic and political objectives, rather than emancipating the other.<sup>112</sup> The underlying factor is that each universalistic statement is only a deception of restraint by context.<sup>113</sup> Because in the end one can only argue out of one’s own cultural context. However, this applies to everyone and consequentially critics (be it post-development-critics or post-colonial-critics) are not excluded.

I. Kant is accused of cultural particularism as well due to his eurocentric model of development.<sup>114</sup> Surely interpretation and reading differ. It is S. Muthu who defends I. Kant by praising his cosmopolitan work filled with respect, hospitality and human diversity, calling him an anti-paternalistic thinker.<sup>115</sup>

All the debate on human rights and universality also relate to development; another highly controversial concept. Some call it an outdated concept with an ethos of superiority, while others praise it as the only mean for the better. According to D. Dialer does development

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<sup>108</sup> See H. Bielefeldt, *supra* note 106, p.58.

<sup>109</sup> S. Tönnies, *Die Menschenrechtsidee*. (Wiesbaden: VS Verlag für Sozialwissenschaften 2011) p. 11.

<sup>110</sup> See D. Dialer, *Die EU-Entwicklungspolitik im Brennpunkt*. (Frankfurt am Main: Brandes & Apsel Verlag 2007) p.30.

<sup>111</sup> S. Tönnies, *supra* note 109, p. 221.

<sup>112</sup> F. Dübgen, *Was ist gerecht?* (Frankfurt am Main: Campus Verlag 2014) p. 88.

<sup>113</sup> *Ibid.*, p. 99.

<sup>114</sup> *Ibid.*, 30-31.

<sup>115</sup> *Ibid.*, p. 33.

indicate the wished-for social and economic progress – and there will always be different perceptions of what is wished-for. <sup>116</sup>

I agree with what A. Nandy called the necessity for a debate about the good and good life. <sup>117</sup> The EU can act as force for good, but there has to be a consent about the good, otherwise one risks falling back into paternalistic and hierarchizing structures.

I want to conclude by advising the European Union to stick to Immanuel Kant's argument, that there has to be an establishment of a material, societal framework (*Realisierungsbedingungen*) for morality in order to enable man to pursue his advance and development. <sup>118</sup> Hence one has to strive for a reason-based process of civilization. The EU has to reflect which means and effort based on reason it wants to exert in international relations for the alteration of world politics.

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<sup>116</sup> D. Dialer, *supra* note 110, p.33.

<sup>117</sup> See F. Dübgen, *supra* note 112, p. 69.

<sup>118</sup> See also S. Klar, *Moral und Politik bei Kant* (Würzburg: Verlag Königshausen & Neumann GmbH 2007) p.188.

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