

Ancient Battles, New Prejudices, and Future Perspectives: Turkey and the EU

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At a recent meeting in the American Academy of Berlin in September 2004, Joschka Fischer, then Foreign Minister of Germany, was asked about the heated European discussion concerning Turkey's accession to the European Union. Fischer's answer was surprising. Assuring his audience composed of liberal political and academic dignitaries that Turkey's accession would eventually take place, may be in ten or fifteen years' time, Fischer asked the audience to consider the following analogy: "Suppose Mexico wanted to become the fifty-first state of the USA," he said (we are paraphrasing), "a country that is ethnically and religiously quite different from the majority population, furthermore a Third World country with a socio-economic level much lower than that of the majority. That is what Turkey's joining of the EU would mean for us."

It would be no exaggeration to say that the audience, and particularly American academics among it, was startled by this analogy and its ethnically prejudiced undertones. Undoubtedly, Fischer did not intend these comments in an ethnocentric vein or as an assertion of European moral and economic superiority. He was trying to explain the difficulties that Turkish accession, with a population of nearly 70 million Muslims, about 50 percent of whom are eighteen or younger, would pose for the shape of things to come in Europe. Nevertheless, this tortured analogy by one of Europe's most progressive and Euro-federalist politicians left unsettled questions about what is really at stake in Turkey's accession to the EU.

Since the French and Dutch 'no' votes on the European Constitution at the end of May 2005, Turkey's accession has also been in the background of both outspoken and unarticulated fears about the future of the European Union. To appease the 'no' voters in France and to gain their support for the Constitution, the French President Jacques Chirac and his party promised French voters that Turkish accession, if and when it came to pass, would be subject to a referendum among the French population.

Nevertheless, on October 3, 2005, despite the great reluctance of Germany and the Netherlands and in the face of widespread Turkophobia in France and Austria, formal accession talks have been initiated. This decision culminates a process of negotiations and special contractual agreements which have accompanied Turkey's relation with European countries since the late nineteen-fifties, as well as fulfilling a decision ratified by the European Council as early as 1999; but, as EU

representatives continue to emphasize, the outcome of these accession talks is by no means certain. In view of the volatile mood among many countries concerning the EU's future, Joschka Fischer's honestly expressed reservations are entertained by many.

Among all the intractable problems facing the EU in this period of its expansion from 15 to 25 states, why is the matter of Turkish membership by far the most difficult and the most tangled?

In this article we want to argue that Turkish accession brings to light the unresolved dialectic of institutions and identities at the heart of the European Union (I). However, we also want to claim that the EU is a remarkable configuration of postnational sovereignty and that it exercises a strong democratizing influence upon the political cultures as well as the economic and civil society structures of countries aspiring to membership, such as Turkey (II and III). It is our hope that a more precise understanding of the institutional reforms which Turkey has undertaken in the last decade in order to meet the accession requirements will help a more balanced assessment of its relationship to the EU. Despite all its setbacks, the EU anticipates a model for transcending some of the weaknesses of the Westphalian state. Its influence upon Turkey so far can only be described as a "refolution," a revolution and reform at once.

II. The Dialectic of Rights and Identities

Since the Copenhagen accords of 1993, conditions for admission to full membership in the EU have been defined very broadly to include: 1) a demonstration of a country's commitment to functioning democratic institutions, human rights, the rule of law, and respect for and protection of minorities; 2) a functioning market economy as well as the capacity to cope with competitive pressure; and 3) evidence that the country is able to take on the obligations of membership, including adherence to the aims of political, economic, and monetary union. By focusing on such broad institutional criteria, the European Union hoped to avoid the much more controversial issues pertaining to cultural, linguistic, religious, and ethnic *identities*. The EU rests on a proven capacity to sustain a set of *institutions*, which, while originating in the West, are in principle capable of functioning on other soils and in other cultures as well. European identity is not given a thick cultural or historical coating; no exclusionary appeals are made to commonalities of history or faith, language or customs.

Despite these noble wishes to build the EU on "thin" liberal-democratic institutional criteria rather than on "thick" cultural identities, both within member states and at their borders, a deep conflict between institutional principles and identity has unfolded.

As the momentum toward "an ever closer union among the peoples of Europe," as stated in the 1957 Treaty of Rome, continues, the traumas of the past as well the dreams of the future have created unprecedented soul-searching.

Remarkable discursive and geopolitical configurations have taken place on the old continent: some see the current condition as a return to the Roman Empire and the emergence of a new *pax romana*. Increasingly subject to a body of administrative law, able to enjoy the benefits and luxuries of civil and economic existence across Europe, today's EU citizens recall the ancient Romans, but not in their period of republican virtue. Rather, it is the Roman Empire, with its decadent and peaceful lifestyle and eclipsed republican political and martial virtue, that resonates with today's imagination. Those who invoke this memory, such as Jean-Marie Guehenno, often bemoan the disappearance of republican institutions of sovereignty and self-governance through the ordinances of an increasingly powerful Eurocracy.¹

Others argue that Europe is experiencing the resurgence of a "new medievalism."² The process of European integration has undermined the institutions of the nation-state and has empowered sub-state agencies to gain new forms of autonomy. The EU encourages regionalism, and in fact subsidizes and provides incentives for regional cooperation. The principle of "subsidiarity," one of the professed cornerstones of new European governance, states that problems and issues are to be solved at the level of those most immediately affected by them.³ In many cases, subsidiarity encourages circumventing or avoiding the power of centralized national authorities. The "new medievalists" claim that regionalism, along with the principle of subsidiarity, generates structures of sovereignty which increasingly resemble the decentered, interlocked, and nested unities of medieval Europe. Unlike in the modern nation-state, there is no longer any overlap between territoriality, authority, and sovereignty; rather, a functional system of authority has developed which in turn is integrated into supra-national and extra-territorial unities.

Finally, there are those who regard these two scenarios as fanciful constructs and who point out that Europe remains a Europe of nation-states and that the EU bears more resemblance to eighteenth-century dreams of a European federation governed by cosmopolitan ideals than to either ancient Rome or the medieval past. The drafting of the Treaty Establishing a Constitution for Europe gave "Euro-Federalists" new hope and energy. However, the ambiguous status of sovereign nation-states in this newly evolving "federal" structure was compounded by the motto of the Constitutional Treaty – "united in diversity" – which very cleverly left ambiguous whether it is the *member states* or the *peoples* of Europe who were the source of diversity. Clearly, the two are not identical since there are stateless peoples in Europe such as the Basques, the Kurds, and the Gypsies, among others, who are not represented in the official organs of the EU.

Against this background, the occasion of Turkey's accession to membership talks generates controversies about the Copenhagen criteria and EU's own cultural identity. Could the EU accommodate a Muslim-majority nation with a population of roughly 70 million people in its midst? What is the place of religion in the united Europe? Which model will the Constitution follow: the French model of

laïcité or the model of state subsidies to recognized religious groups practiced in Germany and the Netherlands? European intellectuals and politicians on the left and the right doubt whether Turkey is a western nation at all. Led by the German historian Hans Ulrich-Wehler, they argue that the EU is not a union of “good Samaritans,” obliged to help a country with a questionable cultural and religious legacy, an anti-democratic and militarist past, an abusive human rights record, and, even more, a history of genocide against the Armenians and the Greeks.⁴

Turkish intellectuals and politicians who favor membership in the Union, by contrast, try to prove that Turkey is a ‘western’ nation after all: Ataturk was an Enlightenment reformer; Turkey is the only viable democracy in the Muslim world, the country’s human rights record is improving, etc.

These discussions evoke old prejudices as well as play on contemporary fears. The fantasy is that the Turks are again at the gates of Europe, ready to overrun its cities with hordes of unemployed males who are not capable of integration; having stopped them once in 1389 in Kosovo and then again in 1529 and 1683 before the gates of Vienna, Europeans now are committing collective suicide by inviting them into the Union, a view suggested by Jörg Haider’s Freedom Party.

Turks respond that by keeping Turkey out, the EU will remain a “white Christian club”; that the Copenhagen criteria are a thin veneer coated over old religious and cultural prejudices; that the EU has no business criticizing USA’s Iraq and Middle Eastern policy when it cannot admit into its midst the one democratic country in the Islamic world. This volley of accusations and counter-accusations reached an almost obscene level after the bombing of the synagogue in Istanbul in the fall of 2003. Conservative German politicians such as Angela Merkel used this event as an opportunity to remind her colleagues that Turkey’s admission would bring further Islamists and Al-Qaeda members into the EU, conveniently forgetting thereby that Islamist cells from which many of September 11 hijackers originated were already housed in Hamburg and other European cities.

These recriminations will continue for some time to come because these cultural issues are intractable and only an honest and patient processes of hermeneutic Enlightenment on both sides can eventually lead to the transformation of hostile collective images – if anything can. Yet these cultural identity debates are no more intractable in the case of Turkey and the EU than in the case of Poland and Germany, for example, where despite a common religious heritage, the wounds of the Second World War and Polish feelings of distrust toward the Germans are so intense that they led Poland to break ranks with France and Germany during the Iraq War and to side with the USA.

Having remained neutral during World War II, protected its Jewish population from decimation, and offered sojourn to many fleeing Jewish and non-Jewish academics, politicians, and artists, Turkey is not part of these most intense collective neuroses which a united Europe still has to deal with, namely the memories and horrors of World War II and the Holocaust. The conflicts between Turkey and European countries are more ancient, hearkening back to 1389 (Kosovo),

1529 and 1683 (the sieges of Vienna), 1821 (the Greek War of Independence), and 1919 to 1923 (the Turkish War of Independence, the Greek-Turkish War, and the Sèvres and Lausanne agreements). An honest look at these latter conflicts will reveal how tangled Turkey's history is with the growth of the modern nation-state in Europe, and how complicated and competitive the designs of European great powers have been historically vis-à-vis Turkey.

Yet something quite remarkable has also happened in Turkey in the fall of 2005 that should make us sit up and take note: partially lured by the expectation of accession to the EU, but largely because of the tremendous development of an independent and vibrant civil society within Turkey itself, "the wall of denial" that had so far prevented an honest examination of the history of the Turkish genocide of the Ottoman Armenians during the final years of the Empire (1915) has finally cracked and Turkish society has experienced the first serious attempts to come to grips with its own past, a Turkish "*Vergangenheitsbewältigung*," if you wish. The much-publicized conference on "Ottoman Armenians during the Demise of the Empire" finally took place at Bilgi University on September 25–26, 2005, and since then denunciations, recriminations, and even lawsuits have plagued the organizers and participants.

Nevertheless, the events of 1915, in which more than one million Armenians were murdered in Ottoman provinces, are now being discussed openly; the debate is not about *whether* these events occurred at all (even that was contested for a long time), but whether they constitute genocide against the Armenian people, whether they should be named "crimes against humanity" but not genocide, whether they can be construed as legitimate self-defense on the part of the Turkish military in the face of the separatist aspirations of Armenian fighters (the Tashnak party), and so on. That the Armenian massacres were considered a war crime even by Atatürk himself and that the trials against the responsible Union and Progress Party officials, which took place in British-occupied Istanbul in 1918, were followed avidly by a Turkish public, are no longer in doubt.⁵ The curtain of forgetfulness which shrouded the traumatic origins of the Turkish Republic has finally been drawn aside.

In contemporary Europe, these ancient battles and prejudices are refracted through the experience of European societies with their sizeable Turkish *Gastarbeiter* communities: Germany is home to roughly 1.9 million Turkish workers, Holland a little under a million, France about half a million. Altogether, there are about 3.5 million Turkish nationals of various generations living in EU countries. The local circumstances of these communities, their continuing lack of social and cultural integration, their economic and social mobility or lack thereof, are the lens through which European views concerning Turkey are shaped.⁶

Nevertheless, what is moving Europe forward is not a common collective cultural project, which itself is very much in contention, but the fact that a viable set of institutions can provide a frame for the fractious, complex, and contradictory cultural expectations and fantasies of a group of 25 nations.

III. Turkey's Institutional Reforms

Expectations of accession to the EU and efforts to fulfill the Copenhagen criteria have led to a striking series of institutional reforms in Turkey, which can only be named a "refolution" – revolution and reform at once. On November 5, 2003 Arie Oostlander, a Christian Democratic MP to the European Parliament, put forward a comprehensive report about Turkey's progress toward meeting the Copenhagen criteria. Mr. Oostlander summarized his findings with the following central thesis: "Turkey is able, if it wishes and if it considers it to be in its interest, to transform itself into a first-class EU state," but, he added, so far Turkey had not met the Copenhagen criteria.⁷ Principally focusing on the political system, the judiciary, the role of the military, the status of religious minorities and their property rights, as well as Turkey's non-compliance with several decisions of the European Court of Human Rights, Mr. Oostlander was completely blunt in what he saw as Turkey's chief problem: the 1982 Turkish Constitution, he argued, reflects "a largely authoritarian philosophy," granting the military extraordinary powers and privileges that are hardly compatible with civilian democracies.⁸ Mr. Oostlander singled out the army's network of think-tanks and businesses (such as OYAK) and its role in the Council of Higher Education (YOK) and the Council of Radio and Television (RTUK). He emphasized that the army must give up control in these domains, while the government must encourage the establishment of civil society associations and respect the freedom of trade unions and encourage social dialogue.

Of particular concern in this report was Turkey's reservation regarding Article 27 of the Covenant on Civil and Political Rights, granting ethnic, religious, and linguistic minorities the right to pursue their culture, religion, and language. In the Turkish case, this of course has implications primarily, though not exclusively, for the language and cultural rights of the roughly 15 million Kurds living in the country. Not surprisingly, certain property right restrictions on Catholic and Protestant religious institutions, as well as the training of priests, were of special concern to Mr. Oostlander.

Also singled out in this report were Articles 312, 169, and 7 of the Turkish Penal Code on the expression of views dealing with provocation and threats to "public security" resulting from the advocacy of class, ethnic, religious, linguistic, and racial divisions. These articles have been used to intimidate, prosecute, and condemn many Turkish intellectuals and politicians to prison sentences. Perhaps the single most consequential legal change requested by Mr. Oostlander's report was the demand that the Turkish Constitution change Article 90 and establish the primacy of international law over national law, *de facto* abrogating Turkish sovereignty. While Turkey offered considerable resistance to this demand, the report rightly pointed out that effecting such a shift in Turkish constitutional law was a foundational requirement for membership in the European Union, which is characterized by "the sharing or partial transfer of sovereignty among states."⁹

It would not be an exaggeration to say that these demands amounted to a “re-formation” for Turkey. Taking aim at the heart of the anomalous role of the military in Turkish political life – a legacy of the Ottoman Empire as well as Turkey’s unique path to modernity and a civil republic – Mr. Oostlander’s report also demanded the removal of certain provisions of the Turkish Penal Code, adopted by the country following the example of the Fascist Italian code in the 1930s. Add to these radical demands the fact that it is a Muslim conservative party, whose leader Recep Tayyip Erdogan has roots in the Islamic movement, that must carry out these changes, and the earthquake-like implications of Turkey’s entry into the EU for Turkey itself become clear.

Since this report was issued, Turkey has failed to draft a new “civilian constitution” but the Constitution underwent extensive amendment in October 2001 and May 2004 to ensure compliance with the Copenhagen political criteria; in addition, eight different legislative “harmonization packages” were passed by the Turkish Parliament in this period. Remedying the important reservation expressed in the Oostlander report, Article 90 of the Constitution was amended in May 2004 to establish the supremacy of international human rights conventions to which Turkey is a party, including the European Convention on Human Rights, over domestic law. This means that Turkish courts will now have to apply international law where it conflicts with domestic law, as national courts of EU member states have had to do since the establishment of the doctrine of the supremacy of EC law.

As regards improving civilian control of the military, steps were taken to abolish the independence from parliamentary scrutiny of the budget of the Turkish Armed Forces. The extra-budgetary funds to which the military had access were brought under the general budget of the Defense Ministry (and are set to be abolished by 2008),¹⁰ while a constitutional amendment passed in May 2004 gave the Court of Auditors jurisdiction over auditing the military’s finances pending the adoption of enabling legislation.¹¹ Furthermore, the 2004 budget reveals that Turkey has begun to fall in line with the spending priorities found in most EU member states: spending allocated to education exceeds that for defense for the second successive year (9.7 percent versus 7.2 percent of the 2004 state budget, respectively).¹²

Developments on the Cyprus front also suggest that the civilian government is gaining the upper hand over the military in the conduct of day-to-day politics. The Gul and Erdogan governments have changed Turkey’s ossified policy towards Cyprus, adopting a stance that is much more favorable to a solution to the island’s perennial state of legal limbo. The ruling AKP governments have modified the traditional view of Turkey’s strategic interests, whereby the new objective is to advance the EU membership bid through supporting a settlement in Cyprus, rather than blocking such a solution. The isolation at long last of the hard-line ex-Turkish Cypriot leader Denktash as well as the Turkish government’s support for the April 2004 referendum, in which Turkish Cypriots accepted the UN plan for the reunification of the island (while their Greek

counterparts rejected it), can be seen as symptoms of the changing balance between the civilian government and the military, which has traditionally favored inertia on this issue.

Despite these advances, a culture of national security pervades many areas of Turkish political life; it continues to block the full exercise of freedoms of speech, publication, and communication, and creates ongoing hostility towards the recognition of the rights of minorities.

The key institution continuing to cast a pall on the political life of the country is the “Milli Güvenlik Kurulu,” the National Security Council. As set out in Article 118 of the 1982 Constitution, the National Security Council comprises the president, the prime minister, the commander of the Turkish armed forces, senior cabinet members, as well as the commanders of the land, sea, and air forces and the gendarmerie. In a series of constitutional reforms, its functions and powers have been scaled down: its executive powers have been abolished and its role reduced (at least on paper) to that of an advisory body which reports to the cabinet. Furthermore, the Council’s composition has been altered such that civilian members now comprise a majority, and a civilian secretary general was appointed for the first time in August 2004.¹³ A law passed in December 2003 stipulates that the decrees governing the activities of the Secretariat can no longer be classified.¹⁴ Furthermore, the Council’s representatives have been removed from such civilian bodies as the High Audio Visual Board (RTÜK) and the Board of Higher Education (YÖK). However, the National Security Council’s assigned areas of concern still remain extremely wide under the 1982 Constitution, encompassing not only the unity and independence of the state and its territory, but also the protection of the so-called “well-being and security” of the Turkish people. The National Security Council considers itself a watchdog of the country’s unity and security, trumping the authority of the elected members of the Turkish National Assembly. It remains a government within a government. The European Commission has observed this fact in its yearly Regular Reports and has criticized the potentially vast reach of the notion of national security under which the Council operates.¹⁵

Along with the continuing role of the National Security Council goes the role of the so-called State Security Courts (DGM) in controlling Turkish political life. These courts, established in 1973 and enshrined in the 1982 Constitution, gradually evolving into the venue for many human rights abuses, have also been abolished at long last. The military members of these courts had already been removed in 1999.

Another prong of the restrictive culture of national security has traditionally been the Turkish Penal Code (TCK). Despite efforts in September 2004 to revise this law in accordance with the EU’s and ECHR’s standards of fundamental rights and freedoms, some of the notorious clauses of the old Penal Code, which had been used extensively to prosecute non-violent expressions of opinion, have made their way into the new law. Most notably, the revised TCK includes a new

version of the former Article 159, prohibiting “public degrading” of “Turkishness,” the Republic, the armed forces, and other institutions of state on pain of six months’ to three years’ imprisonment.¹⁶ Most recently, a prominent Turkish-Armenian journalist, Hrant Dink, was sentenced to six months’ imprisonment for “insulting Turkishness,” while the novelist Orhan Pamuk was indicted in September 2005 under the same clause for stating in an interview that “one million Armenians and 30,000 Kurds were killed on this soil.” The charges against Pamuk have since been dismissed, although similar charges against other prominent intellectuals persist.

In addition, the new Penal Code coins a new legal concept called “the Fundamental Public Interest,” bringing a series of prohibitions against “activities designed to harm the public interest”¹⁷ and potentially expanding the reach of ambitious prosecutors working under the old notion of national security that served to restrict freedom of expression in the past. These prosecutors, many of them ultra-nationalist cadres of Turkey’s authoritarian past, are unwilling to interpret the Penal Code’s new clauses consistently with the ECHR. Furthermore, the fact that some of the most restrictive articles of the old code have been transferred into the new one, in some cases with a potentially expanded remit, show the persistence of a culture of silencing political dissent and wariness of instituting a reasonable standard of free speech overall.

On another, more progressive front, among the first radical reforms was the abolition in August 2002 of the death penalty except in situations of war or imminent threat of war. In January 2004, with Turkey’s ratification of Protocol 13 of the ECHR, it was abolished under all conditions, bringing Turkey’s judicial system into harmony with one of Europe’s hallmark standards of justice. Prior to this, a moratorium on capital punishment had been in place in Turkey since 1984.

As regards the independence of the judiciary, the European Commission has criticized the inadequate separation between the judiciary and the executive, pointing out the supervision of judges and prosecutors by the Ministry of Justice, which is charged with their appointment, promotion, and discipline.¹⁸

Despite considerable improvements in many aspects of Turkey’s political and judicial institutions towards liberalization and democratization, authoritarian and paternalistic features of Turkish political culture and institutions have been cleverly preserved by being repackaged rather than abolished. But these ruses have become transparent and the public momentum towards their abuse is increasing.

A major area of concern for the EU and many human rights groups throughout the world remains Turkey’s limitations on religious freedom and the treatment of minorities. The Turkish state to some extent still views minorities as a potential threat to national security and the national interest. The status of religious communities is distinct from that of cultural communities, despite certain overlaps.

The absence of independent legal personality for religious communities, such as Christians and Jews, makes it difficult for them to acquire new property and weakens their right to defend existing possessions from confiscation by the

authorities. One restriction which jeopardizes the rights and equal legal standing of some religious communities, such as Catholics or Protestants, is the fact that they are not entitled to establish foundations. Furthermore, the training of clergy by religious communities remains banned. For this reason, although the Turkish Parliament ratified the UN Covenant on Economic, Social, and Cultural Rights in June 2003, it has maintained a Reservation on Article 13, which contains a clause on the educational rights of ethnic and religious groups (EU members Ireland and the UK retain a reservation on the same Article).¹⁹

Furthermore, despite persistent demands from minority foundations in particular, the Directorate General of Foundations, which has been criticized for undue interference, has refused to budge on the issue of returning confiscated property or paying due compensation. A new law on foundations has been in the works for over a year, but difficulties remain. One positive development in the draft under consideration is that all foundations, regardless of whether they have been founded by Muslim or non-Muslim Turkish citizens, will be governed by the same provisions, thus providing a degree of equal treatment. However, Turkey has so far failed to take necessary steps concerning the equal treatment of religious minorities and the expansion of religious freedom for its non-Sunni Muslim citizens.

In this vein, the Turkish state still refuses to recognize the Alevi community, whose numbers are estimated to be upwards of 20 million, as a religious community, and “Cemevleri” are not given the official title of being places of worship; they are instead recognized as “social facilities.” Compulsory religious education in schools follows the same logic by ignoring the Alevi religion in favor of Sunni teaching, and recent changes to school curricula have been criticized by Alevi community leaders as being merely cosmetic. The government’s long-standing reluctance on this issue exposes the degree to which the Sunni brand of Islam can and does interfere with policy-making in a state that insists on describing itself as secular.

In accordance with its Ottoman heritage, the Turkish state only recognizes *non-Muslim religious communities* as official minorities. Muslim ethnic minorities have no minority status as such. In line with the “protection of minorities” clause of the Copenhagen criteria, and the treatment of ethnic minorities in other candidate countries such as Hungary, Romania, the Czech Republic, and the Baltic states, the EU has encouraged Turkey to recognize its Kurdish population as a minority.²⁰ Nevertheless, the EU’s emphasis on the recognition and equal treatment of ethnic minorities embroils member states in an irony: much as during the period of the League of Nations,²¹ the fifteen pre-enlargement states are not themselves under corresponding obligations to recognize their own minorities. France, in particular, remains wary of any moves which would disturb the assumption of the homogeneity of French national identity. That Turkey, as a candidate state, shares the sensitivities of the founding states of the Union on this issue is borne out by the fact that although the Turkish Parliament ratified the UN

Covenant on Civil and Political Rights in June 2003, Turkey, along with France, retains a reservation on Article 27 of this Covenant, which concerns the rights of ethnic, religious, and linguistic minorities.²²

Nevertheless, under consistent pressure from the EU, Turkey authorized the teaching of the Kurdish language in December 2003 after much public controversy. However, there are still many restrictions on the founding of such schools, their curricula, and the students they may admit. Kurdish is taught in specialized language courses and is still strictly excluded from public education. Broadcasting in Kurdish has also been legalized, although it remains heavily monitored.

Incomplete and patchy as they may be, Turkey has covered a great distance since the process of “refolution” began in August 2002, enacting changes that were simply unthinkable in the 1990s. Acknowledging this progress in three recent documents published with regard to Turkey’s membership bid, the Commission has reiterated its opinion that Turkey “continues to sufficiently fulfill the Copenhagen political criteria”²³ for accession to the Union. Furthermore, in these reports, the Commission for the first time described Turkey as a “functioning market economy,” a key economic component of the Copenhagen criteria.²⁴ Although the Commission pointed to a slowing down of the reform process in its 2005 report, some of this loss of steam can be attributed to the sheer magnitude of what has been achieved in the legal arena: it is now time to focus on the implementation of these reforms, which will be a gradual process requiring momentous changes in the attitudes and practices of bureaucratic, judicial, and civil society actors.

In short, paradoxical as this may seem, a conservative Muslim party is leading the way in the demilitarization of the country, the liberalization of minority cultural and religious rights, and the growth of civil society. The reasons are not difficult to decipher: Turkey’s accession to the EU is permitting the centrist and conservative majority of large and small business leaders, large and small farmers, some civil servants, and workers to finally break the hold of the Kemalist civil-military bureaucratic elite which has controlled the country, with some interruptions, since 1923.

Will they succeed? A lot will depend on whether they are able to appease one of Europe’s largest standing armies by convincing it that integration into the EU will not mean forsaking the principles of secularism (*laiklik*) and the territorial unity of the country. Since the Iraq War and US support for Kurdish autonomous rights, relations between the Turkish military and the US have been strained. The military welcomed the narrow parliamentary vote which kept Turkey out of the war and from sending ground troops into Iraq. Any further steps toward EU integration will mean devising a new security umbrella involving the Turkish military, NATO, the EU, and the USA. It is not easy to predict what political and military form such an alliance would take, but neither is it impossible that new security alliances will emerge in the region.

IV. The Institutional Consequences for the EU of Turkish Membership

What does the future membership of Turkey mean for the EU itself? We would like to focus here on the institutional composition of the European Council and the European Parliament. Given Turkey's roughly 70 million-strong population, which may grow to 80 million around the time of accession, Turkey would need to have fewer votes than Germany in the Council but more than any other EU country. As of November 1, 2004, Germany, France, Italy, and the United Kingdom had 29 votes in the Council, Spain and Poland had 27, the Netherlands 13, etc. Where would Turkey be placed? Given its population, it would need to be included in the first group, but this is hardly conceivable and will meet with a lot of resistance. Would it be possible then to devise a senatorial group within the Council, drawing equal numbers of representatives from each country, and a parliamentary group based on population? Would seniority of membership in the EU itself be a factor in determining this structure?

Likewise, how many seats would be assigned to Turkey in the EU Parliament? Germany will retain 99 seats for the three legislative periods from 1999 to 2009; France, the UK, and Italy will decline from 87 to 78 for each succeeding period; Spain will lose ten seats, declining from 64 to 54. Where would Turkey be placed? Along with Spain? After the Netherlands, with 31–27–27 seats? With Poland, with 54 seats in each legislative period? How could this be negotiated without obviously discriminating against Turkey and while respecting the equal dignity of membership for all countries involved?²⁵

Finally, let us focus on the economic question. Turkey is a huge market, with roughly 50 percent of its population 18 and younger. Despite having a low GNP, it is a dynamic country, rich in minerals, agricultural land, produce, and beautiful coastlines. Precisely because British, Italian, Dutch as well as French and German firms are well aware of Turkey's potential as an economic partner, there is considerable interest in Turkey's membership. Just as the integration of East and Central European countries were considered a boon for German capital, Turkey's integration will prove a boon for British, Dutch, and Italian as well as German firms. So, in the first place, EU integration will mean a reorganization of the national economy, job losses in certain sectors but also huge amounts of job creation.

Once Turkey, with its huge agrarian hinterland, is admitted, job creation in sectors such as communications, construction, banking, finance, and tourism will be offset by losses in the agricultural sector. In an effort to protect its own farmers, and particularly French agriculture, it is likely that the EU will encourage Turkey to discontinue certain farm products. The CAP (Common Agricultural Policy) may be seriously destabilized. This aspect of integration, already hard enough with Poland, will prove much harder with Turkey. As a result of these changes, there will be a desire for increased immigration into the EU; EU countries will in turn ask for restrictions on Turkish migration to other member countries, with the consequence that Turkey's admission will necessarily result in the

watering down of the mobility rights of EU citizens to move freely across national borders. Just as measures blocking free migration into the EU have generated resentment in new member countries such as Hungary and Poland in particular, similar developments will occur in Turkey as well. However, a more differentiated approach to labor-market integration, which would channel labor power from poor member countries into the economies of the wealthier ones according to specific sectoral needs, is also under negotiation. Thus, seasonal Polish workers work on farms and vineyards in Spain; likewise, construction workers from East European countries are sought after in many EU markets. Such measures will need to be implemented for the Turkish labor market as well.

In conclusion, Turkey's integration into the EU poses considerable challenges to both parties. While none of these is insurmountable, they are of such magnitude that they can be easily exploited by demagogic groups. In the last decade European political culture has taken a turn to the right, as election results in Germany, the Netherlands, France, and the UK demonstrate. Particularly after 9/11, European multiculturalism has become a paper tiger. The frequent clashes in European capitals such as Paris between largely Muslim youth and the police as well as the infiltration of Britain's, the Netherlands', and Germany's Muslim populations by Islamist and Jihadist groups indicate that the matter of Islam in Europe remains unresolved. Most of these groups are not Turkish in nationality. Precisely because a party with its roots in the Islamist movement has become part of the democratic-parliamentary process and has led Turkish civil society toward an unprecedented era of pluralism, the politics of Islamic jihad has so far been contained within certain limits. With its all its warts and problems, Turkey remains a successful example of the integration of a mass Islamic party into the parliamentary process; it would thus be foolish and extremely near-sighted of the EU to close its doors to Turkey. Ironically, and despite widespread Turkophobia among the populations of Europe, Europe's governmental elites have seen the wisdom of this argument and have committed to accession talks.

V. Postnational Sovereignty Configurations

How will the reconfiguration of identities in the post-Westphalian era affect Turkey as well as Europe?

One of the functions of myth in the establishment of modern nationalism is the creation of unity and commonality out of the experience of heterogeneity, dissonance, and contradiction. The nation establishes a community of equals among its members by seeking recourse to myths of origins, which then transport commonality into the realm of the immemorial past; the origins of the nation are shrouded in that past which must be narrated again and again in order not to be forgotten. In Homi Bhabha's words, "nation" and "narration" inform one another.²⁶

The political history of modern nation-states since the mid-nineteenth century shows an eventual transition – certainly not everywhere and at all times – from

conceptions of commonality conceived as sameness to commonality understood as the equality of rights-bearing citizens. The modern nation-state becomes the site of liberal democracy when the myths of origin are questioned, challenged, and analyzed by a mature citizenry in the light of the evidence of science and history and the self-questioning of reflective citizens. Equality need no longer be understood as sameness; rather, equality in a mature liberal democracy means equality among those who are different, in religion, in ethnicity, in language, in sexual preference. Multiculturalism is not the invention of ethnic elites but a necessary moment in the evolution of democratic conceptions of equality, when the "*Leitkultur*," which has so far silently and implicitly provided the foundation for the identity of the citizens, ceases to convince and common identity must be reestablished without the denial of difference.

The Turkish Republic is experiencing such a transition from "equality" understood as "sameness" to "equality" understood as "equality in diversity." The current struggles in Turkey over girls and women wearing headscarves in educational institutions and public places such as the National Assembly; the acknowledgment of the cultural and language rights of the Kurdish people; the recognition of Turkey's multicultural legacy through the rediscovery of its Greek, Jewish, and Armenian "traces" testify to struggles in the transition to a mature democracy. There is no inevitability to this teleology. The experiment in otherness may prove to be too much for some, as is evidenced by the near-hysteria of nationalist elements in the judiciary and the media during the Ottoman Armenian conference which took place in September 2005; the experiment with otherness may turn into defensiveness, as may happen if the question of genocide is forced upon Turkey without sufficient public enlightenment; and finally, the experiment with otherness may fail if Turkey once more feels attacked by Europeans whose designs the majority do not trust.

Just as Turkey is struggling against its own myths of origin and working through its own traumas of beginnings, the European Union as well is attempting to stabilize its momentous political experiment by appealing to ideals of "core Europe," the European nation, the values of Judeo-Christianity (where exactly, one has to ask, are the Jews of Europe?), the Renaissance and the Enlightenment. But we live in the age of the essential instability of all frozen categories of identity: the nation of Turkey can no more deny its own multicultural and multifaith origins than the European Union can draw its borders by fixating on religion and culture. Paradoxically, at the very heart of Europe's values is their own claim to universality, to the transcendence of the parochialisms of their own boundaries: unlike Judaism, and much like Islam, Christianity is a proselytizing religion; the Renaissance rediscovered the human and not just the European; the Enlightenment was obsessed with the variety of cultures, customs, and laws beyond the boundaries of Europe. One need only recall Montaigne, Montesquieu, Diderot, Herder, Rousseau, and Kant! Certainly the universality of these values need not lead to the indiscriminate openness of the institutions of the European Union to all newcomers.

However, it does imply that the Copenhagen criteria, and not any newly discovered fear of “*l'étranger*” as the Muslim, must guide Europe’s negotiations with Turkey.

Despite all its current difficulties, the European Union remains one of the most impressive reconfigurations of sovereignty bringing together nation-states which have realized that security is a collective goal, that economic welfare requires cooperation, and that democracy and human rights are best realized in open societies in which the dialectic of institutions and identities, of rights and culture, can be freely enacted in public spheres.

NOTES

1. Jean-Marie Guehenno, *The End of the Nation-State*, tr. Victoria Elliott (Minneapolis: University of Minnesota Press, 1995).

2. Jörg Friedrichs, “The Meaning of New Medievalism,” *European Journal of International Relations* 7, no. 4 (December 2001): 475–503.

3. Treaty Establishing a Constitution for Europe, *Official Journal of the European Union*, C 310, Vol. 47, 16.12.2004, Article I–11.

4. See the volume *Die Türkei und Europa*, ed. Claus Leggewie (Frankfurt: Suhrkamp, 2004).

5. See Taner Akcam, *Armenien und der Völkermord. Die Istanbuler Prozesse und die türkische Nationalbewegung* [Armenia and the Genocide: The Istanbul Trials and the Turkish National Movement] (Hamburg: HIS, 1996).

6. For a discussion of the specific experience of these communities and their relationship to Turkey, see Seyla Benhabib, *The Rights of Others: Aliens, Residents, and Citizens* (New York: Cambridge University Press, 2004), chs. 4 and 5.

7. *European Parliament Report on the 2003 Regular Report of the Commission on Turkey’s Progress Towards Accession* (A5-0204/2004), 13.

8. *Ibid.*, 6.

9. *Ibid.*, 8.

10. Commission of the European Communities, *2004 Regular Report on Turkey’s Progress Towards Accession* COM (2004) 656 (Brussels, 6 October 2004), 22; Commission of the European Communities, *Turkey 2005 Progress Report*, COM (2005) 561, Brussels, 9 November 2005, 13.

11. European Commission, *2004 Regular Report*, 15; European Commission, *Turkey 2005 Progress Report*, 13.

12. European Commission, *Turkey 2005 Progress Report*, 13.

13. European Commission, *Regular Report 2004*, 15.

14. *Ibid.*, 22.

15. *Ibid.*, 23; European Commission, *Turkey Progress Report 2005*, 14.

16. See Article 301 of the new *Türk Ceza Kanunu*, available at <http://www.tbmm.gov.tr/kanunlar/k5237.html>.

17. See *ibid.*, Article 305.

18. European Commission, *Regular Report 2004*, 27.

19. İktisadi Kalkınma Vakfı, “Progress Achieved in Respect of Political Criteria within the Framework of the Revised Accession Partnership” (June 2004), available at <http://www.ikv.org.tr/ikv-eng/2003KOBUPIRSiyasiKriterler.htm>.

20. For instance, see European Commission, *Regular Report 2004*, 48.

21. See Carole Flink, “Defender of Minorities: Germany in the League of Nations, 1926–1933,” in *Central European History* 5, no. 4: 330–57.

22. İktisadi Kalkınma Vakfı, “Progress Achieved in Respect of Political Criteria within the Framework of the Revised Accession Partnership.”

23. Commission of the European Communities, *2005 Enlargement Strategy Paper*, COM (2005) 561, Brussels, 9 November 2005, 5.

24. European Commission, *2005 Enlargement Strategy Paper*, 5; European Commission, *Turkey 2005 Progress Report*, 54.

25. One institutional objection frequently raised regarding Turkey's membership bid concerns the European Union's "capacity for absorption" of new members. Most recently, the European Parliament passed a resolution arguing that "defining the nature of the European Union, including its geographical borders, is fundamental to understanding the concept of absorption capacity" and requested that the Commission submit a report "setting out the principles which underpin this concept" (See *European Parliament Resolution on the Commission's 2005 Enlargement Strategy Paper*, P6_TA-PROV(2006)0096, 16 March 2006). This is a novel and noteworthy demand because it arguably reflects a growing unease with the uncertainty which has hitherto surrounded the "nature of the European Union," as the Parliament put it. This further confirms our thesis that the debate over Turkey's membership bid has catalysed serious reconsideration of what Europe is, triggering an effort to pin down the character of a political entity that was considered for the past 50 years of its evolution simply to be *sui generis*.

26. Homi K. Bhabha, ed., *Nation and Narration* (New York: Routledge, 1990).

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Turkey and the EU: On the Costs and Benefits of Integrating a Small but Dynamic Economy. by Ansgar Belke. At its December 2004 meeting, the European Council might decide to start negotiations with Turkey culminating in full membership without delay in 2005. However, the area from which most prejudices and misperceptions stem is economics. To check for this, one has to look in detail at the economic issues likely to emerge during the process of negotiations, assuming that they will start soon. Seen on the whole, the economic outlook for Turkey is rather promising and the start of accession negotiations might be self-enforcing. Week 5: Europe's External Security: European Security and Defence Policy This session will examine the development of the EU's security and defence policy (ESDP). Biennial International Conference Benhabib, S. and T. IÅksel (2006), "Ancient Battles, New Prejudices, and Future Perspectives: Turkey and the EU", *Constellations*, 13:2, pp. 218- 233. Week 11/Week 12: Europe and the Balkans In this session, the main focus will be the South-East European and Balkan integration of the EU and how this process interplays with the historical legacies and the concepts of "multiculturalism" and "nationalism" in the region. Turkey has been waiting for its accession to the EU for now 30 years. A look into past, present and future of EU-Turkey relations explores the push and pull dynamics of the country's rocky path to EU membership. Past. A look into past, present and future of EU-Turkey relations explores the push and pull dynamics of the country's rocky path to EU membership. Past. As is well known, Turkey-EU relations have an extremely long history, in fact a history almost as long as that of the Treaty of Rome whose 60th Anniversary has been celebrated recently. The new government was therefore encouraged by the sincere welcome it had received in EU countries to proceed on the path of reform and meeting the political criteria needed for accession negotiations to start.